

U. S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**The Prison Rape Elimination  
Act of 2003 and  
Law Enforcement Agencies:**

**What Every Law Enforcement  
Manager and Supervisor Needs to Know**

**Instructor's Guide, Lesson Plans and  
Resources [draft]**

**May 2007**

The Center for Innovative Public Policies, Inc.

This curriculum is supported by Grant No. 2006-RP-BX-K073 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the U.S. Department of Justice.

The Center for Innovative Public Policies, Inc.  
1880 Crestview Way, Naples, Florida 34119  
(239) 597-5906  
Fax (239) 597-6691  
Email: [cippinc@aol.com](mailto:cippinc@aol.com)  
Web: [www.cipp.org](http://www.cipp.org)



# Table of Contents

## Training Agenda (Four Hours)

Introduction/Logistics/Introductions

Module One – PREA Overview and Legal Issues

Module Two – Assuring Arrestee and Detainee Safety: An Overview of Sexual Violence Dynamics

Module Three – What's Next? Assuring Arrestee and Detainee Safety

Module Four – Prevention Strategies

Close-Out

### Resources:

- Resources – Web sites, literature
- 50-State Survey of Statutes
- PREA Implications for Law Enforcement Operated Jails and Lock-ups News Stories: Criminal Convictions for Sexual Misconduct
- PREA Implications for Law Enforcement Operated Jails and Lock-ups: News Stories: Civil Liabilities in Conjunction with Criminal Convictions for Sexual Misconduct
- PREA Implications for Law Enforcement Operated Jails and Lock-ups News Stories: Criminal Convictions for Off Duty Conduct

Power Points

About the Authors

# Forward

The Prison Rape Elimination Act of 2003 was passed unanimously by Congress, and signed by the President in 2003. PREA:

- Addresses the detection, elimination and prevention of sexual assault and rape in correctional systems, including lock-ups operated by law enforcement;
- Funds the development of national standards of compliance and accountability;
- Directs collection and dissemination of information on the incidence of arrestee-on-arrestee sexual violence as well as staff sexual misconduct with arrestees; and
- Awards grants and technical assistance to help agencies implement the Act.

For purposes of PREA, the term “prison” applies to all federal, state, and local prisons, jails, **police lock-ups, temporary holding cells**, private facilities, and community settings such as residential facilities. The term “inmate” applies to any person held in a custodial setting for any length of time by any of the facility types mentioned above.

## **INSTRUCTOR'S GUIDE, LESSON PLANS, AND RESOURCES**

These lessons plans provide a four-hour program for law enforcement managers and supervisors. This overview of PREA is intended as a briefing and includes suggestions for next steps.

These lesson plans are built using the input of law enforcement, and what has been learned from PREA-related training over the past four years.

Instructors are also provided with suggested reading materials and other resources. Becoming familiar with these materials and using this knowledge to enrich the instruction is critical.

This package includes not only the lesson plans, but the note taking guide which can be distributed to participants, and Power Point slides.

## **TRAINING PROGRAM OBJECTIVES**

This introduction program for law enforcement executives is designed to achieve the following objectives:

1. To educate law enforcement executives about PREA and its relevance to law enforcement agencies who manage short term prisoner holding facilities and court holding.
2. Overview legal issues
3. Provide recommendations to both:
  - a. assure arrestee and detainee safety from sexual violence and
  - b. prevent and address staff sexual misconduct with arrestees and detainees

4. Highlight prevention activities
5. Identify resources

### **HOW DOES PREA LAW ENFORCEMENT?**

PREA addresses the safety of arrestees while in the custody of the agency - including arresting agencies - from sexual assault, sexual harassment, "consensual sex" with employees, and arrestee-arrestee sexual assault.

PREA also directs agencies to maintain data regarding arrestee-arrestee sexual assaults, nonconsensual sexual acts, and staff sexual misconduct.

### **COURSE MANUAL AND NOTE TAKING GUIDE**

This Note Taking Guide for participants is provided to encourage participants to record information and actions as the program unfolds. Many of the Power Point Presentations used in the program are included in this Guide.

### **WHAT OTHER ASSISTANCE AND SERVICES ARE OFFERED BY BJA?**

BJA will provide no-cost assistance to state and regional law enforcement and sheriffs' associations, as well as individual sheriffs and chiefs of police, including:

1. Presentations/training to state or regional law enforcement or sheriffs' associations including an overview of PREA with specific policy and operational recommendations, as well as a review of legal issues for policy-makers.
2. On-site technical assistance to agencies and organizations that request more in-depth help to develop policies, procedures regarding PREA.
3. A Policy Development Guide to assist agencies as they update and revise their policies and procedures to effectively and efficiently address PREA-related initiatives (available in 2007).
4. Training curriculum that may be used by law enforcement agencies. Curriculum includes a two hour module to educate agency leadership and policy-makers about their role in assuring compliance with PREA; and a four hour module for employees and supervisors involved in day-to-day operations

To schedule a training program, at no cost to your organization, please contact CIPP by e-mail [cippinc@aol.com](mailto:cippinc@aol.com), or telephone (239) 597-5906.

To request technical assistance, please contact:

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance,  
810 7<sup>th</sup> Street NW, Washington, D.C. 20531

Manager and Supervisor July 1, 2007

Andrew Molloy, Sr. Policy Advisor  
(202) 514-9909  
[Andrew.Molloy@usdoj.gov](mailto:Andrew.Molloy@usdoj.gov)

Julius Dupree, Policy Advisor  
(202) 514-1928  
[Dupree.Julius@usdoj.gov](mailto:Dupree.Julius@usdoj.gov)

## Module One – PREA Overview and Legal Issues

Content	Instructor Notes/Strategies
Module Overview: This Module provides an overview of the Prison Rape Elimination Act of 2003, including an overview of the statute, definitions and reporting requirements. The Module overviews why law enforcement agencies responsible for the operation of short-term holding facilities may only now be learning about PREA and its implications for their operations. Legal issues are overviewed including state statutes, maps, case law and incidents.	
Module Road Map (75 minutes w/o break )	
1.2 What do you know? (quiz) (15 minutes) 1.3 What is PREA? (10 minutes) 1.3.1 Overview and purpose of PREA 1.3.2 How Sexual Violence is Measured 1.3.3 Development of standards 1.3.4 BJS reporting 1.4 Why now for law enforcement agencies? (5 minutes) 1.5 Exercise: Burning Issues (20 minutes) 1.6 Legal Overview (20 minutes) 1.7 Conclusions (5 minutes)	
<b>Objectives:</b>	
<b>The objectives of this program to are:</b>	
6. To educate law enforcement managers and supervisors about PREA and it's relevance to law enforcement agencies who manage short term prisoner holding facilities and court holding. 7. Overview legal issues. 8. Provide recommendations to both: a. assure arrestee and detainee safety from sexual violence and b. prevent and address staff sexual misconduct with arrestees and detainees . 9. Review the importance of responding to and investigating allegations . 10.Highlight prevention activities. 11.Identify resources .	
<b>Definition:</b> For the purposes of this training the term “prison” applies to all federal, state, and local prisons, jails, police lock-ups, temporary holding cells, private facilities, and community settings such as residential facilities. The term “inmate” applies to any person held in a custodial setting for any length of time by any of the facility types mentioned above.	
<b>“What do you know?” QUIZ</b>	<b>(15 minutes)</b>
	Refer participants to “What Do You Know?” Quiz is in the participants' note taking guide. The answers and discussion

Content	Instructor Notes/Strategies
	points are in the instructor's guide. (15 minutes)
<ul style="list-style-type: none"><li>Take a few minutes and review these questions. This quiz will provide you an overview of the program.</li></ul>	The objective of this quiz is to introduce participants to PREA in a fast-moving way. Ask participants to review the statements and add T or F next to each statement. As you review each question, preview the information that will be included in this total presentation. If there are questions, respond to the question, or ask permission to place it in a "parking lot" list for later review. The responses the participants give to the quiz, as well as their questions will be a way for you to judge their knowledge of the subject.
<b>1.1 What is PREA?</b>	(10 minutes)
<p>On September 4, 2003, the Prison Rape Elimination Act of 2003 was signed into law. The Prison Rape Elimination Act (PREA) is legislation that establishes a standard of zero tolerance for rape and sexual assault in any prison, jail, police lockup, or juvenile facility.</p> <p>The major provisions of PREA are to:</p> <ul style="list-style-type: none"><li>Develop standards for detection, and punishment of prison rape.</li><li>Collect and disseminate information on the incidence of prison rape.</li><li>Award grants and technical assistance to help state governments implement the Act.</li></ul> <p>PREA seeks to insure that short-term prisoner holding facility and other correctional settings protect arrestees from sexual assault, sexual harassment, "consensual sex" with employees, and arrestee-arrestee sexual assault. These behaviors affect security and staff safety.</p> <p>PREA requires short-term holding facilities to keep</p>	

Content	Instructor Notes/Strategies
<p>data regarding arrestee-arrestee sexual assaults, nonconsensual sexual acts, and staff sexual misconduct. For more information about the PREA data collection efforts.</p> <p>Purposes of PREA:</p> <ol style="list-style-type: none"><li>1. Establish a zero-tolerance standard for the incidence of rape in prisons in the United States.</li><li>2. Make the prevention of prison rape a top priority in each prison system.</li><li>3. Develop and implement national standards for the <i>detection, prevention, reduction, and punishment</i> of prison rape.</li><li>4. Increase available data and information on the incidence of prison rape.</li><li>5. Standardize the definitions used for collecting data on the incidence of prison rape.</li><li>6. Increase the accountability of prison officials who fail to <i>detect, prevent, reduce, and punish</i> prison rape.</li><li>7. Protect the Eighth Amendment rights of federal, state, and local prisoners.</li><li>8. Increase the efficiency and effectiveness of federal expenditures <i>through grant programs</i> such as health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness.</li><li>9. Reduce the costs that prison rape imposes on interstate commerce</li></ol> <p>Other parts of PREA:</p> <ul style="list-style-type: none"><li>• Supports the elimination, reduction and prevention of sexual assault within the corrections system</li><li>• Mandates several national data collection activities</li><li>• Provides funding for program development and additional research</li><li>• Creates a national commission to develop standards and accountability measures</li><li>• “Safe communities” has implications for probation, parole and other types of non-residential supervision</li></ul>	

