

Guidance in Cross-Gender and Transgender Pat Searches

February 2015



Introduction

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Acknowledgments

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Notice of Federal Funding and Federal Disclaimer –

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.

Introduction

Course Description

This Facilitator's Guide (Guide) is to be used in conjunction with the video: **Guidance in Cross-Gender and Transgender Pat Searches**. This Guide and video provide all of the materials needed for the training.

Models of Use

This training was designed to be used in a 3.5-hour session, with 3 hours of work time and two 15-minute breaks. You may also consider breaking the training into 2 separate trainings with the first training including the video and activities for practicing cross-gender pat searches and the second training focused on special considerations for transgender and intersex inmates and residents. The Guide indicates suggested times for each portion of the training, and with breaks inserted after each 60 minutes of work time.

Class Agenda

0:15	Introductions and housekeeping
0:05	Training goals and overview
0:10	Watch 1 st video segment (Introduction) and debrief
0:25	Exigent circumstances worksheet activities and report out
0:05	Presentation on trauma
0:15	BREAK
0:20	Watch 2 nd video segment (Pat searches) and safety debrief
0:05	Watch 3 rd video segment (Cross-gender pat searches)

0:05	Placeholder for covering your agency's policies on cross-gender pat searches
0:05	De-brief
0:25	Pat search practice activity and debrief
	BREAK
0:15	Presentation on special considerations for transgender and intersex inmates and residents
0:10	Watch 4 th video segment (Transgender and intersex searches)
0:05	Placeholder for covering your agency's policies on transgender pat searches
0:05	De-brief
0:20	Transgender case study worksheet activity
0:10	Report out and discuss
0:05	Watch 5 th video segment (review)
0:05	Evaluation and wrap up

Learning Objectives

Through completing all parts of this training, corrections professionals will develop skills for performing cross-gender pat searches and searches of transgender and intersex inmates and residents per PREA Standards §115.15(f)/.215(f)/.315(f).

Specifically, they will:

1. Learn the relevant PREA Standards for cross-gender pat searches and for searches of transgender and intersex inmates and residents;
2. Understand and apply the definition of exigent circumstances;

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3. Learn and understand key terms relevant to conducting appropriate searches and considerations for searches of transgender or intersex inmates and residents;
4. Practice the steps of cross-gender pat searches and searches of transgender or intersex inmates and residents; and
5. Observe, analyze and provide feedback to peers on practice searches.

Target Audience

This training is designed for security staff who work with inmates and residents consistent with standards §115.15(f)/.215(f)/.315(f). Lockups are not required to comply with these sections of the standards; however, elements of this training may be beneficial to all security staff responsible for conducting searches.

Capacity

25 to 35 participants

Trainer Requirements

Two facilitators are recommended for this training. The training team should include individuals who possess strong facilitative skills and requisite knowledge and experience in the content to be delivered.

Important Considerations for Trainers and Agency Administrators¹

This training is intended to teach the techniques of performing an effective cross-gender pat search. For purposes of this training, “effective” means the following:

- Is appropriate to accomplish the goals of preventing the dispersal of contraband by both inmates and staff;
- Is performed in a thorough and respectful manner;
- Takes into consideration the gender of the staff performing the search and the gender identity and expression of the inmate or staff receiving the search; and
- Is performed in a manner that acknowledges and minimizes trauma-related experiences of the individual being searched.

Nothing in this training is intended to vouch for the legality or permissibility of the techniques demonstrated. The training aims to identify and demonstrate practices for conducting cross-gender and transgender pat searches and discuss the different choices agencies and staff can make in performing them. An essential task, however, in establishing appropriate policies and practices related to pat searches involves:

- Consulting with legal counsel and human resource professionals in your agency;
- Being knowledgeable of the law in your jurisdiction as it pertains to searches of individuals in custody at each stage from arrest to confinement and ultimate release to community supervision;
- Being knowledgeable of the PREA standards related to searches of inmates, residents and transgender and intersex inmates and residents; and
- Being aware of collective bargaining agreements and their impact on which staff and how staff conduct cross-gender and transgender and intersex pat searches.

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There has been significant research already done in this area that may assist you, should modifications to policies and practices be needed. These materials include:

- Cross-gender Searches: A Case Law Summary²
- Preamble of PREA Standards³
- Gender Responsive Strategies Publication by NIC⁴
- Keeping Vulnerable Populations Safe under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails⁵

Additionally, the National PREA Resource Center offers technical assistance and will accept requests for assistance in reviewing and implementing appropriate policies and procedures that are consistent with PREA, best practices, and legal considerations.

How to Use This Guide

The instructional outline that follows is a blueprint of the entire session. It provides an overview of:

- Content to be covered at each step
- Activities and resources for each step
- Approximate timing suggested for each step

You can use the instructional outline to:

- Conduct the session within a predictable time frame
- Keep track of progress through the training
- Ensure all training goals are met

Note that you should not attempt to memorize this presentation. There are scripts provided for the technical details and you can read those

IMPORTANT! TRAINER/AGENCY NOTE

The information and activities provided in this Guide are designed to meet intended student performance objectives consistent with required training outlined in the PREA Standards §115.15(f)/.215(f)/.315(f).

If your agency is not prepared to provide the lesson in the designed format, you may make the necessary adjustments to conform to your desired delivery platform.

Please understand if modifications are made to the lesson content or format, it is your agency's responsibility to verify that the revised training is consistent with the PREA Standards.

sections from the Facilitator Guide. You should, however, read through the instructional outline a few times before the session so you can anticipate questions and have a familiarity with the content and activities.

The Guide uses a 2-column layout. The left hand column is a script that you can use to present the material, and the right hand column has tips for presenting and other information for guiding the training.

Based on your start time for the class, you may want to make notes to yourself for the approximate time you expect to complete an activity. For example, if the session begins at 3pm and the first activity takes 15 minutes, you would

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note “finish at 3:15”. This will allow you to quickly monitor your progress and make adjustments to keep on schedule through the class.

If you are allowing time for small group work and participants get through the activity more quickly, you can end earlier and move to the next activity. The timing for the training is meant to be elastic and you can apply extra time to the areas where your participants need the additional focus.

Note that there are two sections in the training labeled as: *Placeholder for Agency Policy*. In these

sections you should be prepared to review your policies and procedures and discuss similarities and differences when compared to the training video and other materials.

If your Agency’s policy differs from the suggested answers in this training, then discuss that with the group and as a trainer, work with your supervisor to determine if necessary policy changes should be considered to align policy and practice with PREA requirements.

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Preparation Checklists

Prior to Day of Class


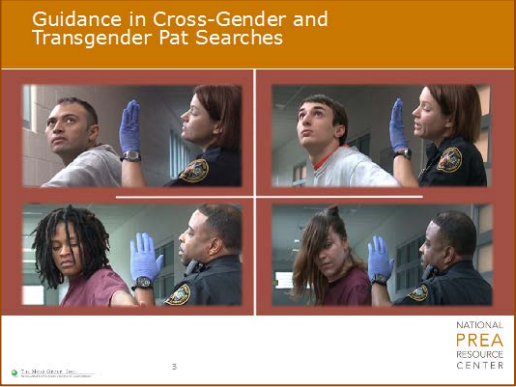
TASK	COMPLETE
Schedule class	<input type="checkbox"/>
Book room	<input type="checkbox"/>
Send out invitations	<input type="checkbox"/>
Book audio and video equipment including a way to play videos	<input type="checkbox"/>
Download the videos from the website (note that this is a long video and may take more than 30 minutes without turning off your computer)	<input type="checkbox"/>
Watch the video and develop familiarity with the terms and definitions, as well as how the video informs the training activities	<input type="checkbox"/>
Read the Facilitator's Guide and all appendices	<input type="checkbox"/>
Read the recommended background information on transgender and intersex inmates and residents so you are prepared to answer questions that are not covered in the video. While you don't need to be able to teach this material, you will want to be familiar enough to refer others to specific resources for further reading	<input type="checkbox"/>
Enroll students (if applicable)	<input type="checkbox"/>
Prepare discussion-starter responses for all discussion questions and de-briefs	<input type="checkbox"/>
Print Facilitator Guide and prepare for use	<input type="checkbox"/>
Send out copies of your agencies' relevant policies and procedures; let participants know that they should read this information and be prepared to discuss this information on the day of the class. Print additional copies to have at the workshop	<input type="checkbox"/>
Make arrangements for lunch and/or break arrangements (If applicable)	<input type="checkbox"/>
Print copies of worksheets from the Appendices	<input type="checkbox"/>
Gather pencils, notepads, and flipcharts as needed	<input type="checkbox"/>
Make copies of any agency-specific evaluation forms	<input type="checkbox"/>
Customize the Facilitator Introduction slide in the slide deck, and add any other slides you would like to prepare the slide deck	<input type="checkbox"/>
Make flip charts or slides for large group discussion activities; see the Appendices for recommended templates	<input type="checkbox"/>
Create completion certificates and make copies (If applicable)	<input type="checkbox"/>
Make name tents for tables	<input type="checkbox"/>
Confirm room booking	<input type="checkbox"/>
Confirm number of participants and check all copies of items needed	<input type="checkbox"/>
Confirm lunch or break logistics (If applicable)	<input type="checkbox"/>

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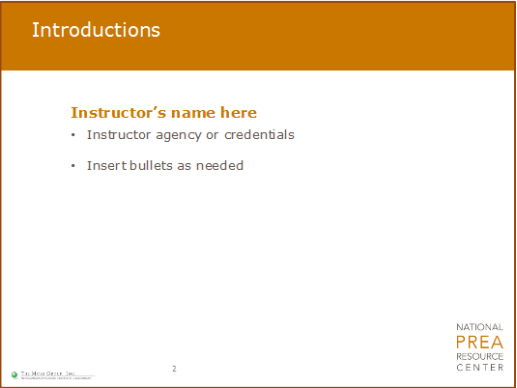
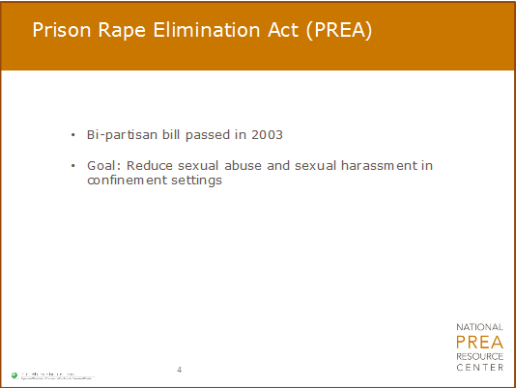
Day of Class

