**MECASA, Incarcerated Survivors, and the Prison Rape Elimination Act**

**Overview**

**What is the Prison Rape Elimination Act (PREA)?**

PREA was unanimously passed by Congress in 2003 with the goal of eliminating sexual assault in confinement settings. The 193 PREA Standards were adopted in 2012 and apply to prisons, jails, youth facilities, police lockups, and community confinement facilities. In 2014, Maine was found noncompliant with PREA. Significant strides have since been made. State-run facilities have largely been in compliance with a few conditional non-compliant issues at places such as Longcreek.

County jails across the state are coming on board, as time and funding allows. While PREA applies to county jails, they are not held to the same financial penalty as state run facilities should they fail to become PREA compliant. State run facilities face a 5% penalty to their Department of Justice (DOJ) funding if they do not reach and maintain PREA compliance. Without this possible financial penalty, there is little incentive to allocate the staff time, energy, and financial resources toward reaching compliance. This is a work in progress and many county jails across Maine have shown an active interest in moving forward.

**How Does PREA Impact Sexual Assault Support Centers?**

Two standards in PREA require facilities to offer outside, confidential support to inmates (§ 115.53) and accompaniment to a medical forensic exam (§ 115.21).

All state-run facilities have a Memorandum of Understanding (MOU) signed with their local sexual assault support center outlining their partnership in providing incarcerated survivors with these free and confidential services. Services are available to incarcerated folks no matter when the violence was perpetrated and incarcerated clients are not required to tell a corrections officer why they wish to speak to an advocate.

While services provided to incarcerated survivors do not differ from those in the community, the confinement setting does offer certain challenges and things to consider when working with this population. Advocates’ adherence to center confidentiality policies as outlined by the Quality Assurance Standards is one such challenge. Regardless of a survivor’s current residence, confidentiality and privilege remain in place. Access to confidential support is crucial to incarcerated survivors’ confidence in services. Research indicates that survivors who work with advocates feel more informed about the process and may be more likely to make a report. Therefore, maintaining access to advocates and respecting their confidentiality requirements is likely the best chance the facility has to receive a report.

There may be tension surrounding an advocate’s refusal to provide information about PREA incidents in facilities without the consent of their client. We have outlined many additional challenges and potential remedies, such as reporting options, legal options, and SAFE (Sexual Assault Forensic Examiner) exams, in the MECASA document PREA FAQs, which can be found on the password protected area of the MECASA website.

PREA also requires ongoing training on a variety of related topics, including sexual assault 101 and how to refer inmates to an advocate. As a result, DOC and facilities often request training from sexual assault centers and/or MECASA. MECASA has prepared consistent training modules for PREA trainings and we help support centers/DOC with any training requests.

**PREA Audits – What you need to know**

To be PREA compliant, facilities must successfully pass a PREA Audit by a DOJ certified auditor. These audits take place every three years to ensure that compliance is maintained.

While compliance with PREA is solely the facility’s responsibility, the auditor may want to check in with local centers to verify that services are accessible and available to inmates/residents. In the past, an MOU and/or letters from sexual assault centers outlining the services that are provided and the partnership between the center and the facility has been sufficient to fulfill auditor request. We should be able to answer questions or help centers find out more information when such a request comes through. NOTE: We need to make sure center staff know we are available for this purpose, as I’m not sure that has been communicated effectively enough.

**Funding for PREA efforts**

In 2016, the Office for Victims of Crime included sexual assault services to incarcerated survivors as an allowable expense with Victims of Crimes Act (VOCA) funding. This change recognizes the importance of these services to this underserved community. As a result, advocacy services provided to incarcerated survivors can now be funded through both VOCA and Sexual Assault Services Program (SASP) funding streams.

Additionally, as of 2017 and the governor not certifying that Maine is compliant with PREA, we also have the ability to apply for Byrne funds, which are the funds that are subject to penalty when a state is found non-compliant.