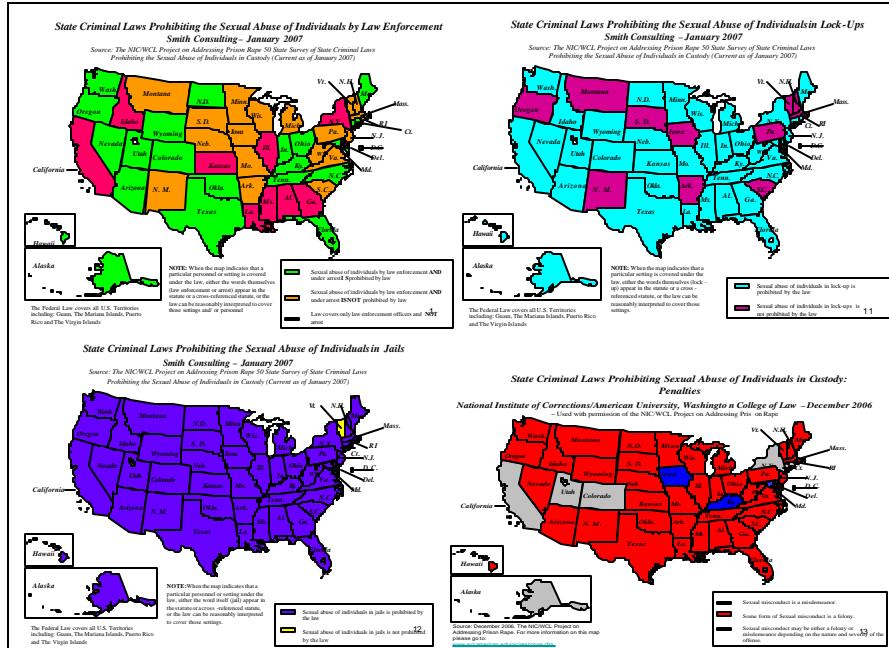
Content	Instructor Notes/Strategies
<ul style="list-style-type: none"><li>• BJS to collect prison rape statistics</li><li>• NIJ to provide grants for research</li><li>• NIC to offer training, technical assistance, and clearinghouse functions</li><li>• AG's Office authorized to provide grants to corrections to prevent, investigate, and punish (BJA); and create review panel</li><li>• National Prison Rape Elimination Commission appointed</li></ul>	
<p><u>Benefits of PREA:</u></p>	
<ul style="list-style-type: none"><li>• Reduced liability exposure to prison rape lawsuits</li><li>• Reduced prison costs in administration, medical, and mental health</li><li>• Safer environment for inmates [arrestees] and staff</li><li>• Protects <b>public health</b> from sexually transmitted diseases inmates [arrestees] may contract in prison</li><li>• Protects <b>public safety</b> by releasing inmates [arrestees] into the community who have not been sexually assaulted in prison</li></ul>	
<p><u>How sexual violence was measured:</u></p>	
<p>The definition of "rape" under the Prison Rape Elimination Act of 2003 was operationalized by disaggregating sexual violence into two categories of inmate-on-inmate [arrestee-on-arrestee] sexual acts and two categories of staff sexual misconduct.</p>	
<p>The categories are:</p>	
<p><b><i>Nonconsensual sexual acts</i></b></p>	
<ul style="list-style-type: none"><li>• Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and</li><li>• Contact between the penis and the vagina or the penis and the anus including penetration, however slight; or</li><li>• Contact between the mouth and the penis, vagina, or anus; or</li><li>• Penetration of the anal or genital opening of</li></ul>	

Content	Instructor Notes/Strategies
<p>another person by a hand, finger, or other object.</p> <p><b>Abusive sexual contacts</b></p> <ul style="list-style-type: none"><li>• Contact of any person without his or her consent, or of a person who is unable to consent or refuse; and</li><li>• Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.</li><li>• Excluding incidents in which the intent of the sexual contact is to harm or debilitate rather than sexually exploit.</li></ul> <p><b>Staff sexual misconduct</b></p> <ul style="list-style-type: none"><li>• Any behavior or act of a sexual nature directed toward an inmate [arrestee] by an employee, volunteer, official visitor, or agency representative.</li><li>• Romantic relationships between staff and inmates are included.</li><li>• Consensual or nonconsensual [arrestees] sexual acts include:</li><li>• Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or</li><li>• Completed, attempted, threatened, or requested sexual acts; or</li><li>• Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.</li></ul> <p><b>Staff sexual harassment</b></p> <ul style="list-style-type: none"><li>• Repeated verbal statements or comments of a sexual nature to an inmate [arrestee] by an employee, volunteer, official visitor, or agency representative, including:<ul style="list-style-type: none"><li>○ Demeaning references to gender or derogatory comments about body or clothing; or</li><li>○ Profane or obscene language or gestures .</li></ul></li></ul>	

Content	Instructor Notes/Strategies
<b>Development of Standards</b> <ul style="list-style-type: none"><li>• Underway now</li><li>• "Expert" panels involved</li><li>• Draft in Federal Register in 2008 for public comment</li><li>• Standards will not contain any elements which impose substantial costs on states</li><li>• Approved by the NPREC in 2008 and forward to Attorney General</li><li>• Attorney General has one year from date of receipt to approve and transmit</li><li>• 90 days after that rules can become final</li><li>• Tied to accreditation</li></ul>	
<b>BJS Reporting</b>	
Two reports to date – see resources section for links All agencies who operate short term holding facilities will be asked to collect and report data – in coming year Importance of definitions and incorporation into agency operations.	

<b>1.3 Why Now for Law Enforcement?</b> <ul style="list-style-type: none"><li>• Name of law is somewhat imprecise when it comes to law enforcement</li><li>• Problem not widely recognized in law enforcement past a “few bad apples”</li><li>• Emphasis placed since PREA on institutional corrections</li><li>• Funding to state departments of corrections for PREA initiatives – few involved sheriffs and law enforcement</li></ul> <p>In 2003, BJS reported that of the 12,666 local police departments in the United States 26% (N=3,293 agencies) indicated that they operated a lock-up.</p> <p>A lock-up is any place where an arrestee is detained and cannot leave of their own free will – may be traditional “cells” or a detective’s interrogation room, or even, in some cases, the back seat of a paddy wagon or law enforcement vehicle.</p>	<b>(5 minutes)</b> <p>Participants may wish to know why organizations and agencies are only now learning about PREA and/or PREA’s impact on lock-ups and short term holding facilities. This is a legitimate question.</p> <p>Initiatives for the first three years were concentrated on bringing the information to custodial corrections settings – jails, prisons.</p> <p>Through NIC and BJA – the message is now reaching out to those responsible for operating short-term holding facilities.</p>
<b>1.4 Exercise: Burning Issues</b>	<b>(20 minutes)</b> <p>What are the priority issues that you want to be sure we discuss before this training program ends?</p>

	<p>not included in this program.</p> <p><b>Be sure to use the information you learn about participants' concerns to shape the remainder of your presentation. Be sure to "extinguish" burning issues before the program ends.</b></p>
<b>1.4 Legal Issues</b>	<p><b>(20 minutes)</b></p> <p><b>Note to facilitators:</b> This curriculum assumes that agency personnel know the law regarding agency liability for violations of the 4<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> amendments, as well as the issues of municipal, agency, professional and personal liability from employee misconduct. This includes misconduct in which employees do not adequately supervise arrestees.</p> <p><b>As such, this section highlights how PREA interplays with what the participants know about liability issues.</b></p>
	<p>This is intended to be an overview of legal issues highlighting potentially new information regarding PREA and police lock-ups/short term holding facilities.</p> <p>Resources for the instructor are in the</p>



## The Issue of Consent?

What about the issue of "consent"? Can arrestees "consent" to have sexual contact with an arresting officer, booking officer or lock-up personnel? Can arrestees "consent" to have sex with another arrestee?

What is the agency's explicit policy on the matter? Do employees' need direction?

The following summary is a reminder of the responsibilities of agencies to protect arrestees from violence perpetrated by other arrestees and from staff sexual abuse/misconduct with arrestees.

## instructor's resource section:

- Diagrams of State Laws (January 2007)
- Summaries of Civil Case Law Regarding Law Enforcement, Lock-Ups and Jail Settings (January 2007)
- PREA Implications for Law Enforcement Operated Jails and Lock-ups: News Stories Regarding Criminal Convictions for Sexual Misconduct (January 2007)
- PREA Implications for Law Enforcement Operated Jails and Lock-ups: News Stories Regarding Civil Liabilities in Conjunction with Criminal Convictions for Sexual Misconduct (January 2007)
- PREA Implications for Law Enforcement Operated Jails and Lock-ups: News Stories Regarding Criminal Convictions for Off Duty Conduct (January 2007)

## Important Points:

- PREA does not create a new cause of action – in other words the organization cannot be "sued under PREA". But PREA raises the visibility of this arrestee/arrestee sexual violence

<p><b>Need to Know:</b></p> <ul style="list-style-type: none"> <li>• PREA = no new "cause of action"</li> <li>• Focuses on existing duty to protect arrestees</li> <li>• Need to involve prosecutors</li> <li>• Arrestees cannot consent to sex with employees</li> <li>• Lock-ups have duty to protect arrestees from other arrestees</li> </ul>	<p><b>Sources of Liability</b></p> <ul style="list-style-type: none"> <li>• PREA</li> <li>• Agency Policy</li> <li>• State statutes prohibiting the abuse of persons in custody</li> <li>• Laws enacted to Implement PREA (California)</li> <li>• Other State Laws</li> <li>• Constitutional Law</li> </ul>		<p>and staff sexual misconduct – including reference to PREA in litigation.</p> <ul style="list-style-type: none"> <li>• PREA focuses organization on their current legal obligation to safeguard arrestees from harm, including harm from other arrestees and from staff/employees.</li> <li>• PREA helps focus the organization on the importance of involving the prosecutor in the development of policies/procedures, training, and prosecution of allegations of arrestee/arrestee sexual violence and/or staff sexual misconduct with employees.</li> </ul> <p>Be sure to review the state statute of the state in which you are instructing.</p> <p>If possible, ask a legal representative from the state [or agency] to speak directly to the participants.</p>
<p><b>Sexual Misconduct Laws</b></p> <ul style="list-style-type: none"> <li>• All 50 states, the federal government and DC have laws specifically covering the sexual abuse of persons in custody</li> <li>• 32 states cover law enforcement officers</li> <li>• 21 states cover arrests</li> <li>• 39 states cover police lockups</li> <li>• 49 states cover jails</li> </ul>	<p><b>Other State Criminal Laws</b></p> <ul style="list-style-type: none"> <li>• Sexual Assault</li> <li>• Statutory Rape</li> <li>• Sodomy</li> <li>• Sex Offender Registration <ul style="list-style-type: none"> <li>– Juveniles</li> <li>– Adults</li> </ul> </li> <li>• Vulnerable Adult Statutes</li> <li>• Licensing</li> <li>• Malfeasance in Office/Official Misconduct</li> <li>• Obstruction of Justice</li> <li>• Making False Statements to a government official</li> <li>• Mandatory Reporting</li> <li>• Notification</li> </ul>		
<p><b>Civil Liability -- Constitutional Claims</b></p> <ul style="list-style-type: none"> <li>• Most common legal bases for challenges <ul style="list-style-type: none"> <li>– 42 U.S. C. 1983</li> <li>– Eighth Amendment</li> <li>– Fourth Amendment</li> <li>– Fourteenth Amendment</li> <li>– State tort claims</li> </ul> </li> </ul>	<p><b>42 U.S. C. 1983</b></p> <ul style="list-style-type: none"> <li>• Creates a federal cause of action for the vindication of rights found elsewhere</li> <li>• Key elements <ul style="list-style-type: none"> <li>– Deprived or a right secured by the constitution or law of U.S.</li> <li>– Deprivation by a person acting under color of state law</li> </ul> </li> </ul>		