TASK	COMPLETE
Test audio and video in the room; set audio level for the video	<input type="checkbox"/>
Set up and test projector for slides	<input type="checkbox"/>
Locate light switches so you can dim lights during video	<input type="checkbox"/>
Place name tags/table tents and copies of the agenda near the door	<input type="checkbox"/>
Place extra copies of your agency policies where people can pick them up on the way in the door	<input type="checkbox"/>
Arrange tables to allow easy arrangement to small group work	<input type="checkbox"/>
Meet and greet attendees at the door	<input type="checkbox"/>
Remind attendees that if they have not read your agency's policies and procedures, they should do so before class begins	<input type="checkbox"/>

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Instructor Script	Instructional Notes
<p><i>[As people enter, greet each one at the door]</i></p> <p>Welcome to the training. Glad you are here!</p> <p>Please pick up your name tag/table tent before you take a seat.</p> <p>If you didn't have a chance to read our agency's policies, please take time to do so before we begin. We'll be discussing them during the class.</p>	<p>SLIDE</p>  <p>TIP Have extra copies of your agency policy ready for anyone who did not bring theirs.</p>
<p>PRESENT <i>(Approx. time: 5 minutes)</i></p> <p>Hello, and welcome to the training for: Guidance in Cross-Gender and Transgender Pat Searches.</p> <p>Today's training focuses on the Prison Rape Elimination Act Standards, which are also referred to as the PREA Standards.</p> <p>Specifically, we'll cover the skills and considerations to effectively conduct appropriate and professional cross-gender pat searches and searches of transgender inmates and residents, while ensuring safety and security.</p> <p>For many of you, you have likely already received training on pat searches. However, from a PREA perspective there are some additional considerations that may be new to you or can serve as a valuable review.</p>	<p>SLIDE</p>  <p>TIP Remember to start on time! Do not delay beginning the session because of late participants.</p> <p>TIP Watch for late arrivals and be sure they get the necessary materials on their way in.</p>

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<p><i>[Insert any other general announcements here]</i></p>	<p>TIP: Be sure to communicate the training format to participants. If you modified the training format from the original design include those changes here.</p>
<p>LARGE GROUP ACTIVITY (Approx. time: 10 minutes)</p> <p>Let's begin with introductions. We'll go around the room and each person can introduce themselves and tell us a little bit about whether you are new to this training topic, or if you have some experience in this area.</p> <p>I'll go first...[introduce yourself]</p>	<p>SLIDE</p>  <p>ACTION Introduce yourself and then have your co-facilitator go next.</p> <p>LISTEN FOR Ask each participant to introduce themselves and you can make affirmations or ask follow-ups as appropriate.</p>
<p>PRESENT (Approx. time: 5 minutes)</p> <p>Thank you everyone for sharing!</p> <p>As a brief overview, The Prison Rape Elimination Act was a bipartisan bill passed in Congress in 2003, and it was subsequently signed by former President George W. Bush.</p> <p>The goals of the act are to eliminate sexual abuse and sexual harassment in confinement settings. There are a number of parts to the law that go beyond the PREA standards. However, for this training we are going to focus specifically on helping our agency</p>	<p>SLIDE</p>  <p>TIP During this section, the co-facilitator can prepare to play the video.</p>

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address required standards, commonly referred to as the PREA standards.

The two key areas we will focus on are: cross-gender pat searches and pat searches of transgender and intersex inmates and residents.

This training will include watching videos, participating in activities and working on some written materials.

There are six goals for this training:

- Learn the relevant PREA Standards for cross-gender pat searches and for transgender and intersex pat searches;
- Understand and apply the definition of exigent circumstances;
- Learn and understand key terms relevant to conducting appropriate searches and to considerations for searches of transgender or intersex inmates and residents;
- Practice the steps of cross-gender pat searches and transgender or intersex pat searches; and
- Observe, analyze and provide feedback to peers on practice searches.

What are some reasons that pat searches would be covered in the PREA standards?

[Gather a few responses]

Those are some great insights. I'm going to give you some background on the video and

Slide

A presentation slide titled "Training Goals" with an orange header. The slide lists six bullet points: "Relevant PREA Standards", "Define exigent circumstances", "Key terms for pat searches", "Considerations for searches of transgender or intersex inmates and residents", "Practice pat searches", and "Observe, analyze and provide feedback to peers on practice searches". The slide includes a small logo for "The Moss Group, Inc." in the bottom left and the "NATIONAL PREA RESOURCE CENTER" logo in the bottom right. The number "5" is centered at the bottom.

Training Goals

- Relevant PREA Standards
- Define exigent circumstances
- Key terms for pat searches
- Considerations for searches of transgender or intersex inmates and residents
- Practice pat searches
- Observe, analyze and provide feedback to peers on practice searches

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NATIONAL PREA RESOURCE CENTER

BACKGROUND READING

Response provided by the Department of Justice Final Rule, page 52-54.
http://ojp.gov/programs/pdfs/prea_final_rule.pdf

Pat-down searches are a daily occurrence in corrections settings and, when performed correctly, require staff to have intimate bodily contact with inmates.

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training we'll be conducting today, so you understand the context of our work together.

The Department of Justice's Final Rule that accompanies the PREA Standards cited research and Bureau of Justice Statistics (BJS) data that indicate that *pat searches* can re-traumatize inmates or residents who have experienced prior sexual abuse.

While it is hard for some of us to understand trauma and the impact it can have on someone, I'm sure you've all heard stories and maybe even know some veterans who have returned from battle with Post Traumatic Stress Disorder or PTSD.

[Ask if anyone wants to share an insight here. Acknowledge their sharing.]

That *ongoing and genuine* reaction to an event or sequence of events is the same kind of reaction that can happen when a person is sexually abused.

Setting off an adverse reaction in people who have experienced trauma can happen through many types of triggers.

Even a professionally conducted cross-gender pat search may be traumatic by inmates who have experienced past sexual abuse.

As professionals we can utilize practices that *reduce* "triggering" past trauma by thinking in a way that incorporates an understanding of the effects of trauma. And by conducting consistent, thorough and trauma-informed pat

Although most pat searches are conducted legitimately by conscientious staff, it can be difficult to distinguish between a pat search conducted for legitimate security purposes and one conducted for the illicit gratification of the staff person, which would constitute sexual abuse.

The National PREA Resource Center (PRC) has additional resources on trauma, including a training video series to be released in 2015. This series will provide practitioner perspectives, research and data on the impact of trauma and the connection to PREA, and may be a valuable supplemental resource for trainers and participants alike.

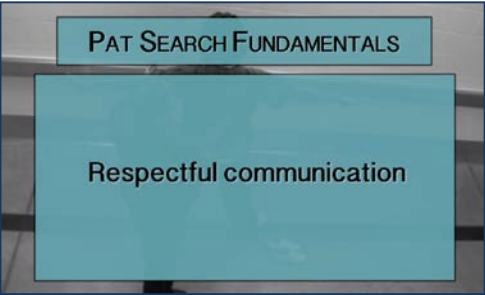
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<p>searches you can actively help to maintain safe and secure environments.</p> <p>Research on female offenders indicates many women and girls, in particular, have histories of sexual abuse or other trauma prior to incarceration. Given these higher histories of trauma, PREA Standards incorporated some specific standards to address these issues.</p> <p>The PREA standards require a ban on cross-gender pat-down searches of female inmates, absent exigent circumstances, which is consistent with most corrections policies today. In juvenile facilities, cross-gender pat searches of both males and females is prohibited, absent exigent circumstances. We will discuss what the term exigent circumstances means in a minute.</p> <p>It is important to note that male sexual trauma is also important to consider in correctional settings. According the U.S. Department of Veteran Affairs, at least 10% of men in our country have suffered from trauma as a result of sexual assault (this is all men, not only veterans).</p> <p>Some of the common elements of pat searches you will see today can be implemented even if the technique in the video differs from your agency policy. For example, respectful communication, consistency in technique, professionalism, and awareness of safety and security.</p>	<p>TIP</p> <p>The U.S. Department of Veteran Affairs cite some male specific information on sexual trauma, signs of trauma in men and additional information for reference.</p> <p>http://www.ptsd.va.gov/public/types/violence/men-sexual-trauma.asp</p>
<p>VIEW VIDEO</p> <p><i>(Approx. time: 10 minutes)</i></p>	<p>TIP</p> <p>Whenever you ask for feedback or input, wait for at least a slow count of 3 before</p>

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<p>Does anyone have any questions before we watch the first section of the video?</p> <p><i>[Consider and answer questions. If there are items that you know will be covered in part in the video, let them know you'll come back to that after watching.]</i></p>	<p>you go on. That gives time for different style learners to process and respond.</p>
<p>When you watch the video, you may want to jot down some notes on the following things:</p> <ol style="list-style-type: none"> 1. What new terms did you hear? Or new definitions for terms you had heard before? 2. What are the PREA standards for juveniles regarding cross-gender pat searches? 3. What are the PREA standards for female inmates regarding PREA pat searches? <p>OK, now we'll watch the first segment, which is about 7 minutes long.</p>	<p>Slide</p> <div data-bbox="911 684 1424 1068"> <p>Consider While You Watch</p> <ol style="list-style-type: none"> 1. What new terms did you hear? Or new definitions for terms you had heard before? 2. What are the PREA standards for juveniles regarding cross-gender pat searches? 3. What are the PREA standards for female inmates regarding PREA pat searches? <p>NATIONAL PREA RESOURCE CENTER</p> </div>
<p>VIEW VIDEO</p> <p><i>[pause for video]</i></p>	<p>ACTION</p> <p>Watch the introductory section of video: up to the chapter marker for the 2nd section (Female Staff Searching Male Inmate). This will be approximately 6:32 minutes into the video and will be after the sentence, "...take into account potential trauma histories of inmates and be conducted with respectful and professional communication"</p> <p>VIDEO CUE FOR PAUSE</p>

