



SONOMA COUNTY SHERIFF'S OFFICE

*PREA training for all
Sheriff's Office employees*

*Prison Rape Elimination Act (PREA) - passed in 2003
with unanimous support from both Parties in Congress*



Purpose of PREA

- Analysis of the incidence and effects of prison rape in Federal, State, and local institutions.
- Information
- Resources
- Recommendations
- Funding
- To protect individuals from prison rape
- Identified as a national problem

The PREA Standards

Four sets of standards apply to:

- Adult prisons and jails
- Lockups
- Community confinement facilities
- Juvenile facilities



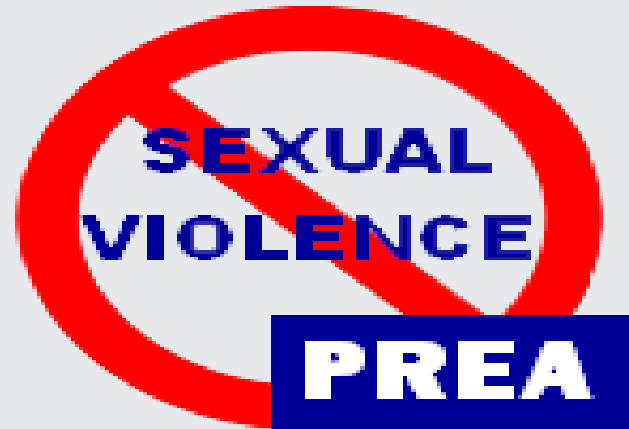
Survivor members urge the US DOJ to pass strong standards.

*Important PREA mandates, but
not limited to the following*

- Prevention Planning
- Response Planning
- Training and Education
- Specialized training for DVSA, Medical and Mental Health Practitioners
- Screening for Risk of Sexual Victimization and abusiveness
- Reporting
- Hiring and Promotional Decisions
- Official Response following an allegation
- Investigations
- Discipline
- Emergency and On Going Medical and Mental Health Care
- Data Collection and Review
- Audits

PREA Standards

- Released by the Department of Justice on May 17, 2012
- Applies to corrections facilities nationwide
- Mandates zero tolerance of sexual abuse
- Comprehensive set of guidelines related to all aspects of custodial sexual abuse, including:
 - ❖ Prevention
 - ❖ Detection
 - ❖ Response
 - ❖ Monitoring



Benefits of PREA

- Reduced liability from rape lawsuits
- Reduced correction's costs in medical and mental health services
- Safer environment for inmates and staff
- Protects public health from sexually transmitted diseases inmates may contract
- Protects public safety by releasing inmates into the community who have not been sexually assaulted in custody

Sheriff's Office Policy Statement

The Sonoma County Sheriff's Office, in compliance with the Prison Rape Elimination Act of 2003, mandates zero tolerance toward all forms of sexual abuse, sexual harassment and sexual assault of any inmate in custody. There shall be zero tolerance for retaliation of any sort against anyone who reports or cooperates with the investigations of such acts. All incidents of sexual abuse that occur in the Sonoma County Detention Facilities shall be thoroughly investigated, documented and reported in accordance with the mandates set forth in the 2003 Prison Rape Elimination Act (PREA) and the Department of Justice National PREA Standards.

The Sonoma County Sheriff's Office is committed to maintaining a program of education, prevention, detection, investigation, criminal and administrative sanctions against perpetrators, data collection, treatment and support for any inmate who is a victim of sexual abuse. Those contracted, employed by, or volunteering for the Sheriff's Office are subject to punitive sanctions for any violation of this policy.

Know This

- All staff have an affirmative duty to report all allegations or knowledge of sexual assault, harassment, or any sexual misconduct involving inmates that takes place within any Sheriff's Office facility
- Failure to report is akin to committing the act and is punishable as such
- Anyone employed, contracted by, or volunteering for the Sheriff's Office, who has inmate contact, is subject to disciplinary action up to and including termination for violation of this policy.
- An inmate can report sexual abuse to ANY employee, contractor or volunteer

Notification

- Staff who suspect sexual abuse or harassment of an inmate by anyone shall immediately notify their supervisor
- Notification may be made in private, but shall occur immediately upon obtaining the knowledge

Definitions:

➤ Sexual Abuse:

- Can be committed by inmates or detainees, volunteers, contractors, or staff
- Sexual assault is the contact of the genitals or other parts of the suspect's body with the genitals, anus, mouth or other body parts of the victim, as defined by the California Penal Code
- Includes any penetration, however slight.

