



# Unit 3 Part I: Prevention and Detection of Sexual Abuse and Sexual Harassment

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# Introductions

## Faculty

- Name, Title
- Experience with PREA and/or training

## Participants

- Name and Position



# Employee Training Series Outline

This training is part of series of trainings to assist agencies with PREA Standards 115.31, 115.131, 115.231, and 115.331.

|                 |  |
|-----------------|--|
| Unit 1:         | The Prison Rape Elimination Act: Overview of the Law and Your Role   |
| Unit 2:         | Inmates' Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmate Rights to be Free from Retaliation for Reporting |
| Unit 3 Part I:  | Prevention and Detection   |
| Unit 3 Part II: | Response and Reporting   |
| Unit 4:         | Professional Boundaries  |
| Unit 5:         | Effective and Professional Communication with Inmates  |

# Objectives for Unit 3, Part 1

1. Understand the dynamics of sexual abuse and sexual harassment in confinement settings
2. Learn how to detect signs of threatened and actual sexual abuse by understanding common reactions of victims of sexual abuse and sexual harassment and common behaviors of abusers
3. Apply learning objectives 1 and 2 to fulfill your responsibility under agency sexual abuse and sexual harassment prevention and detection policies and procedures

# Key Terms

- Sexual abuse
- Voyeurism
- Sexual harassment
- Sexual victimization
- Code of Silence
- Trauma
- Gender non-conforming



# Key Terms Defined: Sexual Abuse of an Inmate by Another Inmate

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:

- Sexual contact
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- Any other intentional touching



Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131

# Key Terms Defined: Sexual Abuse of an Inmate by a Staff, Contractor or Volunteer

- Sexual contact
- Penetration
- Any other intentional contact
- Any attempt, threat, or request to engage in sexual activities
- 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
- Voyeurism by a staff member, contractor, or volunteer



Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131

# Key Terms Defined: Voyeurism



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

Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131



# Key Terms Defined: Sexual Harassment



## **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
- (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

Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131

# Objective 1: Understand the Dynamics of Sexual Abuse and Sexual Harassment in Confinement

## **To meet this objective we will discuss:**

- How dynamics differ in confinement settings compared to the community
- Vulnerable populations in confinement
- Gender differences related to sexual abuse/harassment in confinement settings

# Dynamics of Sexual Abuse in Confinement Settings

Consider how sexual abuse dynamics in confinement settings might differ compared to the community:

- Environmental differences
- Reporting challenges
- Vulnerable Populations
- Reasons that the abuse occurred
- Gender differences
- Imbalance of power (staff/inmate)
- Investigative process

# Environmental Considerations

- Inmate victims of sexual abuse can be subjected to seeing the perpetrator every day, this could be another inmate or a staff person
- Due to the routine nature of daily life in facilities, the inmate may revisit the location of the abuse nearly everyday (cell, office, classroom, chapel)
- Constant reminders of a traumatic event can greatly impact how inmates react to the abuse, can worsen the trauma already experienced, and can “trigger” the inmate to behave in unpredictable ways if they relive the incident
- This can create safety concerns for staff and other inmates if not appropriately addressed

# Reporting Considerations

- Reporting any sensitive incident in the community or confinement can be very difficult
  - In confinement facilities, inmates may fear retaliation by staff or other inmates for reporting
  - Inmates may risk losing privileges that are very important to them or risk their safety
  - This can deter reporting in facilities that do not have strong reporting mechanisms and create a fear-based environment
- 
- Can you think of other considerations?

# Inmate Reporting Rates

- According to BJS data, the majority of sexual abuse cases in confinement go unreported
- Only 37% percent of victims of inmate-on-inmate sexual abuse reported the abuse to staff
- That means that nearly 2/3 of the inmates who were victimized by another inmate never made a report

