



Staff Development & Training

PRISON RAPE ELIMINATION ACT



PERFORMANCE OBJECTIVES

After this E-learning participants will:

- ◉ Know what the Prison Rape Elimination Act is and its purpose.
- ◉ Know the Agency's Zero Tolerance Policy; definitions related to sexual abuse and sexual harassment; and the rights of offenders/students and staff under PREA.

PERFORMANCE OBJECTIVES

- ① Know the dynamics of sexual abuse in a prison environment
- ① Know how to prevent, detect, report, and respond to sexual abuse and sexual harassment
- ① Know the common reactions of victims of sexual abuse

PERFORMANCE OBJECTIVES

- ⦿ Know how to avoid inappropriate relationships and how to communicate effectively and professionally.
- ⦿ Know relevant laws related to mandatory reporting and age of consent.
- ⦿ Know the difference in procedures for male vs female; juvenile vs adult; and LGBTI offenders/students.

PRISON RAPE ELIMINATION ACT

The Prison Rape Elimination Act (PREA), a federal law enacted in 2003, was created to eliminate sexual abuse in confinement. In addition to providing federal funding for research, programs, training, and technical assistance to address the issue, the legislation mandated the development of national standards. The National Prison Rape Elimination Commission developed recommended national standards for reducing prison rape. The final standards became effective June 20, 2012, when they were published by the Department of Justice (DOJ) in the Federal Register.

PRISON RAPE ELIMINATION ACT

- ◉ The act also created the National Prison Rape Elimination Commission and charged it with developing standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.
- ◉ In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center to continue to provide federally funded training and technical assistance to states and localities, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.

PREA RECOMMENDATIONS

- Establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States.
- Make the prevention of prison rape a top priority in each prison system.
- Develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape. These Standards were published in August 2012. Audits began in August of 2013.

PREA RECOMMENDATIONS

- Increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities.
- Standardize the definitions used for collecting data on the incidence of prison rape.
- Increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape.



The American Correctional Association (ACA) is an organization that sets national standards for prisons and provides research, training and accreditation to correctional agencies.

The Indiana Department of Correction is accredited and adheres to the strict guidelines of the American Correctional Association.



In January 2003 the American Correctional Association Standards Committee finalized the adoption of several specific standards that are intended to significantly impact sexual violence. Working closely within and outside the corrections profession, the Standards Committee adopted these four (4) standards:

ACA PREA STANDARDS

1. Revise intake screening requirements for all offenders to specifically identify those who are vulnerable or have tendencies to act out with sexually aggressive behavior.
2. Require that an investigation be conducted and documented whenever an assault or threat of assault is reported.

ACA PREA STANDARDS

3. Require that offenders identified with a history of sexually assaultive behavior are assessed by mental health or other qualified professionals. Those with a history of sexual assaultive behavior are identified, monitored and counseled.
4. Require that offenders at risk for victimization are identified, monitored and counseled.

ZERO TOLERANCE POLICY

The Department of Correction is committed to zero (0) tolerance for sexual conduct between staff, volunteers, contractors, contractual staff, visitors, official visitors or offenders whether committed by staff, volunteers, contractual staff, visitors, or other offenders.

IDOC Policy 02-01-115

ZERO TOLERANCE POLICY

In accordance with the “Indiana Department of Correction Information and Standards of Conduct,” all staff, contractual staff and volunteers have an affirmative duty to report all allegations or knowledge of sexual abuse, harassment, sexual contact, or any sexual conduct that takes place within the jurisdiction of the Department of Correction.

IDOC Policy 04-03-103

DOJ DEFINITIONS

The following are definitions used by Judicial Agencies to clarify sometimes confusing terminology. By understanding and using these commonly used definitions we will be able to address these issues in a professional manner.



DOJ DEFINITIONS



Nonconsensual sexual act:

Contact of a sexual nature by an offender against another person without his or her consent, or a person unable to consent or refuse.

DOJ DEFINITIONS



Abusive sexual contact:

Non-penetrative contact of a sexual nature against another person without his or her consent, or of a person who is unable to consent or refuse which includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of any person.