<p><b>Eighth Amendment</b></p> <ul style="list-style-type: none"><li>• Prohibits cruel and unusual punishment</li><li>• Legal standard is deliberate indifference<ul style="list-style-type: none"><li>- Established in a prison rape case Farmer v. Brennan, 511 U.S. 825 (1994)</li><li>- Two part test<ul style="list-style-type: none"><li>• the injury must be objectively serious and must have caused an objectively serious injury</li><li>• the official must have a sufficiently culpable state of mind and have acted with deliberate indifference or reckless disregard for the inmate's constitutional rights</li></ul></li></ul></li></ul>	<p><b>What the court looks for</b></p> <ul style="list-style-type: none"><li>• Deliberate indifference to inmate vulnerability -- safety or health<ul style="list-style-type: none"><li>- Official knew of and disregarded an excessive risk to inmate safety or health</li><li>- Official must be aware of facts from which an inference could be drawn that a substantial risk of harm exists and he must draw the inference</li></ul></li></ul>		
<p><b>State Tort Law Claims</b></p> <ul style="list-style-type: none"><li>• Assault</li><li>• Battery</li><li>• Intentional infliction of emotional distress</li><li>• Negligent infliction of emotional distress</li><li>• Negligent hiring, firing, supervision, training</li></ul>	<p><b>Liability</b></p> <ul style="list-style-type: none"><li>• Municipal</li><li>• Official</li><li>• Individual</li><li>• Personal</li></ul>		
<p><b>Fourteenth Amendment : Substantive Due Process</b></p> <ul style="list-style-type: none"><li>• Was the individual deprived of a life, liberty or property without due process of law?</li><li>• Lower legal standard than 8<sup>th</sup> Amendment</li><li>• Depending on situation – 14<sup>th</sup> Amendment may apply – juveniles and pre-trial detainees in particular</li></ul>	<p><b>Qualified Immunity</b></p> <ul style="list-style-type: none"><li>• No violation of federal law – constitutional or otherwise</li><li>• Rights and law not clearly established at the time of the incident</li><li>• Official's action was objectively legally reasonable in light of clearly established legal rules at time of the incident</li></ul>		

<p><b>Lessons Learned</b></p> <ul style="list-style-type: none"><li>• Examine patterns of misconduct at institution</li><li>• Same employee/officer accused many times</li><li>• Off duty conduct which reflects on work performance</li><li>• Compromised grievance procedures</li><li>• Ineffective investigative procedures</li><li>• Must lead, manage and discipline</li></ul>	<p><b>Conclusions:</b></p> <ul style="list-style-type: none"><li>• Law enforcement officials can be held liable in their official, individual and personal capacities for sexual violence against arrestees by either staff or other offenders</li><li>• Knowledge and involvement of prosecutor important.</li><li>• Municipalities can be held liable for sexual violence against arrestees if the violence is a result of a policy or custom of the county or if it follows official policy set by the Chief of Police/Sheriffs</li><li>• Failure to address sexual violence and misconduct has criminal, administrative and civil consequences for cities, counties, chiefs of police, sheriff, and law enforcement personnel.</li></ul>	
---	--	--

<b>Conclusion/Re-Cap</b>	<b>(5 minutes)</b>
<p>This module has addressed:</p> <ul style="list-style-type: none"><li>• What is PREA</li><li>• Why now an issue for law enforcement</li><li>• Legal issues</li><li>• Burning issues (if used)</li></ul> <p>What's next: Module two will address recommendations for arrestee/arrestee safety from sexual violence.</p>	Respond to questions, check out body language, check on participant engagement. Make adjustments, ask questions, see what needs to be discussed before you move to the next module.

### Test Your Knowledge



An understanding of the issue of arrestee/arrestee sexual violence and staff sexual misconduct with arrestees involves all aspects of operations. Consider the following statements and assess whether you think they are "true" or "false"?

F 1. The Prison Rape Elimination Act of 2003 is applicable only to prisons, jails, and arrestee holding facilities that keep detainees for more than 24 hours.

F 2. Staff sexual misconduct with arrestees is an issue only affecting women arrestees.

- § Staff sexual Misconduct (SSM) is by no means Aa woman=s issue@
- § SSM crosses all gender lines: male to female; female to male; male to male; female to female
- § SSM also impacts an agency=s ability to achieve its mission

T 3. Sexual violence can be prevented by keeping arrestees in single cells.

- BUT this is only one strategy Arrestees need to be screened for their medical and mental health safety, and staff sexual misconduct remains an issue with single-celling.

? 4. A male officer who fails to announce his presence when he enters an area when female arrestees are held to perform a security check is guilty of sexual misconduct.

- It depends on whether these are really routine rounds, or whether the staff is being voyeuristic.
- § If observing or interfering with arrestees' personal affairs is w/o reasonable need
- § If not in ordinary course of duties, officers should announce presence
- § May include reading personal mail or written materials when not required for security or safety

(1) F 5. Consent is a valid defense to claims of sexual misconduct.

- § Remember, in custodial settings power is not equal
- § Generally, no such thing as consent in a custodial setting BUT
- § State law may permit consent as a defense
- § 7<sup>th</sup> Circuit opinion suggests that it may be available
- § Point: check law in your state and legal precedent in your jurisdiction
- § Policy can provide that consent is never a defense

T 6. An agency may impose standards on its staff that are higher than those contained in the state=s criminal statutes.

- § Even if statutes limit criminal consequences for SSM
- § Agency policy can set higher standards that carries with them administrative sanctions

F 7. Sexual violence and sexual misconduct are criminal, not civil, issues.

- § Plaintiffs have been awarded significant damages in civil actions

F 8. Good policies that address sexual violence ensure no incidents in your organization.

- Unfortunately, not true, but policies, procedures and training go a long way in helping assure staff

and arrestee safety

T 9. PREA addresses staff sexual *harassment* of arrestees.

- Repeated verbal statements or comments of a sexual nature to an inmate [arrestee] by an employee, volunteer, official visitor, or agency representative, including:
  - Demeaning references to gender or derogatory comments about body or clothing; or
  - Profane or obscene language or gestures.

T 10. Data collected by the Bureau of Justice Statistics found that in 66% of staff incidents, correctional authorities determined that staff had a romantic relationship with the offender.

- See both the 2004 and the 2006 report for more data

T 11. In local jails, the Bureau of Justice Statistics found that most victims of sexual misconduct are female and most perpetrators male.

- In local jails 78% of the victims were females; 87% of the perpetrators, male.

F 12. A survey done for the National Prison Rape Elimination Commission found that more than 60% of law enforcement agencies knew about PREA.

- 30.8% of responding agencies indicated that they knew of PREA
- Fewer than 3 of 26 responding agencies had policies addressing arrestee/arrestee sexual violence.

F 13. It is sufficient to conduct an administrative investigation only into allegations of staff sexual misconduct with arrestees.

- Potential violations of law must be investigated.
- Agencies have potential liability if investigations not completed
- Allowing employees to resign in lieu of investigations not sufficient
- Administrative investigation should follow the completion of a criminal investigation

T 14. PREA provides that if organizations fail to comply with published standards, federal funding can be reduced 5% each year.

- True.
- Standards won't be published in draft until summer 2007 in the Federal Register
- No date when implemented.

F 15. Courts have limited the ability of agencies to restrict off-duty relationships with individuals with criminal histories, and/or those on probation and parole.

- Draft clear policies that provide notice to employees
- Enforce policies uniformly
- Limits on behaviors should be strictly in line with agency interests
- Assess the relationship with which you are presented
  - Is it truly private
  - Will it affect operations
  - Does the behavior effect the ability of the employee do to their job
- Policy has legitimate purpose
- Require reporting and case-by-case review
- Monitor policy and implementation<sup>1</sup>

---

<sup>1</sup> Brenda V. Smith, Nairi Simonian, Washington College of Law, February 28, 2006  
[http://www.wcl.american.edu/nic/documents/AJA\\_Final.pdf?rd=1](http://www.wcl.american.edu/nic/documents/AJA_Final.pdf?rd=1)

## Module Two – Assuring Arrestee and Detainee Safety: An Overview of Sexual Violence Dynamics

Content	Instructor Notes/Strategies
Module Overview: This module overviews information regarding the dynamics of sexual assault and sexual misconduct in an arrest and custodial (lock-up) setting – including vulnerable populations (such as medically needy, mentally ill, women, transsexuals, substance abusers, lesbian, gay, bi-sexual, transsexual, intersex (LGBTI) arrestees, potential predators, potential victims). This module links to the Module 3 – Policies/Procedures/Risk Assessments/Physical Plant Assessments/Training	

Module Road Map (40 minutes w/o break)

- 2.1 Overview/Introduction (5 minutes)
- 2.2 Understanding the dynamics of sexual assault in an arrest and custodial setting (20 minutes)
  - 2.2.1 Characteristics of Arrestees
  - 2.2.2 Why employees get involved with arrestees/detainees; reporting allegations
  - 2.2.3 Link to PREA – Why is this information important?
  - 2.2.4 Optional Exercise: Red Flags (10 minutes)
- 2.3 Conclusion (5 minutes)