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<p>LARGE GROUP ACTIVITY</p> <p>Does anyone have immediate questions or comments on what we have seen so far?</p> <p><i>[Remember to follow up on any questions from before the video that you delayed until now]</i></p>	<p>TIP</p> <p>This is a good place to have a “conversation starter” ready from your co-facilitator (or yourself if you are facilitating alone). This could be just an observation about what you saw in the video, or something specific about your agency, etc.</p> <p>ACTION</p> <p>Keep this feedback session to 2-3 minutes so you have enough time for the upcoming activity.</p> <p>LISTEN FOR</p> <p>If participants ask questions about the information already covered in the video, give a positive affirmation and then open the question up to the rest of the room and see if someone else has an answer. (e.g. “Great clarifying question...does someone have a response to that?”)</p> <p>TIP</p> <p>Refer to your background materials in order to answer questions not addressed in the video. If you don’t have the answer, that’s ok. Let them know you will provide it to them after the training, or that you will look it up while they are doing the next activity.</p>
<p>INDIVIDUAL WORK</p> <p><i>(Approx. time: 5 minutes)</i></p> <p>Now we are going to do some activities to build on what you just watched.</p>	<p>ACTION</p> <p>Hand out <u>Exigent Circumstances Worksheet</u></p> <p>TIP</p> <p>You will not need the projector again until after completing the following activity.</p>

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<p>First I'd like you each to work individually, and complete this worksheet. We will then get into small groups so you can discuss your responses to see where you agree and disagree.</p> <p>Let's take about 5 minutes to work individually first.</p>	
<p><i>[pause for work time]</i></p> <p><i>As people begin to wrap up, announce "Let's take 1-2 more minutes" and get them to finish up.</i></p>	
<p>SMALL GROUP ACTIVITY (Approx. time: 10 minutes)</p> <p>OK, it looks like everyone is done, so let's get into small groups or pairs. We'll be working in small groups and pairs often today so you'll have a chance to rotate around and work with others later.</p> <p>Just pick 1-2 people and take about 5 minutes to go through each of your answers and see if you agree with each other or not. If not, discuss the reasons why.</p>	
<p><i>[pause for work time]</i></p>	<p>ACTION Walk around the room while they are discussing and see if you hear specific patterns from group to group.</p> <p>LISTEN FOR Are most people in alignment or not? Use the Exigent Circumstances Worksheet Answer Key (below) for tips on what to listen for, and suggested prompts that may help people as they work.</p> <p>ACTION</p>

	<p>Give participants a 2-minute warning as you approach the end of your time for this activity.</p> <p>TIP If some groups finish ahead of others, ask them to develop their own exigent circumstance case study.</p>
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Exigent Circumstances Worksheet

Answer Key

Answers to look for:

	Exigent circumstances?	Allowable Search?
Tom	Yes	Yes
Ruby	No	No
Shardell/Lucia	No	Yes
Alonzo	No	No

Directions:

Working individually, fill in this worksheet with your responses.

Once complete, work in small groups or pairs and compare answers. Be prepared to share your responses with the group.

Definitions

Exigent circumstances

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. (Temporary + Unforeseen + Requires Immediate Action)

PREA standards for exigent circumstance searches

In all facilities, all cross-gender strip searches and visual body cavity searches are prohibited, except in exigent circumstances or when performed by medical practitioners.

For juvenile facilities, cross-gender pat searches of both female and male residents are prohibited unless there are exigent circumstances, or if a medical professional performs the search.

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1. Tom is a corrections officer at a small rural jail in North Dakota. One December night, it is 35 below zero, just as the power at the jail goes out. He then discovers that the back-up generator will not start, so he has no heat in the building.

He has to move the inmates to another location and search them before transport. He has two confined female inmates, but the only female officer on his 3-person staff is out of town for the holidays. Tom decides he is within policy to search the inmates, maintaining PREA compliance.

Is this situation temporary?	Yes X	No
Is this situation unforeseen?	Yes X	No
Does this situation require immediate action?	Yes X	No
Is this an exigent circumstance search?	Yes X	No
Is this search allowable under PREA standards? Yes		
Why or why not? This is an exigent search since it is temporary, AND unforeseen AND it requires immediate action.		
What would you have done? Listen for answers about locating another female staff e.g. police department or state highway patrol, or the transport staff. If this comes up, be sure to note that they would have to be appropriately trained to perform pat searches.		

2. Ruby is Deputy Warden at a State Prison, where the staff has been reduced due to budget cuts. Even though this is an all-women's facility, most of the staff that has been let go were women, since they had the least seniority.

One night, an inmate attacks another, leading to outbreaks of violence and threatened violence involving more than 20 inmates. It's imperative to get all inmates searched and back into their dorms ASAP, but she only has male staff on shift. She decides she cannot permit the male COs to help with the searches.

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Is this situation temporary?	Yes	No X
Is this situation unforeseen?	Yes	No X
Does this situation require immediate action?	Yes X	No
Is this an exigent circumstance search?	Yes	No X
<p>Is this search allowable under PREA standards? The search of the female inmates by anyone other than Ruby is not allowable under PREA guidelines.</p> <p>Why or Why not? This is not an example of an exigent circumstance because being short staffed with female staff is not a temporary and/or unforeseen circumstance.</p> <p>What would you have done? Listen for problem solving such as locking the women in separate cells until Ruby can search them. The facility should have a plan in place that allows for mandatory overtime or having female staff on-call.</p>		

3. Shardell and Lucia work at an all male prison. The facility has irregularly scheduled searches as part of its protocol. A search is announced mid-shift so Shardell and Lucia begin to search the men in their block.

Is this situation temporary?	Yes	No X
Is this situation unforeseen?	Yes	No X
Does this situation require immediate action?	Yes	No X
Is this an exigent circumstance search?	Yes	No X
<p>Is this search allowable under PREA standards? This is not an exigent circumstance search because it does not meet any of the criteria.</p> <p>Why or Why not? However, the search is allowable, because PREA does not restrict female staff from searching male inmates at any time.</p> <p>NOTE: Some staff may ask why this is applied only to female inmates. The U.S. Department of Justice Final Rule that accompanies the PREA standards indicates that research has shown that female inmates are likely to have experienced sexual abuse and sexual-related trauma prior to incarceration and to reduce the likelihood of re-traumatizing female inmates, PREA standards placed a ban on cross-gender pat searches of male staff with female inmates. It is very important to</p>		

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note, however, that male inmates may have also experienced sexual abuse or related trauma.

What would you have done?

Listen for people referring to the PREA standards, not just the definition of exigent circumstances. As you circulate around the room you may want to coach people to consider all the information on the front of the worksheet including the definition of an exigent circumstance search.

4. Alonzo works at a small juvenile facility that houses both male and female residents. A teen girl is brought in for intake, but there is no female staff on duty until the night shift. Since he had not been informed ahead of time that this resident was arriving, he decides this is an exigent circumstance and performs a pat search as part of her intake.

Is this situation temporary?	Yes	No X
Is this situation unforeseen?	Yes	No X
Does this situation require immediate action?	Yes	No X
Is this an exigent circumstance search?	Yes	No X
Is this search allowable under PREA standards? No		
Why or Why not? This is not an exigent circumstance because there is no threat to safety or security and because being short staffed is not unforeseen or temporary.		
What would you have done? Listen for choices such as holding the teen separately until appropriately trained female staff can be located; also that the facility should have a plan in place if this had been a threat to safety and security.		

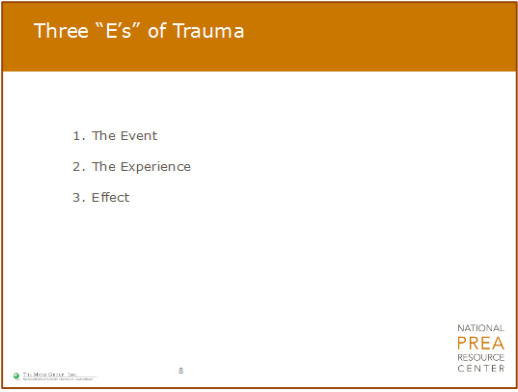
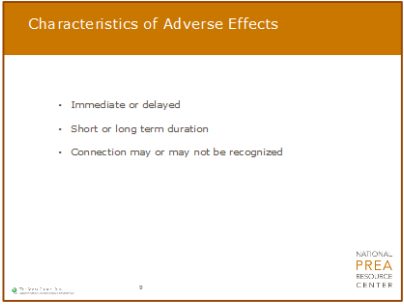
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Instructor Script	Instructional Notes
<p>LARGE GROUP ACTIVITY</p> <p><i>(Approx. time: 10 minutes)</i></p> <p>Thank you for your work on that activity—I heard some interesting things as you were working... <i>[cite 2-3 things here and give affirmation, e.g. "This group had an interesting question about x;" or "Over here, I heard some great insights about y."]</i></p> <p>I'd like to get a quick poll just to see where we agree and disagree, and then we'll come back and discuss. Just give me a show of hands for which of these searches are allowable?</p>	
<p>Scenario 1: Allowable by PREA standards or not?</p> <p>How about Scenario 2 with Ruby... Allowable by PREA standards or not?</p> <p>And Scenario 3: Allowable by PREA standards or not?</p> <p>And the final scenario with Alonzo: Allowable by PREA standards or not?</p>	<p>ACTION</p> <p>Do a quick look at the show of hands so people can see whether or not everyone agrees.</p> <p>TIP</p> <p>Don't ask the "why/why not" at this time, just do a quick poll.</p>
<p>I can see you all put a lot of thinking into this, and these can be complicated questions.</p> <p>Let's drill down a bit.</p>	<p>ACTION</p> <p>Revisit each of the scenarios. Record responses on a flip chart or white board. (Template provided in Appendices.)</p>