DOJ DEFINITIONS



Staff/volunteer/visitor/offender sexual harassment:

Verbal statements or comments of a sexual nature to an offender by an employee, volunteer, contractor, official visitor, visitor or Department representative or statements or comments of a sexual nature by an offender to another offender, employee, volunteer, contractor, official visitor, visitor or Department representative including:

1. Demeaning references to gender or derogatory comments about body or clothing; or,
2. Profane or obscene language or gestures.

DOJ DEFINITIONS



Staff/volunteer/visitor sexual misconduct:

Any act or behavior of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor, visitor or Department representative, such as romantic relationships between staff and offenders and consensual or non-consensual sexual acts including:

1. Intentional touching of the genitalia, anus, groin, breast, inner thigh or buttocks with the intent to abuse, arouse or gratify sexual desire;
2. Completed, attempted, threatened or requested sexual acts; or,
3. Occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification; Kissing and/or handholding.

RIGHTS OF OFFENDERS/STUDENTS AND STAFF UNDER PREA

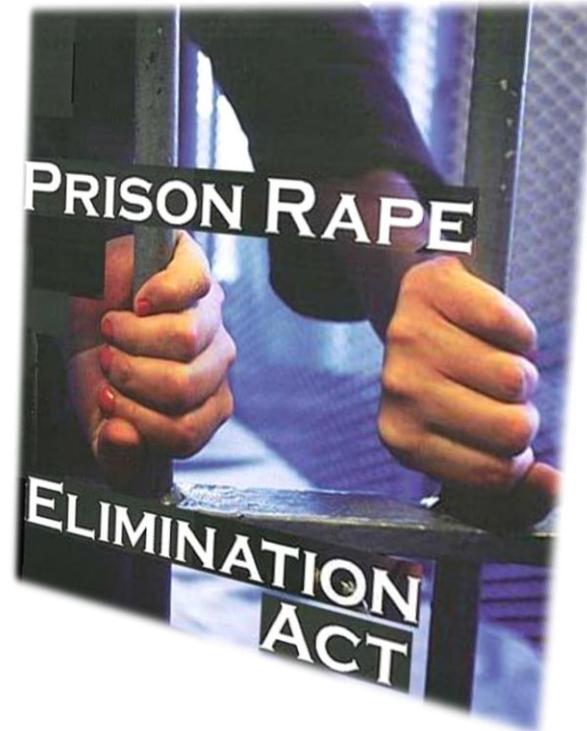
Offenders and students have a right to be free from sexual abuse and sexual harassment. Sexual abuse and sexual harassment are not part of the punishment and are counterproductive to rehabilitation and re-entry of offenders. All staff is responsible for providing a safe environment for staff and offenders.

RIGHTS OF OFFENDERS/STUDENTS AND STAFF UNDER PREA

Offenders, students and staff have a right to be free from retaliation from other offenders/students/staff for reporting sexual abuse and sexual harassment. The Facility PREA Coordinator and PREA Committee will monitor for retaliation against offenders, students and staff that provide information about allegations of sexual abuse and sexual harassment. If you become aware of retaliation against any offender, student or staff, you must report it to your supervisor or facility executive staff immediately.

DYNAMICS OF SEXUAL ABUSE

There are some commonalities of sexual abuse that may help us understand a little more about this unfortunate problem we face in corrections.



DYNAMICS OF SEXUAL ABUSE

How/where does it happen?

Causes (How) of sexual violence:

- ◉ Interpersonal conflicts
- ◉ Exploitive nature of inmate culture
- ◉ Pursuit of power
- ◉ Respect
- ◉ Sex as a commodity
- ◉ Forced abstinence

DYNAMICS OF SEXUAL ABUSE

How/where does it happen?

Where sexual violence happens:

- ◉ Multi-person housing
- ◉ Chapel
- ◉ Showers
- ◉ Kitchens
- ◉ Work areas
- ◉ Cells
- ◉ Day-rooms

DYNAMICS OF SEXUAL ABUSE

Why do women engage in sexual activity (coercive and non-coercive) in custody?