2.1 Overview/Introduction	(5 minutes)
<p>Assuring arrestee and detainee safety results from effective policies and procedures, training, and supervision. But it also evolves from an understanding of the dynamics of sexual assault in an arrest and custodial setting.</p> <p>What are the myths about sexual assault/misconduct in an arrest or custodial setting?</p> <ul style="list-style-type: none"><li>• Arrestees/detainees “consent” to be involved in inappropriate/illegal activities with other detainees or employees;</li><li>• There is no problem;</li><li>• Only “bad apples” get involved in misconduct.</li></ul>	<p>The dynamics of an arrest situation mixed with the pathways into the justice system, can result in violence and victimization. This violence and victimization can be arrestee/arrestee violence – or staff sexual misconduct.</p> <p>Lead the discussion about the characteristics of arrestees – as well as why employees get involved.</p>

Content	Instructor Notes/Strategies
<p><b>2.2 Understanding the dynamics of sexual assault and misconduct in an arrest and/or custodial setting</b></p> <p>The dynamics of human interaction in any arrest/detention situation are not the “normal” dynamics that govern our society. Those who face arrest/detention bring not only the fear (including the flight/fight reflex); but the desire to make the situation go away. Also, some employees may see the vulnerability of arrestees/detainees and take advantage. So what are the basics that are important in understanding the importance of employee training, risk assessments of arrestees, and physical plant assessment?</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• What do arrestees do to try to avoid arrest and/or detention?</li> <li>• What is the response of officers?</li> <li>• How can arrestees prey on other arrestees?</li> </ul>	<p><b>20 minutes</b></p> <p>Emphasize that this is a brief overview of the dynamics of sexual violence – both in terms of arrestee/arrestee sexual violence, but also staff sexual misconduct.</p> <p>The message: agencies must safeguard arrestees/detainees from violence, including violence from other arrestees and from employees.</p>
<p><b>2.2.1 Characteristics of Arrestees</b></p> <p>Employees' knowledge and understanding about the histories of arrestees/detainees is important because it gives insight into how arrestees or detainees react to their detention/arrest.</p> <p>This is not the “abuse” excuse – in other words, a past history of abuse is not an excuse for illegal and inappropriate behaviors, but it is a call for those involved to see what may be really happening. The following summary of areas of concern is not meant to be all inclusive, but rather to highlight areas in which policy/procedure/training should include</p> <p><b>Women Arrestees:</b></p> <ul style="list-style-type: none"> <li>• 40% of women arrestees reported they were under the influence of drugs or alcohol when crimes committed (compared to 32% for</li> </ul>	<p>Review the data describing arrestees.</p>

Content	Instructor Notes/Strategies
<p>men)</p> <ul style="list-style-type: none"><li>• Over 50% of women in jail have drug abuse histories;</li><li>• If involved in sex work;<ul style="list-style-type: none"><li>◦ Previous victimizations (at home, in foster care, in juvenile system)</li><li>◦ Use of body for gain/problem solving</li></ul></li><li>• Have children (single parents)</li><li>• Have negative interactions with “authority figures”</li><li>• Have higher prevalence of mental illness including PTSD</li></ul> <p>Male Arrestees:</p> <ul style="list-style-type: none"><li>• More than half of male offenders report history of abuse by parents/guardians</li><li>• 61% of male prisoners in state have history of past abuse</li></ul> <p>Identify other “Vulnerable Arrestees”:</p> <ul style="list-style-type: none"><li>• Mentally disabled<ul style="list-style-type: none"><li>◦ Want to please</li><li>◦ Relationship with authority figures</li></ul></li><li>• Physically disabled</li><li>• Persons with mental illness<ul style="list-style-type: none"><li>◦ Type of illness</li><li>◦ Treated/untreated</li><li>◦ Dangerousness</li><li>◦ Alternatives to arrest</li></ul></li><li>• Those with different sexual preferences:<ul style="list-style-type: none"><li>◦ Lesbian, gay, bi-sexual</li><li>◦ Transsex, inter-sex</li><li>◦ Transvestites</li></ul></li><li>• Physical statutes:<ul style="list-style-type: none"><li>◦ Small, vulnerable</li><li>◦ Large, aggressive</li><li>◦ Victim profile</li></ul></li></ul>	

Content	Instructor Notes/Strategies
<ul style="list-style-type: none"><li>○ Predator profile</li></ul> <p>As discussed previously, there is no such thing as consent between an employee and an arrestee:</p>	
<b>2.2.2 Why employees get involved with arrestees; reporting allegations</b>	
<p>Reminders:</p> <p><b>The issue of consent, including the imbalance of power, manipulative behavior, and red flags.</b></p> <ul style="list-style-type: none"><li>● <b>Consent is NOT a defense.</b> Those in custody cannot “consent” to sexual relationship with staff. The law in many states excludes consent as a defense for a sexual relationship between staff and arrestees/detainees.</li><li>● <b>The Imbalance of Power</b> The staff/inmate [arrestee] relationship is NOT an equal one. It must remain a superior/subordinate relationship, the integrity of which must be protected by the staff with respect, dignity and the utmost ethical behavior.  Those in authority have the responsibility to protect those in their custody. Doing favors and accepting favors from those over whom we have authority is dangerous.</li><li>● <b>“Manipulative” Behaviors</b> Some staff believe that arrestees/detainees <i>manipulate</i> staff into these relationships – making staff the “victims”. It is true that some arrestees/detainees display what can be termed manipulative</li></ul>	

Content	Instructor Notes/Strategies
<p>behavior. However, staff has the responsibility to understand this behavior and respond appropriately. It is the response of staff to manipulation that determines if an arrestee/detainee is successful at manipulation.</p> <ul style="list-style-type: none"><li>• <b>Staff sexual misconduct is not just a female arrestee issue.</b><ul style="list-style-type: none"><li>○ Staff sexual misconduct can occur in all gender quadrants.</li><li>○ Some persons are particularly vulnerable to victimization – history of prior abuse (which is most of arrestees/detainees)</li><li>○ While few staff will ever be involved in misconduct, there are some who have the potential for involvement based on some personal issues</li></ul></li></ul> <p><b>Why do employees get involved sexually with arrestees/detainees?</b></p> <ul style="list-style-type: none"><li>• Lack of supervision</li><li>• Culture of corruption</li><li>• No consequences for misconduct</li><li>• Already friends</li><li>• Opportunity</li><li>• Community standards</li><li>• Lack of professional boundaries<ul style="list-style-type: none"><li>○ Staff/staff misconduct</li></ul></li></ul> <p>What are the implications for hiring, training, supervision? What can policies/procedures do to help prevent misconduct?</p> <p>Reporting Allegations –</p> <ul style="list-style-type: none"><li>• “We have never had any reports of unwanted sexual activity in our court or lock-up holding areas.”</li><li>• True? Maybe true?</li><li>• How do you know?</li></ul>	

Content	Instructor Notes/Strategies
<p>Why don't arrestees/detainees report allegations?</p> <ul style="list-style-type: none"><li>• Shame, humiliation</li><li>• Want to get the event into history</li><li>• Too much TV and movies – this is what they expect?</li><li>• Ability to report?</li><li>• History of abuse makes this reality for them</li></ul> <p>How about employees – why don't they report?</p> <ul style="list-style-type: none"><li>• Code of silence<ul style="list-style-type: none"><li>– None of "my" business, too personal, they are in "love", no right to interfere in personal life</li></ul></li><li>• Don't know it is a problem</li><li>• Too much TV and movies</li><li>• How to report? What to report? When? What if supervisor's involved?</li><li>• No action previously by administration so why risk reporting?</li></ul> <p>What are the barriers to reporting allegations?</p> <ul style="list-style-type: none"><li>• What are barriers to reporting by arrestees and employees?</li><li>• How can the barriers be addressed?</li></ul>	
<b>2.2.3 Link to PREA Mandates – Why is this information important?</b>	
<p>What does all this information have to do with PREA and why we are here today?</p> <p>This information helps explain the dynamics of why sexual violence and sexual misconduct occur – and also clearly identifies the volatile atmosphere that can pervade a lock-up.</p> <p>Keeping arrestees/detainees safe in this volatile and complex environment is a mandate for law enforcement.</p>	Link the discussion to the information discussed in Module One – the links to PREA.
<b>2.2.4 Optional Exercise: Red Flags</b>	<b>(10 minutes)</b>

Content	Instructor Notes/Strategies
<p>Based on what we've heard so far today, what are some red flags for you and your managers and supervisors regarding arrestee/arrestee sexual violence and staff sexual misconduct with arrestees?</p> <p><b>(2) RED FLAGS</b></p> <ul style="list-style-type: none"> <li>\$ Over-identifying with the arrestee, overly concerned</li> <li>\$ Horse-play, verbal interaction with sexual overtones between staff and arrestee</li> <li>\$ Arrestees knowing personal information about staff</li> <li>\$ Staff isolation from other staff</li> <li>\$ Staff granting special requests or showing favoritism</li> <li>\$ Arrestees in an unauthorized area, or repeatedly out of their assigned place</li> <li>\$ Staff spending an unexplainable amount of time with an arrestee</li> <li>\$ Telephone calls to and from staff/arrestees</li> <li>\$ Arrestee grape-vine, arrestee snitches, arrestee/staff rumors</li> <li>\$ Staff in the facility during "off hours"</li> <li>\$ Pregnancy or diagnosis of a sexually transmitted disease (STD)</li> <li>\$ Staff overly concerned about an arrestee</li> <li>\$ Staff having sole involvement with a particular arrestee</li> <li>\$ Staff confronting staff over an arrestee</li> <li>\$ Isolated posts/positions/work assignments</li> <li>\$ Staff can't account for time</li> <li>\$ Staff's family being involved with arrestee's family</li> <li>\$ Increase in contraband in an area</li> <li>\$ Staff working in a secluded area with arrestee(s)</li> <li>\$ Staff taking arrestees out of cell at unusual times</li> <li>\$ Staff in personal crisis (divorce, ill health, bankruptcy, death in family)</li> <li>\$ Staff who consistently work more overtime than peers and who volunteer to work overtime only in specific posts</li> <li>\$ Staff having excessive knowledge about an arrestee and his/her family</li> <li>\$ Staff intervening, or helping with the arrestee's personal life, legal affairs</li> <li>\$ Staff sharing food or snacks with arrestees</li> <li>\$ Staff bringing in large amounts of food, soda, snacks</li> <li>\$ Overheard conversations between staff and arrestees which are sexualized in nature, or refers to the physical attributes of staff or</li> </ul>	<p><b>Red Flags Exercise:</b></p> <p>Depending on time and size of group, divide group into 4 person teams, ask them to identify red flags that can signal possible trouble. Ask them to place red flags on flip chart paper and designate a spokesperson.</p> <p>If group is small or time is short, ask for help of participants in a group exercise identifying Red Flags</p> <p>Debriefing red flags: Ask how best to get the information on red flags to supervisors?</p>