Definitions:

➤ Sexual Harassment:

- Repeated and unwelcomed sexual advances, verbal comments or gestures of a sexual nature, or requests for sexual favors to an inmate or detainee by another inmate or detainee, volunteer, contractor, or staff member

➤ Voyeurism:

- An invasion of privacy of an inmate or detainee by staff for **reasons unrelated to official duties**, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's body or of an inmate performing bodily functions

Definitions:

➤ Transgender:

- A person whose gender identity, i.e., internal sense of feeling male or female, is different from the person's assigned sex at birth

➤ Intersex:

- A person whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female
- Sometimes referred to as disorders of sexual development

Reportable Offenses

➤ Inmate to inmate:

Victim does *not* consent, must report

➤ Staff to inmate:

✓ *With* or *without* consent, must report

✓ Includes voyeurism, must report

➤ *Consensual* sexual contact between inmates:

✓ Consensual sex between inmates is not permitted,
must report

*293 P.C. REQUIRES DEPUTY TO NOTIFY VICTIM OF
RIGHT TO PREVENT NAME FROM BECOMING A
MATTER OF PUBLIC RECORD. SWORN STAFF WILL
COMPLETE THIS TASK*

Reportable Offenses Continued

Consensual sexual contact between inmates:

- Investigate, document in an incident report and refer to the **Disciplinary Grievance Officer** for disciplinary action
- Incidents of sexual contact between inmates, which they deem consensual and an investigation reveals the absence of force, fear, or coercion, shall be documented in an incident report and referred to a **Patrol Deputy** who will complete a crime report and forward to the **District Attorney's Office** for any violations of the following **California Penal Codes**:
 - **California Penal Code 286(e) (sodomy)**
 - **California Penal Code 288a(e) (oral copulation)**

Sex with inmates is against the law

- California Penal Code 289.6 (a)(2) prohibits any employee, volunteer or peace officer from engaging in sexual activity with any consenting adult confined in a detention facility
- A deputy will take the initial report or corpus report
- A domestic violence and sexual assault detective will conduct a thorough investigation
- All investigations will be forwarded to the District Attorney's Office

Sexual Harassment Offenses

- Inmate to inmate:
 - Repeated & unwelcome sexual advances, requests or sexual favors
 - Verbal comments, gestures, or actions of derogatory or offensive sexual nature
- Staff to inmate:
 - Repeated verbal comments or gestures of sexual nature
 - Includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing
 - Obscene language or gestures

Abuse During Searches

➤ This abuse can include:

- Groping and fondling inmates' genitals
- Rubbing sex organs against inmates
- Inserting fingers or objects into body cavities
- Degrading comments during a search

I felt raped, humiliated, disgusted,
embarrassed and disrespected.

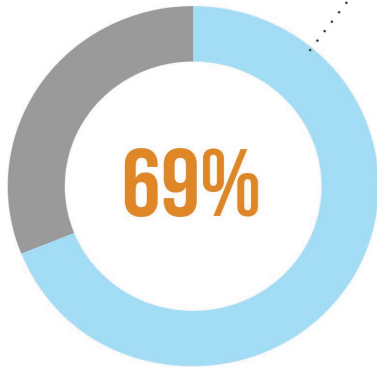
- David

PREA CRIMES

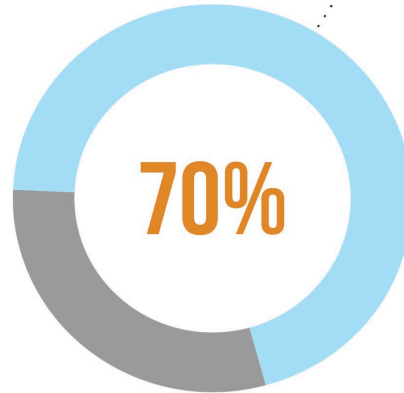
- All PREA crimes shall be referred to patrol
- A patrol deputy shall take the initial report
- A patrol deputy shall refer **all** felony sexual assaults and sexual allegations against an employee to the Domestic Violence and Sexual Assault (DVSA) unit for investigation
- All efforts shall be made to preserve physical evidence
- All sexual assaults investigated by the DVSA shall be referred to the District Attorney's Office