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<p><i>[Use the flip chart to walk through each of the scenarios; based on your groups' responses—see notes to the right]</i></p> <p>That was a great discussion, and thank you for all the thoughtful answers.</p>	<p>If there was unanimous (and correct) agreement, just get one group to supply a quick why/why not for the exigent circumstances and for why/why not allowable.</p> <p>LISTEN FOR</p> <p>If there is disagreement, get one group from each side to present their reasons. Rather than lead the discussion, refer them back to the definitions and standards and ask them to consider that information and discuss among themselves (there are correct answers here, it is not a matter of opinion.)</p> <p>If they don't draw out the correct answer in each case, point out the specific standard or definition and ask them why the answer is correct.</p> <p>TIP</p> <p>See the "listen for" points in the worksheet above for additional prompts.</p>
<p>PRESENT</p> <p><i>(Approx. time: 5 minutes)</i></p> <p>I'd like to talk a bit more now about trauma and ask you to consider its potential impact on safety and security.</p> <p>Individual trauma results from an event, series of events, or set of circumstances that</p>	<p>SLIDE</p> <div data-bbox="878 1518 1390 1894"><p>Term Definition</p><p>Trauma</p><p>Individual trauma results from an event, series of events, or set of circumstances that are experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional or spiritual well-being.</p><p><small>-Substance Abuse and Mental Health Services Administration (SAMHSA)</small></p><p><small>7</small></p><p><small>NATIONAL PREA RESOURCE CENTER</small></p></div>

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<p>are experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional or spiritual well-being.</p>	<p>TIP</p> <p>Source of the definition is from: Substance Abuse and Mental Health Services Administration. <i>SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach</i>. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2014.</p>
<p>As you can see from that definition, there are three E's of trauma:</p> <ul style="list-style-type: none"> • The Event • The Experience of Event; and • The lasting Effect of the Event 	<p>SLIDE</p>  <p>TIP</p> <p>If you are unfamiliar with key concepts of trauma review SAMSHA's guide to trauma-informed approach. http://store.samhsa.gov/shin/content/SM_A14-4884/SMA14-4884.pdf</p>
<p>According to SAMHSA, long lasting adverse effects are a critical component of trauma.</p> <ul style="list-style-type: none"> • They may occur immediately or may have a delayed onset. • The duration of the effects can be short to long-term. • In some situations, individuals may not even recognize the connection between the traumatic events and its lasting effects. 	<p>SLIDE</p> 

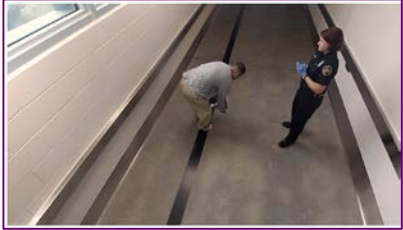
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<p>Examples of adverse effects might include:</p> <ul style="list-style-type: none"> • An individual's inability to cope with normal stresses and strains of daily living: • Inability to trust and benefit from relationships: • Inability to manage cognitive processes such as memory, attention, thinking; and • Inability to regulate behavior, or to control the expression of emotions. <p>As professionals working with a population that has likely experienced trauma coupled with mental health issues, it is important that we are equipped with tools to respond effectively.</p>	<p>5-Part Build SLIDE</p> <div data-bbox="878 359 1393 743"> <p>Potential Adverse Effects of Trauma</p> <p>Inability to:</p> <ul style="list-style-type: none"> • Cope with normal stress • Trust relationships • Manage memory, attention, or thinking • Regulate behavior • Control expression of emotions <p>NATIONAL PREA RESOURCE CENTER</p> </div>
<p>By better understanding signs of trauma and developing responses we can enhance our safety as staff and the population we supervise.</p>	<p>SLIDE</p> <div data-bbox="878 1155 1393 1539"> <p>Why Consider Trauma Histories?</p> <ul style="list-style-type: none"> • Enhance Safety • Aligns with mission of rehabilitation <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>TIP Keep the preceding slide on screen through the rest of this section.</p>
<p>Specific to conducting pat searches, one way to reduce trauma is by talking to the inmate or resident professionally. Communicate clearly about what you are going to do,</p>	

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<p>including that you are approaching the inmate and informing them on what side of the body you will start the search to help reduce the inmate's anxiety.</p> <p>If an inmate begins to act erratically, you may consider halting the search until a fellow officer or supervisor can arrive to support the search process and help deescalate the situation.</p> <p>While you may never know which inmates have experienced traumatic events, if you approach each inmate or resident in this way, not just in a cross-gender situation, you can make a big difference in maintaining safety and supporting your facility's mission.</p>	
<p>We're going to take a break now and when we come back, we'll watch the next part of the video that includes a step-by-step breakdown of a cross-gender pat search.</p> <p>It is [<i>insert time</i>] now, so please be back in your seats ready to go at [<i>time</i> + 15 minutes] and we'll start promptly.</p>	
Break: 15 minutes	
VIEW VIDEO (<i>Approx. time: 10 minutes</i>)	TIP Start promptly at the end of the announced time

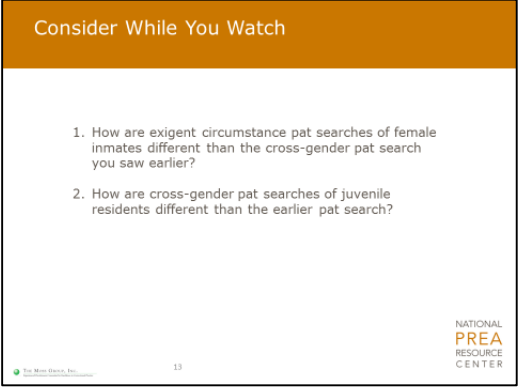
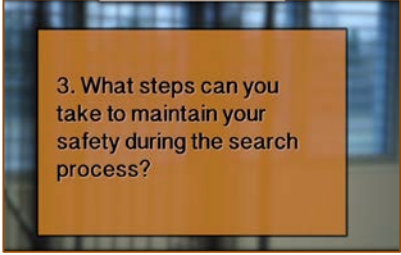
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<p>Next we'll watch a segment in the video to observe a step-by-step pat search.</p> <p>As you watch this video, consider:</p> <ol style="list-style-type: none"> 1. How to correctly implement the press and release method; 2. What are areas of special concern for safety and security; and 3. How you might act differently in your own searches when you consider the inmate or resident's trauma history. <p>After we watch the video we'll talk about our agency policies and how they align with the demonstrations you are watching.</p>	<p>SLIDE</p> <div data-bbox="873 457 1390 842"> <p>Consider While You Watch</p> <ol style="list-style-type: none"> 1. How to correctly implement the press and release method? 2. What are areas of special concern for safety and security? 3. How would you act differently in your own searches when you consider the inmate or resident's trauma history? <p>NATIONAL PREA RESOURCE CENTER</p> </div>
<p><i>[pause for video]</i></p>	<p>ACTION</p> <p>Play video through the end of the step-by-step pat search. This will be approximately 14:17 minutes into the video, when you hear, "This completes the step-by-step breakdown of the quadrant search"</p> <p>VISUAL CUE FOR PAUSE</p> 
<p>LARGE GROUP ACTIVITY</p> <p><i>(Approx. time: 5 minutes)</i></p> <p>That was a fairly long and technical video with a lot of information so we are going to do some review activities before we move on.</p>	<p>ACTION</p> <p>Record your answers on a flipchart or white board. A sample template is provided in the Appendices.</p> <p>LISTEN FOR</p> <p>Each item named below. As each item is mentioned, ask <u>why</u> that item is important.</p> <ul style="list-style-type: none"> • Gloves: protect from bodily fluids or unsanitary objects you may encounter

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<p>First, let's talk about safety and security.</p> <p>What are all the things you saw in this process that contribute to safety and security?</p>	<ul style="list-style-type: none"> • Body position: So inmate knows where you are • Ongoing professional communication: so inmate knows what to expect • Observation of non-verbal cues: to cue you for physical resistance • Hand up: for spitting • Hand on back: so you can tell if they are about to make a move • Keep eyes elevated: so you can see if they are shifting their body/positioning <p>ACTION As each answer comes up, offer an affirmation and ask if the group agrees. As each safety practice is named as important put a star or check next to it.</p> <p>TIP If not all of these answers are elicited, try to remind people by asking them "What precaution would you take to be sure...[name the potential threat]."</p>
<p>Great work, this is a really complete list.</p> <p>Now, as you look this over, <i>which</i> of these practices do you think may be particularly important when you are considering that this inmate may have a history of trauma before or during incarceration?</p>	<p>LISTEN FOR Give them some time to think this through, but overall they should realize that all safety issues are heightened (some more immediately than others) when they consider trauma history.</p>
<p>So we can see that trauma history could be a big contributor to safety and security issues.</p>	

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<p>We'll be looking at that again later in the training, so hold onto your thoughts about that as we move forward.</p>	
<p>VIEW VIDEO (Approx. time: 5 minutes)</p> <p>Let's watch the next segment, and as you watch, consider:</p> <ul style="list-style-type: none"> • How are exigent circumstance pat searches of female inmates different from the cross-gender pat search you saw earlier? • How are cross-gender pat searches of juvenile residents different that the earlier pat search? 	<p>SLIDE</p>  <p>Consider While You Watch</p> <ol style="list-style-type: none"> 1. How are exigent circumstance pat searches of female inmates different than the cross-gender pat search you saw earlier? 2. How are cross-gender pat searches of juvenile residents different than the earlier pat search? <p>NATIONAL PREA RESOURCE CENTER</p>
<p>[pause to watch video]</p>	<p>ACTION</p> <p>Play video through the end of the pat search of the female inmate and the juvenile resident. This will be at approximately 22:12 minutes into the video, when you hear, "What steps can you take to maintain your safety during the search process?"</p> <p>VISUAL CUE FOR PAUSE</p>  <p>3. What steps can you take to maintain your safety during the search process?</p>
<p>PRESENT (Approx. time: 5 minutes)</p> <p><i>Placeholder: You should be prepared to review your agency's policy on cross-gender pat searches.</i></p>	<p><i>Handouts and/or presentations to be created by individual agencies specific to policy.</i></p>

