

NATIONAL  
**PREA**  
RESOURCE  
CENTER

**Inmate Education Facilitator's Guide**  
***PREA: What You Need to Know***  
**Notification of Curriculum Use**  
**February 2014**

The Inmate Education Facilitator's Guide *PREA: What You Need to Know* were developed by Just Detention International (JDI) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency and the Bureau of Justice Assistance (BJA). The Prison Rape Elimination Act (PREA) standards served as the basis for the curriculum's content and development, with the goal of satisfying specific PREA standard requirements.

It is recommended that the Inmate Education Facilitator's Guide *PREA: What You Need to Know* be reviewed in their entirety before choosing which sections to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and JDI logos.

*Note: Use of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility meets standards. Rather, an auditor will take the curriculum used into consideration as part of their overall determination of compliance.*



**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.

***PREA: What You Need to Know***

**Facilitator's Guide**



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**Just Detention International** (JDI) is a health and human rights organization that seeks to end sexual violence in all forms of detention. JDI advocates for the safety and well-being of all inmates, whether they are confined in federal, state, or local facilities — both private and public — including prisons, jails, juvenile facilities, immigration detention centers, halfway houses, and police lockups. JDI works to hold government officials accountable for prisoner rape, promote public attitudes that value the dignity and safety of inmates, and ensure that survivors of this violence have access to the help they need.

The mission of the **PREA Resource Center** (PRC) is to assist adult prisons and jails, juvenile facilities, lockups, community corrections, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.

## Introduction and Acknowledgments

This guide is a supplement to the video, *PREA: What You Need to Know*. Its purpose is to help corrections officials conduct educational screenings of the video for inmates<sup>1</sup> in their custody.

The core goal of *PREA: What You Need to Know* is to teach inmates about their right to be free from sexual abuse and sexual harassment. The video gives an overview of corrections policies to prevent and respond to this abuse, covering how inmates can safely report abuse, the types of victim services available to inmates following an incident of sexual abuse, and what it means for a facility to have a “zero-tolerance” policy.

Corrections agencies can use this video to implement the inmate education provision in the national Prison Rape Elimination Act (PREA) standards (§ 115.33, Inmate education; § 115.132, Detainee, contractor, and inmate worker notification of the agency’s zero-tolerance policy). The video contains general information that is relevant to all types of prisons, jails, and lockups. Using this guide, agencies can develop complementary educational materials that cover policies specific to their institutions. Agencies are encouraged to have trained facilitators conduct screenings of the video and engage with inmates about its content.

Teaching inmates about their rights is important, not just because it is required by the PREA standards. It is also good corrections policy. In its decades of working inside detention facilities, JDI has found that corrections agencies that have a strong inmate education program are more likely to be free of sexual abuse and sexual harassment than those without one. No matter what, rape must never be part of the penalty.

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<sup>1</sup> “Inmate” is used throughout the guide to refer to an individual who is incarcerated in a prison, jail, or lockup.

## The Importance of Inmate Education

Nationwide, detention facilities have worked hard to implement provisions required by the PREA standards. Inmate education programs are essential to informing inmates about facility policies and procedures to keep them safe. Yet such programs are not only for teaching inmates about sexual abuse policies. They can also play a pivotal role in transforming the culture of a facility. Sexual violence thrives in facilities that have a “code of silence” and where inmates do not feel safe reporting abuse. A comprehensive inmate education program can empower inmates to speak openly about sexual abuse and sexual harassment, while teaching them about their right to be safe.

Facilities with strong inmate education programs have seen significant improvements in the culture of their facilities. Inmates who have participated in inmate education report a sharp decrease in sexual harassment, especially of lesbian, gay, bisexual, transgender, and intersex (LGBTI) inmates. Inmates and staff alike also credit such programs with reducing the stigma attached to reporting all kinds of sexual violence.

## The Prison Rape Elimination Act Standards

The national PREA standards, released by the U.S. Department of Justice in May 2012, lay out steps for corrections officials to protect the people in their custody and end sexual abuse and sexual harassment. Recognizing the crucial role of inmate education, the standards mandate that corrections facilities develop programs to teach inmates about their rights and how to stay safe.

Under the PREA standards, agencies must give inmates information during the intake process about their policies to prevent and respond to sexual abuse and sexual harassment. In prisons and jails, all inmates must, within 30 days of their incarceration, receive comprehensive education on their right to be free from this abuse.

Below is the full text of the inmate education provisions (§ 115.33 and § 115.132) of the PREA standards:<sup>2</sup>

### **§ 115.33 Inmate education (Prisons and Jails)**

(a) During the intake process, inmates shall receive information explaining the agency's zero-

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<sup>2</sup> *National Standards To Prevent, Detect, and Respond to Prison Rape*, 28 CFR 115, Department of Justice (2012). The full text of the standards, including each standard referenced in this document, can be found at [www.federalregister.gov/a/2012-12427](http://www.federalregister.gov/a/2012-12427).

tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

- (b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- (c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- (d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- (e) The agency shall maintain documentation of inmate participation in these education sessions.
- (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.

**§ 115.132 Detainee, contractor, and inmate worker notification of the agency's zero-tolerance policy (Lockups)**

- (a) During the intake process, employees shall notify all detainees of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.
- (b) The agency shall ensure that, upon entering the lockup, contractors and any inmates who work in the lockup are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment.

The *PREA: What You Need to Know* video and facilitator's guide are tools to help agencies meet both the intake education and the comprehensive education sessions mandated by the PREA standards.<sup>3</sup> The video and guide were created for adult prisons, local jails, and police lockups. However, juvenile justice facilities and community confinement settings — which are also bound by the PREA standards — may find that the material is a useful template for their own inmate education programs.

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<sup>3</sup> *PREA: What You Need to Know* is organized into five sections — Section 1 for the intake education and Sections 1-5 for the comprehensive education. See pages 10-16 for descriptions of each section of the video.

The next two parts of this guide address how agencies can use the video during both the intake process (Part 4) and as part of a comprehensive inmate education program (Part 5), as outlined in § 115.33(a)(b) of the standards.

While *PREA: What You Need to Know* can serve as a core part of a facility's inmate education program, the video should be part of a broader, agency-wide effort by facilities to teach inmates about their rights and keep them safe. **Showing the video on its own, without any supplemental information or teaching on the part of staff, is discouraged.** This guide includes tips on developing written handouts and staff presentations that, in conjunction with the video, can make up an effective education program.

<b><i>PREA: What You Need to Know</i> can be used for intake education and comprehensive education</b>	
<p><b>For Intake Education § 115.33(a):</b></p> <p>Conduct a screening of the opening portion (Section 1: <i>Introduction</i>) of the video, and follow the instructions in Part 4 of this guide.</p> <p><i>Video running time: 3 minutes and 14 seconds</i></p>	<p><b>For Comprehensive Education § 115.33(b):</b></p> <p>Conduct a screening of the entire video (Sections 1-5). Pause for discussion after each of the four sections, and follow the instructions in Part 5 of this guide.</p> <p><i>Video running time: 16 minutes</i></p>

## **Intake Education**

Inmates are at their most vulnerable during the early stages of incarceration. Studies show that a significant percentage of sexual abuse in detention occurs during the victim's first 48 hours in custody.<sup>4</sup> New arrivals to jails or lockups may be intoxicated, injured, or ill; they may be worried or confused about what happens next.

Recognizing the risks facing new inmates, the PREA standards state that, during intake, inmates must receive "information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment" [§ 115.33(a)].

<sup>4</sup> Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.

