



D.T.U.

Prison Rape Elimination Act (PREA)

“The Check I Wrote Cost Me My Life”

“I've already accepted that I'm going to die, but before I do, I want to see justice in the prison system. The only way to help me now is to put an end to rape in prison.”

Bryson Martel
1963 -2010



Learning Objectives

Overview of PREA

Strategies for prevention of sexual abuse in custody

Red flags/dynamics of sexual abuse in custody

Effective communication with victims in high risk categories

Responding and reporting procedures



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.



Legal Background

Sexual abuse is considered cruel and unusual punishment under the 8th amendment.



Policy Changes Due to PREA

Policy sections were reviewed for compliance to PREA and updated accordingly.

A new PREA Zero Tolerance Policy was created, click the link below:

[6.127 Prison Rape Elimination Act Procedure.pdf](#)



Department P&P

2.48 Treatment of Persons in Custody

Employees shall not mistreat, nor abuse physically or verbally, persons who are in their custody

Employees shall handle such persons in accordance with law and established departmental procedures



Prevention of Sexual Abuse

Support the department's zero tolerance policy

Be professional: abide by polices and rules of conduct

Make it clear sexual behavior is not acceptable



Prevention of Sexual Abuse

Encourage inmates to be involved in programs

Be aware of “red flags”

Observe your daily environment carefully

Take any allegation of sexual assault seriously

Detailed classification system



Sexual Dynamics in Male Correctional Facilities

Acting out power roles within an all male authoritarian environment

Younger weaker inmates identified as “females” in the prison

Power over the weak to preserve masculine image

Protective pairing or hooking up



Sexual Dynamics in Women's Correctional Facilities

Women tend to be more focused on relationships
(prison family)

Rarely includes violent sexual abuse

May be coerced or pressured into sex



Common Characteristics of Victims

First time non-violent offender

Prior sexual offense

Prior sexual abuse

Pattern of victimization (abusive relationships)

Weak or feminine appearance

No gang affiliation

LGTBI (Lesbian, Gay, Transgender, Bisexual, Intersex)

Mental issues

Disabilities

Easily intimidated

Non-English speaker



Potential Red Flags for Victims of Abuse From Other Inmates

Changes in routine, mood or behavior

Self-isolation - not coming out of cell

Irritability and mood swings

Avoiding staff members

Working but has no commissary or money

Repeated requests for cell changes

Refusing to cell up with other inmates

Suddenly working out/bulking up



Common Characteristics of an Inmate Perpetrator

Career criminal (previous incarcerations)

Time at juvenile hall as a minor

Long sentence

Gang Affiliated

Past Violence

Physically strong

Jail rule breaker



Potential Perpetrator – Inmate Red Flags

History of past violence

Higher status

Has look-outs

Boundary tester

Bullying or taunting a particular inmate



Potential Perpetrator – Inmate Red Flags

Always wants a two person cell but second inmate frequently rotates

Older inmate giving extra attention to younger or weaker inmate

No money but a lot of commissary (extortion)

Mentioned or referred to in another inmate's mail



Potential Red Flags for Victims of Abuse From Staff Members

Spending time with a particular staff member

Using staff member's first name

Standing close to staff member during conversations

Too much personal knowledge about staff member



Potential Red Flags for Victims of Abuse From Staff Members

Possession of unusual contraband

Extra privileges

Isolating self from other inmates / avoiding staff

Increase in misconduct

Unexplained presence in an unauthorized area



Potential Perpetrator – Staff Red Flags

Spending time with a particular inmate

Calling out an inmate at odd times

Defending/interceding on inmate's behalf

Changing posts to work a particular spot

Leaving area when other staff are present



Potential Perpetrator –Staff Red Flags

Changes in behavior, mood, or appearance

Drop in work performance

Showing favoritism/ignoring infractions

Being in an unassigned area or MIA (missing in action)



Avoiding Inappropriate Relationships With Inmates

Be professional at all times

Refrain from sexual conversations/jokes

Be aware of the possibility of inmate con games

Sexual contact between staff and inmates cannot be consensual



Discipline for Staff

“Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies”

“Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse”



Discipline for Staff

All substantiated allegations of conduct that appears to be criminal shall be referred for prosecution



Common Reactions of Sexual Abuse Victims

Emotional shock

Withdrawn

Shame

Anxiety

Disbelief

Hostility

Nightmares

Denial

Angry

Suicidal



Reporting Sexual Misconduct

Take any allegation of sexual assault seriously

Notify appropriate personnel

“Need to know”

Failure to report could result in criminal and civil penalties



Sworn Staff Response

Conduct preliminary victim interview

Separate the victim and aggressor (if known)

Do not interview suspect

Establish and secure crime scene perimeter

Designate scribe if available

Contact Detentions Investigations Unit
(Detentions)



Sworn Staff Response

Preservation of evidence (if directed by DIU)

Do not arrange for a SART exam

(This will be determined by DIU)

Victim Admonishment

(Department P&P 6.125 Sexual Assault)

Documentation



Effective Communication

Establish Rapport with victim

Remain calm, professional, and patient

Speak with victim in private away from other inmates

If inmate does not speak English do not use another inmate to translate!

Reassure victim you take the issue seriously

Explain your role in the investigation

Keep an open mind

Be aware of your body language and tone of voice

Be an active listener



Effective Communication

Common Mistakes:

I know how you feel

I understand what you are going through

Making promises you cannot keep

Better phrases to use:

I know this is difficult to talk about

I'm sorry this happened to you

I am here to help



LGBTI

LGBTI – Acronym for a group of sexual minorities

L – Lesbian

G – Gay

B – Bisexual

T – Transgender

I – Intersex

[LGBTI Definitions](#)



Effective Communication with LGBTI Victims

Remain professional

Remain objective

Do not use derogatory language

Avoid stereotyping

Be aware of pronoun (he or she) usage

If you are uncomfortable or unsure what pronoun to use address victim by last name

Ask victim how they would like to be addressed



Victim Requests Confidentiality

Fill out victim information in NetRMS

Document request for victim's name to be confidential in narrative of report

First sentence above the synopsis in bold type:

“THE VICTIM IN THIS REPORT REQUESTS TO REMAIN CONFIDENTIAL PURSUANT TO CALIFORNIA PENAL CODE 293(a) AND CALIFORNIA GOVERNMENT CODE 6254.”



Sexual Assault Evidence

****All biohazard material must be identified with biohazard label****



Ensure suspect and victim evidence is kept separate



SDSO PREA Website

The Department has it's own website devoted to PREA

Click the link below to visit the SDSO PREA website:

[SDSO PREA Website](#)



Resources

- ▶ Prison Rape Elimination Act (PREA)
- ▶ The National PREA Resource Center
- ▶ National Institute of Corrections
- ▶ Washington College of Law
- ▶ Just Detention International
- ▶ Office of Justice Programs
- ▶ Department Policy and Procedures
- ▶ Detentions Policy and Procedures



Acknowledgement

I have reviewed the LMS presentation on the Prison Rape Elimination Act (PREA) enacted in 2003, which encompasses the subject of Sexual Abuse/Assault/Misconduct Prevention and Intervention Protocol. I understand that I am responsible for complying with these policies and procedures. Should I have any questions about this protocol, I will discuss them with my supervisor or the department PREA coordinator.

Press “ESC” button on your keyboard and close the PowerPoint program to return to LMS.