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<p><i>If your agency's policy aligns with what has been demonstrated in the video, this is a good time to make that point. If there are points of difference, bring those up as well and discuss.</i></p>	
<p>LARGE GROUP ACTIVITY (Approx. time: 5 minutes)</p> <p>1. Were there things in that video that made you think about pat searches you've seen or performed?</p>	<p>LISTEN FOR</p> <p>This question is open-ended, just for feedback. This is another place to have your co-facilitator prepared with something s/he can share in case you need to encourage people to start talking.</p>
<p>2. What did you see demonstrated about exigent cross-gender pat searches of female inmates that was different from searches of male inmates? What was the same?</p>	<p>LISTEN FOR</p> <p>Different: Searching the bra area (and the hair; may note that they would use that for a man in a facility that allowed long hair);</p> <p>Same: (all the other parts of the search.)</p>
<p>3. What did you see demonstrated about cross-gender pat searches of juvenile residents that was different from searches of adult inmates? How would you handle that if you were searching a juvenile resident?</p>	<p>LISTEN FOR</p> <p>Communication process (more explanation to the resident)</p> <p>TIP</p> <p>If your agency does not include juveniles you can skip this question.</p>
<p>4. We saw some specific hand positions and other guidance in the initial video that were used here again. Why would those specific techniques be important in cross-gender pat searches?</p>	<p>LISTEN FOR</p> <p>Using the blade or the back of the hand when searching intimate areas; less likely to lead to trauma trigger and less likely to be misinterpreted as sexual contact.</p>


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<p>Great answers, thank you!</p> <p>It is important to note that the search techniques demonstrated here should be used for same gender as well as cross-gender pat searches. A key component of effective searches is <u>consistency</u>.</p>	
<p>SMALL GROUP ACTIVITY (Approx. time: 20 minutes)</p> <p>Now we are going to practice cross-gender pat search techniques. I'd like to ask you to get into groups of 3. You will each rotate through 3 roles. One person will play the inmate, one will be the searching officer and one will observe and provide coaching at each step of the search. Remember these scenarios are for exigent circumstances and will likely never or rarely happen, but it is good to be prepared.</p> <p>For the purposes of this activity, the male staff should pretend they are searching female inmates or residents, and female staff should pretend they are searching male inmate or juvenile residents. (Note: Female staff can search a male inmate in adult prisons and jails and still be in compliance with PREA)</p>	<p>ACTION Hand out <u>Quadrant Method Peer Coaching Sheet</u> with tips and photos.</p> <p>TIP Some staff may be uncomfortable practicing a pat search with the opposite sex, or at all. Let people know it's ok to request a same sex partner or observe the activity as others are practicing.</p> <p>SLIDE</p> <div data-bbox="878 1234 1393 1619"><p>Practice Pat Search Techniques</p><ol style="list-style-type: none">1. Three-person teams2. Use the coaching sheet handout3. Practice search methods4. Rotate roles<p><small>NATIONAL PREA RESOURCE CENTER</small></p></div>

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<p>Again, in most of these cases this would only happen in an exigent circumstance, which means a temporary, unforeseen situation that requires immediate action in order to combat a threat to facility security. But if you had to perform one in this case, this exercise will ensure we are consistent with PREA guidelines on cross-gender pat searches.</p> <p>As you work in your teams, the role of the observer is to be giving the person in the role of the CO some feedback at each step. We're passing out a sheet with some photos and information so you can coach your teammates through the process.</p> <p>Don't feel like you need to rush through this, just do each step a few times until you feel like you are comfortable with it, and you are developing some familiarity of how that action feels when it is done correctly.</p>	
<p><i>[pause for search activity]</i></p>	<p>LISTEN FOR During this search activity, walk around and be sure the observers and searchers are working as a team, with a good feedback loop at each step of the search. If it is not going well, you may sit in for a bit as the coach and model the kinds of feedback that will help at each step.</p> <p>ACTION Coach the people giving the feedback, not just the person doing the search. This will help them learn what to look for, which will also improve their own practice.</p>

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	<p>ACTION</p> <p>After about 3 minutes, ask the groups to conclude the first search and rotate roles.</p> <p>ACTION</p> <p>After another 5-7 minutes, ask the groups to conclude the second search and finish up feedback.</p>
<p>LARGE GROUP ACTIVITY (Approx. time: 5 minutes)</p> <p>Great work everyone! If you can all take your seats again, we'll debrief on that just a bit. Also, we'll have more time at the end of the training to do another round of practice searches.</p> <p>Were there parts of the search that you found to be especially easy or especially difficult?</p> <p>How did these searches differ from your previous training on pat searches?</p> <p>What insights or comments do you have to share about your search?</p>	<p>TIP</p> <p>Some trainers may opt out of the second practice round later on in the video to save time. If that is the case, be sure to include final thoughts and feedback on the search process during this portion of the training or wait to practice the skills at the very end.</p>
<p>We are going to take another break, for 10 minutes.</p> <p>It's [time] now, please be back in your seats ready to go a [time + 10 minutes]</p>	
Break, 15 minutes	
<p>PRESENT (Approx. time: 15 minutes)</p> <p>Thank you for returning so promptly!</p> <p>This is the final portion of the training and we are done with talking about cross-gender pat searches, and we will cover a different topic.</p>	<p>SLIDE</p> <p>Considerations for Searching Transgender and Intersex Inmates and Residents</p>  <p>NATIONAL PREA RESOURCE CENTER</p> <p>15</p>

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<p>The next section of this training will focus on searches of transgender and intersex inmates and residents. We will discuss some specific considerations around safety and security.</p> <p>In this next video segment we will cover these considerations.</p> <p>The PREA standards address several areas to guide facilities specific to transgender and intersex inmates to include classification, housing and placement, programing and training for staff. This includes our work today on pat searches.</p>	
<p>Before we begin, I'd like to acknowledge that covering the special considerations for these populations can make some people uncomfortable. Just like many other things in your personal life, you are entitled to your own perspectives when you are on your own time.</p> <p>But when you step inside your facility, we know that we are expected to shift those concerns to focus on safety and security, and acting in a professional manner at all times.</p> <p>That means we all have to put aside our personal feelings or beliefs and focus on our mission at all times.</p> <p>We all know that it's important to maintain our standard of professionalism in the language and actions we use with all inmates and residents.</p>	<p>TIP</p> <p>If you think your staff will have religious objections with this topic, one option is to pre-discuss this with your chaplain and then offer chaplain services to discuss it further outside of the workshop.</p>


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<p>Let's first define some important terms based on PREA standard definitions.</p> <p>The PREA standards define "transgender" as a person whose gender identity is different from the person's assigned sex at birth.</p>	<p>TIP</p> <p>For additional background reading for the trainer:</p> <p><i>An Ally's Guide to Terminology</i> <i>Talking About LGBT People and Equality</i> http://www.glaad.org/sites/default/files/allys-guide-to-terminology_1.pdf</p> <p>SLIDE</p> <div data-bbox="878 716 1390 1104"><p>Term Definition</p><p>Transgender A person whose gender identity is different from the person's assigned sex at birth.</p><p>NATIONAL PREA RESOURCE CENTER</p></div>
<p>"Gender identity" does not indicate sexual preference; it refers to a person's internal, deeply felt <u>sense</u> of being male or female.</p>	<p>SLIDE</p> <div data-bbox="878 1163 1390 1554"><p>Term Definition</p><p>Gender Identity</p><ul style="list-style-type: none">• Does not indicate sexual preference• A person's internal, deeply felt sense of being male or female<p>NATIONAL PREA RESOURCE CENTER</p></div>

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<p>"Intersex" is defined as a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit <u>typical definitions</u> of male or female.</p>	<p>SLIDE</p> <div data-bbox="873 367 1390 751"><p>Term Definition</p><p>Intersex A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.</p><p><small>NATIONAL PREA RESOURCE CENTER</small></p></div> <p>TIP This is the last slide in the presentation. You can turn off the projector unless you are using it for other parts of your presentation.</p>
<p>An example of being respectful is using the correct pronouns for transgender inmates, such as a woman who was born biologically male but identifies as a female. Using pronouns such as "she" and "her" would usually be considered respectful. And for man who was born biologically female and identifies as male, using the pronoun such as "he" and "him" would usually be considered respectful.</p> <p>The most recent BJS data collected nationally demonstrates that transgender and intersex inmates and residents are more vulnerable to sexual abuse than other incarcerated populations. One in three transgender adult inmates in jail and prisons settings reported</p>	<p>TIP For additional background reading:</p> <ol style="list-style-type: none">1. <i>STANDING WITH LGBT PRISONERS:</i> <i>An Advocate's Guide to Ending Abuse and Combating Imprisonment</i> http://transequality.org/sites/default/files/docs/resources/JailPrisons_Resource_FINAL.pdf2. <i>LGBTI: Lesbian, Gay, Bisexual, Transgender, and Intersex Offenders: Selected Resource for Criminal Justice Professionals</i> https://s3.amazonaws.com/static.nicic.gov/Library/026518.pdf <p>TIP It is important to reference agency policy during this discussion of working with</p>

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<p>sexual abuse in confinement. In juvenile settings, residents who identify as lesbian, gay or “other” are seven times more likely to be sexually abused while in confinement.</p> <p>Based on research, data, and PREA guidance, transgender and intersex inmates require special considerations to keep them safe.</p> <p>While you watch the pat search of a transgender inmate, think about some of the considerations that are mentioned. We’ll work on an activity after watching this section.</p>	<p>transgender inmates. Particularly as it relates to proper names of inmates, searches, cross gender viewing, housing and placement.</p>
<p>VIEW VIDEO</p> <p><i>(Approx. time: 10 minutes)</i></p> <p><i>[pause for video]</i></p>	<p>ACTION</p> <p>Play video through the end of Transgender and Intersex section. This will be at approximately 21:53 minutes into the video, when you hear: “This concludes the section of the video that covers cross-gender pat searches. As you consider the concepts and information, see if you can answer the following review questions”</p> <p>VISUAL CUE FOR PAUSE</p> 