Content	Instructor Notes/Strategies
<ul style="list-style-type: none"><li>\$ arrestees</li><li>\$ Arrestee sexual activity</li><li>\$ Sexual or personal banter between staff and staff, or staff and arrestees</li><li>\$ Arrestees using staff's first name; staff using arrestees' first name</li></ul>	
<p><b>In the next module we'll overview the policy and procedure issues, including risk assessments for arrestees, physical plant assessment, and management of arrestees.</b></p>	
<p><b>2.3 Conclusion (5 minutes)</b></p> <p>This module has overviewed, briefly, the dynamics that contribute to sexual violence between arrestees and staff sexual misconduct with arrestees.</p> <p>Those issues discussed included:</p> <ul style="list-style-type: none"><li>• Characteristics of Arrestees</li><li>• Why employees get involved with arrestees/detainees</li><li>• Link to PREA – Why is this information important?</li><li>• And looked at red flags</li></ul>	<p><b>(5 minutes)</b></p> <p>The conclusion of this module presents an opportunity for the facilitator to take the "temperature" of participants. Do they appreciate the dynamics just discussed and how these dynamics are linked to policies, procedures, risk assessments, training, supervision and management of short-term holding facilities? Ask questions about their experiences working with difficult and vulnerable arrestees. Ask about whether staff sexual misconduct with arrestees is a concern in their organization.</p>

## Module Three – What's Next? Assuring Arrestee and Detainee Safety

Content	Instructor Notes/Strategies	Formatted Table
Module 3 Overview: This module discusses the importance of and identifies critical policies and procedures to insure arrestee/detention safety, including risk assessments of arrestees/detainees, and physical plant assessment. "Model" policies are not presented; rather relevant policies are reviewed, leading to the participating agency's ability to write policies and procedures. Training issues are addressed; as well as data collection. Particular emphasis is placed on reviewing investigative protocols related to allegations of arrestee/arrestee and staff sexual misconduct.		
MODULE ROAD MAP (70 minutes w/o break)		
<p>3.1 Introduction – Importance of Written Policies/Procedures (5 minutes)</p> <p>3.2 Agency Policies and Procedures (20 minutes)</p> <p>3.3 Arrestee Risk Assessment (15 minutes)</p> <p>3.4 Physical Plant Assessment (15 minutes)</p> <p>3.5 Training (5 minutes)</p> <p>3.6 Data Reporting (5 minutes)</p> <p>3.7 Conclusion (5 minutes)</p>		
Other Resources – Investigative Checklist		
<p><b>3.1 Introduction</b></p> <p>The Prison Rape Elimination Act provides an opportunity for agency's to review their current policies and procedures – and improve operations.</p> <p>Assuring arrestee/detainee safety is more than looking at just one policy – it involves a holistic, systemic review of operations – from arrest procedures, to arrestee screening, to court transports and the physical plant. If you are accredited by CALEA – you have addressed many of these issues.</p> <p>Is there a systemic issue?</p> <ul style="list-style-type: none"><li>• Effective policies and procedures</li><li>• Good training</li><li>• Supervision of employees</li></ul>	<p><b>(5 minutes)</b></p> <p>Preview the module. Remind participants that CALEA has standards governing lock-ups. These standards will likely be revised when the Attorney General approves NPREC standards.</p> <p>Refer participants to examples of policy on the WCL and NIC web sites.</p> <p>This is a brief overview - with the checklists as resources to facilitate the discussion. The PPTs highlight the most critical policy and procedure considerations.</p>	

Content	Instructor Notes/Strategies
<ul style="list-style-type: none"> <li>• Supervision of detainees</li> <li>• Modeling the expected behavior</li> <li>• Timely and objective investigations</li> <li>• Corrective action, as warranted</li> <li>• Prosecutions, as warranted</li> </ul> <p>This module will overviews the policies and procedures the agency should consider revising or drafting.</p> <p>Presented in this module are overviews of:</p> <ul style="list-style-type: none"> <li>• Policies and procedures – including attention to investigative procedures</li> <li>• Arrestee Risk Assessment</li> <li>• Physical Plant Assessment</li> <li>• Training</li> <li>• Data Collection</li> </ul> <p>Please refer to the checklists at the end of this module.</p>	
<p><b>3.2 Polices and Procedures</b></p> <p>Specific issues to be addressed in staff sexual misconduct policies and procedures. Let's review this list. The items listed are by no means comprehensive. There are several tools and guidelines for developing policies and procedures that are available as additional resources. These items listed are considered some of the most critical.</p> <ul style="list-style-type: none"> <li>• Definitions of prohibited behaviors</li> </ul> <p>BJS has compiled specific definitions that align with PREA. As agencies develop their own policies and procedures, it</p>	<p><b>(20 minutes)</b></p> <p>This is a very brief overview of the policies – with specific attention to defining prohibited behaviors, reporting and investigations.</p> <p>This project has developed a tool-kit for agencies to develop their own policies and procedures surrounding PREA issues.</p> <p>There are several other similar tool-kits to help prisons, jails, and community corrections develop their own policies and procedures. These can be found at <a href="http://www.nicic.org">www.nicic.org</a></p>

Content	Instructor Notes/Strategies
<p>is important to review the BJS definitions, as well as definitions in state law, as there may be differences. In developing definitions, the most important aspect is to be sure that prohibited behaviors are specifically delineated.</p> <ul style="list-style-type: none"> <li>• Reporting procedures           <p>Staff should know how to report suspected acts of sexual violence or misconduct.</p> <p>Arrestees/detainees need <b><u>multiple avenues</u></b> to report to assure that if there are barriers in any one method of reporting, there are additional options.</p> </li> <li>• Investigative policies and procedures (Refer participants to the investigative checklist in their note taking guide for more information)           <p>Investigative policies and procedures are critical for the conduct of consistent, competent, thorough and effective investigations. Among the topics the agency may address are:</p> <ul style="list-style-type: none"> <li>• The source of the authority to conduct investigations, i.e. state law, administrative rules, etc.;</li> <li>• How investigations are assigned and categorized;</li> <li>• Who conducts investigations;</li> <li>• Timelines and report formats for investigations;</li> <li>• The process to extend the deadline for completing investigations when circumstances require it – this should also include supervisory review and approval;</li> <li>• Permissible and prohibited investigative actions, i.e., polygraphs, DNA, etc.;</li> </ul> </li> </ul>	<p>and <a href="http://www.cipp.org">www.cipp.org</a></p> <p><b>NOTE: The list of items to be included in Investigative Policies and Procedures is a summary.</b></p> <p><b>Refer participants to the investigative checklist in their note taking guide.</b></p>

Content	Instructor Notes/Strategies
<ul style="list-style-type: none"> <li>• Notifications to staff if they are the subject of investigations;</li> <li>• Garrity and Miranda considerations;</li> <li>• Administrative vs. criminal investigations;</li> <li>• Sanctions for staff involvement</li> <li>• Mandatory reporting</li> <li>• NOTE: Some state laws make it mandatory for staff to report suspicions or allegations of sexual misconduct, and impose criminal penalties for failure to do so. However, policies need to include administrative sanctions for failing to report, even if state law does not cover it.</li> <li>• Protections against retaliation for reporting</li> <li>• Personnel response – what to do with staff, what do to assist the victim</li> </ul> <p>Those who report, including staff and arrestees/detainees must be protected from retaliation for reporting. This may require reassignment of staff and transfer of arrestees/detainees to another location. In small agencies, it is recommended that an agreement be made with surrounding jurisdictions if there are no other possible arrestee locations to utilize for this purpose.</p> <ul style="list-style-type: none"> <li>• Demystify the investigation</li> </ul> <p>Due to the sensitive nature of these investigations into allegations of staff sexual misconduct with arrestees, investigators have historically been seen by many employees as a “secret” group. This reputation for “secrecy” tends to lead to distrust, rumors, and misconceptions. While information about the investigation must be confidential, employees can be briefed about the procedures that guide investigations. Agencies have found that demystifying the process helps address the employee code of silence and improves investigation.</p>	<p align="right"><a href="#">Formatted Table</a></p>

Content	Instructor Notes/Strategies
<p><b>3.3 Arrestee Risk Assessment</b></p> <p>Agencies that operate short-term holding facilities need to conduct some risk assessment screening of arrestees. Help in designing or updating these risk assessments may be available from the local health/mental health authority (especially for CALEA accredited agencies), mental health advocacy groups, and local jails who conduct risk assessments of arrestees.</p> <p>Important for PREA – agencies need to assess which arrestees may be victims of sexual violence or predators - and insure safe housing.</p> <p>Risk Assessments include reviewing and acting upon:</p> <ol style="list-style-type: none"><li>1. Information from the arresting officer</li><li>2. Mental health of arrestee</li><li>3. Suicide screen of arrestee</li><li>4. Medical screen of arrestee<ol style="list-style-type: none"><li>a. Need for medical care/hospitalization</li><li>b. Prescriptions/ pharmacy services</li></ol></li><li>5. Sexual violence screening</li></ol> <p>Refer to list in participants' note taking guide</p>	<p><b>(15 minutes)</b></p> <p>Review the list of risk assessment issues – what does the agency have in place now?</p> <p>Are staff who are conducting arrestee screening trained?</p> <p>What do employees do after they determine that the arrestee poses a risk?</p> <p>What are the resources in the community which can help the agency develop or revise screening tools and/or conduct training?</p>

<p><b>3.4 Physical Plant Assessment</b></p> <p>The physical plant of the lock-up - - the place where arrestees are detained – whether a detective's interview room or a multi-cell facility – is important to the safety of arrestees. The physical plant assessment is one tool to reconsider the factors in the physical plant that contribute to arrestee safety – or are impediments to arrestee safety. A well-designed physical plant which is not maintained can become dangerous. Cameras and other forms of electronic monitoring can assist in assuring arrestee safety as well as document the whereabouts and movement of employees.</p> <p>Let's look at this list.</p> <p>Important issues are:</p> <ul style="list-style-type: none"><li>• Ability to separate potentially vulnerable inmates</li><li>• Ability to separate potential predators</li><li>• Provision of medical and mental health screening</li></ul> <p>What else is important?</p> <ul style="list-style-type: none"><li>• Regular inspections by trained personnel</li><li>• Prompt repairs</li><li>• Compliance with local fire and safety codes</li></ul>	<p><b>(15 minutes)</b></p> <p>PREA focuses lock-ups on the safety of arrestees housed in the physical plant. This list that is included also focuses on other issues such as fire/life safety and sanitation - which may not at first appear to be PREA issues – but is an indication of the agency's commitment to maintaining a safe lock-up for both employees and arrestees.</p> <p>Agencies are encouraged to formalize inspection, repair/maintenance procedures to help insure safety. Related issues are the training of staff to perform these assessments, and funds for repair/renovation.</p>
<p><b>3.5 Training</b></p>	<p><b>(5 Minutes)</b></p>

Training of employees (volunteers, contractors) is obviously an important element of insuring arrestee safety.