- Inappropriate sexualization
- Sex as “love” or as a commodity
- Boundary issues
- Partner violence
- Fears about disclosure & reporting
- PTSD and re-traumatization
- Crisis and long-term treatment issues

DYNAMICS OF SEXUAL ABUSE

Why do men engage in sexual activity?

- ◉ Desire
- ◉ Deprivation
- ◉ Companionship
- ◉ Favors or Benefits
- ◉ Protection
- ◉ Force

DYNAMICS OF SEXUAL ABUSE

Why gender non-conforming offenders/students engage in sexual activity?

- ◉ Sex as “love” or as a commodity
- ◉ Boundary issues
- ◉ Fears about disclosure & reporting

DYNAMICS OF SEXUAL ABUSE

Why gender non-conforming offenders/students engage in sexual activity?

- ⊙ History of previous confinement and/ or longer sentences
- ⊙ Desire
- ⊙ Favors or benefits
- ⊙ Protection
- ⊙ Force

DYNAMICS OF SEXUAL ABUSE

Common responses of female victims in custodial settings:

- ◉ At risk for unhealthy relationships with authority figures, based on perceptions of their power to harm
- ◉ Difficulty adjusting to coercive, restrictive environments
- ◉ Lack of right to privacy, cell searches, bodily searches may replicate past abuse
- ◉ Concern with how reporting may interrupt relationships

DYNAMICS OF SEXUAL ABUSE

What happens when the institution doesn't respond appropriately?

- ◉ More likely to experience physical trauma
- ◉ Retaliation and/or retribution
- ◉ Lack of autonomy and safety
- ◉ General distrust (staff, reporting structure, investigation, prosecution)
- ◉ Feelings of disorientation and anxiety
- ◉ Sharing or talking about feelings may be a safety risk for an offender

DYNAMICS OF SEXUAL ABUSE

What happens when the institution doesn't respond appropriately?

- ⦿ Isolation may be a relief but it could also cause further trauma
- ⦿ Increased anger may cause acting out
- ⦿ Complex nature of “consent” can lead to self-blame
- ⦿ Multiple traumas

DETECTING SIGNS OF SEXUAL ABUSE

The signs of sexual assault have both physical and mental attributes. Keen observation is required by staff to detect possible abuse or perpetration of the crime. Remember, in most cases males do not report sexual assaults. Therefore, staff must pay attention and report suspicions of possible sexual assault victims. Observable signs of sexual assault include:

DETECTING SIGNS OF SEXUAL ABUSE

Observable Signs Of Sexual Assault:

- ⦿ An offender who has difficulty, or pain while walking
- ⦿ An offender who has difficulty, or pain while sitting
- ⦿ An offender who has unusual bruises or marks that may indicate assault

DETECTING SIGNS OF SEXUAL ABUSE

Observable Signs Of Sexual Assault:

- ◉ Bloody clothing, especially in the seat of the pants or underwear
- ◉ Bloody linen
- ◉ Frequent request by the offender to see health care staff
- ◉ Frequent request by the offender for laundry exchange

DETECTING SIGNS OF SEXUAL ABUSE

Environmental Signs Of Sexual Assault:

- ◉ Groups of offenders approaching a single offender in common areas or in cell or bed areas
- ◉ Rumors from offenders about an assault that is going to or has occurred
- ◉ Unaffiliated offenders who participate in gambling or receive services or goods with organized offender groups

DETECTING SIGNS OF SEXUAL ABUSE

Environmental Signs Of Sexual Assault:

- ◉ Single offenders who defy the norm of the unwritten rules held by offenders, such as “snitching.”
- ◉ A decrease in interest in the offender’s normal activities of daily life.
- ◉ An offender’s withdrawal from social activities.
- ◉ An abrupt or unwarranted attitude change by an offender.
- ◉ Offenders who loiter or congregate in blind spots

YOUR RESPONSIBILITIES IN THE IDOC SEXUAL ASSAULT PREVENTION PLAN

Policy 02-01-115 Sexual Assault Prevention, Investigation, Victim Support and Reporting provides all staff with the procedures for the Department's sexual assault prevention plan. All staff, contractors, volunteers, offenders, and students are responsible for reading and understanding this policy and its content.