Barriers to Reporting

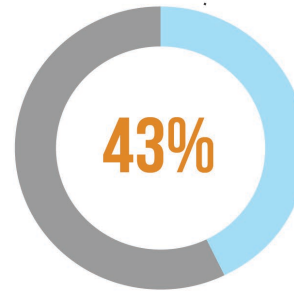
Felt embarrassed or ashamed



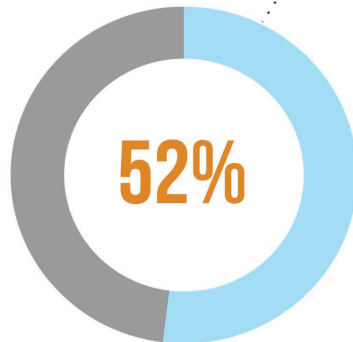
Didn't want anyone to know



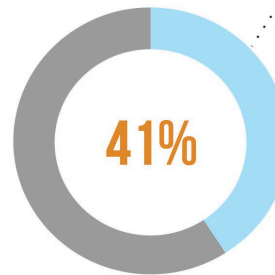
Thought staff would not investigate



Afraid of perpetrator



Afraid of being punished by staff



MADF and NCDF

- All Sheriff's Office employees shall take into account that the MADF and NCDF inmate population is predominately male
- Special consideration should be given that when sexual assaults occur in a predominately male population, there is a certain stigma and/or reluctance for the victim to report the incident/cooperate with an investigation
- All incidents of a sexual nature shall be thoroughly investigated to determine if a reportable incident occurred. All incidents shall be documented in an incident report and a crime report, if necessary

Myths

- Prisoners who are raped must have deserved it
- Only child molesters are sexually assaulted while in custody
- Gay men cannot really be raped
- Transgender women and feminine men like the attention
- Women do not sexually assault other women

Disabled Inmates or those who are limited English proficient

- *Take appropriate steps to ensure inmates with disabilities understand:*
 - The Sheriff's Office Zero-Tolerance Policy
 - Ways to report sexual assault or harassment
 - They can call the Rape Crisis Hotline for assistance and support

Responding to Signs of Sexual Misconduct, Abuse or Harassment

- Staff member discovers incident in-progress
- Inmate self reports to deputy or civilian staff
- Reported by third party, such as a victim advocate or family member
- Your suspicions (trust your instincts)

Initial Deputy Response

- Take immediate action
- Notify Supervisor
- Separate and isolate the victim and suspect(s)
- Separate any potential witnesses
- Contain scene to preserve evidence
- Do not let involved inmates wash, change clothing, eat or drink anything until physical evidence has been collected
- Start a log of events
- A correctional deputy is to remain with the victim until released by the supervisor or investigator
- Inmate will be transported for a forensic medical exam



Initial Response (Cont.)

- Assign a Deputy with a digital recorder to stay with the suspect for any spontaneous statements
- **DO NOT MIRANDIZE OR QUESTION THE SUSPECT** (Leave that for sworn staff)



Data Collection and Review

- Within 30 days after the conclusion of every sexual abuse investigation; the facility will conduct a sexual abuse incident review unless unfounded by upper level management, with input from the Sheriff's Office PREA coordinator, PREA managers, line supervisors, investigators, and medical or mental health practitioners
- Critical incident review will indicate if a need to change policy or practice to better prevent, detect, or respond to a sexual abuse
- Prepare a report with recommendations to the facility commander and PREA compliance coordinator
- The Department will aggregate the incident-based sexual abuse data annually
- The data will be posted on the Sheriff's Office website