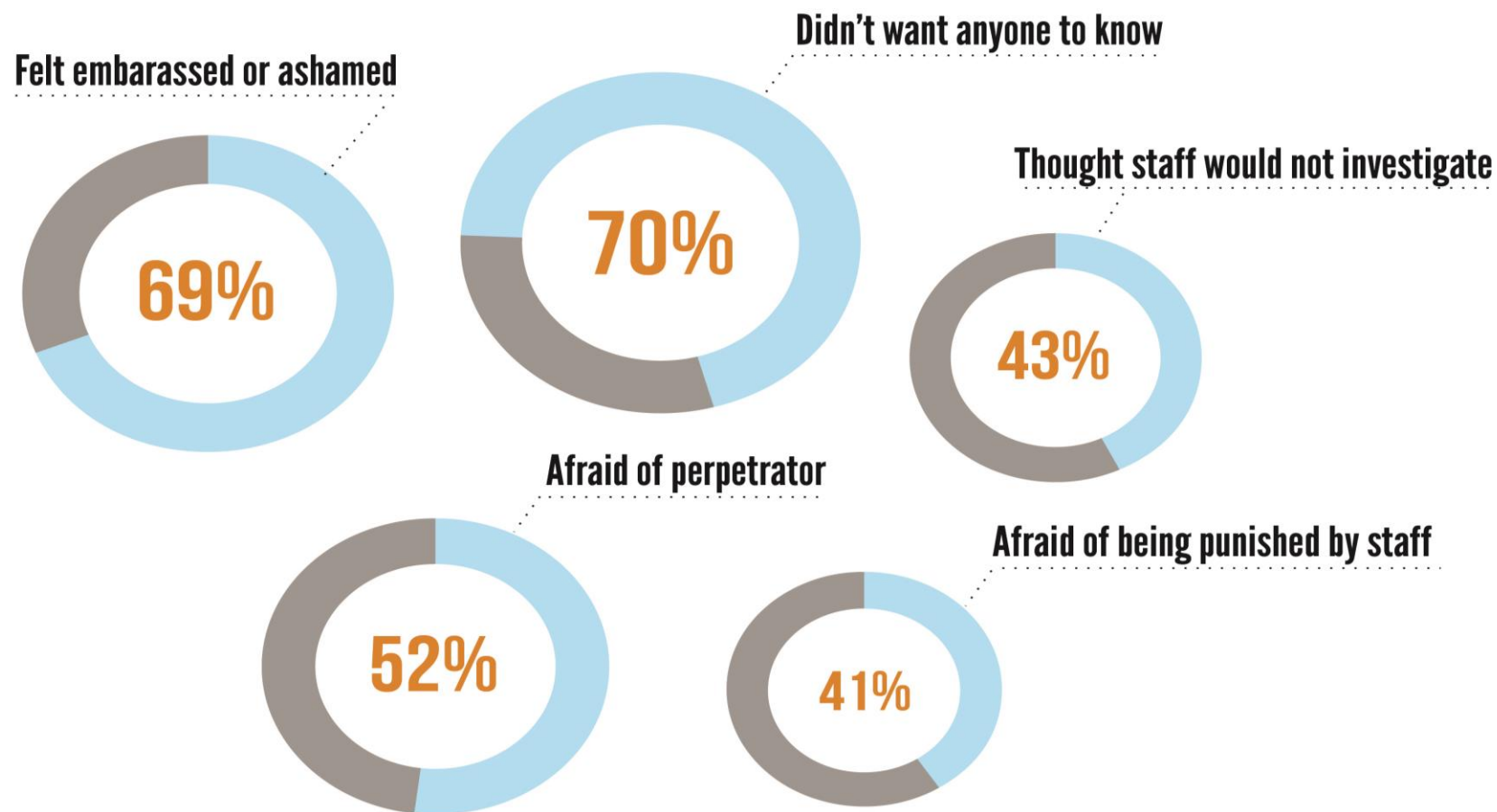


Source: Bureau of Justice Statistics, Sexual Victimization Reported By Former State Prisoners, 2008, May 12, 2012.

Source: Bureau of Justice Statistics, "Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12" (May, 2013)

Source: U.S. Department of Justice, National Crime Victimization Survey: 2006-2010.

# Reasons Victims Did Not Report



Graphic by Just Detention International. Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.

