

**Specialized Training: Investigating Sexual Abuse in
Correctional Settings
Notification of Curriculum Utilization
December 2013**

The enclosed *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum was developed by The Moss Group, Inc. (TMG) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The PREA standards served as the basis for the curriculum's content and development with the goal of the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and TMG logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval at which point the BJA logo may be added.

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



Module 6: First Response and Evidence Collection: The Foundation for Successful Investigations

Time: 8:45 a.m. – 10:45 a.m. (2 hours)

Training Objectives:


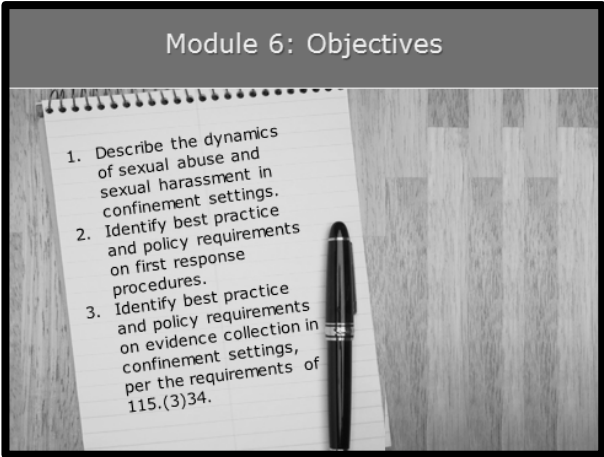



1. Describe the dynamics of sexual abuse and sexual harassment in confinement settings.
2. Identify best practice and policy requirements on first response procedures.
3. Identify best practice and policy requirements on evidence collection in confinement settings, per the requirements of 115.(3)34.


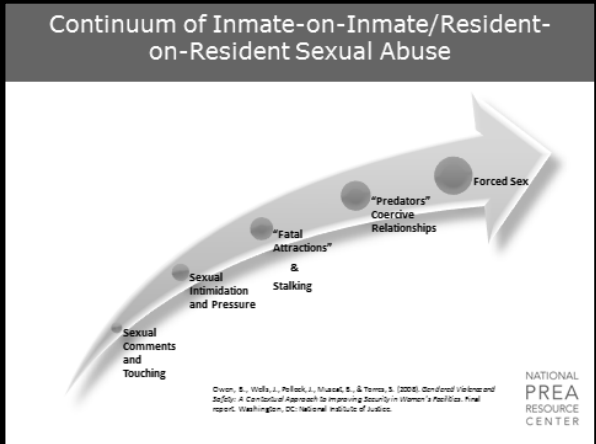

Materials Needed:



1. Easel pad and markers
2. PowerPoint® player/machine (lap top computer and LCD projector)
3. Screen or monitor
4. Handout: Department of Justice definitions of sexual abuse and sexual harassment.
5. Handout: State statutory language defining sexual assault (prepared by trainer).



Training Tips:

- The purpose of this module is to provide participants with information on the dynamics of sexual abuse and sexual harassment in confinement settings; best practice and PREA standard requirements for first response; and evidence collection techniques in confinement settings per PREA standard 115.(3)34 requirements.
- Modify this module to address the specific needs of the investigators in your agency. Insert agency policy as suggested throughout the module. If investigators only conduct administrative investigations, target sexual harassment investigations for greater discussion. However, do not remove the evidence collection techniques. These are important both in the event that a sexual abuse occurs, and to meet the requirements of PREA standard 115.(3)34.
- An experienced investigator is an asset as a presenter or co-presenter for this module. Ask them to prepare anecdotes and lessons learned from their own experiences in advance of the training to share throughout the training. Additionally, ask the participants to speak up when they have a relevant experience to share. While presenting this Module and Module 7, it is important to recognize and emphasize the experience of your participants and give them an opportunity to learn from one another.

Time	Lecture Notes	Teaching Tips
	First Response and Evidence Collection: The Foundation for Successful Investigations	 First Response and Evidence Collection
1 min	<p style="text-align: center;">Objectives</p> 	 Objectives
1 min	<p style="text-align: center;">What are the goals of an investigation?</p>  <p>Your primary goal as an investigator is to determine the truth, as much as is possible. You are charged with ensuring the safety of the offenders in the care of your agency and of society at large by ensuring you collect the evidence needed for administrative action or prosecutorial referral.</p> <p>The ultimate goal is to ensure that those individuals who violate policy or law are appropriately sanctioned through the agency disciplinary system or through the criminal justice</p>	 What are the goals of an investigation?

	system.	
2 min	<p style="text-align: center;">Types of Allegations</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">Types of Allegations</p> <p>There are different types of allegations</p> <ul style="list-style-type: none"> • Administrative: <ul style="list-style-type: none"> • Sexual Harassment • Sexual touching that may not be criminal • Criminal <ul style="list-style-type: none"> • Sexual Assault <p><i>All allegations must be investigated.</i></p> <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>In this agency...</p>	 <p>Types of Allegations</p> <p>Insert agency process regarding who handles different types of allegations (e.g., administrative allegations are investigated within the facility; criminal allegations are referred to law enforcement).</p>
1 min	<p style="text-align: center;">Continuum of Inmate-on-Inmate/Resident-on-Resident Sexual Abuse</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">Continuum of Inmate-on-Inmate/Resident-on-Resident Sexual Abuse</p>  <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>This continuum of sexual abuse was developed from research conducted by Dr. Barbara Owen and Dr. James Wells on sexual safety in women’s facilities. However, it applies to both male and female inmates as well as adult and juvenile facilities. The continuum ranges from sexual comments and touching to forced sex or sexual assault.</p> <p>The least serious form of sexual victimization described in the interviews was verbal, such as</p> <ul style="list-style-type: none"> • Referring to an inmate’s/resident’s body • Making sexual innuendos 	 <p>Continuum of Inmate-on-Inmate/Resident-on-Resident Sexual Assault</p> <p>Owen, B., Wells, J., Pollock, J., Muscat, B., & Torres, S. (2008). <i>Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities</i>. Final report. Washington, DC: National Institute of Justice.</p>

	<ul style="list-style-type: none"> Sexual “horseplay” or touching someone’s body in a non-violent but uninvited and unwanted manner <p>This is followed by sexual intimidation, which</p> <ul style="list-style-type: none"> Occurs when someone is asked repeatedly to become involved romantically or sexually with another inmate. Has been hard to define. In discussion with residents/inmates, many stated that it is “hard to know” if individuals were coerced or entered into such relationships voluntarily. <p>A particular type of sexual pressure or intimidation occurs in so-called “fatal attraction” cases or “fatals,” named after the movie of the same name that involved a stalker who would not give up her quest for a love interest. In these cases, one person is enthralled with another and seeks a sexual liaison at any cost. In some instances, participants described certain individuals in the prison as “predators.” These descriptions were not common but they were mentioned.</p> <p>At the extreme end of the coercion continuum is forced sexual intercourse or sodomy.</p>	
1 min	<p style="text-align: center;">What is Reportable?</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">What is Reportable?</p> <p>Everything is Reportable</p> <p>But not everything is a PREA incident</p> <ul style="list-style-type: none"> Familiarize yourself with the U.S. Department of Justice definitions of sexual abuse and sexual harassment and your state criminal statute definitions of sexual assault Be aware when you are investigating whether something is a possible case of sexual harassment or sexual abuse, or whether it is a possible policy violation and doesn’t rise to criminal activity. <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>What are allegations you may see that do not fall into these categories? How should those allegations be treated? What about such behaviors as hand holding? This action does not</p>	 <p>What is Reportable?</p>  <p>Read the definitions of sexual harassment and sexual abuse and your state statutory language of sexual assault.</p>

	fall into the definition of sexual abuse. However, it may indicate some coercive behavior. It should be treated as a policy violation, but investigators should pay attention for additional indications of coercion, such as sexual pressuring.	
1 min	<p style="text-align: center;">Types of Investigations Sexual Harassment</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center; background-color: #555; color: white; padding: 5px;">Types of Investigations</p> <p>Sexual Harassment</p> <ul style="list-style-type: none"> • Difficult to determine either substantiated or unfounded • Can be a precursor to more abuse • Important to document the investigation • Report delivered to those who can protect inmates/residents • History can demonstrate the agency's record of protecting offenders <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>On one end of the continuum are sexual harassment incidents. These cases</p> <ul style="list-style-type: none"> • Will probably be the most common type of allegation received. • Perhaps are the most difficult type of allegation to investigate. • Are extremely important because predators will typically try to develop a relationship with their target before an incident of sexual abuse. <p>Additionally, sexual harassment can be graphic, vulgar, and violent, and can be traumatizing and damaging to the victim.</p>	 <p>Types of Investigations</p> <p style="color: red;">Consider inserting agency data demonstrating the frequency of sexual harassment allegations in the agency.</p>
2 min	<p style="text-align: center;">Dynamics of Sexual Harassment</p>	 <p>Dynamics of Sexual Harassment</p>

Dynamics of Sexual Harassment

Sexual Harassment

- May precede sexual abuse and is used to
 - test a target
 - demean others
 - overtly or subtly intimidate
 - challenge new inmates/residents or staff
 - threaten inmates/residents or staff who are perceived to be weaker
- May be used
 - to move the alleged perpetrator
 - to retaliate against the alleged perpetrator

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Sexual harassment is often a way for a sexual predator to determine whether a target is vulnerable and whether a target would report the incident. It is recommended that investigators

- Treat sexual harassment cases like any other case involving bullying or threats where the individuals need to be kept separated.
- Separate the alleged victim from the suspect to ensure there is no opportunity for the harassment to develop into something more serious.


