



# PRISON RAPE ELIMINATION ACT



# What is PREA?

**P**

PREA supports elimination, reduction and prevention of sexual abuse in corrections

Mandates several national data collection activities

**R**

**E**

Created a national commission to develop standards and accountability measures for all correctional settings

Covers much more than prison sexual assault; it includes a range of behaviors to include sexual abuse and sexual harassment

**A**

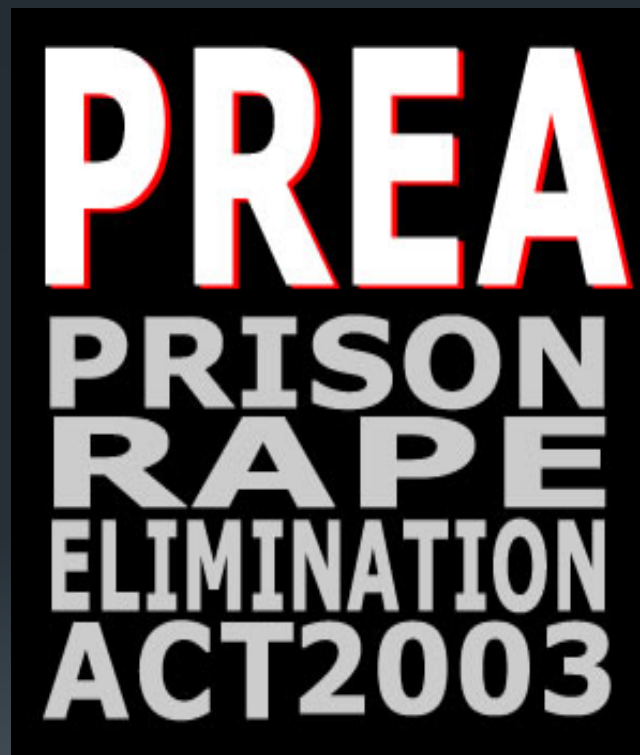
# PREA Enactment

- 3 stated reasons why PREA was enacted:
  - Public Safety
  - Public Health
  - Institutional Violence



# Categories and Standard Topics

- Prevention Planning
- Screening for Risk
- Response Planning
- Detection and Response
- Monitoring