**MECASA-Specific Efforts**

**Training:**

* **BCOR (Basic Corrections Officer Training)**

**Background:** This training is for county jail corrections officers, and sometimes DOC corrections officers. We were heavily involved in developing the BCOR training for both PREA and Sexual Violence 101 (which is combined with DV 101). The PREA training is done with Kathleen from DOC. We do the advocate piece; she does the PREA policy piece.

* **DOC New Hire Training**

**Background:** This training is fairly similar to the BCOR, but is heavier on the DOC policy pieces because it is a DOC training. As with the BCOR, we do the advocate piece; Kathleen does the PREA policy piece. Sometimes, if it’s possible, we ask local advocates to do the advocate piece to help them build local relationships.

* **Local County Jail/State Run Correctional Facility Trainings**

**Background:** We help provide these trainings with the local providers as they come up. I tend to not bring MECASA materials because I encourage local folks to bring theirs. It’s a chance for centers to explain their services and for corrections staff to get a little SV 101/ask questions.

**Public Awareness/Education Materials:**

* **Orientation Video**

According to PREA standards, incarcerated folks need to have education provided to them re: PREA within a certain number of hours of arriving at the facility. The one that currently exists is created by DOC and not exactly helpful. We’ve just received a STOP grant to work with a filmmaker to create a video that is informative and doesn’t victim blame. Exciting! Also part of that STOP grant is funding to create a training video for corrections officers to watch during their trainings.

* **Facility posters**

Cara edits these and we have recently updated them and will have them printed soon.

* **Correctional Facility Staff Rack Card**

We created these for Kathleen to distribute; they are in the facilities.

* **Inmate resource**

We’ve printed a bunch of them, they need to be distributed to centers.

* **Inmate handbook inserts**

We developed these for DOC and with the changes to how they access advocates, they will need to be changed again. We also updated them to get rid of lots of the egregious things, but there were less egregious things that we didn’t get rid of in the spirit of trying to chip away at it and not totally overhaul their thing.

**Technical Assistance:**

Now that most centers have a way into incarcerated settings, we’re working on access to confidential spaces, accompaniment practices, explaining our role, and supporting providers in any additional ways they need support.

**Listservs:**

These provide great information and are really helpful!

* [Vera Institute of Justice](https://www.z2systems.com/np/clients/vera/survey.jsp?surveyId=22&)
* [Just Detention International](https://justdetention.org/)
* [National PREA Resource Center](http://www.prearesourcecenter.org/about/mailing-list-sign-up)

**Potential Projects**

* PREA peer support/cohort.
* Phone line issues fix.
* Work with SAFE Program.
* Work with ACLU of Maine re: civil legal issues
* Training for PREA investigators.
* Certified mail – a lot of incarcerated folks connect with advocates via mail. Centers are supposed to be part of the certified mail confidentiality, but it’s pretty clear that this is the policy but may not be followed/known about.
* Yearly PREA reports – DOC is required to post their PREA reports (number of cases from what facility, number substantiated/unsubstantiated/unfounded) each year.
* Supporting service provision to inmates/prisoners from underserved communities – individuals with disabilities, people of color, immigrants/refugees, etc.

**Additional Resources:**

PREA Resource Center
The PREA Resource Center provides research, prevention and intervention strategies, best practices, and trends in the field. This is an excellent resource for information regarding PREA and examples of work done nationally in facilities. PREA Standards can also be accessed here.

Just Detention International
Just Detention International (JDI) is a human rights organization that exclusively works to put an end to sexual assault in incarcerated settings. They have several resources for providers and offer helpful webinars on a variety of topics focusing on advocacy for incarcerated survivors. Their work is informed by incarcerated survivors of sexual assault.

Maine Department of Corrections
The Maine DOC website has a section on their work with PREA. It contains the DOC PREA policies, audit reports and annual reports on PREA incidents in all state run facilities in Maine.

MECASA’s PREA FAQs
Based on questions asked by providers.