Additionally, separation will provide the agency with evidence of proactive measures taken to protect potentially vulnerable inmates/residents.



Frequent sexual harassment aggressors


- Are often voyeurs and exhibitionists, which may include masturbating in front of others during count or security checks.
- Often have poor impulse or anger control, demean others with profanity and threats, and harass and solicit sex when challenged or angry.


Allegations of sexual harassment may also



- Be used by inmates/residents to separate themselves from others as a result of gambling or other debts.
- Be used by inmates/residents as retaliatory measures against staff.


	Take this into account when investigating the allegations, but do not let it overshadow the agency's need to protect inmates and prevent future abuse. Every allegation – including sexual harassment – needs to be thoroughly investigated, with a written report.	
2 min	<p>Types of Investigations</p> <div data-bbox="414 480 1010 934" data-label="Complex-Block"> <p>Types of Investigations</p> <p>Inmate-on-Inmate or Resident-on-Resident Sexual Abuse</p> <ul style="list-style-type: none"> • May involve <ul style="list-style-type: none"> • Physical force • Coercion, pressure • Includes voyeurism and exhibitionism, abusive touching, and penetration <p><i>Remember: Not all sexual interactions are abusive and not all physical interactions are sexual.</i></p> <p><small>NATIONAL PREA RESOURCE CENTER</small></p> </div> <p>These types of allegations</p> <ul style="list-style-type: none"> • Often require attempts to determine the difference between consensual and coercive sexual activity between inmates/residents. • Require investigators to determine the relationship between the alleged victim and suspect through interviews and evidence collection. <p>As before, separate the alleged victim from the suspect regardless of whether the allegation is substantiated. Although inmates/residents may attempt to manipulate the system, it is important that the agency prevent sexual abuse and perform their due diligence in protecting inmates/residents than it is for all those who attempt to manipulate the system to fail.</p> <p>The population of your facilities will dictate the types of allegations you receive. Women's facilities, for example, may have more allegations due to the higher number of relationships existing in the population.</p>	 <p>Types of Investigations</p> <p>Consider inserting agency data demonstrating the frequency of sexual abuse allegations in the agency.</p>

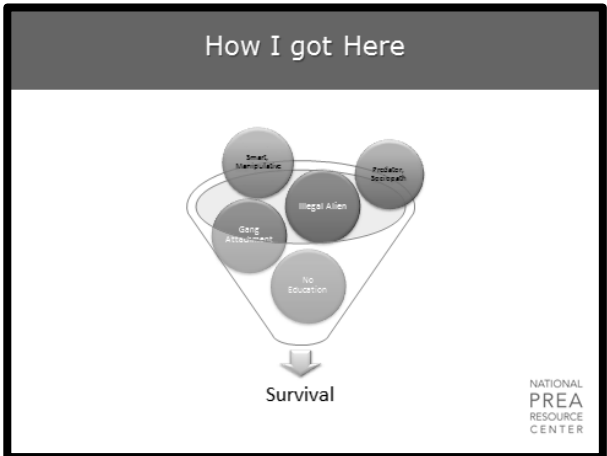

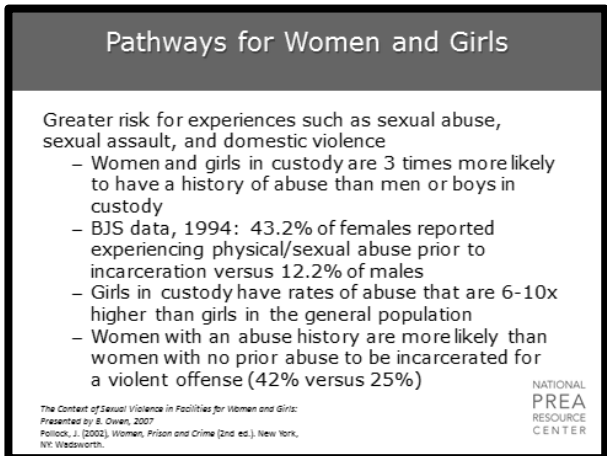

	<p>Although it is important to take sexual abuse allegations seriously and be aware of what could be indicative of coercion, not all sexual interactions are abusive, and not all physical interactions are sexual. This will be discussed in more detail later in this module.</p>	
1 min	<p style="text-align: center;">Dynamics of Sexual Abuse</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">Dynamics of Sexual Abuse</p> <p>Sexual abuse in custody...</p> <ul style="list-style-type: none"> – Triggers new mental illnesses and exacerbates existing ones – Spreads infectious diseases – Increases health and mental health care expenditures <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>Sexual abuse in custody impacts much more than the individual health and well-being of the victim, although that is an important concern. Sexual abuse also</p> <ul style="list-style-type: none"> • Spreads infectious diseases within the confinement population • Spreads infectious diseases, after release, within the community at large • Increases the costs of public health and mental health care as the victims struggle with the impact of the trauma. 	 <p>Dynamics of Sexual Abuse</p>
1 min	<p style="text-align: center;">Dynamics of Incarceration</p>	 <p>Dynamics of Incarceration</p>

	<div data-bbox="414 191 1015 646" data-label="Complex-Block"> <h3>Dynamics of Incarceration</h3> <p>Predators look for means, opportunity, and vulnerability, selecting targets...</p> <ul style="list-style-type: none"> • who are least able to defend themselves, • who may be less believed or believable, or • who are disliked or ostracized. <p><small>PREA Review Panel Testimony by Dr. Robert Dumond, November 2006 available at: http://www.ojp.usdoj.gov/reviewpanel/pdfs_nov06/test_dumond.pdf</small></p> <p><small>NATIONAL PREA RESOURCE CENTER</small></p> </div> <p>Consistent with the Bureau of Justice Statistics' data, vulnerable inmates/residents often are those who are both physically and socially vulnerable: those smaller and/or weaker than the aggressor and those that are socially isolated.</p> <ul style="list-style-type: none"> • Reporting cultures can decrease the vulnerability of inmates/residents by removing the vulnerability factor related to the perceived credibility of reports. • In cultures where all allegations are investigated, inmates/residents will have equal access to support from the facility, regardless of their relationship with staff or their level of social isolation. 	<p>PREA Review Panel Testimony by Dr. Robert Dumond, November 2006 available at: http://www.ojp.usdoj.gov/reviewpanel/pdfs_nov06/test_dumond.pdf</p>
7 min	<p>We're going start with a video clip with some material of a pretty graphic nature.</p> <p>So let's say your brother-in-law borrowed 10 cups of flour from his neighbor, and he's down on his luck and can't re-pay the flour. What if the neighbor told him, you have three choices: you re-pay the flour; I'm going to beat you up; or you have to have sex with me. Do you think the law enforcement agency in your community might look at that case a little differently than we look at cases in institutions? Is there really a difference? What's the difference? The difference is your neighbor is outside in the community, and the inmate is in a facility.</p>	 <p>Show a video clip here to demonstrate the reality of sexual abuse in correctional settings. One possible documentary is <i>Turned Out: Sexual Assault Behind Bars</i>. Youtube clips of this video are available online, including: https://www.youtube.com/watch?v=0q966PIHx8c</p> <p>Ask: Did you find anything that has been said in this video to be</p>


		<p>inaccurate? Maybe on a smaller or larger scale than what was shown? What are the dynamics that exist in our facilities?</p>
1 min	<p>Dynamics of Incarceration</p> <div data-bbox="410 464 1015 919" data-label="Complex-Block"> <div> Dynamics of Incarceration </div> <ul style="list-style-type: none"> • In women's and girl's facilities, relationships and loyalty tend to be valued highly. Men's and boy's facility cultures value aggression and power. • Some see sexual aggression as a way to assert their power and control over others. • Being victimized and seeking help often are viewed as signs of weakness. <div> <small>NATIONAL PREA RESOURCE CENTER</small> </div> </div> <p>The dynamics of sexual abuse vary depending on the population of the facility.</p> <ul style="list-style-type: none"> • Girls and women generally value relationships and many of the allegations revolve around those relationships. • Men's and boy's facilities tend to have incidents with more aggression. <p>Typically, male inmates tend to engage in sexual abuse due to</p> <ul style="list-style-type: none"> • A higher sex drive • Forced abstinence • The need to pursue power or control over weaker inmates/residents <p>It generally does not occur because of a need for connection, love or romantic feelings.</p> <p>Women</p> <ul style="list-style-type: none"> • May be more likely to report sexual abuse than men. • May have unique challenges identifying their own abuse due to their histories of trauma and the importance of relationships and connections in their 	 <p>Dynamics of Incarceration</p>