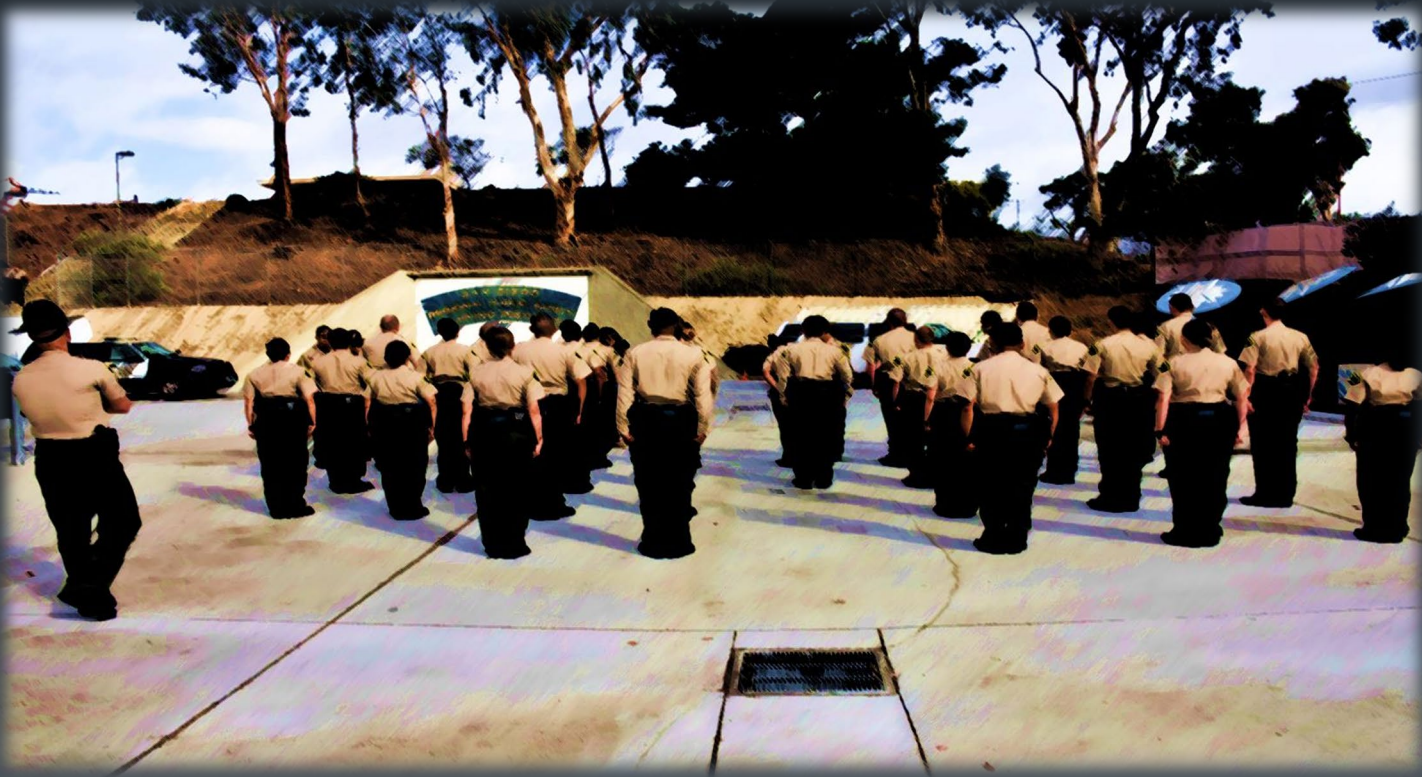




# How Does This Affect The Department?



# How Does This Affect Me?



# Important Functions of the Law

- Makes prevention a top priority
- Sets national standards for detection, prevention, reduction, prosecution and punishment
- Increases data collection to determine prevalence of sexual abuse and develop applicable responses
- Standardizes definitions for collecting data
- Increases accountability of officials who fail to detect, prevent, reduce and prosecute in-custody sexual assault
- Protects the offenders Eighth Amendment Rights
- Established requirement for accreditation organizations to adopt accreditation standards
- Impacts health care, mental health care, disease prevention, crime prevention, investigation and prosecution; physical plant, maintenance and operation; race relations; poverty, unemployment and homelessness



# Human Trafficking and Prostitution



- Victims of Trafficking and Violence Protection Act (VTVPA) of 2000
- Sex Trafficking defined under U.S. federal and international law as the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act through force, fraud or coercion, or in which the person induced to perform such an act is under 18 years of age.

# Human Trafficking and Prostitution

- Women in jails/prisons are being recruited by sex traffickers who force them into prostitution upon their release.
- Traffickers are using government websites to obtain personal information and identify potential victims while they are still incarcerated.
- Pimps also use other inmates to befriend incarcerated women who, on their release, are trafficked into the commercial sex industry.

# Human Trafficking and Prostitution

- Bail Bond System
  - Locating incarcerated women awaiting a court date by using personal data such as mugshots and bail bonds online – or through corrupt bondsmen.
  - Traffickers bail the women out of detention
  - Once released, the women are told they must work as prostitutes or have their bond rescinded and be sent back to jail.
- Online Records
  - Identify potential targets.
  - Establish a relationship through letters, phone calls and promises of money and housing upon release.
  - Inmate fund accounts – money sent to women, establishing a debt that is used to coerce them into prostitution upon release.