# Reporting of Sexual Victimization: Persons to whom the Incident was Reported

**TABLE 17**

**Reporting of sexual victimization, by type of incident and persons to whom the incident was reported**

|  | Inmate-on-inmate   |                           | Staff sexual misconduct |                               |                                 |
|--|--------------------|---------------------------|-------------------------|-------------------------------|---------------------------------|
|  | Total <sup>a</sup> | Nonconsensual sexual acts | Total                   | Willing activity <sup>b</sup> | Unwilling activity <sup>b</sup> |
| Number of victims  | 27,300             | 18,700                    | 27,100                  | 23,300                        | 6,300                           |
| Percent of victims reporting at least one incident of sexual victimization | 65.9%              | 66.6%                     | 6.8%                    | 3.3%                          | 22.1%                           |
| Percent reporting to any facility staff <sup>c</sup>                       | 37.4%              | 38.2%                     | 5.8%                    | 2.5%                          | 20.7%                           |
| Correctional officer   | 24.0               | 24.2                      | 2.7                     | 0.9                           | 10.1                            |
| Administrative staff   | 16.5               | 16.2                      | 4.8                     | 1.8                           | 18.0                            |
| Medical/healthcare staff   | 13.5               | 15.1                      | 2.1                     | 0.9                           | 7.5                             |
| Instructor/teacher   | 4.3                | 5.3                       | 1.4                     | 0.6                           | 5.1                             |
| Counselor/case manager   | 12.1               | 12.8                      | 2.9                     | 1.2                           | 10.4                            |
| Chaplain/other religious leader  | 8.0                | 9.4                       | 1.4                     | 0.6                           | 5.1                             |
| Volunteer  | 4.0                | 3.3                       | 1.3                     | 0.3                           | 4.7                             |
| Someone else at the facility <sup>d</sup>                                  | 13.5               | 13.7                      | 3.1                     | 1.2                           | 11.3                            |
| Percent reporting to someone other than facility staff <sup>c</sup>        | 60.0%              | 60.6%                     | 5.2%                    | 2.1%                          | 19.7%                           |
| Telephone hotline  | 1.4                | 1.6                       | 0.5                     | 0.2                           | 2.3                             |
| Another inmate   | 49.0               | 48.2                      | 3.6                     | 1.3                           | 14.6                            |
| Family/friend outside the facility   | 28.1               | 28.8                      | 4.5                     | 1.4                           | 17.3                            |
| Someone else outside the facility  | 14.6               | 17.3                      | ~                       | ~                             | ~                               |



# Vulnerable Populations



Educating ourselves about the characteristics of the inmate population will greatly assist in preventing and detecting sexual abuse

We know what characteristics make an inmate more prone to victimization and abusive behavior to inform our work in prevention and detection

# Vulnerable Populations (Prisons and Jails)

BJS data collection has helped us understand who might be more vulnerable in confinement settings, in adult prisons and jails vulnerable populations may include:



# Examples of Gender Differences Related to Vulnerable Populations

## Male

- Physically small or weak
- Gay
- Transgender
- Effeminate

## Female

- Slight build
- Previous victim of sexual abuse
- Non-English speaking
- Resource rich or poor

# Victimization Patterns



- Overall, 31% of inmates reporting abuse were victimized 3 or more times
- 13% of male prison inmates and 19% of male jail inmates said they were victimized by other inmates within 24 hours after admission (vs. 4% of female inmates in prison and jail)
- Inmate-on-inmate victimization was most commonly reported to have occurred between 6 pm-midnight (more than 40% reported in this time frame)
- Nearly 16% of male victims of staff sexual misconduct in prison and 30% of male victims in jail said they were victimized within the first 24 hours (vs. 5% of female victims in prison and 4% in jail)

Source: Beck, Allen Ph.D. et al. (2009). Sexual Victimization in Prisons and Jails, 2007-2008. Washington, D.C. U.S. Department of Justice, Bureau of Justice Statistics

# Dynamics of Sexual Abuse in Confinement: Reasons Sexual Victimization May Occur

- Sexual victimization in a confinement setting may not always be used for the same purposes as victimization in the “free world”
- Sexual harassment may precede sexual abuse and may be expressed to:
  - Test a target
  - Demean others
  - Overtly or subtly intimidate
  - Challenge new inmates/residents Threaten inmates/residents who are perceived to be weaker

# Key Terms Defined: Sexual Victimization

To define sexual victimization under the Prison Rape Elimination Act of 2003, BJS uses uniform definitions that classify each sexual act by the perpetrator who carried it out (i.e., inmate or staff ) and the type of act

- Inmate-on-inmate sexual victimization involves sexual contact with a victim without his or her consent or with a victim who cannot consent or refuse
- Nonconsensual sexual acts
- Abusive sexual contacts
- Staff sexual misconduct
- Staff sexual harassment