The first section of the *PREA: What You Need to Know* video (*Introduction*)<sup>5</sup> is designed for prisons, jails, and police lockups to use during the intake process. As illustrated in the table on page 4, this is the only part of the video that relates to the intake education mandated in § 115.33(a) of the PREA standards.

Section 1, which is roughly three minutes in duration, explains the basic requirements of the PREA standards and the meaning of “zero-tolerance,” and spells out how inmates can report sexual abuse and sexual harassment and get help. It is recommended that a staff member or volunteer introduce this section, emphasizing the facility’s absolute commitment to zero tolerance. Peer educators, who are inmates or detainees qualified to lead trainings, can also serve as facilitators.

The facilitator should take this opportunity to review with inmates the agency’s mission and values, the multiple avenues for reporting, and the available services and programs. There should be time for questions following the presentation.

The following is sample text that facilitators can use during the intake education session. Staff should modify the material to fit their facility’s policies and procedures.

I am **[insert name; e.g., Officer Jones]**, and I am going to give you some important information about this facility. In a minute, we are going to watch a short video. First, I want you to know that this department’s mission is to increase public safety, and part of that mission is making sure that this is a safe facility. We do not tolerate sexual abuse or sexual harassment here — that means any unwanted sexual behavior or any rude or insulting sexual comments of any kind.

Further, staff members and inmates can never engage in any kind of sexual activity with each other. You’ll hear some more about that in this short video. Please pay attention and, if you have any questions, you can ask me at the end of the video.

**[Play Section 1 of the video. Pause at 3 minutes and 14 seconds.]**

Thank you for paying attention. Remember, if you need to report sexual abuse or sexual harassment, you can tell any **[insert who at the facility can receive a report]**. **[Insert facility-specific reporting mechanisms: e.g., You can also write to the Inspector General, or call the PREA hotline number listed on facility posters.]**

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<sup>5</sup> The *Introduction* runs from the beginning of the video to the start of Section 2 (*Zero Tolerance*), at the 3:14 mark.



If you have ever been sexually abused, you can ask for help. We work with the local rape crisis center, and you can call or write to them directly.\* You don't have to file a report in order to get help from them.

Remember that any **[insert people required to report]** you tell about an incident of sexual abuse or sexual harassment is required to report it. If you are abused or if you see or hear about someone else being sexually abused or sexually harassed, we want to know. We will take the report seriously and will do a thorough investigation. The person who was sexually abused will also be able to get help.

The **[insert type of information provided — e.g., brochure]** I am passing out now has all of this information on it. Please keep it for your reference. This information is also available **[insert locations and/or materials]**.

Does anyone have any questions?

Thank you for your attention. If you have any questions in the future, please **[insert facility-specific ways to ask follow-up questions or express concerns]**.

*\*If your facility does not have an agreement with the local rape crisis center, make sure to inform inmates of the other ways they can get crisis intervention and advocacy services.*

After screening Section 1 of the video, staff should provide inmates with information on the policies and procedures that are specific to their facility. Such information can be delivered verbally and/or in writing. A handout or brochure should explain all of the ways that an inmate can get help. Here is sample text for a handout. Agencies will need to customize this text for their facilities.

**This facility does not tolerate sexual abuse or sexual harassment of any kind.**

While you are here, you have the right to be safe and treated with respect. You are expected to treat others in the same way.

We take sexual abuse and sexual harassment seriously and will take every action to stop it. Every staff member, both custody and non-custody, is trained to give help if they see or hear about sexual abuse or sexual harassment. All staff members have to report any suspected sexual abuse or sexual harassment.

If you need to report sexual abuse or sexual harassment that happened to you or that you witnessed, you can:

1. Tell any **[insert who can receive a report — e.g., staff member, medical and mental health staff, and chaplains]**.
2. Call **[XXX-XXX-XXXX]** to make a report to the central office.
3. Write a note to any **[insert who they can write to — e.g., staff member, Superintendent, or investigators]**.
4. File a sick call slip with information about the incident.
5. File a written grievance, per **Grievance Procedure [XXXX]**.
6. Dial **[XXXX]** on any inmate phone to call the **[insert who is contacted]**.
7. Call or write to the **[insert external oversight body]**:  
**[Insert phone number and address of external oversight body]**.

You can request to see medical and mental health staff at this facility without naming names or making a full report. All medical and mental health services that you need because of sexual abuse will be free of charge.

If you have been sexually abused or sexually harassed and would like to speak to a rape crisis counselor, whether or not you want to report it, you can call:

**[Rape crisis center] by [insert how they can be contacted]\***

**No one deserves to be abused. Sexual abuse and sexual harassment are not a part of your sentence.**

*\*If your facility does not have an agreement with the local rape crisis center, make sure to inform inmates of the other ways they can get crisis intervention and advocacy services.*

A facility that chooses to show the intake video without a facilitator should make sure that all inmates receive supporting materials, like the handout in the above text box. The handout should include the name of a staff member who is available to answer any follow-up questions or to discuss any concerns.

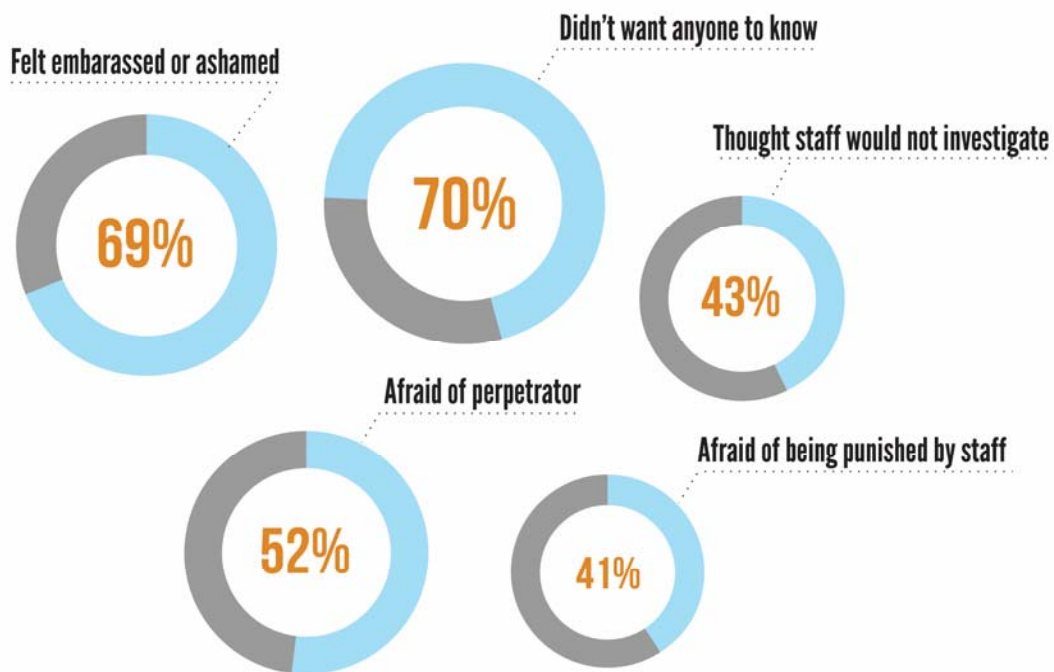
## Comprehensive Education

The comprehensive education program covers the same basic topics as the intake program — information about the inmates’ right to be free of sexual abuse and sexual harassment and about a facility’s zero-tolerance policies — but it should give more detail on agency policies. The comprehensive program should also aim to build a culture that encourages reporting and respects every person’s dignity.

The PREA standards for adult prisons and jails state that the comprehensive inmate education must take place within 30 days of intake and that the program must cover inmates’ “rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents” [§ 115.33(b)].