# PREA and LGBTQ+

- How does the Prison Rape Elimination Act (PREA) affect those in the LGBTQ+ community in our custody.
- Department P&P 6.127
- Detention P&P sections F.16 and R.13

# Screening & Classification



- Upon identifying an individual as transgender, intersex or non-binary, staff will immediately notify JPMU.
- JPMU staff will conduct an interview with the inmate and completed a Voluntary Gender Identity Statement of Preference form (J-350).
- Facilities must use this information to make appropriate decisions.
- Individuals may not be disciplined for any refusal or nondisclosure during the screening process.

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- Such information is documented on the J-350 Form and articulated in an ISR.
  - JIMS Hazards/modifiers:

**Gender Identity**

**TGF** – Female

**TGM** – Male

**TGX** – Non-binary/other

**Search Preference**

**MSS** – Male search

**FSS** – Female search

# Searches



- Transgender, intersex or non-binary inmates shall not be subject to a strip search or body scan prior to a JPMU interview.
- All searches of transgender, intersex, or non-binary inmates will be conducted by staff member(s) in accordance with the inmates' documented search preference.
- Appropriate verbiage and terminology to be utilized when conducting strip searches.

# Housing

- All inmates must be evaluated on an individual basis.
- JPMU staff will be consulted to determine individualized housing assignments.
- Programs and services.
- Inmates at high risk for sexual victimization.



# Professionalism

- We are expected to exude professionalism and respect in the course of our duties.
- Good communication is key.



Identity	Subjective	Objective	Possessive	Example
Female	She	Her	Hers	She is speaking. I listened to her. The bag is hers.
Male	He	Him	His	He is speaking. I listened to him. The bag is his.
Non-Binary	They	Them	Theirs	They are speaking. I listened to them. The bag is theirs.

# Definitions



- Bisexual: A person who is emotionally, physically, and/or sexually attracted to more than one gender or sexual category.
- Cisgender: Describes someone who feels comfortable with the gender identity and gender expressions assigned to them based on their physical sex.
- Gay: Term used in some cultural settings to represent males who are attracted to males in romantic or emotional sense. This term can also apply to genders other than men.
- Gender: A socially constructed concept classifying behavior as either “masculine” or “feminine” unrelated to one’s external genitalia.

# Definitions Cont.

- Gender Expression: A person's expression of their gender identity including appearance, dress, mannerisms, speech and social interaction.
- Gender Identity: Distinct from sexual orientation and refers to a person's internal, deeply felt sense of being male, female or non-binary.
- Gender Non-Conforming: Gender characteristics and/or behaviors that do not confirm to those typically associated with a person's biological sex.
- Gender "Norms": The expectations associated with "masculine" and "feminine" conduct based on how society commonly believes males and females should behave.
- Homosexual: Sexual, emotional and/or romantic attraction to persons of the same sex.

# Definitions Cont.



- Intersex: A condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns and/or an endocrine system that does not fit typical definitions of male or female.
- Lesbian: Commonly refers to women typically attracted to other women.
- LGBTQ+: Acronym used to include all those who have diverse sexual orientations and/or gender identities. The acronym includes those who identify as lesbian, gay, bisexual, transgender, queer and/or questioning and the “+” includes all others within the spectrum.
- Non-Binary: Term used by some people who experience their gender identity and/or gender expression as falling outside the categories of man and woman. They may self-identify as falling somewhere in between man and woman, or they may define it as wholly different from these terms.

# Definitions Cont.

- Questioning: Active process in which a person explores her or his own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender confirming.
- Sex: One's anatomical make-up, including external genitalia, chromosomes and reproductive system.
- Sexual Orientation: Romantic and/or physical attraction to members of the same or different sex.
- Transgender: A person whose gender identity (internal sense of feeling male or female) differs from their sex at birth, whether or not they have changed their biological characteristics. A transgender identity is not dependent upon physical appearance or medical procedures.

# Definitions Cont.



- Transgender Female: A person whose birth sex was male, but understands herself to be and desires to live as a female.
- Transgender Male: A person whose birth sex was female, but understands himself to be and desires to live as a male.

# "Red Flags"

- Identifying "Red Flags" to aid in prevention of in-custody sexual abuse and sexual harassment.