RISK CRITERIA

❖ Risk for victimization criteria

- Mental or physical disability
- Young age
- Slight build
- First incarceration in jail or prison
- Nonviolent history
- Prior convictions for sex offenses against adult or child,
- Sexual orientation of gay or bisexual
- Gender nonconformance (e.g., transgender or intersex identity)
- Prior sexual victimization
- Self- reported perception of vulnerability

❖ Risk for sexual abusiveness criteria

- Prior acts of sexual abuse
- Prior convictions for violent offenses

Warning Signs Inmate to Inmate

Red Flags

PERSON TARGET V. PERPETRATOR

- Avoids staff
- Isolates self
- Changes in eating, sleeping or hygiene
- Acting out
- Unexplained injury
- PC'ing up
- Extortion
- Older favors younger
- Bullies or intimidates
- Requests 2 man cell
- History of violence
- Has look-outs

Targeted for abuse

Perpetrators of abuse in detention are significantly more likely to target people who have already survived sexual abuse.



Natalie, survivor of inmate-on-inmate sexual abuse

Warning Signs Staff Abuse of an Inmate

Red Flags

PERSON TARGETED V. PERPETRATOR

- Extra privileges
- Unexplained injury or \$ on books
- In unauthorized area
- Asks about staff
- Familiar touching
- Calls out at odd times
- Over-familiarity
- Favoring
- Work performance drops
- Ignores discipline
- Leaving work area

Staff Sexual Abuse

Staff may not engage in any sexual activity with inmates. Alleged consent is not a defense.

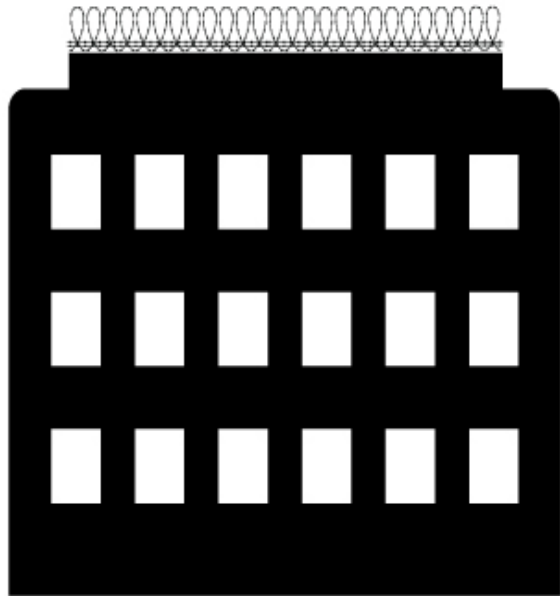
Staff sexual misconduct also includes:

- Voyeurism
- Quid pro quo
- Misuse of authority



**Frank Mendoza, Survivor of
staff sexual abuse**

Prevalence



1 IN 10

FORMER ADULT STATE INMATES REPORTED
BEING SEXUALLY ABUSED WHILE IN DETENTION



Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.
(Approximately 9.6% of former state prisoners reported one or more incidents of sexual abuse during the most recent period of incarceration in a jail, prison, or post-release community-treatment facility.)

Prevalence

STUDY SHOWS NEARLY EQUIVALENT RATES
OF ABUSE BY STAFF AND OTHER INMATES



Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.
(Approximately 9.6% of former state prisoners reported one or more incidents of sexual abuse during the most recent period of incarceration in a jail, prison, or post-release community-treatment facility.)