The provision emphasizes a safe culture because it has been found that many inmates who are victimized face the threat of retaliation if they report incidents. In a recent survey of former state inmates, the Bureau of Justice Statistics asked people who were sexually abused and did not report why they chose to keep quiet. The most commonly cited reasons in their responses were fear of retaliation or punishment, feeling embarrassed, and believing that nothing would happen.<sup>6</sup>

### Common Barriers to Reporting Sexual Abuse and Sexual Harassment



<sup>6</sup>Bureau of Justice Statistics, “Sexual Victimization Reported By Former State Prisoners, 2008,” May 12, 2012.

If a comprehensive inmate education program is to be effective, it must address these barriers to reporting. To do so, a program should emphasize that staff will investigate every single report; that inmates will not be punished for reports made in good faith; and that both inmates and staff who report sexual abuse and sexual harassment will be protected from retaliation. These key points, along with the fundamental message that no one ever deserves to be sexually abused and that it is never the victim's fault, are essential to building a zero-tolerance culture.

### **Building a Culture of Zero Tolerance: Five Key Principles**

1. Staff will investigate every single report of sexual abuse or harassment (§ 115.71).
2. Inmates will not be punished for reports made in good faith (§ 115.78).
3. Both inmates and staff who report sexual abuse and sexual harassment will be protected from retaliation (§ 115.67).
4. No one ever deserves to be sexually abused or sexually harassed (§ 115.11).
5. Sexual abuse is never the victim's fault.

The *PREA: What You Need to Know* video was designed to be the cornerstone of a comprehensive inmate education program. As explained in the table on page 4, *PREA: What You Need to Know* can be used for intake education and comprehensive education. All five sections of the video are appropriate for use in the comprehensive education program, while only Section 1 should be used for the intake education program.

Section 1, *Introduction*, reviews the basic requirements of the PREA standards and provides an overview of the concepts of "zero tolerance" and the right to be free from sexual abuse and harassment. Section 2, *Zero Tolerance*, explains this core concept in greater detail and reiterates the idea that sexual abuse is never part of the penalty. Section 3, *Definitions*, covers the PREA standards definitions of sexual abuse and sexual harassment in detention and the dynamics of this abuse. Section 4, *How to Get Help*, addresses commonsense strategies for staying safe, how to report sexual abuse or sexual harassment, and how to get medical and mental health care and rape crisis counseling. Section 5, *What to Remember*, provides a wrap-up, reviews key points, and sets the stage for the facilitator to give information and answer questions.

**It is strongly recommended that agencies have a facilitator run screenings of the video.** As with any classroom environment, inmates are less likely to engage with — and thus remember — the information in the video without a facilitator present to highlight key points and lead conversations. If it is not possible to provide a facilitator, the agency should develop a plan to distribute key materials, as well as provide contact information for follow-up and questions.

The following text summarizes each of the video's five sections and suggests key points that a facilitator can address when conducting a comprehensive education session.

### **Section 1: *Introduction***

Section 1 of the video provides an overview of every inmate's right to be free from sexual abuse and harassment. It covers the PREA standards, their agency's commitment to zero tolerance, and how inmates can report sexual abuse and sexual harassment and get help.

After Section 1 is finished, the facilitator should pause the video and reinforce the following key points:

- Sexual abuse is against the law, period. Everyone has the right to be free from sexual violence, and you do not lose this right when you are detained or incarcerated.
- Every time someone reports sexual abuse and sexual harassment, staff at this facility will take steps to protect the victim and any witnesses from retaliation and intimidation.
- Each incident or report of sexual abuse or sexual harassment will be investigated and abusers will be held accountable.
- Inmates who are victims of sexual abuse or sexual harassment can get help, including medical and mental health services and support from a rape crisis center — at no cost to them.<sup>7</sup>
- Inmates can get help even if they do not report the abuse or name the abuser(s).
- Inmates have a right to be safe while they are here, and the staff are committed to safety.

### **Section 2: *Zero Tolerance***

Section 2 of the video explains "zero tolerance" in detail, and it is a theme that comes up again and again in the video. The concept of "zero tolerance" is at the foundation of the PREA standards. Every provision of the standards is rooted in the notion that even one incident of sexual abuse or sexual harassment is too many.

After Section 2 is finished, the facilitator should pause the video and reinforce the following key points:

- The PREA standards require all detention facilities to have a written zero-tolerance policy — and that includes this facility.
- "Zero tolerance" means that no sexual abuse or sexual harassment is tolerated, including abuse by inmates and by staff.

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<sup>7</sup>Facilities that don't have an agreement with their rape crisis center should inform inmates about the other ways to access crisis intervention and advocacy services.

- Staff members at this facility are trained to receive reports, to take appropriate action if they witness sexual abuse and sexual harassment, and to respond immediately if they learn of an imminent threat of sexual abuse.
- The PREA standards also state that a victim of sexual abuse and sexual harassment, by staff or by other inmates, must be able to get free medical and mental health services related to the sexual abuse.
- Sexual abuse is not part of the penalty.

The facilitator should also read aloud the agency's zero-tolerance policy, and distribute hard copies of it — either as its own handout or as part of an inmate handbook — with the name and section number of the policy highlighted.

### **Section 3: *Definitions***

Section 3 of the video gives the PREA standards definitions of sexual abuse and sexual harassment. It is important that inmates and staff share an understanding of the range of behaviors that constitute sexual abuse. Sadly, many victims minimize their abuse or do not even realize that what is happening to them is abusive. It is also common for victims to be afraid that staff will not consider their ordeal to be abusive. As the video makes clear, sexual abuse includes a range of behaviors, from lewd and degrading language to forced penetration.

After Section 3 is finished, the facilitator should pause the video and reinforce the following key points:

- Sexual abuse is any unwanted sexual contact.
- The PREA standards define sexual abuse of an inmate by another inmate as any unwanted contact between the genitals or between the genitals and mouth, including even the slightest penetration without consent. Intentional touching of a sexual nature is also sexual abuse.<sup>8</sup>
- Sexual abuse by a staff member against an inmate is described as any and all contact between the genitals or between the genitals and mouth, including any penetration, whether the inmate says it was willing or not.

In addition, the facilitator should review the behaviors that are specific to staff sexual abuse and the definition of sexual harassment.

- Staff sexual abuse includes:
  1. Display of genitals, buttocks, or breasts in the presence of an inmate.

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<sup>8</sup> See Appendix I for the complete definitions.

2. Voyeurism, or peering or leering at an inmate in a state of undress, while using the toilet or shower, or during a medical appointment.
  3. Contact that is not a part of their job. For example, a staff member performing CPR would not be considered sexual abuse, even if there was mouth-to-mouth contact. A routine cell check where the inmate is undressing is not considered voyeurism.
  4. Any sexual behavior at all from a staff member is abusive and can be reported.
- Sexual harassment is:
    1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.
    2. Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
  - Sexual harassment also includes making rude or insulting comments about another person because they are, or are perceived to be, LGBTI.
  - Sexual abuse or sexual harassment is never the victim's fault.

After raising these points, the facilitator should encourage inmates to ask questions and discuss what they have learned. Each person at the session should fully understand these terms and key points. If the video is being shown without a facilitator present, the agency should find a way both to distribute written materials that cover the following and make sure inmates understand:

- The definitions of sexual abuse and sexual harassment.
- Staff codes of conduct.
- Whom to contact, and how, with further questions or concerns.
- That sexual abuse and sexual harassment are not tolerated and are never the victim's fault.