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Offender/Student Education:

- Offenders/students are provided information about the agency sexual assault prevention plan and how to report an incident within 24 hours of intake
- Pamphlets and video - information is provided both verbally and in written format.
- Offenders/students that are not English language proficient will be provided translation services
- Offender/students that are illiterate or visually impaired will have the material read to them by staff.

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

SVAT - Sexual Violence Assessment Tool

An assessment form that is completed at intake to the agency based on the offender record and an interview with the offender.

- ◉ Predicts if an offender/student is a likely aggressor or likely victim based on several factors.
- ◉ Assessment completed within 24 hours of intake into the department, 72 hours of intake into a facility
- ◉ Reviewed annually and every 6 months for LGBTQ offender/students
- ◉ Used to keep offenders separated that are a high risk for being an aggressor or a victim

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

PREA Committee

- Meets monthly and established by the facility Superintendent
- Consists of the facility PREA coordinator, investigators, medical, mental health, and executive level staff
- Review allegations once the investigation concludes within 30 days (except unfounded). Looks for any need to change procedures, add staff or cameras, proper staff response, etc.
- Monitors for retaliation for 90 days after a report is made
- Review PREA flags

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Detection - Staffing Plans:

- Providing the appropriate staffing plan can assist in the deterring and detecting sexual abuse.
- Juvenile have a 1-8 ratio during waking hours and 1-16 during sleeping hours.
- Unannounced Rounds by Supervisors

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Detection - Video Monitoring systems:

- Provide assistance in investigations and deters sexual abuse.
- Helps cover areas when staff are not present.

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Detection - Observation:

- All staff needs to watch for signs of sexual abuse and report any suspicions to a supervisor.

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Reporting - Offender/Student:

- Can make a report to any staff
- Can make a report by calling the investigations hotline on the offender phone system
- Can make a report to a victim advocate agency by calling an external hotline on the offender phone system or emailing through the J-Pay kiosk

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Reporting - Offender/Student:

- Can make a report by writing, anonymously if they wish, to any IDOC staff or victim advocate or file a grievance
- Offender/student family members can make a report on their behalf by calling the facility, calling the Sexual Assault Hotline on the IDOC website or emailing IDOCPREA@idoc.in.gov

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Reporting - Staff/Volunteer/Contracted Staff:

- Can report to any staff, in private if they wish
- Offender family/friends can call the IDOC sexual assault hotline (877-385-5877) or email a report to IDOCPREA@idoc.in.gov

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Response - Sexual Assault Response Team (SART):

- ⦿ Each facility will have a SART with custody members assigned as first responders on each shift.
- ⦿ Other members are: FPC, Medical, IA.
- ⦿ Members of the SART are trained with a specialized curriculum that covers more in-depth information about first responders, investigations, forensic exams, prosecution and victim advocacy.

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Response - SART Goals:

1. Meet the needs of the victim with crisis intervention and support services.
2. Provide a comprehensive forensic examination for sexual abuse victims.
3. Provide a joint, effective, sensitive approach to victims of sexual assault.
4. Document and preserve forensic evidence for potential prosecution.
5. Conduct investigations of the crime from notification through prosecution.

SEXUAL ASSAULT PREVENTION PLAN SUMMARY

Response - Investigations:

- ◉ Conducted by IDOC Internal Affairs and/or Correctional Police Officers
- ◉ Assisted by Indiana State Police as needed for DNA Evidence
- ◉ Child Protective Services assists with victims under 18
- ◉ Follow the National Protocol for Sexual Assault Medical Forensic Examinations - Adults/Adolescents (DOJ)

VICTIM SUPPORT

If an allegation is of actual sexual conduct, the victim shall be referred to the facility's Health Care staff for examination in accordance with health care services directives (HCSD 2.30 and JHCSD 2.30) and the Sexual Assault Manual.