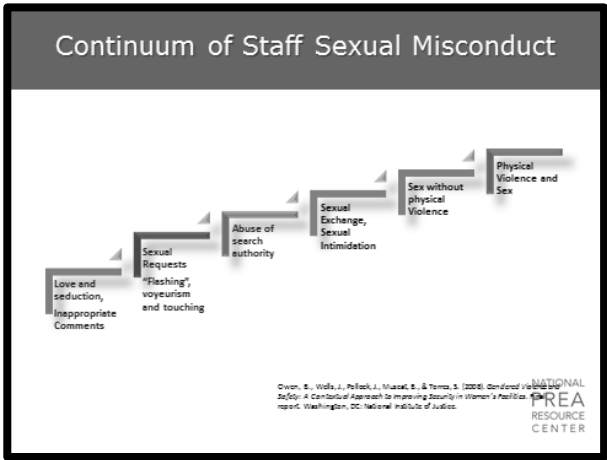

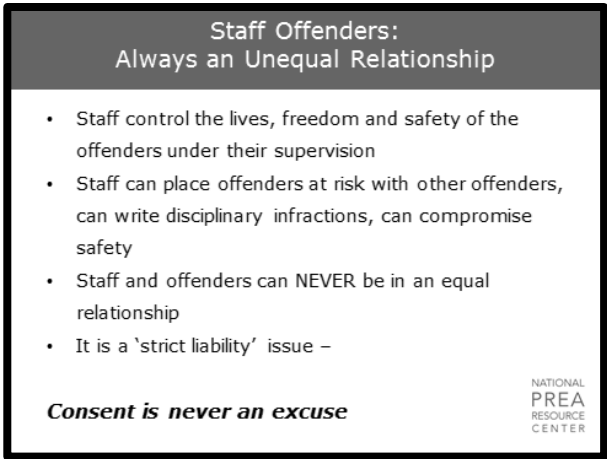

	<p>lives.</p> <ul style="list-style-type: none"> • Have different pathways to criminality which will be discussed later. <p>It is never easy for anyone to report sexual abuse due to feelings of shame, embarrassment, self-doubt, fear, and the inevitable stigma.</p>	
1 min	<p style="text-align: center;">Dynamics of Incarceration</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center;">Dynamics of Incarceration</p> <p>Aggressors typically employ one of several methods to control victims:</p> <ol style="list-style-type: none"> 1. Force (physical assaults or threats of harm) 2. Entrapment or blackmail (for example, requiring debts to be repaid with sex, protection) 3. Pressure tactics (persuasion, bribes, use of alcohol and drugs) <p style="text-align: center;">Remember that coercion ≠ consent</p> <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>We frequently are aware of situations in which an offender consented to sex with the perpetrator the first time but tried to refuse on a subsequent occasion. Some offenders may voluntarily enter into a sexual relationship in exchange for protection, canteen, etc., but change their minds after a while. Staff members often find it hard to feel compassion for such victims. Those are difficult cases to investigate and prosecute.</p> <p>But investigators need to respond as vigorously and sensitively as they would in any other case. If we do not, the perpetrators will continue and find more victims. Even if a criminal prosecution is not possible, a determination of guilt in a disciplinary proceeding can help stop a predator from victimizing future inmates/residents or staff.</p>	 <p>Dynamics of Incarceration</p>
7 min	Video	 <p>Play another video clip. Consider another clip from <i>Turned Out: Sexual Assault Behind</i></p>


		<p>Bars like the following: http://www.youtube.com/watch?v=DkH_41eQEE0&feature=related</p> <p>Ask if anyone has any comments.</p>
2 min	<p style="text-align: center;">Dynamics of Incarceration</p> <div data-bbox="410 459 1015 915" data-label="Complex-Block"> <div style="background-color: #555; color: white; text-align: center; padding: 5px;">Dynamics of Incarceration</div> <div style="padding: 10px;"> <p><u>Anyone</u> can be at risk, but offenders are more vulnerable if:</p> <ul style="list-style-type: none"> Young and inexperienced First-time offenders/new to incarceration Are not "tough" or "streetwise" Have mental illnesses or developmental disabilities Incarcerated for sexual violence against children or vulnerable adults </div> <div style="text-align: right; font-size: small;"> NATIONAL PREA RESOURCE CENTER </div> </div> <p>All offenders have the potential to be vulnerable to abuse, but there are certain characteristics that make someone particularly at-risk. As an investigator, it is important to know the dynamics of sexual abuse to be able to fully understand what may have actually happened.</p> <p>Additionally, it's important to be aware of these vulnerabilities to ensure certain types of allegations are not ignored. Most agencies have offenders with mental health disorders who submit numerous reports. For example, the inmate/resident who will call twice a week claiming that the warden is sneaking into his cell at night through the air vent to perform oral sex on him.</p> <p>Do you investigate these claims? Yes. Every single one.</p> <p>Does it need to take long? No. On many of these allegations, you'll have videos that you can check, or you can place the inmate/resident under ongoing observation. However, each allegation needs to be investigated because these are vulnerable individuals who perpetrators will target for victimization specifically because they know that their</p>	 <p>Dynamics of Incarceration</p>



	allegations are less likely to be taken seriously.	
1 min	<p>How I Got Here</p>  <p>It is equally important for investigators to understand the dynamics of offenders' lives and their life pathways to criminality before they ended up in custody. Offenders may</p> <ul style="list-style-type: none"> • Be lacking formal education which is important to consider when determining how to communicate with them. • Have gang attachments or they may be illegal immigrants, which will impact the dynamics of their relationships within their facility. • Be smart, manipulative, predatory, or even sociopathic. <p>However, it is important to remember that the characteristics they have and the pathways they may have followed were probably developed as a means of survival.</p>	 <p>How I Got Here</p>
1 min	<p>Pathways for Women</p> 	 <p>Pathways for Women</p> <p><i>The Context of Sexual Violence in Facilities for Women and Girls, Presented by B. Owen, 2007</i></p> <p>Pollock, J. (2002), <i>Women, Prison and Crime</i> (2nd ed.). New York, NY: Wadsworth.</p>




	<p>As we discussed earlier, many inmates have been previously victimized. Male and female inmates have often been victims of emotional, physical, and sexual abuse by trusted persons at a much higher rate than the national average.</p> <p>This history of abuse has been shown to actually contribute to the women's and girl's likelihood of ending up in the criminal justice system.</p>	
1 min	<p style="text-align: center;">How I Got Here</p> <div data-bbox="410 590 1015 1045" data-label="Complex-Block"> <p style="text-align: center;">Pathways for Women</p> <p>The Implications for these Backgrounds for Sexual Abuse in Female Facilities Include:</p> <ul style="list-style-type: none"> • 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 issue <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>These pathways are relevant to the dynamics of sexual abuse in confinement. Women in confinement may:</p> <ul style="list-style-type: none"> • Have a different understanding of sex and love than most of the general population due to abuse histories. • Have such long histories of abuse that they may not recognize abuse in certain types of relationships. For example, sex in exchange for protection or for commissary items may not be seen abnormal or coercive. • See sex purely as a commodity. <p>This may impact their relationships with staff as well, particularly with regard to their boundaries and the relationships they attempt to develop. Individuals with histories of abuse are much more likely to suffer from long-term trauma issues that may influence their behavior day-to-day, as was discussed in Module 4.</p>	<div data-bbox="1143 548 1235 611" data-label="Image"> </div> <p>How I got Here</p> <p><i>Source: The Context of Sexual Violence in Facilities for Women and Girls: Presented by B. Owen, 2007</i></p> <p>Ask: Should this impact how you interview of them? How might a history of abuse impact the way they see you?</p>



	Many of these women who have suffered physical and sexual abuse in the past may be asking “why do you care now? Why didn’t anyone care the first or the second or the third time it happened out in the community?”	
1 min	<p style="text-align: center;">Protective Pairing</p> <div data-bbox="410 415 1015 869" data-label="Image"> </div> <p>“Protective Pairing” is a term used to describe when sex is exchanged for something, such as protection or commissary. Is the sex in this situation consensual or coercive?</p> <p>Ultimately, the question to ask is whether the individual in question would have behaved that way in the free world. If you released all the men in your institutions back out in the community, would all of the men who are involved in sexual relationships with other men inside the facility find men in the community to partner with? Pairing up with someone for safety does not mean consent any more than a small business giving a percentage of their profits to the mafia every month in exchange for protection is “consensual.” It’s important that we don’t view life in custody as different from life on the street. We can’t start applying different sets of rules. If the alleged victim exchanged sex for protection, perhaps the facility needs to find a better way to protect the inmates/residents.</p> <p>Women will often create a “family” within the facility. This family will provide support and security for one another. Juvenile females, on the other hand, tend to be more</p>	 <p>Protective Pairing</p>



	aggressively focused on relationships with men, which leads to more altercations between juvenile females than adult females.	
1 min	<p>Continuum of Staff Sexual Misconduct</p>  <p>Similar to the continuum of sexual abuse in confinement, there is also a continuum specific to staff sexual misconduct. It begins with love, seduction, and sexual harassment. It increases to sexual requests; voyeurism and exhibitionism; abuse of search authority; sexual intimidation; sex without physical violence; and, finally, sex with physical violence.</p>	 <p>Continuum of Staff Sexual Misconduct</p> <p>Owen, B., Wells, J., Pollock, J., Muscat, B., & Torres, S. (2008). <i>Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities</i>. Final report. Washington, DC: National Institute of Justice.</p>
1 min	<p>Staff Offenders: Always an Unequal Relationship</p>  <p>Staff and offenders can <i>never</i> be in an equal relationship. It is a 'strict liability' issue. Consent is never an excuse.</p> <p>The dynamics of staff sexual misconduct are important for investigators to understand. "Consent" between staff and offenders is impossible in the same way that consent</p>	 <p>Staff Offenders: Always an Unequal Relationship</p>