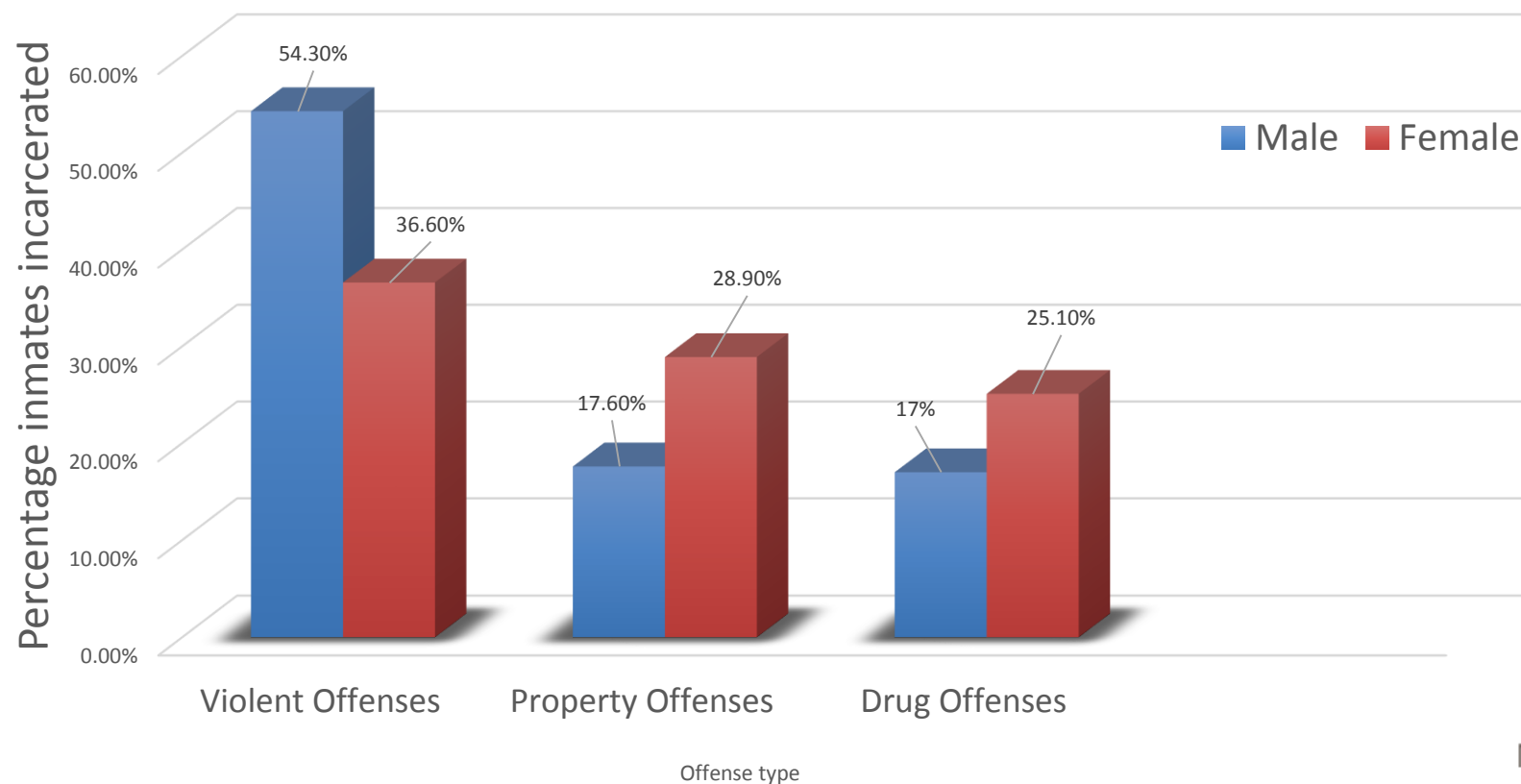
Source: Beck, Allen, Ph.D. and Ramona R. Rantala, BJS Statisticians, Jessica Rexroat, BJS Intern, *Special Report: Sexual Victimization Reported by Adult Correctional Authorities, 2009-11*, Published January 2014. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <http://www.bjs.gov/content/pub/pdf/svraca0911.pdf>

# Coercion vs. Consent

- Abusers may use force, entrapment or blackmail (such as bribes, alcohol and drugs)
- Abusers may be coercive and sexually abusive relationships may be exchanged for protection as a survival mechanism
  - These types of relationships can be difficult to distinguish from willing relationships
  - As expert Bob Dumond says, “The question to ask yourself is: Would this individual be participating in this relationship if they were in the free world?”