#### **Section 4: *How to Get Help***

Section 4 of the video informs inmates about how they can report sexual abuse and sexual harassment. Following an incident of sexual abuse, many victims have difficulty making decisions and performing basic tasks. Inmates who have been sexually abused are likely to be confused and afraid about their next steps, and possibly in need of urgent medical care. By providing clear information on how to report safely, facility staff can increase the chances that inmates who are victimized will get the help they need.

After Section 4 is completed, the facilitator should pause the video for a discussion. The following bullets can serve as helpful prompts for a conversation:

- It is expected that everyone will be safe during their stay here. All inmates and staff in this facility are expected to treat each other with respect. However, there are a few red flags, or warning signs, that might indicate that an inmate or a staff member is not trustworthy. What do you think some of the signs are?
  - Invading others' personal space.
  - Pushing or trying to convince others to do something they would not ordinarily do.
  - Using sexual language, making sexual jokes, and making comments about others' bodies.
  - Providing contraband.
  - Refusing to listen to others' limits and ignoring boundaries.
  - Leering or staring.
  - Making sexual requests or threats.
  
- Abusers may trick, coerce, or pressure someone through threats of violence. If you tell someone to leave you alone or to back off, and they do not, that is a clear warning sign. It is not, however, always that obvious. Sexual abuse is not always — and more often is not — about a violent attack. Gifts or loans can sometimes be used to gain leverage. Gambling can also put you in a position where you owe something you cannot pay. How else might an abusive person try to trick or coerce someone into a dangerous situation?
  - Offering protection from other inmates.
  - Pressuring others to join in on rule breaking.
  - Offering drugs, alcohol, tobacco, or other contraband.
  - Attempting to induct someone into a gang or some other unapproved group.
  - Offering unsolicited favors.
  - Making threats or blackmailing someone.
  
- If a staff member breaks the rules for you or brings contraband into the facility, that person is not doing you a favor. If they are risking their job and the safety of the other staff, they likely have something else to gain. What other staff behaviors might be red flags?
  - Bringing drugs, alcohol, tobacco, or cell phones into the facility.
  - Offering to bend or break the rules.
  - Staring or leering in ways that are not a part of their job.
  - Isolating inmates or taking inmates into unauthorized areas.
  - Always requesting particular inmates for work assignments.
  - Using sexual language or jokes.



- Threatening or pressuring an inmate for sexual favors.

The facilitator should review the concrete steps that inmates can take if they have been sexually abused or threatened with sexual abuse. Below are some key points about reporting that should be raised, with extra space for facilitators to add information that is specific to their facility:

- What happens if you are sexually abused or sexually harassed, or threatened with abuse, and want to report it? We understand that it is not easy to tell. Here are a few points to remember:
  - This is a zero-tolerance facility, and even one case of sexual abuse or sexual harassment is too many.
  - This facility takes reports of sexual abuse very seriously.
  - This facility is committed to keeping you safe from retaliation for reporting sexual abuse.
  - Sexual abuse is never the victim's fault.
  - **[Insert facility-specific information.]**
- You have the right to report sexual abuse or sexual harassment privately. There are several ways you can do that here, including:
  - **[Insert reporting channels specific to your facility]**
  - 
  -
- After you report sexual abuse or sexual harassment, this facility will take steps to protect you from retaliation. That means we will check with you about being threatened, abused, or further harassed after you make a report. We will take steps to make sure you are safe, including **[review retaliation policies and procedures specific to your facility]**.
- You do not have to report or name the abusers to get help.
- You can also get help from facility medical and mental health staff:
  1. You can ask to see medical or mental health staff here by **[describe the process]**. Remember that facility medical and mental health staff have to report abuse that happened in the facility.
  2. If you have been sexually abused, you have the right to get free medical and mental health care. If you have a copay, it does not apply to medical and mental health services directly related to sexual abuse.

- At this facility you can get support from a rape crisis counselor in the following ways:<sup>9</sup>
  1. Contact the local rape crisis center by calling **[XXX-XXX-XXXX]** or writing to **[insert address]**. You can contact the center whether you made a report or not, and the center is required to keep your information confidential. **[The facilitator must explain any limits on confidentiality placed on such calls; an agency may, for example, monitor or record outgoing calls or the rape crisis line may be a confidential call.]**
  2. This facility has an agreement with the rape crisis center so that, if you do report and you need a medical exam, a counselor from the center can provide crisis counseling and information during the exam. A counselor can also help you through any investigative interviews or meetings. **[Describe any other services, such as in-person counseling or telephone appointments that the rape crisis center has agreed to provide.]**
  
- Finally, if you report, it is your right to know the outcome of the investigation.

### **Section 5: *What to Remember***

The video's final section provides a review of its main points:

- Sexual abuse and sexual harassment are not tolerated.
- Inmates have the right to report privately and safely.
- Help is available from facility staff and community rape crisis counselors.
- Sexual activity between a staff member and an inmate can **never** be consensual and is **always** against the law.
- Above all, inmates have a right to be protected from sexual abuse and sexual harassment.

After the video is completed, facilitators should offer inmates the chance to ask questions and give comments. Facilitators should be sensitive to the fact that some inmates attending the session may themselves be survivors of sexual abuse, and the video may trigger difficult feelings and memories. If possible, facilities should designate a mental health staff member or on-call rape crisis counselor to be available after inmate education classes.

Before the end of the session, facilitators should ensure that every participant has received all handouts or brochures. The facilitator should distribute the materials by hand, rather than leaving them at the front of the room, to reduce the stigma of receiving this information.

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<sup>9</sup> Facilities that don't have an agreement with their rape crisis center should inform inmates about the other ways to access crisis intervention and advocacy services.

## Documenting Inmate Participation in Education Programs

The PREA standards require that agencies “maintain documentation of inmate participation in these education sessions” [§ 115.33(e)]. Agencies are encouraged to adopt a simple mechanism for recording inmate participation. For example, it might make sense to ask inmates to confirm attendance at an education session when they sign for their facility or inmate rulebook. One facility offered the sexual abuse educational session during fingerprinting, using a data entry kiosk both to deliver the information and to document participation.

## Ongoing Inmate Education

Educating current inmates about sexual abuse and sexual harassment is as important as educating new arrivals. The PREA standards underscore the importance of ongoing inmate education, stating that “current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards” [§ 115.33(c)]. Ongoing education is crucial not only because policies often change — it also can serve as a necessary refresher.

### Key Principles of Ongoing Inmate Education

- The video, though designed for new inmates, is an excellent educational resource for current inmates and as a refresher.
- It is crucial to secure “buy-in” from inmates serving long-term sentences.
- Visible reminders, such as handbooks and posters, can help create a culture where reporting sexual abuse is not stigmatized.
- Facilities are encouraged to use new technologies to promote awareness.

Recognizing that practices can vary from one facility to the next, the standards require that inmates receive education upon being transferred to “the extent that the policies and procedures of the inmate’s new facility differ from those of the previous facility” [§ 115.33(c)].

It is important that long-term inmates and those with life sentences participate in and are supportive of inmate education programs. These inmates often occupy an elevated position in the facility hierarchy and typically have a major impact on facility culture. If a long-term inmate feels that a new arrival is receiving new information, he or she may, on principle, try to contradict or oppose it.

This video, supplemented by the materials mentioned in this guide and/or presented by a staff or inmate peer educator, can be used to educate current inmates:

- For inmates who have never received comprehensive PREA inmate education, use the video and facilitator's guide as described for new inmates.
- For long-term inmates, use the video as a refresher to highlight how to report, how to get help, and to identify any changes in policies, procedures, or available programs and services.