# Develop Strategies

- Know, support and follow policy
- Avoid being alone with inmates, consistent with policy
- Think about how I communicate and what I say; am I being professional?
- Clear understanding of acceptable behavior; personal values and guidelines
- Know your environment
- Identify someone to talk to if you feel you are vulnerable



What can we do?

# Answer these Questions:

1	Do you look forward to seeing a particular inmate when you come to work?	Yes or No?
2	Have you done anything with an inmate you would not want your family or your supervisor to know about?	Yes or No?
3	Would you be reluctant to have a co-worker observe your behavior for a whole day?	Yes or No?
4	Do you talk about your personal matters with inmates?	Yes or No?
5	Do you believe you can ask an inmate to do personal favors for you?	Yes or No?
6	Have you ever received personal advice from an inmate?	Yes or No?
7	Have you said anything to an inmate that you would not want tape recorded?	Yes or No?
8	Do you have thoughts or fantasies of touching a particular inmate? Does this extend into planning how you can be alone with the inmate?	Yes or No?
9	Do you think you have the right to touch an inmate wherever and whenever you want to?	Yes or No?
10	Do you have a feeling of not being able to wait to share good/bad news with a particular inmate?	Yes or No?
11	Do you think inmates are not allowed to say no to you, no matter what you ask?	Yes or No?
12	Have you ever allowed inmates to talk about sexual experiences or sexual fantasies, or to tell sexual jokes in your presence?	Yes or No?



Sexual contact between staff and inmates



# "Red Flags"



## Victim of Staff

- Drastic changes in behavior
- Over familiarity between a staff member and an inmate
- Too much personal knowledge
- Unusual contraband



# Reporting

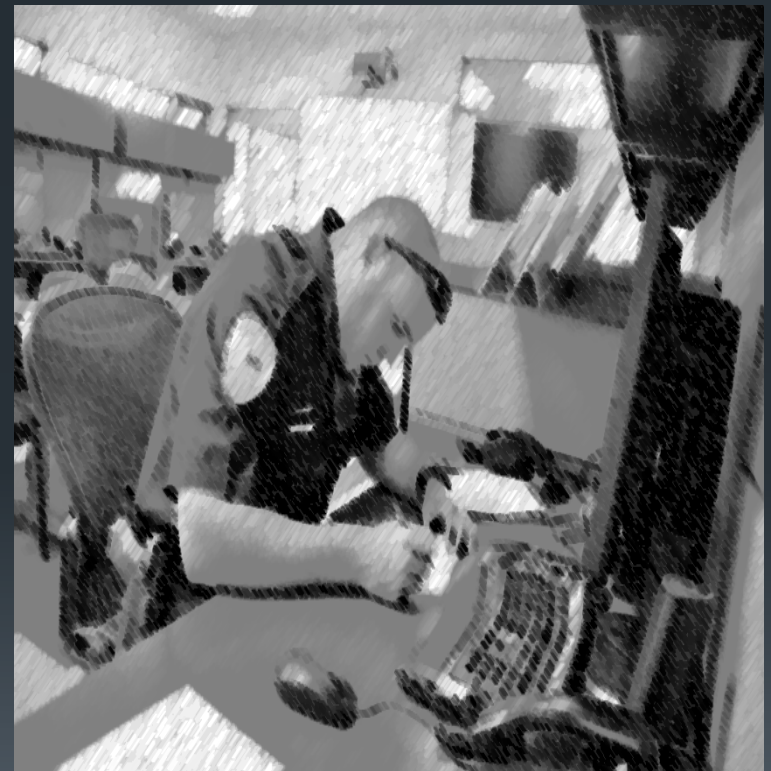
# Purpose

To standardize case assignment, investigation and notification procedures for a variety of sexual misconduct incidents.



# Procedure

- The deputy whom the sexual misconduct was reported to is responsible for writing the initial Crime/Incident Report and charging the applicable Penal Code section.