# Men and Women in Prison

Estimated percent of sentences prisoners under State Jurisdiction by offense and sex, 2011



Bureau of Justice Statistics. Prisoners in 2011. Washington D.C.: U.S. Department of Justice



# Why Might Females Engage in Sexual Activity in Confinement?

- Sex defined as “love” or as a commodity
- Boundary issues
- Challenges in defining domestic violence
- Fears about disclosure and reporting
- PTSD and re-traumatization
- Crisis and long-term treatment issues
- Trauma remains untreated and cycle continues

Source: Smith, Brenda. American University Washington College of Law/ Project on Addressing Prison Rape

# Why Might Males Engage in Sexual Activity in Confinement?

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

Source: Smith, Brenda. American University Washington College of Law/ Project on Addressing Prison Rape

# Why Might Gender Non-Conforming Inmates Engage in Sexual Activity in Confinement?

- Sex defined as “love” or as a commodity
- Boundary Issue
- Fears about disclosure and reporting
- History of previous confinement and/or longer sentences
- Favors or benefits
- Protection
- Force

Source: Smith, Brenda. American University Washington College of Law/ Project on Addressing Prison Rape

# Key Terms Defined: Gender Non-Conforming Defined



*Gender nonconforming* means a person whose appearance or manner does not conform to traditional societal gender expectations.

Source: National Standards to Prevent, Detect and Respond to Prison Rape Under the Prison Rape Elimination Act, 28 C.F.R. Part 115, Docket No. OAG-131

# The Role of Code of Silence in Dynamics

- 60% of sexual abuse victims in the free world do not report
- Think about your confined population and their relationship with staff – do you think that they are as likely to report as people in the free world?
- If you believe that they are just as likely to report, that means we are assuming that 60% of sexual abuse incidents are not reported in your facility



# Key Terms Defined: Code of Silence



## **Code of Silence**

An informal institutional or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy or even the criminal law.

# Inmate Code of Silence

## **The code of silence applies to inmates as well**

- Are inmates at your facility concerned with being labeled a “snitch”?
- How many inmates might not have confidence in staff’s ability to protect them from other inmates?
- Fear of retaliation from staff or other inmates

Source: Sexual Victimization Reported by Former Prisoners, 2008

# Group Discussion

- What are the cultural dynamics at your facility?
- How can the dynamics support or create a barrier to preventing and detecting sexual abuse and sexual harrassment?
- Take a few minutes to discuss with your group





# Objective 2: Detecting signs of actual and threatened sexual abuse/harassment

## **To meet this objective we will discuss:**

- Common signs/symptoms of victims who have experienced sexual abuse/harassment
- Potential behaviors victims of abuse may present
- Abusive behaviors that inmates or staff may present
- Staff and Inmate Red Flags
- Impact of trauma on behavior

# Signs and Symptoms of Sexual Abuse

- Every victim responds differently
- Difficult to track but there are some “potential” signs:
  - Physical Signs
  - Psychological Signs

# Physical Signs

- Sexually transmitted infections and/or diseases
- 
- Unexplained pregnancies (in women's facilities)
- Stomach or abdominal pain
- Difficulty in walking and sitting
- Unexplained injuries

Source: Specialized Training: Medical/Mental Health Care (Regional Training Files) Authors: National Commission on Correctional Healthcare (NCCHC), April 2013

# Psychological Signs of Sexual Abuse

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

Source: Specialized Training: Medical/Mental Health Care (Regional Training Files) Authors: National Commission on Correctional Healthcare (NCCHC), April 2013.

# Victims of Sexual Abuse

## **Sexual abuse victims are:**

- 3 times more likely to suffer from depression
- 6 times more likely to suffer from PTSD
- 13 times more likely to abuse alcohol
- 26 more times more likely to abuse drugs
- 4 times more likely to contemplate suicide

Source: Specialized Training: Medical/Mental Health Care (Regional Training Files) Authors: National Commission on Correctional Healthcare (NCCHC), April 2013.

# Gender and Victimization

- What are some considerations specific to males who have been sexually abused?
- How might males respond or think about their victimization?

- What are some considerations specific to females who have been sexually abused?
- How might females respond or think about their victimization?

# Common Responses of Male Victims in Confinement Settings

- Connection between sexual/ physical victimization and aggressive and self-destructive behavior
- Defend against feelings associated with victimization (shame, stigma)
- May question sexual identity and preference
- Feel the best defense is a good offense
- May imitate their aggressors
- Acutely aware of the prison code and their ranking

# Common Responses of Female Victims in Confinement Settings

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



# Example of Inmate Red Flag Indicators of Sexual Victimization

- Isolation
- Depression
- Lashing out at others
- Refusing to shower
- Suicidal thoughts or actions
- Seeking protective custody
- Refusing to leave an empty cell
- Refusing to enter an occupied cell or transport vehicle
- Increase in misconduct
- Increase in sexualized language and conversations
- Change in relationships with other inmates
- Unusual aggressiveness, may attempt to fight
- Linger near staff
- Requesting administrative segregation

Source: The Moss Group (TMG)

# Examples of Red Flags, Victims of Resident-on-Resident Sexual Abuse

- Letters between resident
- Graffiti
- Bedwetting
- Resident exchanging food, sharing food, using food for favors; giving away commissary items
- Will not shower with others; afraid to shower
- Drama, fighting over stuff
- Homicidal threats
- Others?