Victims of sexual abuse have timely, unimpeded access to quality medical and mental health services free of charge following an incident of sexual abuse, whether or not they name an abuser.

VICTIM SUPPORT

Medical and Mental Health:

- Provide emergent medical care follow up medical care as needed
- Provide Sexually Transmitted Infection treatment
- Provide pregnancy tests and services for female victims
- Arrange for forensic medical exams with a local SANE
- Provide follow up MH counseling services for victims
- Provide MH treatment for abusers

VICTIM SUPPORT

Victim Advocacy Services:

- ◉ Arranged through organizations outside of IDOC
- ◉ Accompany victims during the forensic exam
- ◉ Provide follow up counseling if requested by the victim
- ◉ Can provide support after incarceration

COMMON REACTIONS OF VICTIMS

Post Traumatic Stress Disorder (PTSD):

- One of the results of sexual assault that you may have to respond to is a medical condition called Post Traumatic Stress Disorder.
- PTSD is an abnormal physiological and/or psychological response of coping with a life threatening or highly traumatic situation after the danger or trauma has passed.

COMMON REACTIONS OF VICTIMS

PTSD Acute Phase Signs:

- ⦿ Fear at inappropriate or unusual times
- ⦿ Anger at inappropriate or unusual times
- ⦿ Outward emotional responses

COMMON REACTIONS OF VICTIMS

PTSD Long Term Effects:

- ⦿ Mentally re-experiencing the assault
- ⦿ Aversion to sex
- ⦿ Anxiety
- ⦿ Phobias
- ⦿ Suspiciousness (paranoia)
- ⦿ Depression
- ⦿ Nightmares
- ⦿ Sleep disorders

AVOIDING INAPPROPRIATE RELATIONSHIPS

Offenders and staff have an effect on each other. There are always possible negative effects of these interactions. Keep in mind this simple equation:

$$\text{TIME} + \text{EXPOSURE} = \text{INFLUENCE}$$

The more time you spend in a certain environment, and exposed to something, the more you are influenced by it.

EXAMPLES OF INAPPROPRIATE CONTACT WITH OFFENDERS

- Living with or providing lodging for an offender, unless the offender is a parent, step-parent, child, step-child, or where the offender and staff person were married prior to the staff person's employment with the Department.
- Marriage to an offender, unless the staff person and offender were married prior to the staff person's employment.
- Offering an offender employment after release.

EXAMPLES OF INAPPROPRIATE CONTACT WITH OFFENDERS

- Carrying messages to or from an offender.
- Social relationship of any type with an offender.
- Visiting or corresponding with an offender, unless the offender is a family member and permission has been obtained from the staff person's Facility Head and the Facility Head of the facility where the offender is housed.
- Physical contact beyond that which is routinely required by specific job duties.

EXAMPLES OF INAPPROPRIATE CONTACT WITH OFFENDERS

- Vulgar language, curse words
- Romantic contact
- Sexual contact
- Contact outside the regular performance of his/her duties
- Giving or receiving letters, phone calls, money, telephone numbers or anything else that is not authorized by policy from an offender, his/her family member(s), or a visitor
- Failure to enforce facility rules and regulations

EXAMPLES OF INAPPROPRIATE CONTACT WITH OFFENDERS

- Failure to report rule violations
- Indecent exposure
- Talking about personal matters with an offender
- Showing favoritism toward an offender
- Doing favors for an offender
- Having an offender do favors for you
- Physical abuse

EXAMPLES OF APPROPRIATE CONTACT WITH OFFENDERS

- ◉ Enforcing the rules in a consistent and impartial manner
- ◉ Treating offenders in a polite business-like manner
- ◉ Following through on appropriate offender requests
- ◉ When addressing offenders use their surname
- ◉ Use professional language and conversation
- ◉ Be a positive role model

COMMUNICATE PROFESSIONALLY WITH OFFENDERS/STUDENTS

- Effective communication is necessary not only for the daily operations but also for everyone's safety.
- When working within a correctional environment professional communication between staff and offenders/students is vital.
- How staff communicate is critical in the performance of their job.