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<p>PRESENT</p> <p><i>(Approx. time: 5 minutes)</i></p> <p><i>Placeholder: You should be prepared to review your agency's policy on pat searches of transgender and intersex inmates and residents.</i></p> <p><i>If your agency's policy aligns with what has been demonstrated in the video, this is a good time to make that point. If there are points of difference, bring those up.</i></p>	<p><i>Handouts and/or presentations to be created by individual agencies specific to policy.</i></p>
<p>LARGE GROUP ACTIVITY</p> <p><i>(Approx. time: 5 minutes)</i></p> <p>I'm sure you have some questions and comments about this topic, so I've provided some resources here, which have more background information. These will be very useful if you'd like to do some additional reading to develop a better understanding of these populations in your facility.</p> <p>Before we start our video follow-up activity, are there any questions or comments you'd like to share?</p>	<p>ACTION</p> <p>Hand out <u>Transgender and Intersex Inmates and Residents Additional Resources</u></p> <p>LISTEN FOR</p> <p>You may have participants who have not encountered many of these terms and ideas and so are looking for more definitions, etc. Let them know that the follow up activity should help with that and if not, some of these other resources will be useful too.</p> <p>Also, since this can be a topic on which people are conflicted or confused, it will be useful to let a few people just get their thoughts "off their chest". As long as it remains positive or inquiring, that is a useful learning activity and you should offer affirmations about their</p>

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	<p>thoughtfulness and desire to learn more as a way to becoming better professionals.</p> <p>If you receive comments or feedback that seem incorrect (e.g. assumptions that “transgender” and “gay” are the same thing, etc.) or inappropriate, you can offer a response such as, “I know that there is a lot of conflicting information that we all learn, and I hope you can take some time to check out the additional resources listed, because I think they will help answer those questions.”</p>
<p>SMALL GROUP ACTIVITY (Approx. time: 20 minutes)</p> <p>The worksheet we are handing out has the definitions and standards you heard in the video. Below that, there are 3 scenarios.</p> <p>I’d like to ask you to read through the initial material to become more familiar with the terms, and then get together in pairs to work on the scenarios and follow-up questions. We’ll take about 20 minutes for this work session, and then we’ll get together and share our answers.</p>	<p>ACTION</p> <p>Hand out <u>Transgender Case Study Worksheet</u></p>
<p><i>[pause for work session]</i></p>	<p>LISTEN FOR</p> <p>As you move around the room, see how people are doing with both language and concepts. If people have discomfort in</p>

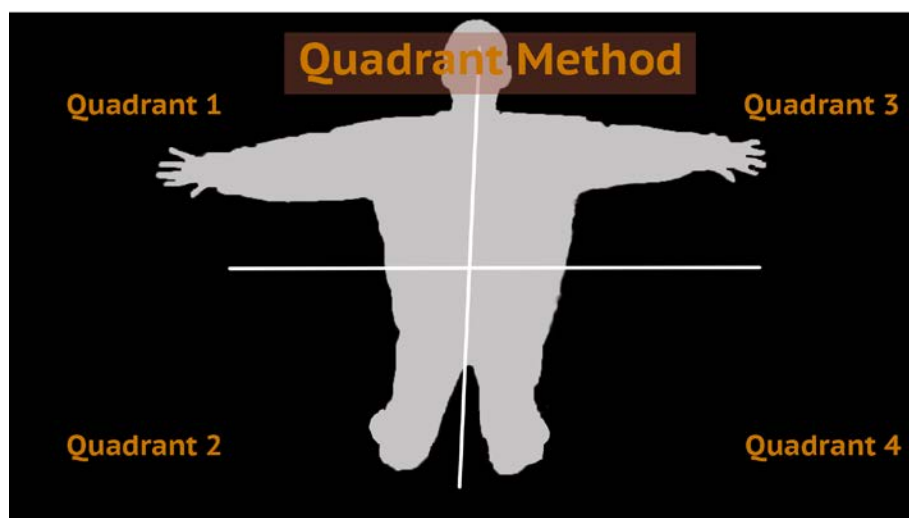
	<p>some areas, focus the work on professionalism, safety and security.</p> <p>ACTION</p> <p>As people appear to be getting close to done (or as the time is approaching 20 minutes) give people a 5-minute warning to wrap up.</p>
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Transgender Inmates and Residents Worksheet (Facilitator Key)

Directions: Read the background information and the three scenarios. After you are done reading, pair up with a classmate to discuss and answer the follow-up questions.

Be prepared to share your responses with the group.



The procedure for the pat search of transgender and intersex inmates and residents is the same as for other inmates and residents, but the standards require some special considerations.

Definitions

Transgender: A person whose gender identity is different from the person's assigned sex at birth. Do not call someone "a transgender" instead use "a transgender person"; likewise do not use -ed at the end (transgender is correct, not transgendered).

Gender Identity: A person's internal, deeply felt sense of being male or female. It does not indicate sexual preference.

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

Individual Trauma: Psychological or physical harm that results from an event, series of events, or set of circumstances experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, social, emotional, or spiritual well-being.

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PREA Standards

- The PREA Standards impose a complete ban on searching or physically examining a transgender or intersex inmate or resident for the sole purpose of determining the inmate's genital status.
- Interpretive guidance from DOJ on PREA standard 115.15 states that staff should never conduct "dual gender" pat searches, where the staff of one gender searches the top half of the inmate and the staff of the other gender searches the bottom half of the inmate. <http://www.prearesourcecenter.org/faq/cross-gender-supervision>
- There are three practices consistent with PREA for assigning staff to perform pat searches on transgender and intersex inmates and residents:

Option 1: Searches are conducted only by medical staff;

Option 2: Searches are conducted by female staff only, since there is no prohibition on the pat-searches female staff can perform (except in juvenile facilities).

Option 3: Asking inmates to identify the gender of staff with whom they would feel most comfortable. This preference can be documented at intake.

Note that the preferred staff assignment may change over the course of the inmate or residents' confinement.

Scenario 1

James is a transgender male, but whose birth sex is female. He dresses as a man and had begun his transition with hormones before being arrested for robbing a convenience store. During his intake process, the jail staff assigned an officer to search him, and he discovered James' female genitalia. He put James in a holding cell with female inmates and told his colleagues, "She's some kind of dyke in men's clothes."

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What was incorrect about the staff's conclusions and/or actions?

- **As soon as he realized that James' assigned sex was female he should have halted the search and followed the agency's policy—otherwise he is performing an unallowable cross-gender pat search.**
- **Staff assumed that dressing as a male means that it is related to sexual preference and not gender identity.**

What would you have done differently?

- **[Answer to be based on your agency policy for searching transgender persons]**

Scenario 2

Courtney's birth sex is male, but her gender identity and expression is female. Courtney is 16 and, with her parents' support, has been living as a female since she was 10. She was picked up for shoplifting and a female officer began to search her. As the search started, Courtney told the officer, "I don't want you to freak out, but I am biologically male." The officer completed searching the top part of Courtney's body and called over her male partner to complete the search on the lower half.

What was incorrect about the staff's conclusions and/or actions?

- **Staff should have immediately halted the search or this is an unallowable cross-gender pat search.**
- **Should not have performed a "dual search".**

What would you have done differently?

- **Either ask and document preference of person to perform the search, or call in medical personnel.**

Facilitator Guide

Scenario 3

Pepe has been incarcerated for 6 months and during that time he has continued the hormone therapy that has been part of the transition before his sex re-assignment surgery. Because his assigned sex at birth was female, he is housed in a women's prison. One night there is a tornado alert and the staff needs to move all prisoners to a safe location in another wing. Each prisoner is to be searched before after being moved into the other wing. One of the male staff decides to go ahead and search Pepe, since it is an exigent circumstance.

What was incorrect about the staff's conclusions and/or actions?

- **Should be informed whether Pepe has a documented request on file.**
- **Likely not an exigent circumstance because there were officers available of either gender.**

What would you have done differently?

- **[Answer depends on agency policy]**

Facilitator Guide

Instructor Script	Instructional Notes
<p><i>...Small group activity continued</i> <i>(Approx. time: 10 minutes)</i></p> <p>This is a really difficult activity and as I walked around the room I was really interested to hear how all of you were bringing your professionalism and insights to the discussions.</p> <p><i>.... [cite 2-3 things here and give affirmation, e.g. "This group had an interesting question about x"; or "Over here, I heard some great insights about y".]</i></p>	
<p>I'd like to go through each scenario and ask you to share your responses to the questions.</p> <p>In the first scenario with James, what was incorrect about the staff's conclusions and/or actions?</p> <p><i>[listen and record]</i></p> <p>And what would you have done differently?</p> <p><i>[listen and record]</i></p> <p>In the second scenario with Courtney, what was incorrect about the staff's conclusions and/or actions?</p> <p><i>[listen and record]</i></p> <p>And what would you have done differently?</p>	<p>ACTION</p> <p>Record responses on a flip chart or white board. You may choose to use the Transgender Case Study flip chart template provided in the Appendices.</p> <p>TIP</p> <p>Note that some of these responses will depend on your Agency's policies, so if people are uncertain of the answer, ask them to refer to your Agency's policy.</p> <p>TIP</p> <p>Note that you will likely need time to discuss each of these more than in other activities. Allow people time to think about and understand the answers and special considerations involved.</p>

Facilitator Guide

<p>In the third scenario with Pepe, what was incorrect about the staff's conclusions and/or actions?</p> <p><i>[listen and record]</i></p> <p>And what would you have done differently?</p> <p><i>[listen and record]</i></p> <p>Great work and lots of thoughtful responses and useful thoughts for considerations when working with these populations.</p> <p>Thank you for working through the scenarios!</p>	
<p>VIEW VIDEO</p> <p><i>(Approx. time: 5 minutes)</i></p> <p>We have a final, brief piece of video that has a review of the information in the training.</p>	<p>ACTION</p> <p>Play the video through the end.</p>
<p><i>[pause for video]</i></p>	
<p>INDIVIDUAL WORK</p> <p><i>(Approx. time: 5 minutes)</i></p>	<p>ACTION</p> <p>Hand out <u>Evaluation Form</u> specific to your agency.</p>
<p><i>[pause for evaluation]</i></p>	