An overarching goal of the PREA standards is a robust, consistent zero-tolerance approach to sexual abuse inside all corrections facilities. As such, the standards say that facilities should “ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats” [§ 115.33(f)].

Making this information continuously and readily available can help decrease the stigma and silence surrounding sexual abuse and sexual harassment. Having visible reminders for both staff and inmates that sexual abuse and sexual harassment are never tolerated also helps combat the culture that allows this abuse and harassment to thrive. As the PREA standards suggest, written materials like posters and handbooks are excellent ways to present this information.

In addition to written materials, facilities can use new technologies to display information about sexual abuse and sexual harassment. One facility presented its zero-tolerance statement on kiosks for ordering commissary; another recorded a message about sexual abuse prevention to be played on the inmate phone system. These kinds of creative approaches to presenting information about sexual abuse and sexual harassment are strongly encouraged.

## **Accessibility of Information**

The PREA standards state that educational materials must be accessible to all inmates, including “those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills” [§ 115.33(d)]. The *PREA: What You Need to Know* video was designed to be understood by a wide variety of people. It presents the information in a clear and simple manner and has closed captioning. However, agencies should take additional steps to ensure that every inmate fully understands the information both in the video and in facilitated presentations that follow each section.

Below are recommendations for supporting the education of inmates who have limited English proficiency or are deaf or hard of hearing, visually impaired, or developmentally disabled.

To support inmates with **limited English proficiency**, agencies can:

- Make an audio recording of the video in other commonly spoken languages, which inmates will be able to listen to using headphones. The full transcript can be found in Appendix II.
- Translate all written materials into other languages that are commonly spoken and understood by inmates at the facility.
- Ensure that facilitators are aware of available interpretation services.

To support inmates who are **deaf or hard of hearing**, agencies can:

- Provide a copy of the video script or a handout that summarizes its key points. The video does have closed captioning.
- Ensure that facilitators are aware of available sign language services.

To support inmates who are **visually impaired**, agencies can:

- Provide an opportunity for inmates to listen to the video more than once.
- Give supplemental materials in Braille or use other reading services that support the visually impaired.

To support inmates who are **developmentally disabled**, agencies can:

- Provide a handout covering the basic concepts in just a few bullet points, such as:
  - If a person touches you in a way that you do not like, you can tell a staff member.
  - If that ever happens, you can call [XXX-XXX-XXXX] to talk to someone.

A common problem among inmates — especially in jails and lockups — is untreated mental illness. The best way to reach inmates with a mental illness is through simple and direct communication. In addition, facilitators may find it beneficial to consult with mental health staff on how to provide education to this group of people.

Inmates who are intoxicated likely will not understand the material presented at an intake education session. In these cases, the facility should have the person attend the session after he or she has stabilized.

Facilitators play a key role in ensuring that all inmates understand and can access the information. During sessions, facilitators should check to see that detainees with physical or cognitive impairments are able to follow the video and handouts. If an inmate appears to be struggling to keep up with the material, the facilitator should offer the appropriate support.

## **For Facilitators: Troubleshooting Challenging Situations**

Sexual abuse and sexual harassment are topics that most people avoid discussing. Facilitators should expect some resistance, challenges from attendees, and even heckling. This is especially likely to happen when the inmate education program is new. Facilitators can use the following strategies to handle such situations:

- Introduce the video by acknowledging that the topic may make people uncomfortable.
- Inform attendees that they have not been singled out; every inmate is receiving the information and every prison and jail across the country is required to provide similar information.
- Reinforce that the video is intended to give inmates important information to keep the facility safe.
- Address any side conversations or inappropriate comments immediately.
- Remain calm. Be firm and consistent — address each disruption with a clear statement.
- If one attendee is disruptive despite being redirected, have them leave. Make a plan for them to receive the information and/or view the video at a different time.
- Keep an eye on inmates who seem nervous or uncomfortable — they may be the ones who need the information the most. Remind the group about the ways they can get more information after the class.

## **Additional Options for Customizing Your Video Inmate Education Program**

As emphasized throughout this guide, the video should be presented by carefully selected and trained staff or inmate peer educators, who can provide facility-specific information and answer questions in person. (For more information about training and selecting staff facilitators and inmate peer educators, see the resources available at [www.prearesourcecenter.org](http://www.prearesourcecenter.org).) Furthermore, this guide contains suggestions for developing educational materials and tools — such as handouts and discussion guides — that complement the video and that are specific to their institutions.

The *PREA: What You Need to Know* video can also be customized by editing the video. After each “prompt for pause” in the video, facilities with the technological capacity to do so can add footage that describes their own policies and procedures, reporting mechanisms, and ways to get help. Another video option is to create scrolling text and insert narration after each pause.

There are a number of factors that facilities should keep in mind when developing educational materials. These include the gender and average age of inmates and the number of inmates with a disability or mental illness. The facilitator and/or staff member in charge of developing the sessions should use this information to tailor the discussion questions found in this guide.

It is essential that all handouts and staff presentations cover information that is facility-specific. Inmates must be informed of sexual abuse and sexual harassment policies at their current prison, jail, or lockup. Facility policies should be at least as stringent as the PREA standards. For example, the standards define sexual harassment as “repeated advances or comments” (§ 115.6), but many facilities assert that one advance or incident of lewd language by a staff member constitutes sexual harassment. The extent to which a facility’s policies mirror the PREA standards does not change its responsibility to share them with all of its detainees.

## Conclusion and Additional Resources

The *PREA: What You Need to Know* video was created to help corrections agencies educate their inmates and keep them safe. Inmate education is a key part of the national PREA standards, and it should be a priority for all corrections agencies. Although this may seem like a big task, it is not one that agencies have to undertake alone. There are many resources that can support facilities as they create an effective inmate education program and build a culture of zero tolerance. Listed below are some online resources and organizations that can provide help.

### **Websites**

Just Detention International: [www.justdetention.org](http://www.justdetention.org)

National PREA Resource Center: [www.prearesourcecenter.org](http://www.prearesourcecenter.org)

### **Webinars**

- Just Detention International (JDI) and the National PREA Resource Center (PRC), “New Inmate Education Video: Introducing a Tool for PREA Implementation,” January 2014, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1874/new-inmate-education-video-introducing-a-tool-for-pr>
- JDI and PRC, “Detainee/Resident Education in Police Lockups & Community Confinement,” July 2013, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1529/detaineerresident-education-in-police-lockups-communi>
- JDI and PRC, “What Kids Need to Know: PREA and Resident Education in Youth Facilities,” June 2013, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1525/what-kids-need-to-know-prea-and-resident-education-i>
- JDI and PRC, “Laying the Groundwork: PREA and Inmate Education in Jails, Part I,” May 2013, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1521/laying-the-groundwork-prea-and-inmate-education-in-j>

- JDI and PRC, "Crafting Your Program: PREA and Inmate Education in Jails, Part II," May 2013, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1523/crafting-your-program-prea-and-inmate-education-in-j>
- JDI and PRC, "Laying the Groundwork: PREA and Inmate Education in Prisons, Part 1," November 2012, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1111/laying-the-groundwork-prea-and-inmate-education-in-p>
- JDI and PRC, "Crafting Your Program: PREA and Inmate Education in Prisons, Part II," January 2013, <http://www.prearesourcecenter.org/training-and-technical-assistance/webinars/1159/crafting-your-program-prea-and-inmate-education-in-p>



## Appendix I: Key Definitions

Below is a list of key terms and their definitions from the Prison Rape Elimination Act (PREA) standards. The PREA standards can be accessed online, at <https://www.federalregister.gov/articles/2012/06/20/2012-12427/national-standards-to-prevent-detect-and-respond-to-prison-rape>

*Sexual abuse* includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

*Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident* includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

*Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer* includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;

- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

*Sexual harassment* includes—

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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

## Appendix II: Video Transcript

Below is the full video transcript for *PREA: What You Need to Know*.