	<p>between adults and minors is impossible. Both acts are clearly illegal in all 50 states.</p> <p>Unless the inmate/resident has forcibly sexually abused the staff member, the act and the repercussions are always the staff member's responsibility. A staff member has control over the lives of inmates/residents.</p> <ul style="list-style-type: none"> • Control over offender physical safety • Control over access to basic needs • Influence over impact parole. <p>Think about your own relationships. Once you are in a relationship with someone, there are certain risks to ending the relationship.</p> <ul style="list-style-type: none"> • You might lose access to a car if your partner used to drive you places. • Your partner might complain about you to your friends, hack your email, or egg your house. • You may have to deal with children and custody decisions. <p>In a facility, if you're an inmate trying to figure out how to end things with a staff member, think about the risks you are taking and the potential repercussions you could face if the staff member is vindictive. The power imbalance is too great for the inmates/residents to be able to consent to any sexual act. Even if the inmate/resident states that they consented, lies about it during an interview, or refuses to cooperate with the investigation, the inmate/resident is still a victim and cannot in any way be held responsible.</p>	<p>Ask: Do you have prosecutors who don't entirely agree with this? What about line staff? What about cases of staff sexual misconduct involving female officers and male offenders? Is there pity for that female officer?</p> <p>If the answer is no, state that it has taken a long time to get there in the field. There is often the perception that the female staff and the male inmate are in love, and therefore it can't constitute sexual abuse, and we shouldn't prosecute.</p> <p>If the answer is yes, discuss how that impacts investigations.</p>
10 min	Video	 <p>Play the third scenario on The Moss Group, Inc. and National Institute of Corrections <i>Staff – Offender Overfamiliarity Scenarios</i> DVD: a female offender discusses her</p>


		<p>experiences with staff sexual misconduct.</p> <p>https://vimeo.com/87267365</p>
5 min	<p>Staff and Offenders: Always an Unequal Relationship</p> <div data-bbox="417 399 1019 852" data-label="Complex-Block"> <p>Staff and Offenders: Always an Unequal Relationship</p> <ul style="list-style-type: none"> • How does the male staff affect the female in the video? • How does her past make her a vulnerable person? • Does she have the self esteem to get out of the relationship? • Does she deserve to be "loved by a good man"? <p>NATIONAL PREA RESOURCE CENTER</p> </div>	 <p>Staff Offenders: Always an Unequal Relationship</p> <p>Ask the class to respond to the questions on the slide. How a "willing" relationship between an inmate and a staff person be unequal and coercive?</p> <p>Ask: How many of you have worked with or dealt with prostitutes on the street? How many of you understand the choices they make?</p>
1 min	<p>Reports of Sexual Abuse and Sexual Harassment</p> <div data-bbox="417 1142 1019 1596" data-label="Complex-Block"> <p>Reports of Sexual Abuse and Sexual Harassment: Where do they come from?</p> <ul style="list-style-type: none"> • Not every offender involved in a sexual abuse or sexual harassment incident identifies themselves as a victim. • In many cases, particularly those involving "staff member on offender" sexual abuse, the youth/adult victim involved may resist the investigation and refuse to cooperate. <ul style="list-style-type: none"> – Offenders may have strong emotional feelings towards the involved staff member. – Offenders may fear retribution from other offenders, from the staff member or his/her co-workers. – Emotional/relational responses are not unusual. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Be aware that, in cases in which the inmate/resident does not report, you may not always have a cooperative victim.</p> <ul style="list-style-type: none"> • Victims of sexual abuse or sexual harassment may not always consider themselves victims. This is particularly true in cases of staff sexual misconduct in which the victim may have feelings for the staff 	



	<p>member.</p> <ul style="list-style-type: none"> • Victims may fear retaliation if they cooperate. 	
30 sec	<p>First Response</p> <div data-bbox="417 352 1015 806" data-label="Image"> <p>The slide features a black and white photograph of a medical kit with various supplies like bandages, gloves, and a stethoscope. In the bottom right corner, the logo for the National PREA Resource Center is visible.</p> </div> <p>Now that we have discussed what allegations we can expect and the dynamics that result in those allegations, let's talk about what happens once an allegation is made.</p>	 <p>First Response</p>
10 min	<p>Video: First Responder</p>	 <p>Play the final scenario on The Moss Group, Inc. and National Institute of Corrections <i>Staff – Offender Overfamiliarity Scenarios</i> DVD: a female officer acts as a first responder to a male inmate's allegation. https://vimeo.com/87304200</p> <p>Discuss: How is this scenario different than first responses typically go at our facility/ agency? What did this woman do that was good? What would you have done differently?</p>
1 min	<p>What is the Role of a First Responder</p>	 <p>What is the Role of a</p>



	<div> <div> What is the Role of a First Responder <ul style="list-style-type: none"> • Important first step in the investigation. • Not an investigator. • Stabilizes the situation: <ul style="list-style-type: none"> – for the victim – for the facility • Supports the investigation by <ul style="list-style-type: none"> • securing the scene, if appropriate. • relaying important observation information to the investigator. <div>NATIONAL PREA RESOURCE CENTER</div> </div> </div> <p>First responders play an important role in any investigation. They</p> <ul style="list-style-type: none"> • Stabilize the situation • Secure the scene • Provide important information to investigators <p>However, there are important distinctions between their role and the role of the investigator, and it is important that there be clarity for all parties on their roles.</p>	First Responder
2 min	Agency Policy Policy within this agency dictates...	 <p>Insert appropriate agency policy here</p> <ul style="list-style-type: none"> • Responsibilities of the first responder • Process by which allegation reaches investigator • Types of allegations investigated
1 min	The Event is Reported	 <p>The Event is Reported</p> <p>Insert information on agency training plan</p>


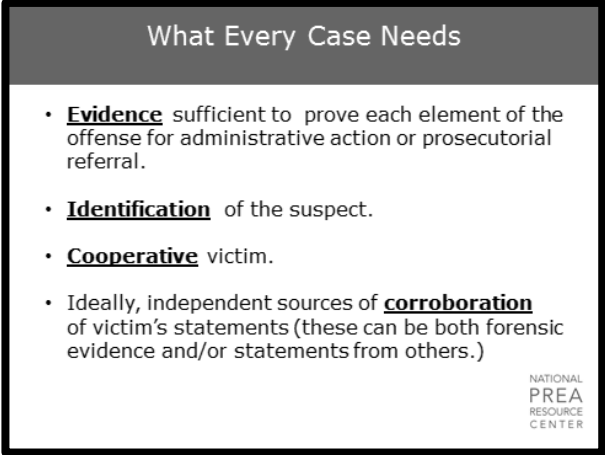


	<div data-bbox="394 193 995 646" data-label="Complex-Block"> <p>The Event is Reported</p>  <ul style="list-style-type: none"> • A first responder can be anyone. • Whomever an offender chooses to tell is the first responder <ul style="list-style-type: none"> – You have no control if the person reported to is not within the agency <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Who is a first responder? Anybody – the agency has no control over this. However, you do have control over actions taken through policy and training.</p> <p>If an inmate reports to line staff member and the staff member dismisses the allegation, what will that do to the case down the road? The victim will be substantially less likely to cooperate with investigators and give the full story.</p>	
1 min	<div data-bbox="394 1060 1019 1560" data-label="Complex-Block"> <p>Reports of Sexual Abuse and Sexual Harassment</p> <p>Reports of Sexual Abuse and Sexual Harassment: Where do they come from?</p> <ul style="list-style-type: none"> • From the offender (victim) directly. • From family of victims. • From other offenders. • From correctional staff. • From medical staff. • From mental health staff. • From other support staff. • From volunteers. • From advocates. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Where do reports of sexual abuse and sexual harassment come from?</p> <p>Reports of sexual abuse and sexual harassment can come from anywhere. This lists some of the more typical ways incidents are reported.</p>	 <p>Reports of Sexual Abuse and Sexual Harassment</p>

<p>2 min</p>	<p>First Responder's Role: Interacting with the Victim</p> <div data-bbox="418 237 1019 688" data-label="Complex-Block"> <p>First Responder's Role: Interacting with the Victim</p> <p>Non-criminal allegations</p> <ul style="list-style-type: none"> • Report, report, report!! • Ensure reporter understands the allegation is and will be taken seriously • Non-criminal incidents of sexual harassment and sexual abuse are often precursors to criminal incidents of sexual assault <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>These will probably be the most common type of allegation received. The role of the first responder in these instances is</p> <ul style="list-style-type: none"> • To ensure the report makes its way to the appropriate parties for investigation. • To ensure that the person reporting understands that their allegation will be taken seriously, and does not feel dismissed or ridiculed by the staff person to whom they reported. <p>As we discussed previously, non-criminal incidents of sexual harassment and sexual abuse can often be precursors to more serious incidents of sexual abuse, and therefore need to be taken seriously and addressed.</p>	<div data-bbox="1141 191 1235 254" data-label="Image"> </div> <p>First Responder's Role: Interacting with the Victim</p> <p>Insert agency policy regarding relevant first responder responsibilities for responses to both incidents of sexual abuse and incidents of sexual harassment.</p>
<p>1 min</p>	<p>First Responder's Role: Interacting with the Victim</p> <div data-bbox="418 1333 1019 1785" data-label="Complex-Block"> <p>First Responder's Role: Interacting with the Victim</p> <p>Criminal Allegations PREA Standard 115.64 requires a first responder to:</p> <ol style="list-style-type: none"> (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene; (3) Request that the alleged victim and ensure that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, <ul style="list-style-type: none"> • washing, • brushing teeth, • changing clothes, • urinating, • defecating, • smoking, • drinking, or • eating <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The PREA standards require a first responder to take these</p>	<div data-bbox="1141 1287 1235 1350" data-label="Image"> </div> <p>First Responder's Role: Interacting with the Victim</p> <p>Insert agency policy regarding relevant first responder responsibilities.</p>