Prevalence

STAFF ARE MORE LIKELY TO ABUSE AN INMATE REPEATEDLY

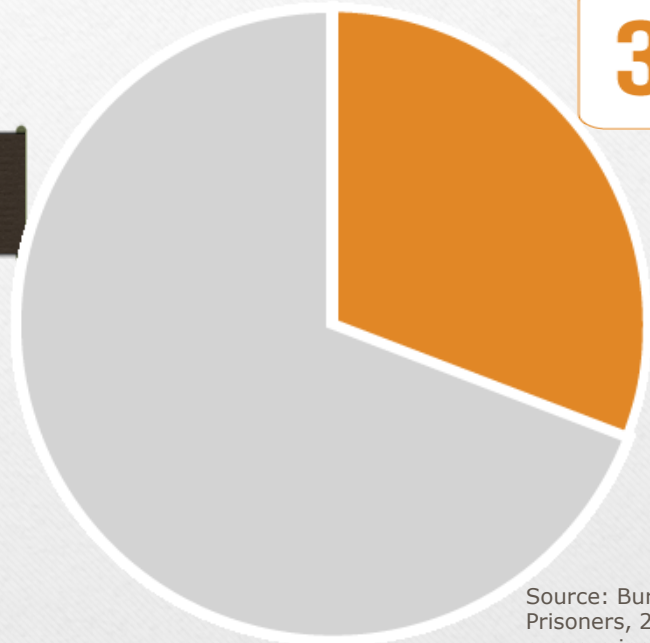


Rates of abuse with two or more incidents

1/3 OF INMATES REPORTED STAFF SEXUAL HARASSMENT such as during showers, searches, or while undressing



Ongoing Abuse



31% OF INMATES REPORTING ABUSE WERE VICTIMIZED **THREE OR MORE TIMES**

Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012. (Approximately 9.6% of former state prisoners reported one or more incidents of sexual abuse during the most recent period of incarceration in a jail, prison, or post-release community-treatment facility.)

The vulnerable populations

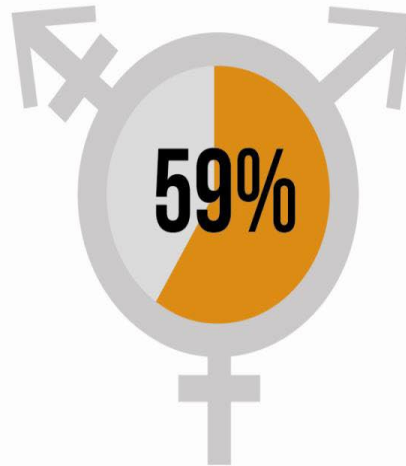


LESBIAN AND BISEXUAL WOMEN ARE
2X MORE LIKELY
TO BE SEXUALLY ABUSED BY STAFF
THAN THEIR HETEROSEXUAL PEERS



MORE THAN **1 IN 3**
GAY AND BISEXUAL MEN
WERE SEXUALLY ABUSED
WHILE IN CUSTODY

In California state prisons:



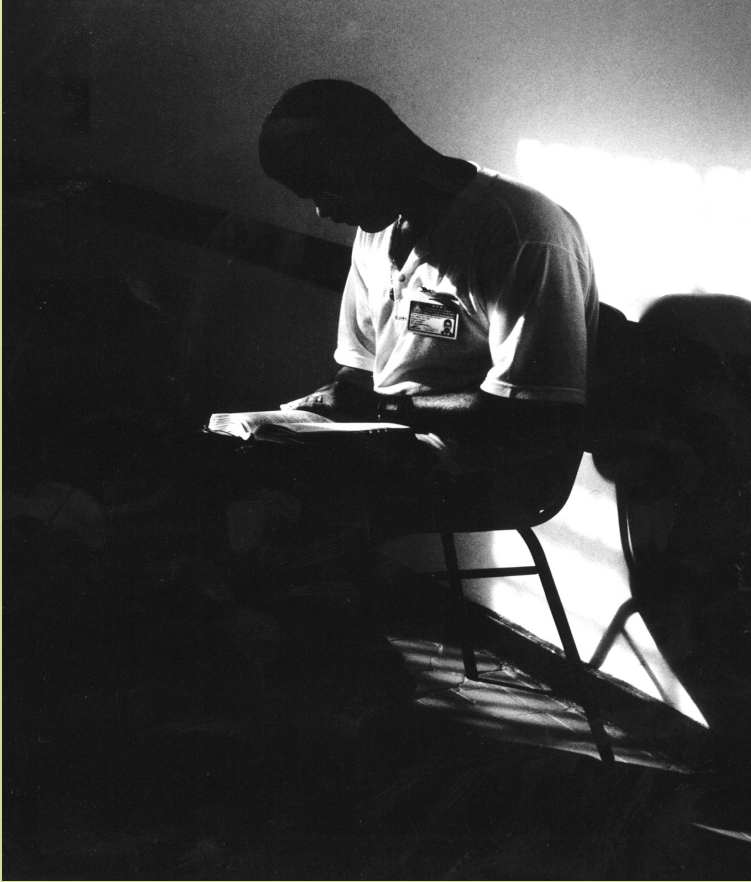
OF TRANSGENDER INMATES
REPORTED SEXUAL ABUSE
compared to 4% of non-transgender men