Source: Smith, Brenda Developed by the NIC/WCL Project under NIC CA #06S20GJJ1

# Inmate-on-Inmate Abusive Behaviors

## Changes in Inmate Behavior

- Stalking or grooming another inmate
- Significant trading in of favors in the recent past
- Significant increase in money transfers
- Heard bragging about “getting” someone
- Access to extra canteen without money
- Suddenly seems to have money without having a job
- Referred to in another inmate’s mail

# Inmate-on-Inmate Abusive Behaviors, Continued

## History and Signs of Abusive Behavior

- Always wants a two-person cell
- History of frequent cell changes by cellmates
- Sudden changes in behavior among younger or more vulnerable inmates when inmate leaves the area
- Frequently tests boundaries
- History of switching jobs
- History of refusing searches
- Someone who has look-outs
- Others?

# Examples of Red Flags, Resident-on- Resident Abusive Behaviors

- Verbal harassment
- Grooming of potential victims
- Blatant sexual harassment
- Prior history of sexual assault
- Past victimization
- Difficulty controlling anger
- Poor coping skills / strategies
- Voyeuristic / exhibitionistic behavior

Source: Smith, Brenda. Presentation “Addressing Sexual Abuse of Youth in Custody” Developed by the NIC/WCL Project under NIC CA #06S20GJJ1

# Signs of Staff-on-Inmate Sexual Abuse

**As with inmate-on-inmate sexual abuse there are “red flag” indicators that will assist in detecting staff-on-inmate sexual abuse. Indicators may include, but are not limited to:**

- An inmate having access to more privileges
- An inmate spending more time around/with specific staff
- An inmate exhibits increased familiarity with staff, i.e. usage of first name, increase in disrespect, physical proximity, demonstrated knowledge of staff personal life
- An inmate questions a staff member's absence
- An inmate sending kites or notes to a specific staff person or vice versa

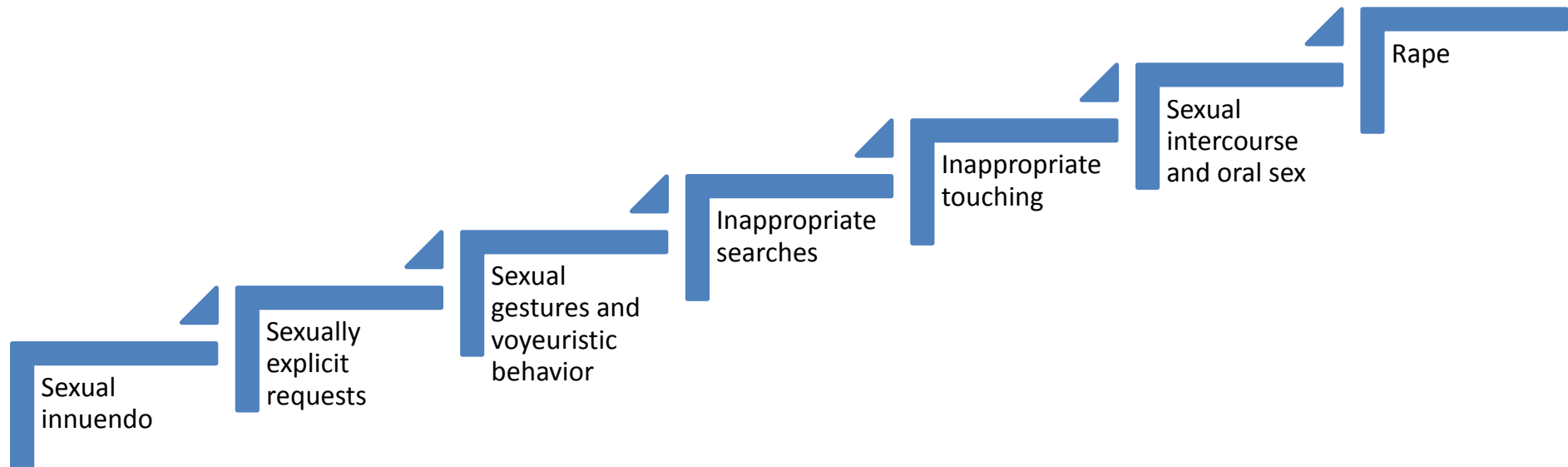
Source: Moss, Andie and Brenda Smith: Red Flag exercise developed originally in 1998 through NIC technical assistance with the Ohio Department of Rehabilitation and Correction