Facilitator Guide

I'd like to thank you again for your work on and attention to this training.	ACTION After everyone has finished the evaluation, make any final announcements and handle any certification paperwork relevant to your agency.
--	---

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Additional Resources for Trainer

1. The Department of Justice, Final Rule PREA.
http://ojp.gov/programs/pdfs/prea_final_rule.pdf
2. "LGBT People and the Prison Rape Elimination Act", July 2012. National Center for Transgender Equality.
http://transequality.org/sites/default/files/docs/resources/PREA_July2012.pdf
3. Policy Review and Development Guide: *Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Custodial Settings*
<https://static.nicic.gov/Library/027507.pdf>
4. SAMSHA's Concept of Trauma and Guidance for a Trauma-Informed Approach, July 2014 <http://store.samhsa.gov/shin/content/SMA14-4884/SMA14-4884.pdf>

Definitions

Pat Search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband. *Department of Justice National Standards to Prevent, Detect and Respond to Prison Rape*,
<http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>

Gender a socially constructed concept classifying behavior as either "masculine" or "feminine," unrelated to one's external genitalia. *NIC: LGBTI Populations: Their Safety. Your Responsibility*. http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

Sex one's anatomical make-up, including external genitalia, chromosomes, and reproductive system. *NIC: LGBTI Populations: Their Safety. Your Responsibility* http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

Gender Identity distinct from sexual orientation and refers to a person's internal, deeply felt sense of being male or female. *NIC: LGBTI Populations: Their Safety. Your Responsibility*. http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

Transgender a person whose gender identity differs from their birth sex. *NIC: LGBTI Populations: Their Safety. Your Responsibility*, page 6,
http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

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Gender Non-Conforming a person whose appearance or manner does not conform to traditional societal gender expectations. *Department of Justice National Standards to Prevent, Detect and Respond to Prison Rape*, <http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>

Sexual Orientation romantic and/or physical attraction to members of the same or different sex. *NIC: LGBTI Populations: Their Safety. Your Responsibility*. http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

Gender Dysphoria a condition in which a person feels that there is a mismatch between their biological sex and their gender identity. *National Health Service* <http://www.nhs.uk/conditions/Gender-dysphoria/Pages/Introduction.aspx>

Sexual Identity the sex that a person sees themselves as. This can include refusing to label oneself with a sex. *NIC: LGBTI Populations: Their Safety. Your Responsibility*. http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

Intersex a condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female. *NIC: LGBTI Populations: Their Safety. Your Responsibility*. http://static.nicic.gov/UserShared/2012-12-31_pdf_part_guide-lgbti_d11.pdf

Trauma Informed promoting recovery and resilience for those individuals and families impacted by trauma involves developing and implementing interventions specific to the trauma experienced by them and examining ways to reduce re-traumatizing people through their experiences in services and systems. (SAMHSA) **OR** to identify trauma and its symptoms among inmates, train staff to understand the impact of trauma, minimize re-traumatization, maintain sensitivity to triggers of trauma, and identify how traumatic dynamics may, without intent, repeatedly play out in prisons. <http://www.samhsa.gov/nctic>

Trigger something that sets off a memory tape or flashback transporting the person back to the event of her/his original trauma. *University of Alberta, Sexual Assault Centre*, <http://www.ualberta.ca/~uasac/Triggers.htm>

Exigent Circumstances means 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. *Department of Justice National Standards to Prevent, Detect and Respond to Prison Rape*, <http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>

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Exigent Circumstances Participant Worksheet

Directions

Working individually, fill in this worksheet with your responses.

Once complete, work in small groups or pairs and compare answers. Be prepared to share your responses with the group.

Definitions

Exigent circumstances

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. (Temporary + Unforeseen + Requires Immediate Action)

PREA standards for exigent circumstance searches

In all facilities, all cross-gender strip searches and visual body cavity searches are prohibited, except in exigent circumstances or when performed by medical practitioners.

For juvenile facilities, cross-gender pat searches of both female and male residents are prohibited unless there are exigent circumstances, or if a medical professional performs the search.

1. Tom is a corrections officer at a small rural jail in North Dakota. One December night, it is 35 below zero, just as the power at the jail goes out. He then discovers that the back-up generator will not start, so he has no heat in the building.

He has to move the inmates to another location and search them before transport. He has two confined female inmates, but the only female officer on his 3-person staff is out

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of town for the holidays. Tom decides he is within policy to search the inmates, maintaining PREA compliance.

Is this situation temporary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this situation unforeseen?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does this situation require immediate action?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this an exigent circumstance search?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this search allowable under PREA standards?		
Why or why not?		
What would you have done?		

2. Ruby is Deputy Warden at a State Prison, where the staff has been reduced due to budget cuts. Even though this is an all-women's facility, most of the staff that has been let go were women, since they had the least seniority.

One night, an inmate attacks another, leading to outbreaks of violence and threatened violence involving more than 20 inmates. It's imperative to get all inmates searched and back into their dorms ASAP, but she only has male staff on shift. She decides she cannot permit the male COs to help with the searches.

Is this situation temporary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this situation unforeseen?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does this situation require immediate action?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this an exigent circumstance search?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this search allowable under PREA standards?		
Why or why not?		

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What would you have done?

3. Shardell and Lucia work at an all male prison. The facility has irregularly scheduled searches as part of its protocol. A search is announced mid-shift so Shardell and Lucia begin to search the men in their block.

Is this situation temporary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this situation unforeseen?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does this situation require immediate action?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this an exigent circumstance search?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this search allowable under PREA standards?		
Why or why not?		
What would you have done?		

4. Alonzo works at a small juvenile facility that houses both male and female residents. A teen girl is brought in for intake, but there are no female staff on duty until the night shift.

Since he had not been informed ahead of time that this resident was arriving, he decides this is an exigent circumstance and performs a pat search as part of her intake.

Is this situation temporary?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this situation unforeseen?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Does this situation require immediate action?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is this an exigent circumstance search?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Is this search allowable under PREA standards?

Why or why not?

What would you have done?

If your group has extra time, create your own scenario to present.

Exigent Circumstances Activity Flip Chart Sample

Before the session, you may wish to use this example to create a flip chart, slide or white board to record answers.

	Temporary?	Unforeseen?	Require Immediate Action?	Exigent circumstances?	Allowable Search?	What would you have done?
Tom	Yes	Yes	Yes	Yes	Yes	
	No	No	No	No	No	
Ruby	Yes	Yes	Yes	Yes	Yes	
	No	No	No	No	No	
Shardell & Lucia	Yes	Yes	Yes	Yes	Yes	
	No	No	No	No	No	
Alonzo	Yes	Yes	Yes	Yes	Yes	
	No	No	No	No	No	

Safety and Security T-chart Sample

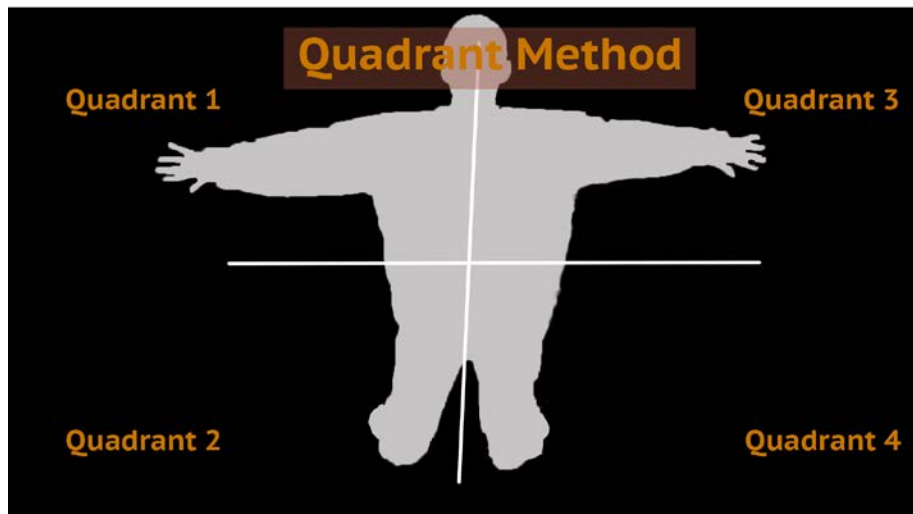
Before the session, you may wish to use this example to create a flip chart, slide or white board to record answers.

SAFETY AND SECURITY ACTION	WHY IT'S IMPORTANT

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Cross-Gender Pat Search & Searches of Transgender and Intersex Inmates Quadrant Method Peer Coaching Sheet

Directions: Use this sheet to peer coach your classmates in the pat search process based on the video guidance provided. Please note, if your agency's search techniques differ from the video, be sure to spend some time marking the differences on this sheet and discuss those differences with your group.



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Always put on gloves before approaching the inmate.

Tell the inmate that the search is beginning, and that you will start on the upper left side of his body.



Stand at a forty-five degree angle behind the inmate. This angled approach helps him see where you are located, keeping him calm during the search. It also ensures you are in a good tactical position where you can see and respond to sudden movement.



Place your right hand on the inmate's middle back.

Direct the inmate to lift his left hand back toward you.

After inspecting the hand, begin at the inmate's wrist, and work up his arm searching both the top and bottom, finishing at the shoulder. Do not slide your hands over the inmate. Instead, use the press and release method for your search.

Search the shoulder area, working toward the neck. Search the neck for unseen articles such as necklaces, chains, and contraband.

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Direct the inmate to use one hand to run their fingers through their hair.



Place your free hand up to protect from spitting.

Direct the inmate to turn his head to the left to expose his nasal passages, and instruct him to open his mouth for examination.

Examine the outer and inner ear area.



Move back down the neck, using your thumb and fingers on opposite sides of the collar. Search the entire collar, using your thumb and fingers, working from back to front.



Remain standing behind the inmate to search the chest area. Use the back of your left hand and slide across the top of inmate's chest. Do not pat or rub the chest area.

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Then position your hand with the fingers pointing upward and centered in the middle of the chest.



Use the blade of your hand to sweep across the side and bottom of the inmate's chest, towards the armpit.