**JOE (JUST DETENTION INTERNATIONAL):**

SO, MY NAME IS JOE. I AM ONE OF HUNDREDS OF THOUSANDS OF PEOPLE WHO ARE SEXUALLY ABUSED EVERY YEAR IN DETENTION CENTERS WITHIN OUR COUNTRY.

IN 2008, I WAS SENT TO PRISON. I WAS NOT EXPECTING TO GET RAPED.

I THOUGHT I KNEW HOW TO PROTECT MYSELF.

[ DOOR CLOSSES ]

I WAS WRONG.

I NEVER EXPECTED TO BE RAPED. NO ONE DOES. THE RAPES WERE COMPLETELY DESTROYING, EMOTIONALLY, PHYSICALLY, IN EVERY WAY.

I DID REPORT IT. I KNOW THAT NOT EVERYONE FEELS SAFE ENOUGH TO REPORT IT. BUT AFTER MULTIPLE CRIES FOR HELP, I WAS FINALLY GIVEN THE HELP THAT I NEEDED.

I WAS ONE OF THE LUCKY ONES.

I'M HERE TO TELL YOU THAT SEXUAL ABUSE CAN HAPPEN TO ANYONE, BUT IT DOESN'T HAVE TO. THIS VIDEO WILL GO OVER INFORMATION THAT CAN AND WILL HELP YOU STAY SAFE AND HOW TO GET THE HELP IF YOU REALLY NEED IT.

I KNOW THIS IS A DIFFICULT AND AWKWARD THING TO TALK ABOUT, BUT WHAT YOU'RE ABOUT TO HEAR IS IMPORTANT INFORMATION ABOUT YOUR RIGHTS.

SO PLEASE PAY VERY CLOSE ATTENTION.

**CAPTAIN JOHN JOHNSON (MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT):**

HELLO. I'M CAPTAIN JOHN JOHNSON WITH THE MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT. AND I'M PLEASED TO BE PART OF THIS PROJECT BY THE PREA RESOURCE CENTER.

**BOA SMITH (JUST DETENTION INTERNATIONAL):**

AND I'M BOA SMITH, A STAFF MEMBER AT JUST DETENTION INTERNATIONAL AND A FORMER INMATE AND PREA PEER EDUCATOR.

IN THIS VIDEO, CAPTAIN JOHNSON AND I ARE GOING TO TALK ABOUT YOUR SAFETY AND YOUR RIGHT TO BE FREE FROM SEXUAL ABUSE. THIS IS THE LAW, AND IT'S COMMON SENSE, TOO.

SEXUAL ABUSE IS ILLEGAL ANYWHERE, AND IT APPLIES TO INCARCERATED PEOPLE, AS WELL.

THE PRISON RAPE ELIMINATION ACT OF 2003, OR PREA, CALLED FOR NATIONAL STANDARDS TO PREVENT, DETECT, AND RESPOND TO SEXUAL ABUSE IN CONFINEMENT. THE FINAL PREA NATIONAL STANDARDS, WHICH WERE RELEASED IN 2012, APPLY TO CONFINEMENT SETTINGS, INCLUDING THE ONE YOU'RE IN RIGHT NOW.

**CAPTAIN JOHNSON:**

SHORTLY, WE'RE GOING TO TALK MORE ABOUT PREA, BUT FIRST, LET ME TALK ABOUT THREE KEY POINTS THAT WILL COME UP A LOT DURING THIS VIDEO.

FIRST, YOUR FACILITY HAS ZERO TOLERANCE FOR ANY SEXUAL ABUSE OR HARASSMENT. THAT'S INMATE AGAINST INMATE OR STAFF AGAINST INMATE. THIS MEANS THAT NO SEXUAL ABUSE OR HARASSMENT IS TOLERATED EVER.

SECOND, ANYONE WHO IS SEXUALLY ABUSED HAS A RIGHT TO REPORT IT PRIVATELY AND SAFELY. AND THIS FACILITY OFFERS MANY WAYS TO MAKE A REPORT.

THIRD, IF YOU ARE ABUSED, YOU CAN GET ASSISTANCE FROM THE FACILITY'S MEDICAL AND MENTAL HEALTH STAFF.

YOU CAN ALSO GET ASSISTANCE FROM TRAINED RAPE-CRISIS COUNSELORS WHO WORK IN THE COMMUNITY AT NO COST TO YOU.

THIS CARE IS AVAILABLE WHETHER OR NOT YOU FILE A REPORT.

ALSO, IN THIS VIDEO, WE'RE GOING TO USE THE TERM "INMATE" TO REFER TO ANYONE IN CONFINEMENT, INCLUDING DETAINEES AND RESIDENTS.

**LINDA MCFARLANE (JUST DETENTION INTERNATIONAL):**

LET'S TALK SOME MORE ABOUT ZERO TOLERANCE. WHAT DOES IT MEAN?

ZERO TOLERANCE MEANS THAT EVEN ONE INCIDENT OF SEXUAL ABUSE IS TOO MANY. UNDER PREA, EVERY FACILITY IS REQUIRED TO HAVE A WRITTEN POLICY THAT CLEARLY STATES THAT IT DOES NOT TOLERATE SEXUAL ABUSE AND SEXUAL HARASSMENT. AND THAT MEANS ABUSE BY INMATES, AS WELL AS BY STAFF, AS WE'VE ALREADY DISCUSSED.

WE'LL TALK ABOUT DEFINITIONS SOME MORE LATER ON IN THE VIDEO. BUT ZERO TOLERANCE IS ABOUT MORE THAN JUST A WRITTEN POLICY. IT'S ABOUT BUILDING A CULTURE WHERE SEXUAL ABUSE AND SEXUAL HARASSMENT ARE SIMPLY NOT PERMITTED.

IT MEANS THAT INMATES AND STAFF UNDERSTAND WHAT SEXUAL ABUSE AND HARASSMENT ARE AND HOW TO DETECT IT.

IT MEANS THAT INMATES AND STAFF ARE ABLE TO REPORT SAFELY, THAT PERPETRATORS ARE HELD ACCOUNTABLE, AND THAT LEADERSHIP TAKES EVERY SINGLE CASE OF SEXUAL ABUSE AND SEXUAL HARASSMENT SERIOUSLY.

BOTTOM LINE, SEXUAL ABUSE AND SEXUAL HARASSMENT ARE NOT TOLERATED AT THIS FACILITY. NO MATTER WHAT YOU MAY HAVE DONE, SEXUAL ABUSE AND SEXUAL HARASSMENT ARE NOT PART OF THE PENALTY.

**CAPTAIN JOHNSON:**

THE PREA STANDARDS REQUIRE ALL FACILITIES TO HAVE POLICIES AND PRACTICES IN PLACE TO KEEP INMATES SAFE AND TO MAKE IT POSSIBLE FOR THEM TO GET HELP IF THEY'VE BEEN SEXUALLY ABUSED OR HARASSED.

FACILITIES MUST MAKE HOUSING DECISIONS TO KEEP INMATES SAFE. IF YOU ARE SEXUALLY ABUSED, YOU CAN GET FREE MEDICAL TREATMENT AND COUNSELING.

AND REMEMBER, THE STANDARDS COVER INMATE-AGAINST-INMATE AND STAFF-AGAINST-INMATE SEXUAL ABUSE.