**Who should be trained:**

- Train everyone – all staff, including sworn, non-sworn, volunteers, contractors, vendors, medical personnel, etc.

**What should be included in the training:**

Training will be slightly different for some of these categories, but it should include for everyone:

- Agency policies on arrestee management
- How to report
- Mandatory reporting
- Penalties for not reporting
- Statute and other relevant law
- Agency sanctions for inappropriate behavior with arrestees
- Definitions
- Knowledge about the histories of arrestees that influence their behavior
- Professional boundaries – what they are and how to maintain them
- Completion of risk assessment
- Supervision of arrestees
- Handling medical and mental health emergencies
- Inspections of the physical plant

Training should be based on the employee's job description – with those assigned to lock-ups proficient in any instruments used to screen arrestees, as well as knowledge about how to respond to medical and mental health emergencies.

**When training should take place:**

- Pre-service
- In-service
- Reinforced through open discussions at staff meetings, and other venues.

<b>3.6 Data and Reporting</b>	(5 minutes)
<p>The Bureau of Justice Statistics will be conducting administrative record reviews regarding the allegations and outcomes of investigations. Remember in Module One the categories that BJS has developed were discussed in Module One:</p> <ul style="list-style-type: none"><li>• Nonconsensual sexual acts</li><li>• Abusive sexual contacts</li><li>• Staff sexual misconduct</li><li>• Staff sexual harassment</li></ul> <p>Investigative Findings:</p> <ul style="list-style-type: none"><li>• <u>substantiated</u>, if they were determined to have occurred</li><li>• <u>unsubstantiated</u>, if the evidence was insufficient to make a final determination that they occurred</li><li>• <u>unfounded</u>, if they were determined not to have occurred</li><li>• <u>investigation ongoing</u>, if a final determination had not been made at time of data collection.</li></ul> <p>Agency recordkeeping should take these definitions into account.</p>	
<b>3.7 Conclusions</b>	(5 minutes)
PREA focuses all agencies operating lock-ups and short term arrestee holding facilities on policies, procedures, arrestee risk assessment and physical plan assessments. Training employees is critical.	Overview what was covered – ask for questions, comments.

## Policies and Procedures

- Administrative, Management and Operations
  - Organizational Placement
  - Chain-of-command
  - Staffing
  - Training
  - Auditing
  - Forms
- Zero Tolerance
  - Definitions
    - What are prohibited behaviors?
    - What behaviors constitute staff misconduct and harassment?
  - What are reporting requirements for employees?
  - What are reporting avenues for arrestees/detainees
  - Commitment to investigate to exonerate
  - Commitment to improve operations
  - Fraternization rules, reporting
- Use of Force
  - Restraints
  - Firearms
  - Chemical spray
  - Tasers
  - Other non-lethal
- Operational Issues
  - Booking Procedures
    - Searches
      - Pat, full, strip, body cavity
    - Screening/Risk Assessment
    - Assignment in holding area
    - Medical interventions
    - Searches
    - Arrestee property
      - Medications
    - Record management/confidentiality (CALEA 72.1.3)

- Supervision of arrestees
  - Security/wellness checks, cell searches (CALEA 72.4.6)
  - When officers can enter cells (CALEA 72.4.2)
  - Cross-sex supervision
  - Managing potentially vulnerable victims
  - Managing potentially aggressive predators
  - 24/7
  - Visual
  - Logs
  - Detainee privacy
- Meals
  - Preparation/Dated
  - Storage
  - Safety/Inspection
  - Three meals a day (CALEA 72.7.1) within 24 hour period
- Bedding
  - Laundry
  - Sanitation
  - Blankets
  - If held longer than 8 hours (CALEA 7.2.1)
- Arrestee Hygiene
  - Working toilets
  - Working sinks
  - Toilet paper
  - Ability to shower
  - Alternative clothing
  - Feminine hygiene supplies
  - Hygiene kits (toothpaste, soap)
  - Access to showers
  - Hygiene kits
  - Clothing issue?
  - Feminine hygiene
  - “Suicide” gowns
  - ADA/Accessibility
- Fire Safety (compliance with local codes)

- Approved plan
- Drills/documentation
- Storage of combustible materials
- Air pacs, extinguishes
- Fire Marshall's inspection
- Pharmaceutical distribution
  - Give to arrestee upon release
  - Transfer with custody
  - Refused/forgotten prescriptions
  - Acquired from family
- Emergency Procedures
  - Fire
  - Suicide
  - Medical
  - Assaults (sexual and other)
    - First responder
    - Evidence collection, preservation, chain of custody
  - Disturbance
  - Natural disaster
  - Mass arrest
  - Escape
  - Staff injury/assault
  - Emergency keys
  - Blood borne pathogens/OSHA requirement for clean up
- Maintenance/Janitorial
  - Fixing problems
  - Sanitation/cleaning
  - Control of cleaning chemicals
- Access to counsel
- Release to investigators for interview
- Transferring information to next organization
- Meth lab decontamination
  - No clothes from lab
  - Arrestee decontaminated before arrival
  - No storage of arrestee property

- Access to telephones
- Access to holding area by non-essential person (CALEA 72.1.2)
- Key control (CALEA 72.4.3)
- Transport
  - Same sex, procedures
- Reporting by arrestees of misconduct/criminal activities
  - By community, family
  - When leave custody
  - When arrive in state custody
- Court Holding
  - Separation
  - Communication in holding areas
  - Supervision
  - Reporting
  - Responding to allegations
- Investigations (See investigative checklist)
  - Administrative
  - Criminal
  - Handling allegations
- Memoranda of Agreement
  - Sexual Assault Treatment Center
  - Investigating authority
  - Mental health resources (NAMI, MHA)
  - Hospital
  - Prosecutors

**Training Mandates for employees**

- Medical, mental health, risk assessment
- Medication management
- Logging/documentation
- Supervision
- Inspection
- Fire Safety
- Emergency responses
  - Fire extinguishers
  - Air pacs

## **Arrestee Risk Assessment**

Arresting Officer:

- Did the arrestee exhibit any behaviors indicating mental health issues?
- Did the family, or bystanders, indicate the arrestee has any mental health issues?
- Does the arrestee appear physically injured?
- Is the arrestee sober? Alcohol or legal or illegal drugs?
- Did the arrestee indicate any thoughts of self-harm or suicide?
- Did arrestee come from active meth lab?
  - Decontaminated before transport?

Screening:

- Mental Health:
  - Appears anxious
  - Hallucinating
  - Hearing voices
  - Unfocused
  - Acting out
    - Crying
    - Withdrawing
  - Psychiatric history
    - Current treatment/immediate past treatment
  - Developmentally disabled, appearance of low functioning
- Suicide risk
  - Nature of offense
  - Shame/humiliation
  - Sex offense involving minor
  - Past attempts; evidence of past attempts
  - First arrest
  - Alcohol/drug involvement
  - Voicing self-harm
  - No family/friends in community
- Medical Screening

- Appearance
    - Obvious pain/swelling
    - Injury (old or new)
    - Visible trauma, bruises, lacerations
    - Infection
    - Profuse sweating
    - Sutures, bandages, cast
    - Color
    - Pupils
    - Withdrawing from substance
  - Pregnant/recent delivery/breast feeding
  - Allergies
  - Asthma
  - Diabetes
  - Seizures
  - Epilepsy
  - Cardiac health issues
  - High blood pressure
  - Recent surgery
  - Current drug use
  - Past drug use
  - Current alcohol use
  - Past alcohol use
  - Did arrestee come from meth lab?
    - User?
    - Decontaminated?
  - Movement impaired, wheelchair, crutches
    - ADA issues
  - Current medications
    - With arrestee?
  - Name of physician
- Risk Assessment/Sexual Violence
    - Indicates is homosexual [gay man, lesbian woman]
    - Indicates is transsexual, inter-sex

- Physical stature indicates potential victimization
- Physical stature indicates potential predator
- Anger
- Fear
- Criminal charge (past and present)
- Disabled
- Young
- Old
- Developmentally disabled
- Mental Illness
- Previous sexual assault victim/perpetrator

Hospital

- Criteria for transport
- Allegations of sexual assault/misconduct
- Transporting criteria
- Supervision at the hospital; secure area
- Medical information from hospital re: arrestee
  - Precautions
  - Drug interactions
- Prescriptions, how filled

Medical authority approves procedures (CALEA 72.6.1)

## **Physical Plant Assessment**

Fire/Life Safety/Sanitation

- Fire extinguishers
  - Inspected, dated
  - Mounted
  - Appropriate type
- Combustible materials
  - Removed (inside and in sally port)
  - Stored in allowable containers
  - No smoking

