

California Department of Corrections and Rehabilitation

On-the-Job Training (OJT) Module



Prison Rape Elimination Act

BET ID: 11053499

California Department of Corrections and Rehabilitation **(CDCR)**

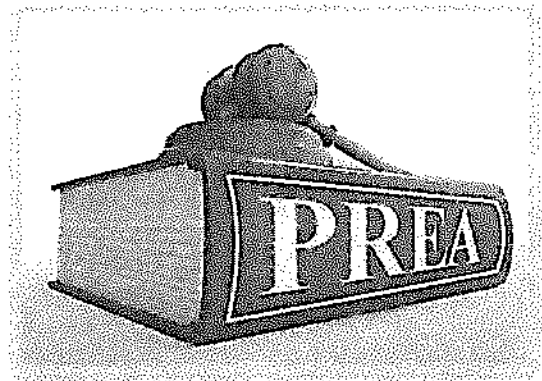
Prison Rape Elimination Act (PREA)

BET Code	11053499
Time	1 Hour
OTPD Approved	12/2015

PREA, On-the-Job-Training (OJT) Module

The purpose of this module is to refresh your knowledge of CDCR's Prison Rape Elimination Act Policy.

CDCR has a zero tolerance policy for sexual abuse and is committed to providing a safe, humane, secure environment, free from sexual misconduct.



Topics of Review:

1. CDCR's Prison Rape Elimination Act Policy
2. Why lesbian, gay, bisexual, transgender, intersex, and gender non-conforming population is included as a specific group in the PREA standards
3. Prevention measures and recognizing an inmate's possible reactions to sexual violence, staff sexual misconduct, and sexual harassment
4. How to respond to allegations, suspicions, and knowledge of sexual abuse of inmates

Key Terms:

Sexual Violence (Committed by Offenders) will encompass:

Abusive Sexual Contact: Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

Nonconsensual Sex Act: Contact of any person without his or her consent, or by coercion, or contact of a person who is unable to consent or refuse AND contact between the penis and vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus or penetration of the anal or genital opening of another person by the hand, finger, or other object.

Sexual Harassment by an Offender (Towards an Offender): Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an offender toward another offender.

Staff Sexual Harassment (Towards an Offender): Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Staff Sexual Misconduct: Any threatened, coerced, attempted, or completed sexual contact, assault or battery between staff and offenders.

CDCR's Prison Rape Elimination Policy

CDCR is committed to providing a safe, humane, secure environment, free from offender on offender sexual violence, staff sexual misconduct, and sexual harassment. This will be accomplished by maintaining a program to address education/prevention, detection, response, investigation, and tracking of these behaviors and to

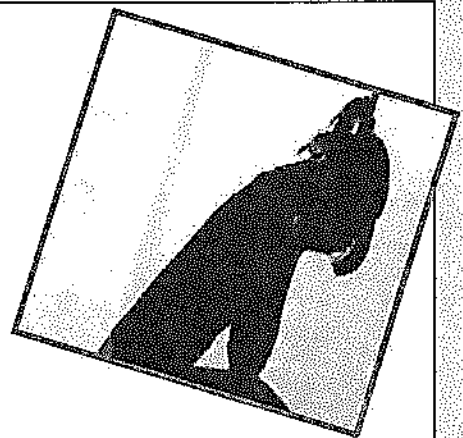
address successful community re-entry of the offender. CDCR shall maintain a zero tolerance for sexual violence, staff sexual misconduct and sexual harassment in its institutions, community correctional facilities, conservation camps, and for all offenders under its jurisdiction. All sexual

violence, staff sexual misconduct, and sexual harassment is strictly prohibited. This policy applies to all offenders and persons employed by the CDCR, including volunteers and independent contractors assigned to an institution, community correctional facility, conservation camp, or parole.

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Why is the lesbian, gay, bisexual, transgender, intersex (LGBTI), and gender non-conforming population included as a specific group in the PREA standards?

- The LGBTI and gender non-conforming population were included as a specific groups in the PREA standards because of the consistently high rate of victimization identified in the Bureau of Justice Statistics (BJS) studies.
- We must communicate in all that we do that there is a zero tolerance for sexual harassment and sexual abuse of offenders, including those who are LGBTI, and gender non-confirming, by either other offenders or by staff.



What are possible reactions that an inmate may display when they are a victim of sexual violence, staff sexual misconduct, and sexual harassment? What prevention measures are in place to help prevent inmates from being exposed to sexual violence, staff sexual misconduct, and sexual harassment?

Some common reactions include:

- Withdrawing or isolating themselves.
- Depression or hopelessness.
- Lashing out in anger or frustration.
- Developing anxiety, fear, or paranoia.
- Developing suicidal thoughts or feelings.
- Uncharacteristic acting out.
- Refusal to shower, eat, etc.

Some preventive measures include:

- Knowing and enforcing the policy.
- Treating any suggestion or allegation as serious.
- Making it clear that sexual activity is not acceptable.
- Staff of the opposite gender announcing their presence when entering the housing unit.
- Avoid inappropriate relationships with inmates.



What PREA allegations are investigated by the Locally Designated Investigator (LDI)?

All PREA allegations are investigated promptly, thoroughly, and objectively by an LDI who has received specialized training in conducting sexual abuse investigations.

How to respond to allegations, suspicions, and knowledge of sexual abuse of inmates:

Reporting:

- All staff are responsible for reporting **immediately** and **confidentially** to the appropriate supervisor **any information**, (verbal, written note, third party) that indicates an offender is being, or has been, the victim of sexual violence, staff sexual misconduct, or sexual harassment.
- **Anyone**, who reports a PREA allegation or participates in an investigation has the right to be free from retaliation.

Referral:

- You have a responsibility to assist the offender and refer them to medical/mental health for evaluation. A Suicide Risk Evaluation shall be conducted as soon as possible, but no more than four hours after referral, and shall include a face-to-face evaluation, regardless if the inmate was seen for a forensic examination or refused.

Initial Contact:

- 1) Separate the victim and abuser.
- 2) Protect the crime scene.
- 3) Preserve evidence.

To Assist in the Preservation of Evidence:

Make every effort to ensure the victim **does not**:

- Shower.
- Remove clothing without custody supervision.
- Use the restroom facilities.
- Consume any liquids.
- Or any other actions which could destroy evidence.

Conclusion

Failing to recognize and respond to sexual violence may result in:

- Increased violence (from simple assault to murder), intimidation and extortion, higher risk of suicide, danger to staff.
- Increased exposure for the Department of being sued for violations of the Eighth and Fourteenth Amendments, along with civil damages.
- Increased tension among the offender population.
- Possible discipline for employees, up to and including termination, for not acting in compliance with established policies and procedures; possible criminal prosecution for employees if they engage in sexual conduct with inmates.
- Increased need for special housing.
- Increased health care services.



By my signature, I acknowledge that I have read, understand, and agree to the policies and procedures as defined in the PREA OJT Module that I received. Please contact your immediate supervisor if you have additional questions.

PERNR # _____

Signature: _____

Print Name: _____

Date: _____