**BOA SMITH:**

SO FAR, WE'VE BEEN USING A LOT OF TERMS AND PHRASES LIKE SEXUAL ABUSE, SEXUAL HARASSMENT, SEXUAL STAFF MISCONDUCT. BUT WHAT'S IT ALL MEAN? AND HOW'S IT DIFFERENT?

SO, HERE TO HELP ME IS MATTHEW, A FORMER INMATE AND PREA PEER EDUCATOR.

**MATTHEW MARCHETTA (FORMER INMATE PREA PEER EDUCATOR):**

IF ANOTHER INMATE CONSTANTLY MAKES COMMENTS ABOUT HOW YOUR BODY'S APPEARANCE IS WHEN YOU'RE UNDRESSING OR TAKING A SHOWER, THAT CAN BE CONSIDERED SEXUAL HARASSMENT.

**BOA SMITH:**

SEXUAL HARASSMENT ALSO INCLUDES INSULTS OR NEGATIVE COMMENTS ABOUT SOMEONE'S SEXUAL ORIENTATION OR THEIR GENDER IDENTITY.

**MATTHEW MARCHETTA:**

IF A STAFF MEMBER CALLS A TRANSGENDER WOMAN A HE/SHE OR MAKES RUDE OR SEXUAL COMMENTS ABOUT SOMEONE THAT'S GAY OR SOMEONE WHOM THEY THINK IS GAY, THAT WOULD DEFINITELY BE CONSIDERED SEXUAL HARASSMENT.

**BOA SMITH:**

NOW LET'S MOVE ON TO SEXUAL ABUSE.

SEXUAL ABUSE INVOLVES PENETRATION OF ONE PERSON BY ANOTHER WITHOUT CONSENT. THIS INCLUDES PENETRATION OF ANY OF YOUR BODY PARTS BY SOMEONE ELSE'S BODY PARTS OR OBJECTS.

BUT THAT'S NOT ALL. SEXUAL ABUSE INVOLVES INTENTIONAL TOUCHING EITHER DIRECTLY OR THROUGH CLOTHING OF YOUR PRIVATE PARTS, BUT THIS EXCLUDES CONTACT THAT'S INCIDENTAL DURING A PHYSICAL ALTERCATION.

ABUSERS CAN BE INMATES, STAFF, VOLUNTEERS, OR CONTRACTORS.

**MATTHEW MARCHETTA:**

IF YOUR CELL MATE TOUCHES YOU WHILE YOU'RE SLEEPING OR IF YOU'RE HEAVILY SEDATED BY ANY SORT OF MEDICATION, THAT WOULD DEFINITELY BE SEXUAL ABUSE.

**BOA SMITH:**

ABUSERS MAY TRICK, COERCE, OR PRESSURE SOMEONE BY THREATS OF VIOLENCE OR OTHER HARM.

**MATTHEW MARCHETTA:**

WHEN A NEW INMATE ARRIVES AT A FACILITY, THEY DON'T USUALLY HAVE MONEY FOR COMMISSARY, OR THEIR MONEY HASN'T FOLLOWED THEM FROM A PREVIOUS INSTITUTION. SO,

ANOTHER INMATE WILL OFFER TO PROVIDE THEM WITH COMMISSARY OR EVEN TOBACCO AS A FAVOR. BUT THEN LATER ON DOWN THE ROAD, THEY'LL DEMAND PAYBACK. AND KNOWING THAT YOU CANNOT PAY WITH MONEY, THEY'LL DEMAND SEXUAL FAVORS INSTEAD.

**BOA SMITH:**

IN ADDITION, THE LAW STATES THAT INMATES CANNOT UNDER ANY CIRCUMSTANCES CONSENT TO ANY SEXUAL ACTIVITY WITH A STAFF MEMBER.

SO ANYTIME THAT A STAFF MEMBER AND AN INMATE ENGAGE IN SEXUAL ACTIVITY, IT IS CONSIDERED SEXUAL ABUSE.

IT IS ILLEGAL, EVEN IF AN INMATE THINKS THAT IT'S A ROMANTIC RELATIONSHIP.

**MATTHEW MARCHETTA:**

DURING A PAT SEARCH, IF AN OFFICER PRESSES HIS OR HER BODY UP AGAINST YOU OR TOUCHES YOU AND MAKES COMMENTS ABOUT HOW YOUR BODY FEELS, THAT WOULD DEFINITELY BE STAFF SEXUAL MISCONDUCT.

ALSO, THERE'S SOMETHING CALLED VOYEURISM. VOYEURISM IS WHEN A STAFF MEMBER INVADES YOUR PRIVACY BY WATCHING YOU SHOWER OR USE THE TOILET OR DRESS AND UNDRRESS WHEN IT'S NOT PART OF THEIR JOB DUTIES.

AND BECAUSE STAFF MEMBERS SHOULD NEVER UNDRRESS IN FRONT OF YOU, IT IS ALWAYS STAFF SEXUAL MISCONDUCT WHEN A STAFF MEMBER EXPOSES THEIR PRIVATE PARTS TO YOU.

**BOA SMITH:**

THE LEGAL TERM FOR AGREEING TO SEXUAL ACTIVITY IS CONSENT. IF SOMEONE DOESN'T AGREE OR IS NOT ABLE TO AGREE BECAUSE HE OR SHE IS ASLEEP, UNCONSCIOUS, DRUGGED, AFRAID, OR FEELING THREATENED OR REALLY DOESN'T UNDERSTAND WHAT'S GOING ON, THEN HE OR SHE HAS NOT CONSENTED.

**MATTHEW MARCHETTA:**

BECAUSE STAFF MEMBERS HAVE AUTHORITY OVER INMATES, SEXUAL ACTIVITY BETWEEN A STAFF MEMBER AND AN INMATE CAN NEVER TRULY BE CONSENSUAL AND IS ALWAYS AGAINST THE LAW, EVEN WHEN THE INMATE THINKS THAT THEY'RE CONSENTING.

WHILE CONSENSUAL SEX BETWEEN INMATES IS NOT SEXUAL ABUSE AND IS NOT COVERED BY PREA GUIDELINES, IT IS ALSO AGAINST INSTITUTIONAL POLICY.

**BOA SMITH:**

SO, REMEMBER, ABUSE IS SOMETHING THAT IS NOT AGREED TO.

**CAPTAIN JOHNSON:**

I WANT TO BE CLEAR ABOUT SOMETHING. SEXUAL ABUSE IS NEVER THE VICTIM'S FAULT, PERIOD.

BUT IT'S IMPORTANT FOR US TO DISCUSS SOME COMMONSENSE THINGS YOU CAN DO TO STAY SAFE.

STAY AWAY FROM GAMBLING, DRUGS, AND ALCOHOL. CONTRABAND ITEMS AND ILLEGAL ACTIVITIES CAN OFTEN BE USED TO SET UP SEXUAL ABUSE. BE CAREFUL ABOUT LENDING OR BORROWING ANYTHING. THIS IS TRUE WITH STAFF OR OTHER INMATES.

WHEN A STAFF MEMBER GIVES YOU FAVORS OR BREAKS THE RULES FOR YOU, THAT SHOULD BE A RED FLAG.

BUT WHAT HAPPENS IF YOU WANT TO REPORT AN INCIDENT OF SEXUAL ABUSE?

**CHRISTINE KREGG (JUST DETENTION INTERNATIONAL):**

I KNOW THAT REPORTING SEXUAL ABUSE ISN'T EASY, AND IT CAN BE REALLY FRIGHTENING. NO ONE WANTS TO TALK ABOUT THIS.

