



Prison Rape Elimination Act
US Department of Justice
 28 C.F.R. Part 115 (2012 update)
 for TDOC Volunteers
 TPFW 2014 series



What is "P.R.E.A." ?

- Prison Rape Elimination Act is a Federal Law originally passed by Congress in 2003 under President Bush
- It is designed to help detect and prevent Prison Rape
- This law applies to all Federal Penitentiaries, State Prisons, and County Jails that accept Federal funds
- P.R.E.A. applies to all TDOC Facilities

First Responders...

- Volunteers become 'First Responders' if they are the first person to observe, hear about, or receive a report or allegation
- First Responders have a 'Level of Care' responsibility (a Duty) under the Law
- Volunteers are 'unpaid Staff' per Policy
- Inmates are considered a 'Ward of the State' once convicted and placed in TDOC custody.

First Responder Duties...

1. Separate the alleged victim and abuser; depending on the seriousness, you may need to cancel the service and call Central Control @ 615-741-4950 and ask for the Shift Commander ***immediately!***
2. To preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; inform the Shift Commander ***immediately!*** Do not wait.
3. If an inmate reports to you she has been raped, you should "*request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.*" If there is a verbal, written, or observed PREA incident, inform the Shift Commander prior to leaving the institution, and email Chaplain Walker.


What is "ZERO TOLERANCE"?

- Zero Tolerance means just what it says. Every allegation will be investigated thoroughly; party[ies] with substantiated allegations could face serious consequences.
- Zero Tolerance has been in place for many years in other policies such as discrimination, retaliation, confidentiality, workplace harassment, and so forth.

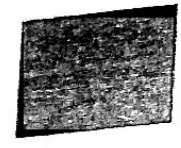
TPFW PREA Contact Persons:

- Warden: 615-741-4686
- Associate Warden: 615-741-4621
- Shift Commander: 615-741-4717
- Internal Affairs Investigator: 615-741-4712
- Please also inform Chaplain Yolanda Walker, Volunteer Coordinator, of any incidents concerning inmates, volunteers and/or staff (615-741-4815)
- Email: Yolanda.F.Walker@tn.gov

**Prison Rape Elimination Act
of 2003**
US Department of Justice
for TDOC Volunteers



TPFW
2014-2015 series



(2) What is P. R. E. A?

- The Prison Rape Elimination Act of 2003 is a Federal law enacted by Congress under President Bush.
- It is designed to address the problem of sexual abuse of persons in the custody of U.S. correctional agencies. PREA applies to all TDOC facilities.
- It supports the elimination, reduction, and prevention of sexual abuse and sexual harassment, and within correction systems and applies to all public offenders and is also relevant to community-based agencies.
- It addresses both inmate-on-inmate sexual abuse and staff sexual misconduct.

(3) Who is affected by PREA?

TDOC #502.06.1, III, "...any full-time or part-time staff member, TRICOR employees, volunteer, vendor, intern, contractor, or employee of a contractor." In TDOC Volunteer Services:

- ALL Certified Volunteers & New Applicants
- ALL Outside Clergy
- ALL SPECIAL EVENT Guests
- ALL VISITORS who come in with Volunteers
- ALL CURRENT ACTIVE Volunteers (nobody is 'grandfathered' or 'excepted')

(4) How does PREA affect TPFWS Volunteers?

- The Federal US DOJ PREA update law became effective in August, 2012.
- Volunteers that do not have PREA certification will be automatically suspended until completed
- NCIC background checks are conducted regularly on everyone coming into the institution

(5) PREA Terms

- **Aggressor** – the 'attacker' or 'violator'
- **Victim** – the one who was violated
- **Sexual Abuse** – actions; someone did something
- **Sexual Harassment** – threats; someone implies they will/may do something
- **Voyeurism** – not 'observing'; but gazing or perceived lusting after; looking too intently. ¶

(6) Types of PREA Allegations

- **Substantiated** – investigated, found to have occurred
- **Unsubstantiated** – investigated, couldn't conclude if it ¶ occurred or not
- **Unfounded** - investigated, did NOT occur

(7) TDOC Volunteer PREA Training

- *"The agency shall ensure that all volunteers, . . . who have contact with inmates have been trained on the agency's sexual abuse and harassment prevention, detection, and response policies and procedures."*
- *"The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received."*
- *TDOC uses CR-Form 3819; we must have this signed form and on file for ALL our Volunteers including guests, visitors, Outside Clergy.*
- *BEFORE you sign the form . . .*

(8) Who can't have 'direct contact'

Per the 2013 US DOJ PREA...

- Those who have had sexual predator, abuser, or aggressor history/convictions
- Sex Offenders can no longer come in
- If you cannot sign the form CR-3819 'have not', you cannot come in as a Volunteer, Outside Clergy, or visiting guest.

(9) What is "ZERO TOLERANCE"?

- Zero Tolerance means there are no second chances; allegations will be investigated thoroughly; party(ies) with substantiated allegations could face serious consequences even criminal charges.
- Zero Tolerance has been in place for many years in other Policies such as discrimination, retaliation, confidentiality, workplace harassment, and so forth.