- Handicapped
- Juveniles
- First time, non-violent offenders
- Immigration detainees
- LGBT population
- Mental Illness

Who are perpetrators likely to target for sexual abuse and harassment?



Inmates are:



- Twice as likely to be survivors of previous sexual or domestic violence or child abuse than the general population
- Two – four times more likely to have a serious mental illness (more than half of all prisoners) than the general population

Common physical and emotional reactions of sexual abuse and harassment victims

Physical:

- STDs
- Unexplained pregnancy
- Stomach / abdominal pain
- Anal/penile/ vaginal discharge, bleeding and/or pain
- Difficulty walking or sitting

Emotional:

- Acting out
- Anger
- Anxiety
- Depression
- Suicidal thoughts
- Disbelief
- Difficulty concentrating
- Fear
- Numbness

Unique Impact on Incarcerated victims

- Little control over environment
- Punishment/isolation
- Limited access to services
- Retaliation
- Ongoing contact with perpetrator(s)
- Increased likelihood of re-victimization

Common Effects of Sexual Abuse in Detention

- Rape Trauma Syndrome and PTSD
- Sexually transmitted diseases and HIV
- Increased suicidal thoughts or attempts
- Worsening of psychiatric disorders



The Basics of Sexual Trauma

- Caused by any kind of unwanted sexual behavior, including sexual harassment or attempted sexual assault
- One of the most traumatic forms of criminal victimization
- An experience that changes a survivor's core sense of self
- Is life changing
- Is or is perceived to be, a near-death experience
- Triggers the “fight or flight” response
- Overwhelms a person's ability to cope



Photography by James Stenson

Frank, survivor of staff sexual assault.

Acute Stress Disorder and PTSD

*A reasonable reaction to an
unreasonable amount of stress*

- Difficulty concentrating
- Hypervigilance
- Sleep disturbances
- Racing or intrusive thoughts
- Flashbacks
- Increased irritability/anger
- Depression
- Suicide thoughts or attempts

How to Detect Signs of Sexual Abuse or Harassment

Possible short-term or long-term behavioral changes and coping responses may include:

- Self-harming behaviors - drug/alcohol use, a suicide attempt, etc.
- Rape Trauma Syndrome & PTSD
- Changes in social interactions and behaviors- withdrawal, sexual promiscuity, aversion to touch, etc
- Changes in individual behaviors - sleep disturbances, shifts in eating patterns, excessive masturbation, frequent bathing
- Frequent requests for laundry exchange – blood on clothing or linen

How to Detect Signs of Sexual Abuse or Harassment

- Unless excessive physical force is used, *many victims may not have visible physical injuries from a sexual assault*

In cases of excessive force the most common injuries may include, but not limited to:

- Bruising on the inner thighs or on the arms where the offender restrained the victim
- Trauma to the genital area
- Bruising or laceration to inside of mouth and/or soft palate if orally assaulted

Detecting Sexual Abuse

- Remember who is likely to be targeted
- Refrain from assumptions
- Look for physical indicators
- Look for emotional and behavioral indicators
- Red Flags

Screening

- A jail classification deputy screens all inmates for risk potential and/or history of sexual victimization or abusiveness, and makes housing decisions based upon the information provided
- The classification deputy will refer all inmates to mental health who have been victims of sexual abuse in custody or in the community.
- Medical staff will screen inmates seen at booking, during the 14 day health inventory, during the six month and annual physical exams for sexual abusiveness and/or victimization, and provide follow-up care, as necessary