# Signs of Staff-on-Inmate Abuse, Continued

**Staff who are involved in incidents of staff on inmate abuse may exhibit the following “red flag” indicators:**

- Changes in personal life
- Changes in appearance
- Increased overtime hours
- Appearing at work during off hours
- Presence in unauthorized or unassigned area
- Bringing inappropriate items to work
- Attempts to find out information (unrelated to work) about an inmate
- Isolation from other staff

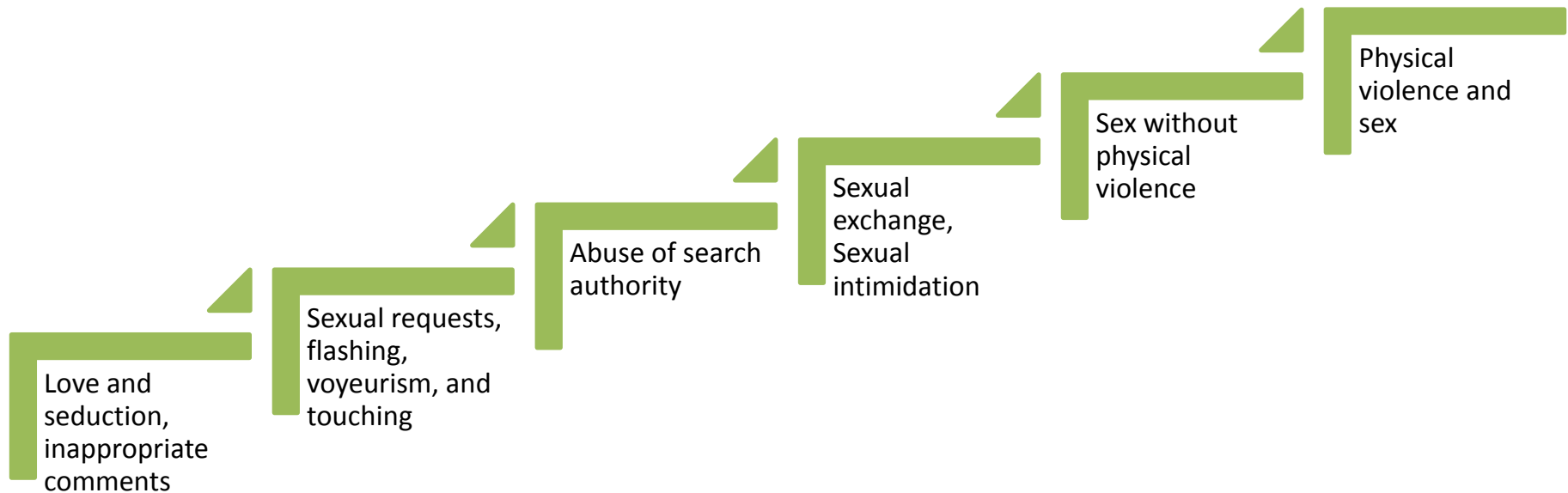
# Continuum of Staff Sexual Misconduct, Based on Research in Adult and Juvenile Facilities



Source: DuBose, Robert K. *Continuum of Coercion: Staff Sexual Misconduct in Juvenile Justice Departments, Programs and Facilities in Texas*. San Marcos, Texas 2007



# Continuum of Staff Sexual Misconduct, Based on Research in Women's Facilities



Source: Wells, J., Pollock, J., Muscat, B., & Torres, S. (2008). *Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities*. California State University, Fresno.

# Sexual Abuse and the Impact of Trauma



Trauma is the experience of violence and victimization including sexual abuse, physical abuse, severe neglect, loss, domestic violence and/or the witnessing of violence, terrorism or disasters

Source: National Association of State Mental Health Program Directors, 2006.