	<p>steps:</p> <ul style="list-style-type: none"> • Separate the victim from the abuser • Preserve the crime scene • Ensure that any physical evidence is not destroyed. <p>Additionally, they must offer the victim the opportunity to have a sexual assault forensic medical exam if the allegation is within the time period specified by the forensic protocol. Note that this exam cannot be forced; the alleged victim must consent.</p>	<p>Insert guidance provided by agency protocol regarding the period of time after an alleged incident that a victim will be offered a forensic medical exam.</p>
2 min	<p>First Responder's Role: Interacting with the Victim</p> <div data-bbox="415 695 1015 1150" data-label="Complex-Block"> <p>First Responder's Role: Interacting with the Victim</p> <p>Criminal Allegations</p> <ul style="list-style-type: none"> • Ensure <ul style="list-style-type: none"> • Victim's safety • Provision of medical assistance • Explain <ul style="list-style-type: none"> • Required housing changes • Basic investigative process • Importance of FME and evidence collection • Detailed, truthful interviews • If desired by victim or required by policy, contact support services or family members/friends. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>First responders should also</p> <ul style="list-style-type: none"> • Ensure that the alleged victim receives appropriate medical treatment • Explain any necessary housing changes to ensure the alleged victim does not feel that they have been punished for reporting • Explain the request to not destroy any physical evidence • Provide any other necessary information regarding the investigations process to ensure the alleged victim feels comfortable. Note that an investigator or case manager will discuss these issues later in more depth, but the first responder should be prepared to provide any immediate information needed to the victim. 	 <p>First Responder's Role: Interacting with the Victim</p> <p>Insert agency policy regarding relevant first responder responsibilities.</p>

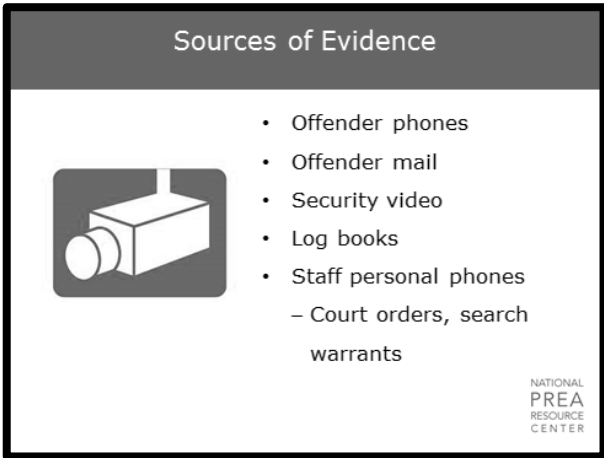


	<p>Do not contact family members of adult victims of sexual abuse unless the victim requests it or there is a specific need-to-know.</p> <p>PREA standard 115.361 requires juvenile facilities to promptly report an allegation of sexual abuse to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified.</p>	<p>Only include this statement for agencies with adult populations.</p> <p>Only include this statement for agencies with juvenile populations.</p>
1 min	<p>First Responder's Role: Interacting with the Victim</p> <div data-bbox="417 644 1015 1098" data-label="Complex-Block"> <p>First Responder's Role: Interacting with the Victim</p> <p>The first responder will attempt to gather essential information</p> <ul style="list-style-type: none"> – Description of suspect offender, clothing, or conduct. – Description of abuse or harassment for the investigator. – Description of location and scope of scene, if applicable. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The first responder should also attempt to gather basic, essential information for communication to the investigator, security staff, and any other appropriate personnel.</p>	 <p>First Responder's Role: Interacting with the Victim</p> <p>Insert appropriate processes for securing crime scene.</p>
1 min	<p>First Responder's Role: Interacting with the Victim</p> <div data-bbox="417 1312 1015 1766" data-label="Complex-Block"> <p>First Responder's Role: Interacting with the Victim</p> <p>The first responder or investigator should NOT:</p> <ul style="list-style-type: none"> • Conduct an in-depth interview with the alleged victim • Attempt to determine the validity of the allegation • Attempt to determine if the victim had any previous history or previous contact with the suspect • Attempt to determine background information on victim, including disclosure of consented sexual activity around time of abuse <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>The first responder should not</p> <ul style="list-style-type: none"> • Conduct in-depth interviews or attempt to determine 	 <p>First Responder's Role: Interacting with the Victim</p>


	<p>anything beyond the basic information listed on the previous slide.</p> <ul style="list-style-type: none"> • Attempt to determine the validity of the allegation. • Play any role in deciding whether an allegation should be reported to investigators. <p>All allegations are referred to investigators, even if the first responder or his/her supervisor is convinced that the allegation is false. It is up to the investigator, and no one else, to investigate and make that determination.</p>	
1 min	<p>What Should a First Responder Record in Their Notes for the Report?</p> <div data-bbox="415 735 1010 1188" data-label="Image"> </div> <p>The first responder should prepare a report for the investigator that</p> <ul style="list-style-type: none"> • Includes their observations at the time of the response. • Does not include the conclusions that the first responder came to based on his/her observations. For example, the first responder report could state external observations that the alleged victim was crying and shaking. The report should not state “assumptions” or “feelings/emotions” that are internal, such as the alleged victim was extremely upset and seemed terrified. 	 <p>What Should a First Responder Record in Their Notes for the Report?</p> <p>POSSIBLE ACTIVITY: Have someone (perhaps yourself) walk in the room acting in a certain way (could be laughing, then crying, then silent). Then have him/her leave. In small groups or with the person next to them, have trainees write down what they just saw in appropriate observational language.</p>
30 sec	<p>What Does Every Case Need To Be Successful?</p>	 <p>What Does Every Case</p>

	<p>What Does Every Case Need To Be Successful?</p>  <p>NATIONAL PREA RESOURCE CENTER</p> <p>What do you need so that every case you investigate is successful?</p>	Need To Be Successful?
1 min	<p>What Every Case Needs</p>  <p>The case needs</p> <ul style="list-style-type: none"> • Enough evidence for administrative action or prosecutorial referral. • An identified suspect and, ideally, a cooperative victim. Most prosecuting attorneys will not prosecute a case without a cooperative victim. • Some independent sources of corroboration of the victim's statements. These can be statements from others or forensic evidence. This is necessary to ensure the case is not a "he-said he-said" "she-said she-said" or "he-said she-said" case. 	 <p>What Every Case Needs</p>
1 min	<p>What Every Case Needs</p>	 <p>What Every Case</p>


	<div data-bbox="418 191 1019 646" data-label="Complex-Block"> <p style="text-align: center;">What Every Case Needs</p> <p><i>Remember – many of the steps for administrative investigations and criminal investigations are the same!</i></p> <p>Standard 115.71 requires</p> <ul style="list-style-type: none"> • Administrative investigation: <ul style="list-style-type: none"> • Interviews • Evidence collection • Criminal investigation <ul style="list-style-type: none"> • Interviews • Evidence collection <p style="text-align: right;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>Do not forget that many of the steps for administrative and criminal cases are the same. In both cases, the investigator should be interviewing the alleged victim, suspect(s), and witnesses and collecting any evidence available.</p>	Needs
30 sec	<div data-bbox="418 903 1019 1358" data-label="Complex-Block"> <p style="text-align: center;">What is Evidence?</p> <p>Something that can be used as proof of innocence or guilt.</p> <p>Can include:</p> <ul style="list-style-type: none"> – A verbal statement. – A document. – A material object. <div data-bbox="771 1081 901 1249" data-label="Image"> </div> <p style="text-align: right;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>So what is evidence? Evidence is anything that can be used as proof of innocence or guilt. An investigator is looking for anything that will provide information one way or the other.</p>	<div data-bbox="1144 856 1237 919" data-label="Image"> </div> <p>What is Evidence?</p>
3 min	<p style="text-align: center;">What Are Your Sources Of Evidence?</p>	<div data-bbox="1144 1522 1237 1585" data-label="Image"> </div> <p>What Are Your Sources Of Evidence?</p> <p>Discuss. Write the class's responses on an easel pad. Discuss how being in a correctional setting can be both advantageous – because there are</p>



