**PREA Inmate Education Template for Small Jails**

 

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**For More Information**

Colorado Jail Association (CJA) members can obtain additional project resources – including a PREA policy template, staff training materials, and sample staffing plan – on the CJA website. Non-members can contact JDI directly for these materials.

Just Detention International is a health and human rights organization that works to end sexual abuse in all forms of detention. For more information on this project or on creating inmate education that complies with the Department of Justice's national PREA standards, contact Just Detention International at info@justdetention.org or (213) 384-1400.

**GUIDE TO USING THIS TEMPLATE**

This template is intended to be a starting point for small jails as they work to create or revise inmate education material to comply with the Department of Justice’s National Standards to Prevent, Detect, and Respond to Prison Rape (28 C.F.R. Part 115).

The template provides sample language, suggested policies, and strategies for implementing these policies. It is recommended that agencies analyze their operations, state laws, unique facility needs, designs, staffing, and budget issues as they use this template to customize their sexual abuse prevention, detection, and response policies.

This template PREA policy is written in gender-neutral language to be inclusive of jails’ mixed-gender populations. Examples of gender-neutral language are “police officer” rather than “policeman” and “work the post” rather than “man the post.” The use of inclusive language helps these important policies to apply to all inmates and staff equally.

According to the National Standards to Prevent, Detect, and Respond to Prison Rape (also known as the “PREA standards”), all jails must provide inmates with information related to sexual abuse and sexual harassment. During the intake process, inmates must receive information regarding the agency’s zero tolerance policy for sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment *(§115.33 Inmate education*).

Jails are also required to provide inmates with comprehensive education within 30 days of intake, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting, and regarding agency policies and procedures for responding to such incidents.

PREA inmate education should be provided in a variety of formats and must be presented in a way that is accessible to all inmates, include those with limited English proficiency (LEP) and inmates with disabilities, as well as inmates with limited literacy skills. Jails must also maintain documentation that inmates participated in these education sessions. To comply with the PREA standards, jails should ensure that this information is continuously and readily available to inmates through posters, inmate handbooks, or other written formats.

This document is intended to provide rural jails with a template that they can use to offer the required PREA intake education to all inmates who enter the facility. This template is customizable and should be tailored to your facility/agency and inmate population, as well as the intake education format(s) you use. Text in all caps (such as “[AGENCY]”) should be replaced with facility-specific information. Italicized text (such as “*Discuss as a group”*) provides suggestions or guidance for the educator, including information that needs to be added to the education session.

This document is intended to provide rural jails with a template for developing inmate education in compliance with the PREA standards. Agencies can use the template as a guide, tailoring it to the target facility, inmate population, and format of the inmate education sessions. For example, this template can be adapted into a video script, incorporated into a jail’s inmate handbook, and/or presented by staff or inmate educators as a class.

Terms in all capitals (such as “[AGENCY]”) should be replaced with agency-specific information. Text in italics is intended to prompt staff to consider the specific needs of the jail when developing its inmate education curricula.

This policy template was developed specifically for small jails. Not all of the template language will apply to your facility, so use your discretion when creating your PREA policy.

It is also be a good idea to cross-reference your current or existing policies with the PREA policy. For example, a jail may want to reference its medical policies in Section 5, part D of this PREA policy (below) regarding medical and mental health care for survivors of sexual abuse in the jail.

The policy template begins on the next page. The first six pages of this document are meant to provide guidance on the template and should not be included in your PREA policy.

**[AGENCY] PREA Inmate Education for Inmates**

1. **Format of intake education:** *Indicate how intake education will be provided to incoming inmates such as a video, inmate-led education sessions, staff orientation and/or individual informational sessions.*
2. **Frequency of intake education:** *Indicate how often intake education will occur: daily, as needed, during the booking process, etc.*
3. **Intake education supervisor**: *Indicate the staff person who is responsible for overseeing intake education as well as any inmate peer educators.*
4. **Materials needed:** *Indicate what materials are needed for intake education, such as the inmate handbook, video, handouts (including materials in other languages or formats), etc.*
5. **Documentation procedures:** *Indicate how participation in intake education will be documented: digital tracking of class attendance, sign-in sheets, written verification in inmate’s files, etc.*
6. **Introduction to PREA Intake Education**

You have the right to be free from sexual abuse and sexual harassment while you are in the custody of [AGENCY].

The following information is about our agency’s zero tolerance policy for sexual abuse and sexual harassment, how to report incidents or suspicions of sexual violence in the jail, and how to get help if you or another inmate is victimized.

The Prison Rape Elimination Act (PREA) of 2003 is a federal law that was created to put an end to sexual abuse against inmates in federal and state prisons, jails, lock ups, community corrections facilities, and juvenile detention centers.

What have you heard of PREA? *Briefly review responses and provide clarification, as necessary.*

Our jail is committed to complying with all of the requirements of PREA in order to protect inmates from sexual abuse and to ensure they get the help they need if they are victimized. PREA requires that all inmates get basic information about these topics during the intake process. Every inmate who enters [FACILITY/AGENCY] will receive this information.

1. **Zero Tolerance**

[AGENCY/FACILITY] has zero tolerance toward all forms of sexual abuse and sexual harassment.

What does zero tolerance mean to you? *Briefly review responses and provide clarification, as necessary.*

“Zero tolerance” means that sexual abuse, sexual harassment, and sexual misconduct will NOT be tolerated in [AGENCY] facilities. One incident is too many.