Screening continued

- If an inmate is brought into custody from another agency and alleges they were sexually assaulted while in the custodial care of that agency, PREA requires the Detention Division's Assistant Sheriff, or his designee, to notify the agency within 72 hours
- If an inmate reports they have been sexually assaulted in another agency, notify your supervisor and complete an incident report
- The Correctional Sergeant will ensure this information is forwarded to the appropriate personnel to ensure compliance with this mandate

Marsy's Law Includes Inmate Victims of Sexual Assault

- **Marsy's Law**, the California Victims' Bill of Rights Act of 2008, is an Amendment to the state's Constitution and certain Penal Code sections enacted by voters through the initiative process in the November 2008 general election. The Act protects and expands the legal rights of victims of crime to include 17 rights in the judicial process, including the right to legal standing, protection from the defendant, notification of all court proceedings, and restitution, as well as granting parole boards far greater powers to deny inmates parole

Avoiding False Claims of Misconduct or Sexual Assault

- Deputies of opposite gender must announce their presence when entering a housing unit
- Unannounced rounds are to be conducted by supervisors. Staff members are prohibited from announcing the rounds of their supervisors
- Cross gender pat searches of inmates in custody not permitted unless exigent circumstances exist
 - Requires supervisor notification & completion of an incident report.
 - *Above does not apply to in field pat searches*
- Cross gender strip searches strictly forbidden

Avoiding False Claims of Misconduct or Sexual Assault

- Cavity searches authorized by a valid search warrant and performed by trained medical personnel shall only be witnessed by deputy of same gender
- Before being housed, inmates receive a PREA brochure that describes Sexual Assault, Harassment, and Abuse and how they can avoid it, report it and the Sheriff's Office Zero policy towards any form of sexual abuse or harassment
- Strip searches of transgender or intersex inmates forbidden solely for purposes of determining genital status

Avoiding Inappropriate Relationships with Inmates

- Members shall conduct their private and professional lives in such a manner so as to avoid bringing discredit upon the Sheriff's Office (Sheriff's Office rule and regulation)
- Members should not become socially involved with inmates or arrestees in or out of the jail, and maintain an impartial attitude by not discussing their personal lives, nor becoming involved in the personal lives of inmates/arrestees

Effective & Professional Communication with Inmates, including LGBTI

- LGBTI (lesbian, gay, bisexual, transgender or intersex) inmates shall not be housed or classified solely on basis of such identification or status
- Shall not consider LGBTI identification or status as an indicator of likelihood of being sexually abused
- Transgender inmates are to shower separately from other inmates
- The Sheriff's Office shall consider on a case-by-case basis whether to assign a transgender or intersex inmate to a facility for male or female inmates, which would ensure the inmate's health and safety, and whether the placement would present management or security problems
- Making disparaging remarks or writing about race, gender, national origin, religion, sexual orientation, disability or age, whether or not intended as humor is forbidden
- Communication with all inmates, including LGBTI, shall be conducted in a professional manner, which is sensitive, supportive, and nonjudgmental.