- o Fire egress
  - o Cleared exits
- o Fire loads
  - o Storage closets, janitor closets, telephone closets
  - o File storage
  - o Sally ports
- o Sanitary conditions
  - o Cleaning, janitorial
  - o Control of Cleaning chemicals
- o Safety Equipment
  - o Breathing apparatus (air masks)
  - o First aid kits, airways, inspected
  - o Automated External Defibrillator (AED)
  - o Personal protection equipment (PPE)
    - Gloves
    - Masks
    - Eye Wash Stations
- o Fire detection and alarm system
  - o Smoke detectors
- o Cell lock release
- o Emergency keys
- o Fire exits marked, diagrams, posted, painted
- o Lighting as required by local code
- o Air circulation
- o Weekly documented inspection of fire equipment; semi-annual testing of equipment; daily visual inspection of fire detention devices and alarm systems as required by local code (CALEA 72.3.1)
- o Emergency evacuation plan (CALEA 72.3.2)
- o Weekly sanitation inspection (CALEA 72.3.3)
- o Vermin and pest control (CALEA 72.3.3)
- o Working toilets
- o Working sinks

Sleeping provisions

- o Ability to lie down

Crowding/Degrading Conditions/Totality of Conditions

- o What is capacity of cellblock?
- o What are provisions when capacity is reached?
- o Single cells

Suicide Hazards/Opportunities for Harm

- o Lighting
- o Pipes
- o Bars
- o Benches
- o Clothing
  - o Shoe laces
  - o Belts
- o Areas out of surveillance
- o Covered windows (paper, blinds, etc.)
- o Air vents
- o Broken equipment, doors, materials, etc.
- o Towel bars, grab bars
- o Cot, bed frames
- o Privacy screens as appropriate
- o Unobservable areas/blind spots

Meal Service

- o Storage
- o Thermometer, logs
- o Control of tools and culinary equipment (CLAEA 72.4.7)

Maintenance

- o Inspections checklists
- o Requests for maintenance
- o Promptness of maintenance
- o Closing of holding areas
- o Tool control
  - o Inventory
  - o Log

ADA Accessibility

- o Plan to disabled arrestees
- o Retrofitting ADA accessible

Secure pharmaceutical storage

- o Key control
- o Logs

Communication ability with arrestees in the cell area

- o Panic alarms for officers
- o Call button for arrestees

## **Investigations**

Investigations

1. Administrative
  - a. Authority to Act:
    - i. State statutes
    - ii. Collective Bargaining Agreements
      1. What is permitted
      2. What is not permitted
    - iii. Police/Corrections' Employees Bill of Rights
    - iv. State Administrative Regulations
  - b. Communicating about allegation(s) with the organization (employees), media, offenders
    - i. What to say and who should say it about allegations
  - c. Required notifications to employees under investigation (per administrative rules and/or collective bargaining units)
    - i. Compromising investigations
  - d. Cooperation of subject, witnesses
  - e. Resignation of employees during investigations
  - f. Training of employee/volunteer/contractor, etc. training for sexual abuse investigations to include:
    - i. Role(s) in recognizing, reporting
    - ii. Cooperating during investigation

- iii. Knowledge of offender histories (abuse, mental health)
  - iv. First responders (SART)
  - g. Personnel decisions
    - i. Who has authority to manage personnel during investigations
    - ii. Interventions (employee assistance)
    - iii. Reassignment of employees
    - iv. Actions regarding volunteers, contractors, vendors
    - v. Protecting witnesses
    - vi. Prohibition re: retaliation
  - h. Post investigation personnel actions
2. Operations
- a. Investigative competencies
    - i. Selecting investigators
    - ii. Training investigators
    - iii. Definitions/common language
    - iv. Chain-of-command of organizational structure
      - 1. Who is the investigative team – criteria
      - 2. Supervisory/reporting structure – chain of command- for investigations
      - 3. Who is responsible for day-to-day management
      - 4. How often are updates provided and to whom? Written or verbal?
      - 5. Data base/tracking
      - 6. Classifying an allegation
    - v. Reporting formats/forms, etc.
    - vi. Who authorizes the investigation
      - 1. Time lines for notifications and assignment
      - 2. Criminal vs. administrative focus – who has the authority to direct
      - 3. Who authorizes use of investigative tools – i.e., covert, warrants, phone call monitoring, DNA, financial, etc.
      - 4. Who authorizes use of Garrity and/or Miranda?
  - b. Investigative Protocols
    - i. Preliminary investigations – determine when appropriate
      - 1. Polygraph (and other instruments/tests to determine deception) for employees and/or offenders – legal in state? Consistent with police officers' bill of rights? Collective bargaining agreements?)
    - ii. Assigning the investigation
      - 1. Gender issues

2. Use of non – agency investigators
    - a. Execution of MOU to outline authority, protocols, cooperation, up-dating, etc.
  - iii. Securing physical evidence
    1. Examinations/photos
    2. Clothes, log books, tapes, inmate account, property, etc.
    3. Where information can be found during the investigation, i.e., log books, computer records, data entry, inmate movement logs, key logs, electronic access records, work assignment sheets or logs, medical logs, count logs, video surveillance/cameras, etc.
    4. Chain of evidence
  - iv. Coordination with of medical/mental health
    1. Preparing for questioning
    2. During questioning
    3. Communication/consultation
    4. Guidelines on information sharing
  - v. Closing the investigation
    1. PREA reporting issues
    2. UCR reporting issues
    3. Reporting findings to appropriate organizations (e.g., POST, licensing organizations (medical, mental health, clergy, etc.)
    4. Notifications to employees, offenders of outcomes
    5. Definitions of potential findings and outcomes
- c. Corrections Operations
    - i. Re-housing decisions
    - ii. Disclosure of info to complainant, victim other staff and inmates
    - iii. Notification of witnesses re confidentiality and retaliation
    - iv. Post incident follow-up/offender
      1. Medical
      2. Mental health
      3. Protection
      4. Retaliation
3. Stakeholders
    - a. Coordination with prosecutor and/or local police (law enforcement)
      - i. On-going/regular communications and during an investigation
      - ii. Case preparation
      - iii. Referral process

- iv. Prosecution decision making request and notification
  - v. Grand juries
  - vi. Arrests
  - vii. Post arrest procedures
    - 1. Protection of accused
  - viii. Guidelines addressing *quid pro quo* (especially for jails)
  - b. Coordination with others:
    - i. Reporting to Uniform Crime Reports/State Police
    - ii. Sexual Assault Treatment Center
    - iii. Victim advocates in the community
4. Aftermath Management
- a. Written report (distribution of report)
    - i. Substantiated, unsubstantiated, unfounded (BJS)
  - b. Public/media
  - c. Interventions (Critical incident stress de-briefing)
    - i. Employees
    - ii. Offenders
  - d. Post investigation – valued added/lessons learned – link results to hiring, training, supervision, etc.

## Module Four – Prevention Strategies (and Program Close -Out)

Content	Instructor Notes/Strategies
Module 4 Overview: This module includes strategies for the prevention of arrestee/arrestee sexual violence and staff sexual misconduct. The intent of the module is to provide a “checklist” of steps that agencies can take pro-actively, and includes the opportunity for the participants to develop and rank their own ideas for prevention. Program close-out, extinguishing burning issues, and evaluations (if used) are part of this final module.	

Module Road Map (30minutes)

- 4.1 Introduction (5 minutes)
- 4.2 Prevention Strategies (15 minutes)
  - 4.2.1 Best prevention strategies
  - 4.2.2 Review of prevention strategies
- 4.3 Extinguishing Burning Issues (5 minutes)
- 4.4 Program Close-out (5 minutes)

Note: If evaluations are used, distribute at the beginning of the module.

<b>4.1 Introduction</b>	<b>(5 minutes)</b>
This last section focuses on what agencies can do to prevent arrestee/arrestee violence and staff sexual misconduct with arrestees.	
<b>4.2 Best Prevention Strategies</b>	<b>(15 minutes)</b>
Work together for the next few minutes to identify recommended prevention strategies.  Group One/Two – Top 5 strategies to prevent arrestee/arrestee sexual violence Group Three/Four –Top 5 strategies to prevent staff sexual misconduct with arrestees.	Facilitate this fast moving group exercise to identify prevention strategies.  Divide participants into small groups – 5 – 7 individuals per group. Ask each group to scribe their top 5 strategies on the assigned topic – ask for each group to name a spokesperson. To debrief the

Content	Instructor Notes/Strategies
Scribe your work on chart paper – designate a spokesperson.	exercise – ask each group for one issue at a time.  <b>Importantly – if there is an issue which emerged in “burning issues” or during the training – use that topic as an issue in this exercise – focused on prevention.</b>
<b>4.2.2 Elements of effective prevention strategies</b>	
<p>“Prevention” does not always mean ‘elimination’. There is no guarantee, even in agencies that are the most pro-active, that incidents of staff sexual misconduct will <b>never</b> occur. The truth is that most staff will never be involved, but there is always the small percentage of staff that will.</p> <p>Here are some prevention strategies:</p> <ul style="list-style-type: none"><li>• Genuine commitment from agency leadership - This means that there is honest communication by the agency head and of the management team. Insincerity is quickly recognized by staff.</li></ul> <p><b><u>Administrative strategies:</u></b></p> <ul style="list-style-type: none"><li>• Triage the organizational structure – know who does what, when and why.</li><li>• Create specific, clear, and thorough policies and procedures. Include staff in this process – make them stakeholders in the value of the policy and procedures.</li><li>• Define prohibited behavior in policy.</li><li>• Delineate consequences for involvement, and impose them consistently and fairly.</li><li>• Have effective employee assistance programs – supervisors should know how to make referrals, and staff should be able to access assistance on</li></ul>	Summarize prevention strategies – touch on topics which were not reported by the groups.

Content	Instructor Notes/Strategies
<p>their own, if necessary.</p> <ul style="list-style-type: none"><li>• Demonstrate zero tolerance consistently.</li><li>• Have a media plan – use templates for release of information, establish a working relationship with the media BEFORE incidents occur, and make it clear to everyone who is to be the point of contact for all media statements.</li></ul> <p><b><u>Operational strategies:</u></b></p> <ul style="list-style-type: none"><li>• Establish clear memoranda of understanding with all outside agencies and entities which play a role in investigations and responses.</li><li>• Develop and orientation/notification plan for arrestees/detainees</li><li>• Protect those who report from retaliation – consider if personnel actions are needed</li><li>• Assure that supervisors are aware of how to respond to allegations.</li><li>• Assess your facility design – are there spaces that create a particularly vulnerable area?</li></ul> <p><b><u>Training:</u></b></p> <ul style="list-style-type: none"><li>• Train everyone.</li><li>• Train continuously.</li><li>• Make training specific to the issue</li><li>• Make training interactive and engaging.</li><li>• Train your trainers.</li><li>• Use training to identify potential problems.</li><li>• Document your training – use lesson plans, records of attendance, and a means to measure proficiency.</li></ul> <p><b><u>Investigations as prevention tools:</u></b></p> <ul style="list-style-type: none"><li>• Maintain a usable database of information.</li><li>• Search for patterns.</li></ul>	

Content	Instructor Notes/Strategies
<ul style="list-style-type: none"><li>• Make sure investigators have specific training.</li><li>• Demystify the investigative process</li><li>• Protect confidentiality.</li><li>• Assure the integrity of each investigation.</li></ul>	
<b>4.3 Extinguish Burning Issues</b>	<b>(5 Minutes)</b>
<p>Let's review the issues which you identified as questions at the beginning of the program.</p> <p>Your note taking guide includes many resources for learning more about this topic to help with the work that you believe is necessary for your organization to address issues raised by PREA.</p>	Review the list of "burning issues" which participants identified at the beginning of the training. Gain consensus if the issue has been addressed, and where more information is needed. Point participants to the list of resources.