The search procedure for the chest area should stop at the top, side, and bottom of the chest.



(If searching a female) Direct the inmate to, "Clasp your bra with your fingers and pull the bra away from your body and shake the bra. Release the bra and please place your arms out again with palms facing upward so I can continue the search."



Once done with the chest, reposition yourself to search the back area.

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Carefully use your fingertips to check the surface around his waist. If it is near the waist of the pants, search the inner and outer band of the inmate's underwear. Press and release the underwear waistband between your thumb and fingers. Then move to the band of the inmate's pants.



Slide the back of the left hand (thumb tight against index finger) over the top of the groin area below the waistband.



Beginning at the waist area, search downward over the inmate's hips.

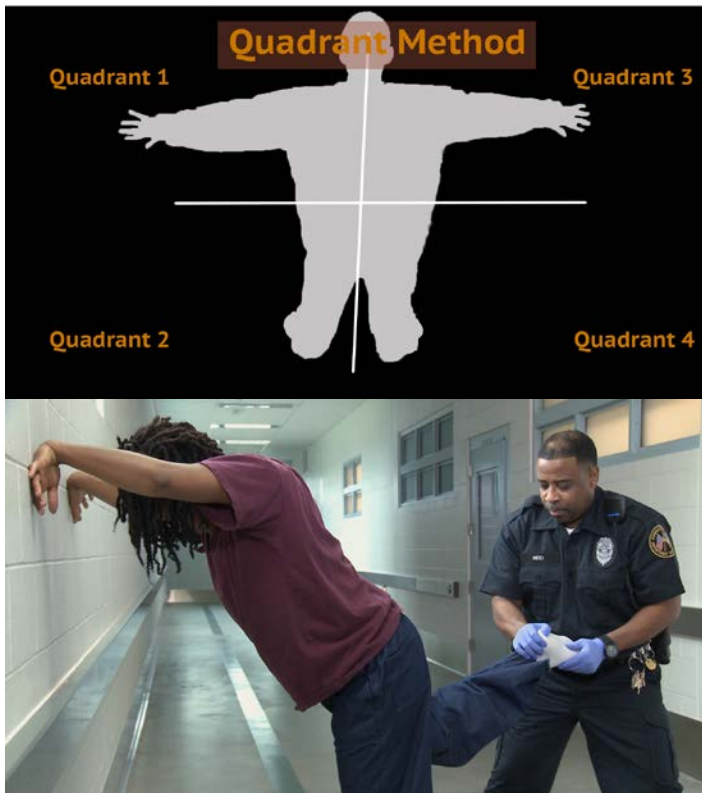
Work down the outside of the inmate's left leg using press and release

Keep your head raised, with your eyes focused on the inmate's upper back so you will see any movement.



Next, hold your left hand in a blade position, thumb tucked in, and start at the inside of the bottom of the left ankle. Use the back of your hand to follow up the inseam toward the groin area.

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After searching the second quadrant, recheck the inmate's body position. Tell the inmate that you will now begin searching his right side before you begin.

The searching procedures for quadrants three and four mirror those of quadrants one and two, so that the opposite hand and foot positions are used.

Search the tops and bottoms of the feet. Once complete, inform the inmate or resident, "You can put your shoes back on and return to your designated area."

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Transgender and Intersex Inmates and Residents: Additional Resources

STANDING WITH LGBT PRISONERS:

An Advocate's Guide to Ending Abuse and Combating Imprisonment

http://transequality.org/sites/default/files/docs/resources/JailPrisons_Resource_FINAL.pdf

LGBTI: Lesbian, Gay, Bisexual, Transgender, and Intersex Offenders: Selected Resource for Criminal Justice Professionals:

<https://s3.amazonaws.com/static.nicic.gov/Library/026518.pdf>

An Ally's Guide to Terminology:

http://www.glaad.org/sites/default/files/allys-guide-to-terminology_1.pdf

National PREA Resource Center Frequently Asked Questions:

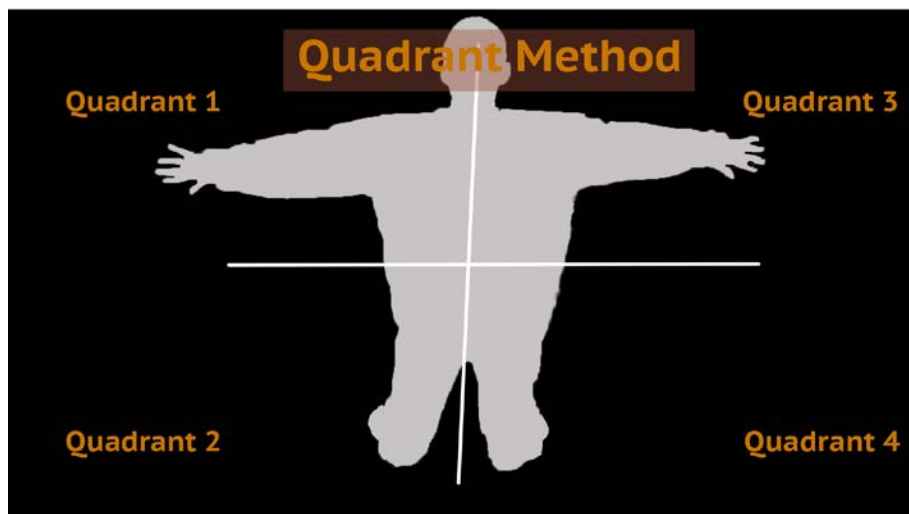
<http://www.prearesourcecenter.org/faq>

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Transgender Inmates and Residents Worksheet

Directions

Read the background information and the 3 scenarios. After you are done reading, pair up with a classmate to discuss and answer the follow-up questions. Be prepared to share your responses with the group.



The procedure for the pat search of transgender and intersex inmates and residents is the same as for other inmates and residents, but the standards require some special considerations.

Definitions

Transgender: A person whose gender identity is different from the person's assigned sex at birth. Do not call someone "a transgender" instead use "a transgender person"; likewise do not use -ed at the end (transgender is correct, not transgendered).

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Gender Identity: A person's internal, deeply felt sense of being male or female. It does not indicate sexual preference.

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

Individual Trauma: Psychological or physical harm that results from an event, series of events, or set of circumstances experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, social, emotional, or spiritual well-being.

PREA Standards

- The PREA Standards impose a complete ban on searching or physically examining a transgender or intersex inmate or resident for the sole purpose of determining the inmate's genital status.
- Interpretive guidance from DOJ on PREA standard 115.15 states that staff should never conduct "dual gender" pat searches, in which the staff of one gender searches the top half of the inmate and the staff of the other gender searches the bottom half of the inmate.
- There are three practices consistent with PREA for assigning staff to perform pat searches on transgender and intersex inmates and residents:
 - Option 1:** Searches are conducted only by medical staff;
 - Option 2:** Searches are conducted by female staff only, since there is no prohibition on the pat-searches female staff can perform (except in juvenile facilities); or
 - Option 3:** Asking inmates to identify the gender of staff with whom they would feel most comfortable. This preference can be documented at intake.

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Note that the preferred staff assignment may change over the course of the inmate or residents' confinement.

Scenario 1

James is a transgender male, but whose birth sex is female. He dresses as a man and had begun his transition with hormones before being arrested for robbing a convenience store. During his intake process, the jail staff assigned an officer to search him, and he discovered James' female genitalia. He put James in a holding cell with female inmates and told his colleagues, "She's some kind of dyke in men's clothes."

What was incorrect about the staff's conclusions and/or actions?

What would you have done differently?

Scenario 2

Courtney's birth sex is male, but her gender identity and expression is female. Courtney is 16 and, with her parents' support, has been living as a female since she was 10. She was picked up for shoplifting and a female officer began to search her. As the search started, Courtney told the officer, "I don't want you to freak out, but I am biologically male." The officer completed searching the top part of Courtney's body and called over her male partner to complete the search on the lower half.

What was incorrect about the staff's conclusions and/or actions?

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What would you have done differently?

Scenario 3

Pepe has been incarcerated for 6 months and during that time he has continued the hormone therapy that has been part of the transition before his sex re-assignment surgery. Because his assigned sex at birth was female, he is housed in a women's prison. One night there is a tornado alert and the staff needs to move all prisoners to a safe location in another wing. Each prisoner is to be searched before after being moved into the other wing. One of the male staff decides to go ahead and search Pepe, since it is an exigent circumstance.

What was incorrect about the staff's conclusions and/or actions?

What would you have done differently?

Transgender Flip Chart Template

Scenario 1: James

Incorrect:

Correct:

Scenario 2: Courtney

Incorrect:

Correct:

Scenario 3: Pepe

Incorrect:

Correct:

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Endnotes

¹ This section was developed by Brenda V. Smith, Law Professor at American University, Washington College of Law. The Project on Addressing Prison Rape. <https://www.wcl.american.edu/endsilence/>

² Smith, Brenda V. and Melissa C. Loomis. "Cross Gender Searches: A Case Law Summary." The Project on Addressing Prison Rape. February 1, 2013 found at: http://www.wcl.american.edu/endsilence/documents/CrossGenderCases_PRC.pdf

³ US Department of Justice, 28 CFR Part 115 "Preamble to the National Standards to Prevent, Detect, and Respond to Prison Rape" May 17, 2013 at 49-60.

⁴ A Summary of Research, Practice, and Guiding Principles for Women Offenders, Gender Responsive Strategies Publication by the National Institute of Corrections Bloom, Barbara; Owen, Barbara; Covington, Stephanie. National Institute of Corrections (Washington, DC). National Institute of Corrections (Washington, DC). 2005

⁵ *Keeping Vulnerable Populations Safe Under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails* is a resource developed by the Vera Institute of Justice, a PRC partner. The guide provides promising strategies for safely housing inmates at risk of sexual abuse without isolating them. These strategies aim to not only protect individuals from abusers, but also to ensure that all inmates have equal access to programming, physical and mental health services, and opportunities to socialize. <http://www.prearesourcecenter.org/sites/default/files/library/keepingvulnerablepopulationssafeunderpreaapril2015.pdf>