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SHERIFF

LINE-UP TRAINING

Prison Rape Elimination Act #1

Topic # 100

I. PURPOSE

The purpose of this training is to familiarize deputies with various aspects of the Federal Prison Rape Elimination Act (PREA) of 2003.

II. DISCUSSION

What is PREA?

The Federal Prison Rape Elimination Act (PREA) of 2003 was signed into law by President George W. Bush. The law provides guidelines to detect, prevent, identify and deter incidents of sexual abuse and sexual assault in detention facilities. The goal of PREA is to eradicate sexual assaults in all correctional facilities in the United States.

PREA is a federal law enacted to establish a zero tolerance standard for incidence of sexual assault/rape in correctional facilities and establishes national standards for the detection, prevention, reduction and punishment of sexual assault/rape in a correctional setting.

In May of 2012, the Department of Justice (DOJ) issued a final rule adopting national standards pursuant to PREA. There are (44) standards that are applicable to adult jails which affect our department. ([Refer to Department Policy and Procedure Section 6.127](#) and [Detention P & P section F.16](#) for further details).

The following includes a sampling of categories and standard topics:

PREVENTION PLANNING: Zero tolerance of sexual abuse, contracting with other entities for confinement of inmates, inmate supervision, limits to cross gender viewing and searches, accommodation of inmates with special needs, hiring and promotion decisions, assessment and use of monitoring technology, training and education (employee training, volunteer and contractor training), inmate education, detainee handbook specialized training for investigations, specialized training for medical and mental health care.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS: Use of screening information, need to know basis, use of objective screening instrument, individual assessment of each individual for special needs, review of inmates housed in involuntary segregated housing.

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RESPONSE PLANNING: Evidence protocol and forensic medical exams, agreements with outside entities and community service providers, access to outside confidential support services, access to programming, agreements with outside law enforcement agencies, agreements with prosecuting authority.

DETECTION AND RESPONSE: Reporting, inmate reporting, exhausting of administrative remedies, inmate access to outside confidential support services, third-party reporting, staff and facility head reporting duties, reporting to other confinement agencies, staff first responder duties, coordinated response, protection against retaliation, duty to investigate, criminal and administrative investigations, evidence standards for investigations, disciplinary sanctions for inmates and staff, medical and mental health screening, history of sexual abuse, access to emergency medical and mental health services, ongoing medical and mental health care for sexual abuse victims and abusers.

MONITORING: Data collection and review, sexual abuse incident reviews, review for corrective action, data storage, publication and destruction, audits of the standards.

HOW DOES THIS EFFECT THE DEPARTMENT?

The San Diego Sheriff's Department has zero tolerance for all forms of sexual abuse, conduct and assault ([Refer to Department Policy and Procedure Section 3.47](#)). This includes sexual harassment between clients, staff, volunteers, contractors, visitors and inmates. The zero tolerance on sexual conduct applies to all facilities and programs providing services to clients under the jurisdiction of the San Diego Sheriff's Department. All allegations of sexual misconduct will be investigated. Staff must be aware of relevant laws regarding reporting, the laws regarding sexual misconduct, and the consequences thereof. This policy establishes the procedural actions required by custody operations to be in compliance with PREA. The definition of sexual misconduct as outlined in the 2003 Prison Rape Elimination Act: *Any behavior or act of a sexual nature, directed toward a person under the care, custody, or supervision of the department and/or collateral contact by the person in authority including but not limited to: family members, employers, friends, and other close associates.*

HOW DOES THIS AFFECT ME?

As always, you will be required to: display professionalism in the performance of your duties, be knowledgeable and resourceful, be diligent in your observations, and take actions to prevent and detect instances of sexual assaults and harassment, respond appropriately by reporting incidents and taking the actions necessary to protect the safety of staff and inmates. Knowing what to do and following through on required actions is imperative. Knowing what to do before an incident happens will assist in maintaining the credibility of not only yourself, but that of your colleagues and the department. Knowledge and inaction is as damaging to the reputation of the organization as any negligent action.