(10) Corrective Action for Volunteers

- *"Any volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies . . . and to relevant licensing bodies."*

(11) First Responders

- Volunteers become 'First Responders; if they are the first person to observe, hear about, or receive a report of allegation.
- First Responders have a 'Level of Care' responsibility (a duty) under the Law.
- Volunteers are 'unpaid staff' per policy.

(12) First Responder Duties

1. Separate the alleged victim and abuser; depending on the seriousness, you may need to cancel the service and contact the Shift Commander (615-741-4714) immediately.
2. To preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; inform the Shift Commander **IMMEDIATELY!** Do not wait.

(13) First Responder Duties - 2

3. If an inmate reports to you she has been raped, you should "request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating."

(14) First Responder Duties - 3

- Volunteers are **NOT** Security staff; send a fellow-volunteer to get the nearest Officer; tell him/her that you need to see the Captain or Shift Commander immediately;
- Do **NOT** give allegation details to the 'silver-badge' Officer or 'set the inmate out'
- **DO** give the details to the SHIFT Commander

(15) First Responder Duties - 4

Protection against Retaliation

- "The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff..."

(16) Reporting Allegations...

- Inmates have an outside governmental entity they can contact listed in their Inmate Handbook
- Employees, Volunteers, Contractors may use on-site personnel, i.e. the Shift Commander.
- Central Office PREA Tip Line is: (615) 253-8178
- "Staff shall accept reports made verbally, in writing, anonymously, and from third parties." (TDOC #502.06-2, VI, A, 3)

(17) TPFW PREA Contact Persons:

- Shift Commander – 615-741-4717
- Internal Affairs Investigator – 615-741-4712
- Chaplain/Volunteer Coordinator – 741-4815
- Associate Warden of Security-615-741-4621
- Associate Warden of Treatment-615-741-4748
- Warden-615-741-4686

(18) Scenarios you may face

Inmate 654321 asks you, in confidence, during your church service to pray for her; she is fearful her celly might rape her

- DO pray with her
- Inform her you are required to share the information with the SHIFT Commander, due to US DOJ PREA
- Report it to the SHIFT Commander before you leave the facility
- And report it to Chaplain Walker by e-mail or writing

(19) Scenarios you may face - #2

Inmate 765432 reports to you in confidence during your regular church service that she heard Inmate 876543 had been raped by Inmate 987654.
(this is a third party report you got)

- Get as much information as you can; ask if anyone else witnessed it, where it occurred, when it happened, who was responsible, etc.
- Share as much as you can remember with the SHIFT Commander/OIC before you leave the facility
- Report the incident to Chaplain Walker in writing or e-mail, Yolanda.F.Walker@tn.gov

(20) Scenarios you may face - #3

Inmate 543210 tells you she was just raped by her celly an hour ago, the celly is sitting a few rows away watching right now.

- Send another Volunteer immediately to find an officer and get the SHIFT Commander there ASAP.
- Keep the victim and the abuser separated.
- Calmly instruct the victim about the importance of preserving evidence...
- Try to remember as many facts as you can

(21) Some TIPS

1. Run a tight service – don't allow 'sexual activity' to go on under your nose; YOU are responsible for your service.
2. If you observe inmates who are sexually harassing anyone (including you), correct them immediately; Get help if needed.
3. Watch the 'terms' you use and the 'body language' you display (looks, gestures)...
4. Speak calmly if confronted by an inmate in a group; Don't argue or debate.

(22) Investigations

- There is no such thing as 'consensual' sex in prison. Inmates have no legal right to consent - they are wards of the State.
- All inmates are screened, classified and taught about PREA; about prevention, self-protection, reporting, retaliation, treatment, counseling, zero-tolerance, and the Tip Line, and watch videos by the PREA Coordinator
- Please remember you must be trained every 2 years for PREA Training to remain active as a volunteer.

(23) Red Flags

- Spending a lot of time with a particular offender
- Change in appearance of an offender or staff member
- Deviating from agency policy for the benefit of a particular offender
- Sharing personal information with an particular offender
- Horseplay
- Overlooking infractions of a particular offender

(24) Red Flags - 2

- Doing favors for an offender
- Consistently volunteering for a particular assignment of shift
- Flirting with an offender
- Standing too close to an offender
- Taking up an offender's cause or grievance

(25) Red Flags - 3

- Changing duty assignments of a particular offender
- Getting into conflicts with co-workers over an offence
- Bringing items into the facility for the offender
- Doing favors for an offender's family
- Believing an offender is indispensable

(26) HOW TO MAINTAIN APPROPRIATE BOUNDARIES

- Maintain professional physical distance
- Focus behavior on duties and assignments
- Do not become overly close with any particular offenders
- Do not share your own or other staff's personal information with or around offenders
- When speaking to offenders about other staff refer to the staff by their title or as Ms. or Mr.