 I want to be sure you understand what we mean by these terms, so let’s review the definitions together. Sexual abuse includes—

1. Sexual abuse of an inmate by another inmate; and

2. Sexual abuse of an inmate by a staff member, contractor, or volunteer.

Definitions

1. “Inmate” means any person incarcerated or detained in the jail.
2. “Staff” means an agency employee, including civilian staff.
3. “Contractor” means a person who provides services on a recurring basis through a contract with our agency. A volunteer provides unpaid services. Jail contractors and volunteers include…*List contractual and volunteer staff, such as medical or mental health providers, chaplains, or group facilitators*.

Sexual abuse of an inmateby another inmate includes any sexual contact when the victim does not or cannot consent, including if an inmate is coerced or threatened by threats.

What do you think coercion means? *Briefly review responses and provide clarification, as necessary.*

Basically, coercion is any time someone is pressured or manipulated to do something they wouldn’t otherwise do.

When we refer to “sexual contact”, we don’t just mean sex. This includes any time an inmate’s genitals come into contact with another person’s mouth, genitals, or buttocks, even if there is no penetration. This also includes when an inmate intentionally touches another inmate on the genitals, breast, groin, inner thigh, or buttocks, without their consent.

According to our state’s penal code, sexual abuse/assault is defined as…. *Include your state’s sexual assault statue if it differs from the PREA definitions of sexual abuse. For example, if your state’s sex crimes laws include sexual conduct that is not covered under PREA, you will want to include those forms of sexual abuse, as well.*

Can you give me some examples of sexual abuse that might occur here in the jail? *Briefly review responses and provide clarification, as necessary.*

Sexual abuse of an inmateby a staff member, contractor, or volunteer includes all of the abusive sexual contact we just reviewed. Sexual misconduct also includes any display or “flashing” of the genitals, buttocks, or breasts of a staff member, contractor, or volunteer; and “voyeurism”, which is viewing an inmate who is not fully clothed, unless as a part of official duties.

By law, inmates cannot consent to sexual contact with staff members, volunteers or contractors. Therefore, all sexual contact between inmates and staff or volunteers is considered sexual abuse. It is against the law for these officials to have sexual contact with inmates, even if the inmate agrees or seems willing. There is no such thing as consensual sexual activity between inmates and staff, volunteers, or contractors.

Our state law also defines staff sexual misconduct as a crime, punishable by…*Include your state’s criminal citation and penalties for staff sexual misconduct. For a state-by-state listing of these laws, refer to www.wcl.american.edu/endsilence/documents/50StateSurveyofOfficialMisconductStatutesFINAL\_August2009.pdf*.

Sexual harassment is also prohibited in this jail. Sexual harassment of an inmate by another inmate includes: repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature. Sexual harassment of an inmateby a staff member, contractor, or volunteer is basically the same thing, regardless of whether or not these actions are wanted by an inmate.

For more information on our agency’s zero tolerance policy, refer to…..*Insert other sources of information, such as the inmate handbook, posters, staff members, etc.*

Do you have any questions about anything we just covered?

1. **How to Report Sexual Abuse or Sexual Harassment**

In this jail, there are multiple ways for inmates to report sexual abuse or sexual harassment, as well as retaliation by other inmates or staff for reporting, and any staff neglect that may have contributed to these incidents. We encourage all inmates who have been abused or suspect someone else may be being abused to report their concerns immediately.

Reporting a sexual assault in jail basically means telling anyone who works here. Telling any staff member, custody or civilian, about a sexual assault means that an investigation should be done. Even though medical and mental health staff in this jail keep patient information confidential under most circumstances, they are required to report if they suspect sexual abuse or sexual harassment of an inmate or if an inmate discloses this abuse to them.

[AGENCY’s] official position is that all reports will be taken seriously and will be investigated. There are several ways to report sexual assault, or that you have been threatened or harassed:

* *List all ways for inmates to privately report abuse, including verbally to custody, medical/mental health and civilian staff; grievances; reporting hotlines, etc.*
* *Include methods for hearing impaired inmates to report sexual abuse, such as by requesting an interpreter or using a TTY phone, if available.*

This jail also accepts – and will immediately investigate – a report made on behalf of someone else, such as from a loved one or an attorney, as well as reports that are made anonymously. [AGENCY] will investigate all allegations of sexual abuse and sexual harassment, even if the person making the report chooses to stay anonymous.

For more information about how to report, refer to…..*Insert other sources of information, such as the inmate handbook, staff members, etc.*

Do you have any questions about what we have covered so far?

1. **How to Get Help for Sexual Abuse or Sexual Harassment**

If an inmate is sexually abused or sexually harassed in this jail, they have the right to receive emergency care and ongoing services. Victims of sexual abuse in this jail are eligible to receive free medical and mental health care, including access to forensic exams to collect evidence and treat any injuries; prophylactic medication to prevent sexually transmitted infections and pregnancy; and ongoing medical care and mental health treatment. These services will be offered to anyone who has been sexually abused in custody, regardless of if the victim names the abuser or cooperates with the investigation. Following today’s session, you will receive more information about these services and other ways that this jail can help someone who has been victimized.

Survivors of sexual assault and sexual harassment can also speak confidentially with a rape crisis advocate by…. *Include information about how inmates can contact State, county, and/or local victim service organizations, including addresses and phone numbers.* *Include any information about a confidential hotline or in-person rape crisis counseling services that are available to victims in the jail.*

Do you have any other questions at this time?

If you would like more information or if you have any questions after today, you can …..*List other sources of information, such as the inmate handbook, staff members, etc.]*

You can also contact Just Detention International for additional information on sexual abuse behind bars. They provide confidential information and support to anyone who has been sexually abused in custody. They can be reached via collect call or confidential legal mail at:

Cynthia Totten, Attorney at Law

CA Reg. #199266

3325 Wilshire Blvd., Suite 340

Los Angeles, CA 9001

(213) 384-1400

Please remember that we care about your safety and we want your stay in our jail to be as positive and safe as possible. Thank you.