	<div data-bbox="418 191 1019 646" data-label="Image"> </div>	<p>sources of evidence here that are not in the community (e.g. video, logs) – and disadvantageous – because of the number of people living together in a small place and the risk of evidence contamination.</p>
2 min	<div data-bbox="418 747 1019 1203" data-label="Complex-Block"> <h3>Sources of Evidence</h3> <ul style="list-style-type: none"> • From victim: These include statements, forensic medical exam and physical evidence. • From abuse scene and any secondary scenes (cells, bathrooms, dayrooms, rec. yards, etc.) These include any physical evidence and area canvases. • From witnesses: These include those observing both pre and post abuse/harassment conduct, and those who may have insight into influencing factors, e.g. debts between offenders, etc. • From suspect: These include statements (both positive and negative) as well as any physical evidence (from clothing and body of suspect). <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Sources of evidence come from a variety of places, and all possible sources should be checked during an investigation. Alleged victims can provide</p> <ul style="list-style-type: none"> • Verbal statements • Forensic medical evidence • Physical evidence that is not on their person including letters, video footage, and other forensic evidence they have collected themselves. <p>Any abuse or secondary scenes may have evidence including forensic evidence. The cell/room or office of the alleged victim or suspect may hold other types of evidence, including contraband.</p>	<div data-bbox="1143 678 1235 741" data-label="Image"> </div> <p>Sources of Evidence</p>



	<p>Witnesses should always be interviewed. These do not need to be witnesses of the actual abuse but could be individuals who observed changes in the alleged victim's/suspect's demeanor, previous interactions, etc. Both staff and inmates/residents who may have insight into any influencing factors may be important witnesses.</p> <p>Suspects may also communicate valuable information in interviews and may provide valuable physical evidence off their clothing or bodies either corroborating or contradicting the statements of the alleged victims.</p>	
30 sec	<p style="text-align: center;">Sources of Evidence</p> <div style="text-align: center;">  <p>Sources of Evidence</p> <ul style="list-style-type: none"> • Offender phones • Offender mail • Security video • Log books • Staff personal phones <ul style="list-style-type: none"> – Court orders, search warrants <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Additionally, always check phone records, recordings, mail, videos, log books, etc. In the event of an alleged staff sexual misconduct case, be aware of what you are able to search and when you'll need a court order or search warrant.</p>	 <p>Sources of Evidence</p>
1 min	<p style="text-align: center;">Credibility Assessment</p>	 <p>Credibility Assessment</p>


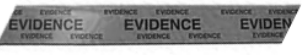

	<div><div>Credibility Assessment</div><div>115.71: Credibility Assessment<ul style="list-style-type: none">• Camera footage• History of allegations• History of vulnerability• History of other relevant requests (attempts to move, etc.)• Relationship with suspect• Perceptions of staff• Recent discipline, moves, etc.</div><div>NATIONAL PREA RESOURCE CENTER</div></div> <p>PREA standard 115.71 requires</p> <ul style="list-style-type: none">• The credibility of an alleged victim, suspect, or witness to be assessed on an individual basis – and not based on the person’s status as inmate or staff.• Investigators to include the basis of their credibility assessment in their reports. <p>As an investigator, ensure you are deliberate in documenting the methodology through which you determine the credibility of your alleged victims and suspects. In addition to evidence such as camera footage, the investigator will also want to look at the following to ensure the investigator fully understands the context in which the allegation exists. The inmate’s/resident’s</p> <ul style="list-style-type: none">• History of allegations• History of other relevant reports• Recent disciplinary reports, etc.• Relationship with the suspect	
1 min	Sexual Harassment Cases – Considerations	<div><p>Sexual Harassment Cases – Considerations</p></div>



	<div data-bbox="418 191 1019 646" data-label="Complex-Block"> <div>Sexual Harassment Cases - Considerations</div> <ul style="list-style-type: none"> • Similar to “keep separate” system of investigating (e.g. bullying, threats, protection) • History of <ul style="list-style-type: none"> • unit moves under duress • behavior, staff perceptions • keep separates • manipulative behavior • relationships with staff • gambling or protection behaviors • discipline • retaliation • Relationship with suspect (e.g. friend, enemy, rival gang member, no relationship) <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>It may be helpful to consider sexual harassment cases to be within the same category as “keep separate” cases involving bullying, threats, and so on. Sexual harassment allegations are important to consider seriously, but are also areas where inmates/residents may attempt to manipulate the system if they are unhappy with their current living situation or need to separate themselves from someone to whom they owe a debt. Ultimately, the alleged victim’s past behavior and current relationships need to be considered.</p>	
2 min	<div data-bbox="418 1121 1019 1577" data-label="Complex-Block"> <div>Pat-Down Search Cases – Considerations</div> <div>Pat-down Search Cases - Considerations</div> <ul style="list-style-type: none"> • Who is conducting the search? <ul style="list-style-type: none"> • New officer • Seasoned officer • Agency’s pat search policy • Camera footage • Relevant history – possibility of retaliation? • Victim description and imitation of search • Officer description and imitation of search <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>Allegations involving pat-down searches are common and may stem from a variety of areas. Often, new officers are more thorough in their pat searches than more seasoned officers because they have just received training. For inmates more used to pat searches conducted by seasoned officers, they may honestly feel that new officers are crossing a line in</p>	<div data-bbox="1141 1079 1235 1142" data-label="Image"> </div> <p>Pat-Down Search Cases – Considerations</p>

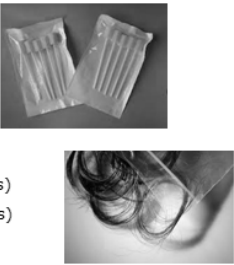

	<p>their searches. An agency may therefore see a spike in pat-search related allegations when new officers are introduced to the housing units.</p> <p>However, some searches may actually be inappropriate. Training and supervisory observation are critical.</p> <p>For these cases</p> <ul style="list-style-type: none"> • Investigators will need to be familiar with the agency pat-search policy. • It may be helpful for pat-searches to be conducted in front of cameras by policy, if possible. • Investigators should have the alleged victim demonstrate the search on himself/herself. Then have the suspect demonstrate the search on another staff member. This technique may provide valuable information. • As with other allegations, the alleged victim's relevant history and other influencing factors must be considered. 	
1 min	<p>Acquaintance Cases - Considerations</p> <div data-bbox="415 1161 1015 1617" data-label="Complex-Block"> <p>Acquaintance Cases- Considerations</p> <ul style="list-style-type: none"> • Evidence of force or coercion, if applicable. • Evidence of victim's fear of assailant or of resistance. • Evidence of injury, if applicable. • Evidence of interaction between parties (demeanor or conduct.) • Evidence of communication such as letters, notes, etc. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Cases involving individuals who know each other or who may have been in a relationship previously can be difficult, and an investigator will need to specifically look for</p> <ul style="list-style-type: none"> • Any evidence of force or coercion • Evidence of injury • Evidence of any fear or resistance on the part of the 	 <p>Acquaintance Cases - Considerations</p>



	<p>alleged victim.</p> <p>Any information the investigator can collect on the relationship between the two parties and of specific past interactions between them is valuable. The investigator should particularly look for any actual documentation of communication such as letters or notes.</p>	
1 min	<p>In the event of a sexual assault...</p> <p>GLOVE UP!</p> <div data-bbox="417 602 1015 1056" data-label="Image"> </div> <p>Evidence collection in cases of sexual assault involves unique processes, and it is important for investigators to be familiar with these processes. These cases may be rare, but when they do occur, you only get one chance to preserve and collect the evidence correctly.</p>	 <p>In the event of a sexual assault...</p>
1 min	<p>Facility Crime Scene</p> <div data-bbox="417 1383 1015 1837" data-label="Image"> </div>	 <p>Facility Crime Scene</p>

	Start taking notes immediately, but do not forget that notes are discoverable in criminal proceedings. Only put facts and observations in notes. If feasible, video and photograph the entire crime scene.	
1 min	<p style="text-align: center;">Crime Scenes</p> <div data-bbox="417 438 1015 892" data-label="Image"> </div> <ul style="list-style-type: none"> • Photograph or video the surrounding areas such as hallways, corridors, and adjoining rooms. • Take full-length photographs of the victim and suspect, but do not have them remove any clothing to do so. • If there are visible injuries on the victim and the victim agrees, take photographs of the injuries. Only medical staff should take photographs of areas of that would require the victim to remove clothing or might be embarrassing. • Use a measuring stick or sticker to show the size of injuries or bruises. Re-take the photos two or three days after the event to show the progression of the injuries. 	 Crime Scenes
1 min	<p style="text-align: center;">Sources of DNA</p>	 Sources of DNA


	<div data-bbox="418 195 1019 646" data-label="Complex-Block"> <div>Sources of DNA</div> <ul style="list-style-type: none"> • Blood • Saliva (skin cells) • Sweat (skin cells) "touch DNA" • Hair Root • Mucous • Vaginal Fluid • Semen • Vomit • Feces  </div> <p>There are a variety of sources of DNA</p> <ul style="list-style-type: none"> • Blood, saliva, sweat • Hair roots • Mucous, vaginal fluid, skin • Semen, vomit, feces. <p>These can be retrieved from either the alleged victim or the suspect or from their clothing and the surrounding area.</p>	
1 min	<div data-bbox="418 1066 1019 1528" data-label="Complex-Block"> <div>Physical Evidence to Collect</div> <div>Physical Evidence to Collect From the Scene</div> <ul style="list-style-type: none"> • Victim's Underwear • Victim's Clothes • Rug/floor covering • Chair covering • Towel • Blanket and sheets • Condom • Tissue • Other  </div> <p>It is important to collect all materials from the scene that might contain that DNA</p> <ul style="list-style-type: none"> • Clothing, rugs • Towels, sheets • Tissues, etc. <p>Evidence collection should only be done by someone trained and familiar with proper collection techniques.</p>	 <p>Physical Evidence to Collect</p>