YOU MIGHT FEEL ASHAMED OR EMBARRASSED, AND THAT CAN MAKE IT DIFFICULT TO ASK FOR HELP.

YOU MIGHT BE AFRAID BECAUSE THE ABUSER THREATENED YOU WITH WHAT MIGHT HAPPEN IF YOU TELL.

AND IT CAN BE A BIG DEAL TO BE LABELED A SNITCH.

MANY PEOPLE WHO'VE BEEN SEXUALLY ABUSED ARE WORRIED THAT THEY DON'T KNOW WHAT WILL HAPPEN IF THEY REPORT, AND YOU MIGHT BE AFRAID THAT NO ONE WILL BELIEVE YOU.

AFTER GOING THROUGH SOMETHING AS TRAUMATIC AS SEXUAL ABUSE, IT'S A NORMAL REACTION TO TRY AND PROTECT YOURSELF.

SOME OF THE WAYS YOU MIGHT DO THAT ARE BY AVOIDING PEOPLE OR PLACES, STAYING QUIET, AND KEEPING TO YOURSELF.



WE CAN'T PROMISE TO KNOW EXACTLY WHAT WILL HAPPEN IF YOU REPORT THE ABUSE, BUT WE CAN TRY TO GIVE YOU SOME IDEA.

**LINDA MCFARLANE:**

AS CHRISTINE JUST MENTIONED, DECIDING WHETHER OR NOT TO MAKE A REPORT OF SEXUAL ABUSE OR HARASSMENT IS NOT AN EASY DECISION FOR ANYONE.

UNDER THE PREA STANDARDS, YOU HAVE THE RIGHT TO REPORT SEXUAL ABUSE OR HARASSMENT PRIVATELY, THROUGH MULTIPLE CHANNELS, AND WITHOUT THE THREAT OF RETALIATION.

YOU ALSO HAVE THE RIGHT TO RECEIVE FREE MEDICAL AND MENTAL HEALTHCARE AFTER YOU MAKE A REPORT.

LET'S TALK A LITTLE BIT MORE ABOUT HOW TO MAKE A REPORT. ANYTIME THAT YOU TELL A STAFF MEMBER, CONTRACTOR, OR VOLUNTEER ABOUT SEXUAL ABUSE OR HARASSMENT, THAT IS CONSIDERED A FORMAL REPORT.

UNDER THE PREA STANDARDS, YOU DO NOT HAVE TO USE THE STANDARD FORMAL GRIEVANCE PROCEDURE TO MAKE A REPORT.

AGAIN, THE STANDARDS REQUIRE THAT YOU WOULD HAVE MULTIPLE WAYS TO DO THAT.

YOU MIGHT ALSO FEEL MORE COMFORTABLE ASKING TO SPEAK WITH MEDICAL OR MENTAL HEALTH STAFF AND ASKING THEM FOR HELP IN MAKING A REPORT.

A FAMILY MEMBER, FRIEND, OR OTHER PERSON OUTSIDE OF THE FACILITY CAN ALSO MAKE A REPORT FOR YOU. THIS IS CALLED A THIRD-PARTY REPORT.

THIS FACILITY MUST HAVE INFORMATION FOR YOU THAT'S ALWAYS AVAILABLE THROUGH INMATE HANDBOOKS, POSTERS, AND OTHER WRITTEN MATERIALS.

YOU'LL RECEIVE MORE INFORMATION AFTER THE VIDEO ABOUT HOW TO MAKE A REPORT BOTH INSIDE THE FACILITY AND OUTSIDE THE FACILITY.

**LIEUTENANT CHARLES CONTRERAS (CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION):**

WHEN I WAS AN INVESTIGATOR AT A CALIFORNIA STATE PRISON, IT WAS MY JOB TO TAKE EVERY REPORT OF SEXUAL ABUSE AND SEXUAL HARASSMENT SERIOUSLY. THE SAME IS TRUE FOR THE STAFF AT YOUR FACILITY WHERE YOU ARE LOCATED.

IF YOU REPORT IT, YOU HAVE THE RIGHT TO KNOW THE OUTCOME OF THE INVESTIGATION. IF YOU DO NOT WISH TO GIVE A REPORT OR GIVE THE ABUSER'S NAME, YOU STILL HAVE THE RIGHT TO MEDICAL AND MENTAL HEALTH TREATMENT.

**CHRISTINE KREGG:**

SO, HOW CAN YOU GET MEDICAL AND MENTAL HEALTHCARE AFTER YOU'VE BEEN SEXUALLY ABUSED?

ACCORDING TO THE PREA STANDARDS, INMATES HAVE THE RIGHT TO GET FREE EMERGENCY MEDICAL CARE AND COUNSELING.

MEDICAL SERVICES MIGHT INCLUDE A MEDICAL FORENSIC EXAM TO COLLECT EVIDENCE AND TO PROVIDE YOU WITH CARE, TREATMENT FOR ANY INJURIES YOU MIGHT HAVE, AND MEDICATION TO PREVENT PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS, INCLUDING H.I.V.

MENTAL HEALTH SERVICES MIGHT INCLUDE BEING ABLE TO TALK TO A CONFIDENTIAL RAPE CRISIS ADVOCATE FROM THE COMMUNITY, GETTING TO SEE MENTAL HEALTH STAFF AT YOUR FACILITY, AND INFORMATION AND REFERRALS FOR FOLLOW-UP HELP, INCLUDING FROM ORGANIZATIONS OUTSIDE YOUR FACILITY.

AGAIN, THIS CARE WILL BE PROVIDED TO VICTIMS AT NO COST.

AND FACILITIES HAVE TO MAKE SURE THAT INMATES CAN HAVE REASONABLE COMMUNICATION WITH THESE GROUPS AS CONFIDENTIALLY AS POSSIBLE.

MEDICAL AND MENTAL HEALTHCARE ARE AVAILABLE REGARDLESS OF WHETHER OR NOT YOU REPORT THE ABUSE.

REMEMBER, EVERY INCIDENT OF SEXUAL ABUSE MUST BE TAKEN SERIOUSLY, AND IT'S YOUR RIGHT TO SAFELY AND PRIVATELY REPORT THIS ABUSE AND TO GET ANY HELP THAT YOU MIGHT NEED.

**CAPTAIN JOHNSON:**

WE'VE COVERED A LOT OF GROUND, BUT HERE ARE SOME KEY THINGS TO REMEMBER.

THIS FACILITY AND EVERY FACILITY MUST HAVE ZERO TOLERANCE FOR SEXUAL ABUSE BASED ON PREA STANDARDS. AND AS WE'VE DISCUSSED, STAFF AND ADMINISTRATION AT THIS FACILITY ARE COMMITTED TO MAKING SURE THERE'S NO SEXUAL ABUSE OR SEXUAL HARASSMENT.

YOU HAVE THE RIGHT TO REPORT SEXUAL ABUSE PRIVATELY, SAFELY, AND THROUGH MULTIPLE CHANNELS.

YOU HAVE THE RIGHT TO GET HELP FROM TRAINED MEDICAL AND MENTAL HEALTH CARE PROFESSIONALS.

SEXUAL ACTIVITY BETWEEN A STAFF MEMBER AND AN INMATE CAN NEVER BE CONSENSUAL AND IS ALWAYS AGAINST THE LAW.

AND ABOVE ALL, YOU HAVE THE RIGHT TO BE PROTECTED FROM SEXUAL ABUSE.

**BOA SMITH:**

THANK YOU FOR WATCHING THIS VIDEO. AND NOW I'M TURNING THINGS OVER TO YOUR FACILITATORS FOR ADDITIONAL DISCUSSION AND INFORMATION.