# Definitions

- Sexual abuse on an inmate, detainee, or resident by another inmate.
- Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
- Sexual harassment as defined in PREA



# Case Assignments

- Inmate on inmate sexual abuse or harassment.
- Sheriff's employees, contractors or volunteers sexual abuse on inmate.
- Sheriff's employees, contractors or volunteers sexual harassment on inmate.
- Sheriff's employees on detainee.

# Responding to Harassment



- Assignment of report
- DIU follow-up

# Responding to Sexual Abuse

- California Penal Code 293(a)
- Request for Confidentiality
- Steps to be taken...



# Responding to Staff on Inmate



## Sexual Harassment

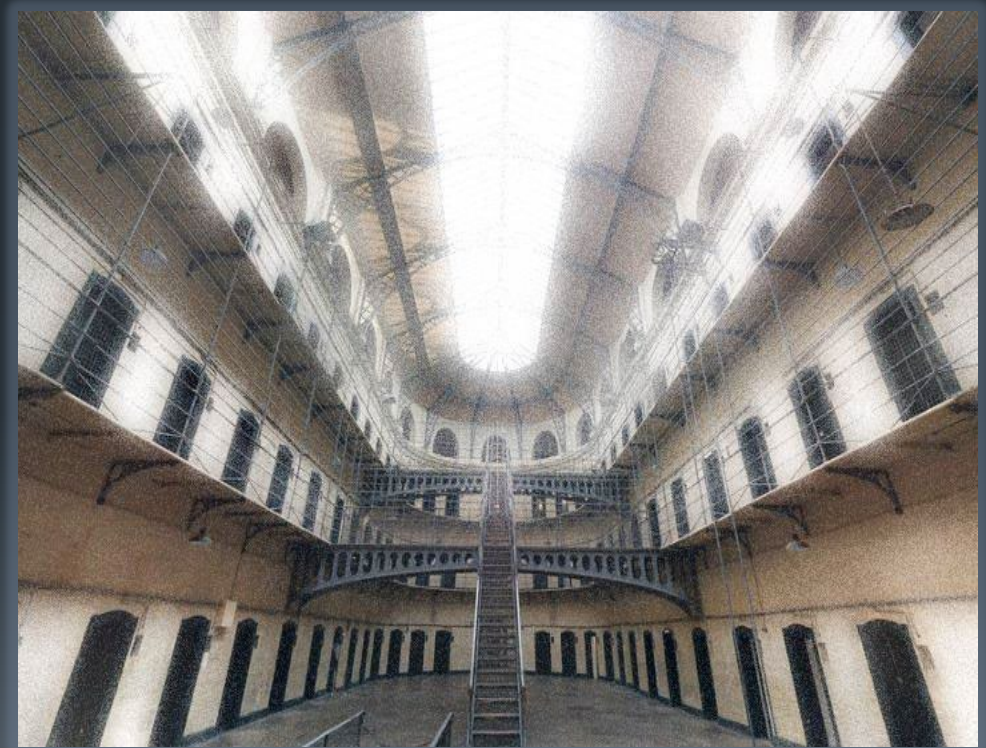
- Notify the watch commander
- Investigation

## Sexual Abuse

- Notify the watch commander
- Case assignment

# Procedure Pursuant to Intake/Medical Screening

- Within 120 hours
- SDSD detention facilities
- Outside Jurisdiction, Institution or Confinement Facility



# Retaliation

Retaliation occurs when an inmate or staff injures, harms or intimidates a person who has reported sexual abuse and/or sexual harassment – or attempts to do so – in response to the report.

## Overt Retaliation

- Slashing car tires
- Verbal or emotional abuse
- Physical assault

## Indirect Retaliation

- Veiled threats
- Shunning from a group
- Sudden change in demeanor without explanation
- Invisible retaliation

# Impact of Retaliation on Reporting

- Contributes to the code of silence by creating barriers to reporting through threats and intimidation.
- When people perceive their safety to be at risk, they are less likely to report.



# Code of Silence

- An informal institutional or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy or even the criminal law.