	Usually, the state medical examiner or the prosecutor will have a detailed handbook concerning collection and proper handling of evidence. Other sources for forensic evidence collection can be found at the National Forensic Technology Center.	
1 min	<p style="text-align: center;">Sexual Assault Evidence Kit</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 60%;"> <p style="text-align: center; background-color: #555; color: white; padding: 5px;">Sexual Assault Evidence Kit</p> <ul style="list-style-type: none"> What happens during the process? How long does it take? How private should it be? What needs to be done before the inmate/youth is taken to the hospital? <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <ul style="list-style-type: none"> The medical evidence collection and exam process takes a number of hours and should be conducted in a private place. The exam should be conducted by a Sexual Assault Nurse Examiner (SANE). Ideally, the SANE conducts the exam alone with the alleged victim. If security procedures do not allow this, ensure that the staff member present is of the same sex, and ensure that he/she understands the process and the need for privacy. The only responsibility that facility medical staff has before the forensic medical exam is treating any immediate medical needs. The facility should not take photographs of the victim as this will be done by the SANE. 	 <p>Sexual Assault Evidence Kit</p> <p style="color: red;">Trainer note – if including Module 5, delete or summarize these slides.</p>
1 min	<p style="text-align: center;">Physical Evidence SANE Will Collect</p>	 <p>Physical Evidence SANE Will Collect</p> <p style="color: red;">Do not include this slide if training Module</p>



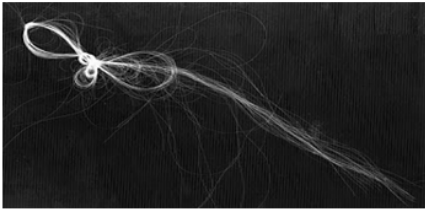

	<div data-bbox="418 191 1019 646" data-label="Complex-Block"> <div>Evidence Collected by SANE</div> <ul style="list-style-type: none"> • Oral swabs (if oral sex) • Vaginal swabs • Inner Thighs/Genitalia Swabs • Rectal Swabs • Blood Sample • Pubic Hair Combing • Pulled Head Hair (known samples) • Pulled Pubic Hair (known samples)  <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>The SANE will</p> <ul style="list-style-type: none"> • Run through a full medical history with the victim and obtain a thorough understanding of all aspects of the assault. • Take pictures of all injuries and areas of the victim touched by the assailant. • Collect numerous samples from all areas that may contain DNA evidence, including the mouth, genitals, rectum, inner thighs, pubic hair, etc. 	5.
1 min	<div data-bbox="418 1171 1019 1627" data-label="Complex-Block"> <div>Physical Evidence to Collect</div> <div>Physical Evidence to Collect From the Suspect</div> <ul style="list-style-type: none"> • Underwear/Clothing • Penile Swab • Buccal Swab (as evidence of oral sex or as known sample) • Pulled Head Hair • Pulled Pubic Hair <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>If there is an obvious suspect, he/she must go through a similar process to provide DNA for comparison against the samples collected from the victim. Any other evidence that may be on the suspect's clothing or body is collected for</p>	 <p>Physical Evidence to Collect</p>




	consideration in the investigation.	
1 min	<p style="text-align: center;">Assessment of Forensic Exam</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 60%;"> <p style="text-align: center;">Assessment of Forensic Exam</p> <ul style="list-style-type: none"> • Cannot conclude <ul style="list-style-type: none"> – Validity of claim – “Diagnosis” rape/sexual assault – Degree of force • Can conclude <ul style="list-style-type: none"> – Recent sexual contact – Recent trauma – Consistency between findings and victim’s account of events <p><i>The absence of injuries does not mean that sex was consensual or a sexual assault did not occur.</i></p> <p style="text-align: right; font-size: small;">NATIONAL PREA RESOURCE CENTER</p> </div> <p>It is important for investigators to understand what the evidence collected from forensic medical exams can tell them. Forensic medical exam results will not provide investigators with clear “yes” or “no” answers in response to whether a sexual assault occurred. The exam</p> <ul style="list-style-type: none"> • Can tell you whether the victim experienced recent sexual contact or recent trauma. • May or may not be able to provide DNA evidence showing whom the recent sexual contact was with. • Cannot, by itself, prove the validity of a claim, and cannot always provide information regarding the degree of force used. The findings can be compared to the victim’s account of events to determine consistency. <p>Most importantly, however, investigators must understand that these exams are limited in their findings, and an absence of injuries or findings from the exam does not mean that the sex was consensual or that sexual abuse did not occur.</p>	 <p>Assessment of Forensic Exam</p>
3 min	<p style="text-align: center;">Physical Evidence to Collect from the Scene</p>	 <p>Physical Evidence to Collect from the Scene</p> <p>Ask: What would you collect here? What else</p>

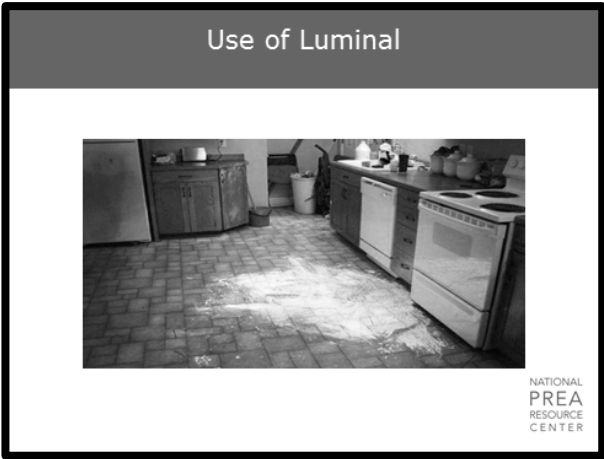

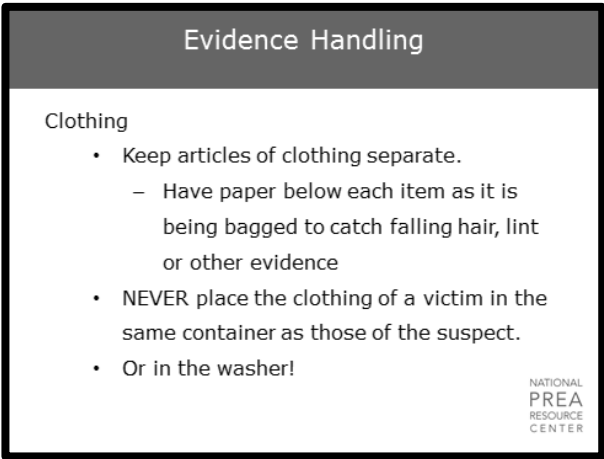

	<div data-bbox="418 191 1019 646" data-label="Image"> </div>	<p>could you do here?</p> <p>Answer: Towel, Rug, trashcan contents. Note blood on floor. Check shower for evidence.</p>
1 min	<div data-bbox="418 722 1019 1178" data-label="Complex-Block"> <p>Processing the Crime Scene</p> <p>Processing the Crime Scene</p> <p>Video</p> <ul style="list-style-type: none"> • You can start the video as far back as the main door to the jail or prison. • Be very careful of what is said around the video. • If video stops for some reason note it in your report. • Video "out" and move your way "in." <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>If you videotape the crime scene, which can be extremely useful, ensure you are careful while doing so.</p> <ul style="list-style-type: none"> • You can begin videotaping when you enter the facility, or you can wait until you enter the actual crime scene. • Do not say anything on tape that you would not want played in a court room. • If you stop the video, note it in the report. <p>The video is evidence. No one without a "need to know" should have access to it.</p>	<div data-bbox="1141 678 1235 741" data-label="Image"> </div> <p>Processing the Crime Scene</p>
1 min	<p>Processing the Crime Scene</p>	<div data-bbox="1141 1707 1235 1770" data-label="Image"> </div> <p>Processing the Crime Scene</p>



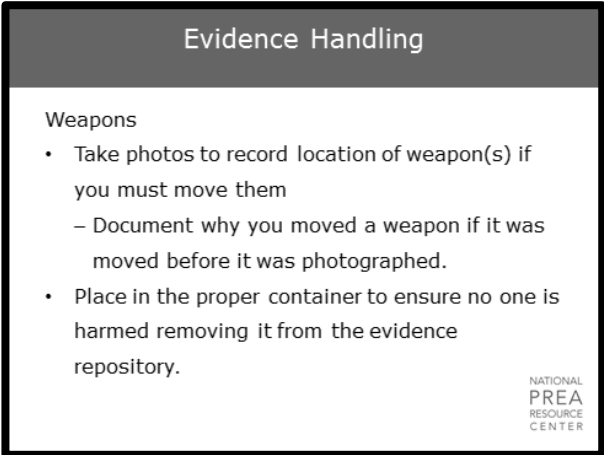


	<div data-bbox="418 191 1019 646" data-label="Image"> </div> <p>Photograph the entire crime scene. This should include</p> <ul style="list-style-type: none"> • A wide-shot photo or video of the crime scene as a whole • Closer shots of sections and areas of relevance. <p>Ensure that only identified staff touch or handle any evidence.</p> <p>Keep a list of each photo in order noting what each photo depicts, and secure the camera until the images are uploaded or printed to maintain the chain of custody.</p> <p>Document and mark each photo with the</p> <ul style="list-style-type: none"> • Date, place, time • Who or what is in the photograph • Who took the photograph? <p>Never delete images if using a digital camera. Re-take photos if necessary, and save both images.</p>	
1 min	Processing the Crime Scene	 <p>Processing the Crime Scene</p>