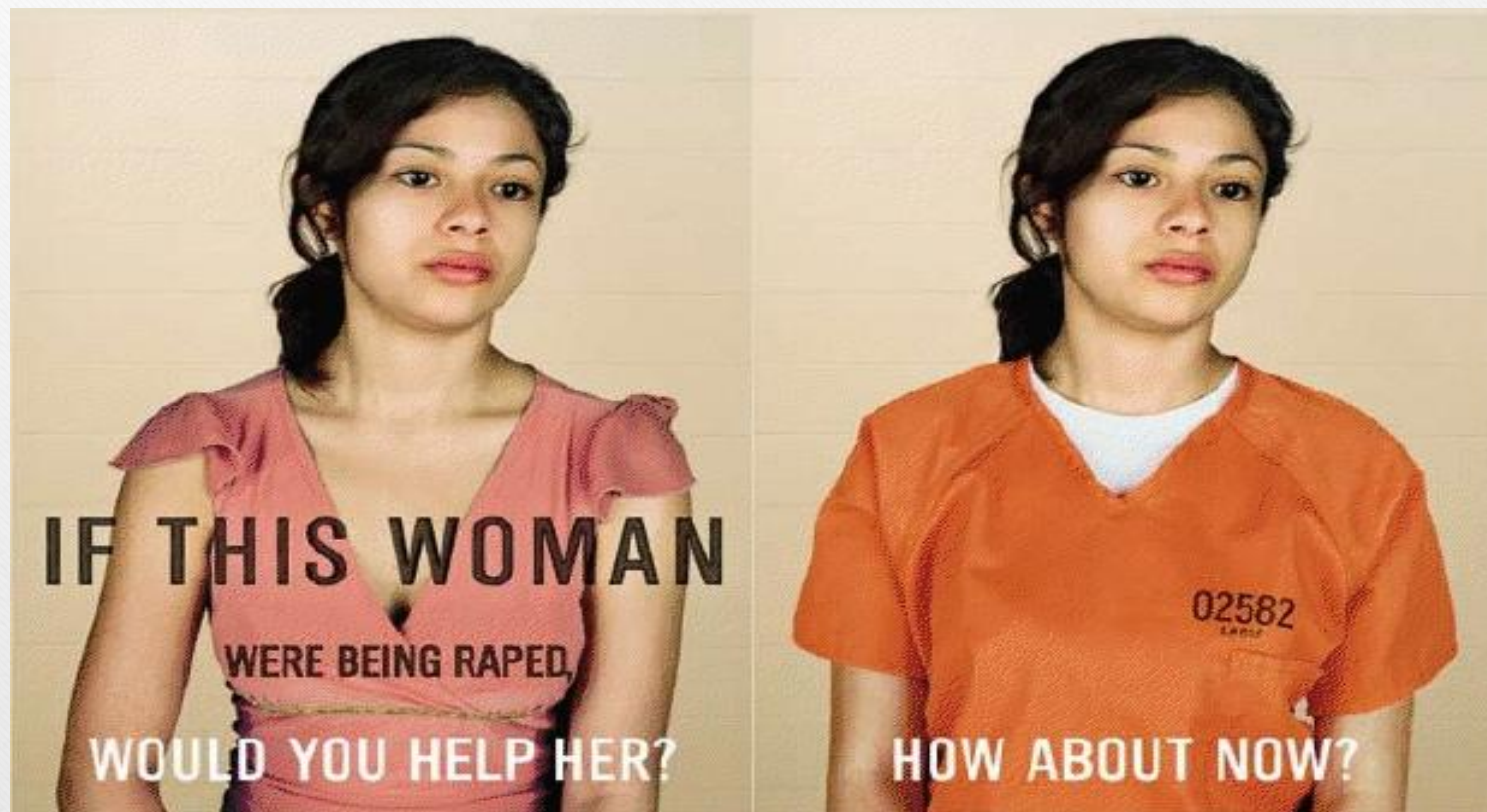
Effective & Professional Communication continued

- **DON'T JOKE** about an inmate's sexual orientation
- Spreading rumors that a person is gay has been held to state a claim of deliberate indifference under the Eighth Amendment because "in the prison context ... one can think of few acts that could be more likely to lead to physical injury than spreading rumors of homosexuality."
- Understand that you have peers from the LGBTI Community

Victim Advocacy

- **All inmate victims shall be afforded the opportunity to have a Victim's Rights Advocate made available to them at the hospital for treatment and counseling after treatment, at no cost. This may include any follow up visits at the jail upon the inmate's return.**
 - All inmates have confidential access to the Sonoma County Rape Crisis Center
 - DVSA detectives shall ensure victim rights advocates are made available to all victims of sexual assault during any forensic medical examination and during investigatory interviews, to provide emotional support, crisis intervention, information and referrals
 - Every inmate shall receive a PREA brochure, which provides further information about agencies offering further support

“Being violently assaulted in prison is simply 'not part of the penalty' that criminal offenders pay for their offenses against society.” Farmer v. Brennan



Remember

- Promptly and thoroughly investigate and address all allegations of sexual assault, abuse, or harassment
- All staff have an affirmative duty to report all allegations or knowledge of sexual abuse or sexual misconduct within any Sheriff's Office facility
- Failure to report is subject to disciplinary action

WERE DONE

➤ QUESTIONS?

➤ COMMENTS?