MANDATORY REPORTING LAWS & AGE OF CONSENT

If the alleged sexual abuse involves an offender/student under 18 years of age, the incident shall be reported to the Child Protective Services as required in the administrative procedures for Policy 03-02-103, “The Reporting, Investigation and Disposition of Child Abuse and Neglect” and Indiana Code 31-33-5.

SEXUAL MISCONDUCT WITH A SERVICE PROVIDER

Under Indiana Code 35-44.1-1-3-10 Sexual Misconduct with a Service Provider...

- ◉ A service provider who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is subject to lawful detention or lawful supervision commits sexual misconduct, a Level 5 felony.
- ◉ A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is:
 - 1) less than eighteen (18) years of age; and
 - 2) subject to lawful detention or lawful supervision; commits sexual misconduct, a Level 4 felony.
- ◉ It is not a defense that an act described in subsection

GENDER DIFFERENCES

Male versus Female offender/student populations:

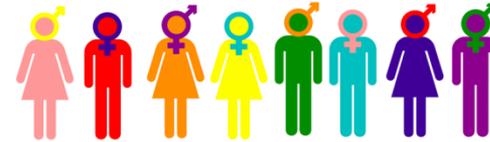
- ⊙ Cross Gender Searches of adult female offenders is not allowed except in exigent circumstances.
- ⊙ Cross gender searches of juvenile offenders are not allowed except in exigent circumstances.

GENDER DIFFERENCES

Male versus Female offender/student populations:

- ⦿ Exigent Circumstances defined: Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
- ⦿ Female victims will be offered pregnancy testing when applicable.

GENDER DIFFERENCES



LGBTI offenders/students:

- Lesbian, Gay, Bisexual, Transgender, Intersex, or gender nonconforming
- Vulnerable population
- Transgender offenders may have to shower separately from the general population
- Keep confidential the offender/student's sexual orientation or gender identity for their safety unless they have given permission or security interests require the disclosure

GENDER DIFFERENCES



LGBTI offenders/students:

- Searches should be performed professionally and in the least intrusive manner possible, consistent with security needs
- Placement (population versus secured housing) shall be determined on a case by case basis and consider the offender/student's own views of safety
- Placement and programming assignments reviewed twice each year for threats to safety

BENEFITS OF REDUCING PRISON SEXUAL ASSAULTS

As we have seen, sexual violence affects more than just the victims. The high incidence of sexual assault comes at a cost to society which includes:

BENEFITS OF REDUCING PRISON SEXUAL ASSAULTS

Cost to Society:

1. Increased costs to administer prison systems
2. Levels of violence go up
3. Health care expenditures are increased (AIDS, injuries, etc.)
4. Mental health care expenditures are increased (PTSD)
5. Risks of recidivism (the cycle of crime continues)
6. Interracial tensions increase (when victim and rapist are of different races).

BENEFITS OF REDUCING PRISON SEXUAL ASSAULTS

Facility Benefits:

- ⦿ Increased security
- ⦿ Costs savings
- ⦿ Increased job satisfaction
- ⦿ Fewer suicides
- ⦿ Fewer reports
- ⦿ Reduced tension among offenders
- ⦿ Offenders focus on programs and re-entry

SUMMARY

The Prison Rape Elimination Act of 2003 (PREA) was enacted by Congress to address the problem of sexual assault of persons in custody. The main provisions of PREA and recommendations of the ACA have been incorporated into IDOC policy and procedure. It is therefore our responsibility as corrections professionals to ensure that incidents of prison sexual harassment, sexual assaults, sexual abuse, and threats of sexual assault are investigated and appropriate action taken. It is our responsibility to do what we can to eliminate sexual violence in prison.

CONGRATULATIONS!

You have completed the module on the,

“Prison Rape Elimination Act.”

If you have any questions, please contact your Community Involvement Coordinator.



Staff Development & Training