	<div data-bbox="418 191 1019 646" data-label="Complex-Block"> <div>Processing the Crime Scene</div> <div>Collection of Evidence</div> <ul style="list-style-type: none"> • Determine if evidence is perishable. • Don't play SHOW and TELL!! • Where do you put film or memory sticks? <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>Bring containers for collecting evidence. If the evidence is perishable, ensure you package it properly. Take the evidence seriously – those who do not need to see it should not have access.</p> <p>Secure the film and memory sticks.</p>	
1 min	<div data-bbox="418 999 1019 1455" data-label="Complex-Block"> <div>Processing the Crime Scene</div> <div>Processing the Crime Scene</div> <div>Preservation and Security</div> <ul style="list-style-type: none"> • Place in evidence repository immediately. • Determine proper container for evidence. • Complete evidence log and sign. <div>CRIME SCENE DO NOT ENTER</div> <div>NATIONAL PREA RESOURCE CENTER</div> </div> <p>The evidence should be</p> <ul style="list-style-type: none"> • Properly transported or stored immediately • Recorded in a detailed evidence log. <p>Determine and use the proper container and method for collecting each piece of evidence. Be prepared with the necessary tools – the materials and packaging must be sterilized and designed for evidence collection.</p>	 <p>Processing the Crime Scene</p>

<p>1 min</p>	<p>What is wrong with this photo?</p> <div data-bbox="418 233 1019 688"> <p>What is wrong with this photo?</p>  </div>	<div data-bbox="1141 191 1235 254">  </div> <p>What is wrong with this photo?</p> <p>Ask: What is wrong with this photo?</p> <p>Answer: There are too many people on the scene. People (often administrators) stop by crime scenes out of curiosity, or people may linger after completing their duties. Every person who steps into a crime scene – even the Warden – needs to sign in and out. If there are too many people stopping by, remind people that they may be called into court if the case goes to trial if their name is on the crime scene log.</p>
<p>1 min</p>	<p>Hair – Take it or leave it?</p> <div data-bbox="418 1136 1019 1591"> <p>Hair - Take it or Leave it?</p>  </div> <p>If the hair is attached or embedded in a moveable object, leave it intact and take the entire item.</p> <p>If it is not firmly attached, collect it and place it in a paper bindle, clean envelope, or small plastic bag.</p>	<div data-bbox="1141 1087 1235 1150">  </div> <p>Hair – Take it our leave it?</p>


1 min	<p>What are we bagging? How are we bagging it?</p> <div data-bbox="418 281 1019 737"> <p>What are we bagging? How are we bagging it?</p>  <p>NATIONAL PREA RESOURCE CENTER</p> </div>	 <p>What are we bagging? How are we bagging it?</p> <p>Ask: What are we bagging?</p> <p>Answer: Pretty much everything: pillows and pillow cases, bedding, mattress. Note the dripping onto the floor – bag any rug or section of carpet there. Collect beer cans for possible saliva.</p> <p>Ask: How are we bagging it?</p> <p>Answer: Depends on whether the fluids are wet or dry. Use appropriately sized bags. Don't combine pieces of evidence into a single bag. Ensure everything is appropriately tagged.</p>
1 min	<p>Evidence Handling</p> <div data-bbox="418 1234 1019 1690"> <p>Evidence Handling</p> <p>Wet Items</p> <ul style="list-style-type: none"> • Paper bag • Place paper bag in red biohazard bag • Transport to evidence locker • Open biohazard bag; roll down the side to expose the paper bag to the air <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Place wet items in a paper bag or other appropriate container, and place that in a biohazard bag for transport. When it is placed in the evidence locker, open the biohazard bag and roll down the side to expose the paper bag to air. Do</p>	 <p>Evidence Handling</p>

	<p>not use plastic containers to collect wet evidence.</p> <p>If there are pooled bodily fluids such as blood, collect it in a sterile glass pipette and place it in a sterile glass tube. You can also use a glass microscope slide to scrape up the fluid and place that in a glass container.</p>	
1 min	<p>Use of Luminol</p> 	 <p>Use of a Luminol</p> <p>Ask: Who here has used luminol? What procedures are appropriate?</p>
1 min	<p>Evidence Handling</p>  <p>Never place items of clothing from the victim and the suspect together. Place each item of clothing collected in an appropriately sized paper bag. Plastic is sometimes acceptable, but remember that it can destroy potential evidence if there is any dampness to the clothes or linens.</p> <p>When removing the clothing of a victim or suspect</p> <ul style="list-style-type: none"> • Have them stand on a large, sterile medical pad if available. A large clean sheet or piece of paper can 	 <p>Evidence Handling</p>

	<p>also work.</p> <ul style="list-style-type: none"> Gather all of the clothing together into the sheet or paper and package it all together. Note that this should typically be done by medical practitioners. 	
1 min	<p>What would you take? How would you take it?</p> 	 <p>What would you take? How would you take it?</p> <p>Discuss in light of past slides and experiences in sexual abuse cases occurring in offices. Consider collecting: carpet, chair cushions or entire chair, checking tables and curtains, etc.</p>
1 min	<p>Evidence Handling</p>  <p>Photograph the placement of the weapon before you move it. If you have to move it, document why you moved it before it was photographed.</p> <p>Ensure the weapon is placed in the container in such a way that no one will be harmed while removing it.</p>	 <p>Evidence Handling</p>
1 min	<p>Evidence Handling</p>	 <p>Evidence Handling</p>

	<div data-bbox="418 191 1018 646" data-label="Complex-Block"> <div>Evidence Handling</div> <p>Other supportive evidence</p> <ul style="list-style-type: none"> • Letters or notes between suspect and victim. • Gifts, favors, excess commissary, extra unexplained items, contraband. <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Ensure that all pieces of possible evidence are collected, including any letters, notes, or other exchanged items such as commissary or contraband.</p>	
1 min	<div data-bbox="418 884 1018 1339" data-label="Complex-Block"> <div>Evidence</div> <p>The value of physical evidence is that it...</p> <ul style="list-style-type: none"> • Cannot lie, forget or change • Is demonstrable • Not dependent on witnesses <p><i>But once you have missed it, it is gone.</i></p> <p>What is constructive possession?</p> <p>NATIONAL PREA RESOURCE CENTER</p> </div> <p>Can you prove</p> <ol style="list-style-type: none"> a) That the evidence belongs to the person that your documentation says it belongs to and b) That the evidence got to where you found it by the process you articulate? Can you construct the history the evidence? <p>For example, if you collect DNA evidence in the form of sperm on a cell floor, can you prove it is there as a result of a sexual abuse as reported, or does the suspect also live in the room? If yes, is there is a possibility that the suspect ejaculated on the floor as a result of masturbation?</p>	 <p>Evidence</p>

1 min	<p style="text-align: center;">Evidence</p> <div data-bbox="414 262 1015 716" data-label="Complex-Block"> <div style="background-color: #555; color: white; text-align: center; padding: 5px; margin-bottom: 10px;">Evidence</div> <div style="padding: 10px;"> <p>The value of physical evidence can be destroyed if:</p> <ul style="list-style-type: none"> Handled wrong Moved too early Marked incorrectly or inaccurately Not preserved properly Chain of custody is not precise </div> <div style="text-align: right; font-size: small; margin-top: 10px;"> NATIONAL PREA RESOURCE CENTER </div> </div> <p>It is absolutely <i>critical</i> to maintain a detailed log of the chain of custody for each piece of evidence collected. An inability to demonstrate chain of custody renders that item of evidence useless for criminal proceedings.</p> <p>Chain of custody should be demonstrated in writing with the following information for each piece of evidence</p> <ul style="list-style-type: none"> When, where, and by whom it was collected and packaged. Each time the evidence changed hands. The log must show <ul style="list-style-type: none"> — Who handed over the item — To whom the item was given — The date — The time and place of the turnover — The signature of both parties All evidence repositories must provide secured, documented supervision at all times. 	<div data-bbox="1143 191 1235 247" data-label="Image"> </div> <p>Evidence</p>
1 min	<p style="text-align: center;">Crime Scene Mishaps</p>	<div data-bbox="1143 1528 1235 1585" data-label="Image"> </div> <p>Crime Scene Mishaps</p>

	<div> <div>Crime Scene Mishaps</div> <div> <p>What do we do if the crime scene and/or evidence is mishandled?</p> <ul style="list-style-type: none"> • You cannot put an item “back.” • You must explain what happened in your reports. • All staff involved must write reports. • Mistakes can be salvaged if dealt with honestly and not “covered up.” <div>NATIONAL PREA RESOURCE CENTER</div> </div> </div> <p>Don’t try to cover-up or avoid mentioning mistakes made when collecting evidence in your report. Any mishandling of evidence must be clearly explained in the reports of all individuals present.</p>	
1 min	Questions?	

§ 115.5 General definitions.

For purposes of this part, the term—

Agency means the unit of a state, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head means the principal official of an agency.

Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff is in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

Exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

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

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Jail means a confinement facility of a federal, state, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison means an institution under federal or state jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive

staff supervision. A facility that allows residents to access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered a secure juvenile facility.

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

§ 115.6 Definitions related to sexual abuse.

For purposes of this part, the term—

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)-(5) of this section;
- (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.

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.

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.