# Trauma Changes the Brain and Response

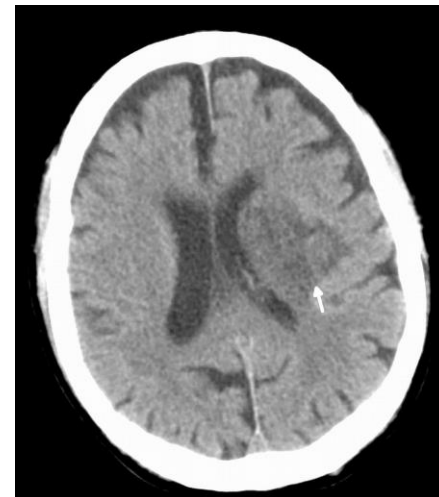


- Victims might not remember what happened to them
- Human stress response hormones are released that help us respond to trauma
- That means two things are happening:
  - A signal shoots to the brain and then “Fight or Flight” body response occurs
  - Or tonic immobility can occur, “body literally freezes”

Source: Specialized Training: Medical/Mental Health Care (Regional Training Files) Authors: National Commission on Correctional Healthcare (NCCHC), April 2013

# Trauma Changes the Brain and Response, Continued

- The other thing to remember is that the stress hormone interferes with the way we are able to store memory
- So we know that in trauma response or PTSD the trauma is continuing to live in the brain
- This can impact behaviors, create triggers and if we understand this we can detect signs of trauma



Source: Specialized Training: Medical/Mental Health Care (Regional Training Files) Authors: National Commission on Correctional Healthcare (NCCHC), April 2013

# Impact of Continuous Trauma for Inmates

- Can create chronic hyper arousal
- If constantly in fear of abuse or retaliation the brain begins to become hard-wired to respond immediately
- The brain has an inability to calm down, a lot of anxiety, difficulty sleeping, irritability, impulsive behavior
- These are all signs that could help you detect sexual abuse or fear of abuse/harassment

Source: Specialized Training: Medical/Mental Health Care (Regional Training Files) Authors: National Commission on Correctional Healthcare (NCCHC), April 2013.

## Objective 3: Apply learning objectives 1 and 2 to fulfill your responsibility under agency sexual abuse and sexual harassment prevention and detection policies and procedures

### **To meet this objective we will discuss:**

- Prevention and detection strategies
- Facility policies and procedures that support prevention and detection of sexual abuse and sexual harassment

# Prevention Strategies

## **What does prevention mean to you?**

- How do you maintain safety each day through prevention?
- How can this apply specifically to PREA and sexual safety?
- What other ways can you prevent sexual abuse and sexual harassment now knowing what we discussed regarding dynamics and detection?

# Suggested Prevention Strategies

## How Can You Participate in Prevention?

- Enforcing the agency or facility policy on zero tolerance
- Supporting the agency's or facility's sexual abuse reporting policy, if you see something suspicious you are expected to report
- Paying attention to your surroundings (blind spots, unlocked closets, staffing shortages)
- Other strategies?



# PREA Standards and Prevention Planning

## **PREA standards address general prevention planning by:**

- Identifying a PREA coordinator for your agency/facility (115.11)
- Ensuring your agency does not hire or promote someone who has committed sexual abuse, as well as perform background checks of new and current staff (115.17)
- Requiring contract providers to adopt PREA (115.12)
- Ensuring your agency has multiple mechanisms for reporting abuse (115.51)
- Ensuring there is adequate supervision and monitoring practices, taking into consideration several factors such as staffing levels, video monitoring, programming, privacy, prevalence of incidents (115.13)

# Detection



# Detection Strategies

- Take note of inmate behaviors and patterns
- Address the inmate should their behavior become uncharacteristic or demonstrate signs discussed previously in this training
- Take note of staff behaviors should they become uncharacteristic of the staff person
- Develop a strategy with how you will address the staff person should their behavior become out of the ordinary
- While we can refer to red flags to help guide prevention and detection these are not absolutes, but may indicate need for further response

# Group Work: Agency/Facility Policies and Procedures

- Identify in your PREA specific and related policies and/or procedures your responsibility in prevention and detection of sexual abuse
- How does what you learned today help you fulfill your responsibilities under your policies in prevention and detection of sexual abuse and sexual harassment?
- Are there additional elements in your policy that you should be aware of related to \_\_\_\_\_?



# Review: Unit 3, Part I Objectives

1. Understand the dynamics of sexual abuse and sexual harassment in confinement settings
2. Learn how to detect signs of threatened and actual sexual abuse by understanding common reactions of victims of sexual abuse and sexual harassment and common behaviors of abusers
3. Apply learning objectives 1 and 2 to fulfill your responsibility under agency sexual abuse and sexual harassment prevention and detection policies and procedures

# End of Unit 3, Part I