## Program Close Out

<b>There are the program's objectives:</b>  12. To educate law enforcement managers and supervisors about PREA and its relevance to law enforcement agencies who manage short term prisoner holding facilities and court holding. 13. Overview legal issues 14. Provide recommendations to both: a. assure arrestee and detainee safety from sexual violence and b. prevent and address staff sexual misconduct with arrestees and detainees 15. Review the importance of responding to and investigating allegations 16. Highlight prevention activities 17. Identify resources	<b>Highlight the pages in the note taking guide</b>  <b>Highlight the resources in the note taking guide</b>  <b>Assure all participants have evaluation form</b>  <b>Assure all participants know how to get in touch with the facilitator and/or know how to get more information.</b>  <b>Assure that if materials are promised to participants they are delivered as soon as practical for the facilitator.</b>
---	---

Content	Instructor Notes/Strategies
<p><b>What are questions/concerns/clarifications?</b></p> <p><b>Please take time to provide feedback about this program for future participants.</b></p>	<p><b>Collect evaluations if used.</b></p>

## Resources

**Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies**  
[http://www.urban.org/UploadedPDF/411367\\_psv\\_programs.pdf](http://www.urban.org/UploadedPDF/411367_psv_programs.pdf)

**Arrestee/Detainee Suicide Prevention**

"Model Suicide Prevention Programs: Part I", *Jail Suicide/Mental Health Update*, A Joint Project of the National Center for Institutions and Alternatives and the National Institute of Corrections, U. S. Dept. of Justice, Summer 2005, Volume 14, Number 1, page 6. <http://www.ncianet.org/suicideprevention/publications/update/summer2005update.pdf>

**Data Collections for the Prison Rape Elimination Act of 2003**

<http://www.ojp.usdoj.gov/bjs/pub/pdf/dcprea03.pdf>

**PREA Statute**

[http://www.wcl.american.edu/nic/Articles\\_Publications/Prison\\_Rape\\_Elimination\\_Act\\_of\\_2003.pdf?rd=1](http://www.wcl.american.edu/nic/Articles_Publications/Prison_Rape_Elimination_Act_of_2003.pdf?rd=1)

**Reports/Articles:**

Commission on Accreditation for Law Enforcement Agencies, Inc., Standards for Law Enforcement Agencies: The Standards Manual of the Law Enforcement Agency Accreditation Program, Fourth Edition, November 2001, Fairfax, Virginia. [www.calea.org](http://www.calea.org)  
Chapter 71, Prisoner Transportation, Chapter 72, Holding Facility

**Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons**

<http://www.prisoncommission.org/report.asp>

End to Silence, website of the Washington College of Law, The American University <http://www.wcl.american.edu/nic/>

Jordan, Andrew, Marcia Morgan and Michael McCampbell, "The Prison Rape Elimination Act: What Police Chiefs Need to Know", *Police Chief Magazine*, International Association of Chiefs of Police, vol. 73, no. 4, April 2006,  
[http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=864&issue\\_id=42006](http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=864&issue_id=42006)

McCormick, Michael S., "Prison Rape Elimination Act: Impact on Police Chiefs of the Prison Rape Elimination Act," *Subject to Debate* Police Executive Research Forum, September 2005, Vol. 19, No. 9, page 5, [http://www.policeforum.org/upload/V19-N09%20P%5B1%5D\\_715866088\\_12302005143917.pdf](http://www.policeforum.org/upload/V19-N09%20P%5B1%5D_715866088_12302005143917.pdf)

Susan W. McCampbell and Larry S. Fischer, Staff Sexual Misconduct with Inmates: Policy Development Guide for Sheriffs and Jail Administrators, National Institute of Corrections, August 2002. <http://www.cipp.org/SSMPolicy/index.html>

## Management and Operations Module Three July 1, 2007

McCormick, Susan W. and Elizabeth P. Layman, "Investigating Allegations of Staff Sexual Misconduct with Inmates: Myths and Realities." [http://www.wcl.american.edu/nic/Articles\\_Publications/Investigating\\_Allegation\\_of\\_staff\\_Sexual\\_Misconduct.pdf?rd=1](http://www.wcl.american.edu/nic/Articles_Publications/Investigating_Allegation_of_staff_Sexual_Misconduct.pdf?rd=1)

Sexual Violence Reported by Correctional Authorities, 2004  
<http://www.ojp.usdoj.gov/bjs/pub/pdf/svrca04.pdf>

Sexual Violence Reported by Correctional Authorities, 2005  
[http://www.wcl.american.edu/nic/documents/BeckandHarrison\\_BJSReport2005\\_000.pdf?rd=1](http://www.wcl.american.edu/nic/documents/BeckandHarrison_BJSReport2005_000.pdf?rd=1)

Simonian, Nairi M. and Brenda V. Smith. "Integrity in Jail Operations: Addressing Employee/ Offender Relationships." American Jails. July/August 2006: 9-19. [http://www.wcl.american.edu/nic/documents/AJA\\_Final.pdf?rd=1](http://www.wcl.american.edu/nic/documents/AJA_Final.pdf?rd=1)

Simonian, Nairi M. and Brenda V. Smith. "Policy on Worker Relations Helps Ensure Office Integrity." Sheriff May-June 2006: 27-28.  
[http://www.wcl.american.edu/nic/documents/5.SheriffMagazine\\_WorkerRelationsPolicies.pdf?rd=1](http://www.wcl.american.edu/nic/documents/5.SheriffMagazine_WorkerRelationsPolicies.pdf?rd=1)

Staff Perspectives: Sexual Violence in Adult Prisons and Jails: Trends from Focus Group Interviews  
<http://nicic.org/Downloads/PDF/Library/021619.pdf>

Stop Prisoner Rape, Call for Change: Protecting the Rights of LGBTQ Detainees, May 2007  
<http://www.champnetwork.org/media/callchange.pdf>

Stop Prisoner Rape, How Well is Your Institution Meeting the Goals of the Call for Change, May, 2007, <http://www.spr.org/index.asp>

### Web Sites:

American with Disability Act - <http://www.usdoj.gov/crt/drs/drshome.htm>

Bureau of Justice Assistance – <http://www.ojp.usdoj.gov/BJA>

Bureau of Justice Statistics - <http://www.ojp.usdoj.gov/bjs/abstract/dcprea03.htm>

National Institute of Corrections [www.nicic.org](http://www.nicic.org)

Prison Rape Elimination Commission [www.nprec.us](http://www.nprec.us)

Stop Prisoner Rape – [www.spr.org](http://www.spr.org)

**Training Materials**

- <http://www.wcl.american.edu/nic/training.cfm>

The materials which follow were prepared by Professor Brenda V. Smith, Washington College of Law, under contract to the Center for Innovative Public Policies, Inc (CIPP). This information is for the use of instructors of this program. Use of this material beyond instructor preparation and background requires the permission of both Professor Smith and CIPP.

### 50-State Survey of Statutes

STATE AND STATUTE	Covers Law Enforcement*	Covers Jails	Covers Lock-ups	Covers Arrest <sup>†</sup>	All Personnel Covered <sup>‡</sup>	Some Forms are Punishable as a Felony	Consent is Not a Defense
<b>Alabama</b>  Custodial Sexual Misconduct ALA. CODE § 14-11-31 (2005).	v	v	v <sup>2</sup>		Volunteers not covered	v	v
<b>Alaska</b>  Sexual assault in the first degree. ALASKA STAT. § 11.41.410 (2006).  Sexual assault in the second degree. ALASKA STAT. § 11.41.420 (2006).  Sexual assault in the third degree.	v	v	v	v	Volunteers not covered	v <sup>3</sup>	Consent is not addressed

\* Some state statutes use the word *police* or *sheriff*. For purposes of this checklist, if a statute uses the word *police* or *sheriff*, we assumed that all law enforcement is covered.

† If a state law contained the word jail and the word local correctional facility, local correctional institution, county or city facility etc., then we assumed that the state law intended to cover other local facilities such as lock-ups.

‡ If a state law contained the word "arrest" or covers law enforcement personnel and contains phrases such as "having custody over the victim", "in the offenders care under authority of law", or "under the supervision of a city or county" then we assumed that the law intended to cover arrest.

<sup>+</sup> All personnel are covered if the statute includes paid employees, volunteers, other state agency employees, and private/contract employees.

<sup>2</sup> Alabama covers employees of government agencies that by court order have the responsibility for pretrial persons and thus the law appears to cover court holding facilities. ALA. CODE § 14-11-30(b)(2) (2006).

Management and Operations Module Three July 1, 2007

ALASKA STAT. § 11.41.425 (2006).  Sexual assault in the fourth degree. ALASKA STAT. § 11.41.427 (2006).							
<b>Arizona</b> Unlawful sexual conduct; correctional employees; prisoners; classification ARIZ. REV. STAT. ANN. § 13-1419. (2006).	v	v	v <sup>4</sup>	v	Volunteers not covered	v <sup>5</sup>	The defense of consent may be implied because the inmate is also penalized for the conduct
<b>Arkansas</b> Sexual assault in the first degree. ARK. CODE ANN. § 5-14-124 (2006). Sexual Assault in the second degree ARK. CODE ANN. § 5-14-125 (2006). Sexual assault in the third degree ARK. CODE ANN. § 5-14-126 (2006).		v			Volunteers not covered	v	v

<sup>3</sup> Police are punished under First and Second Degree sexual assault and as felonies, where Department of Corrections Employees are punished under Third and Fourth Degree Sexual assault where third degree is a felony and fourth degree is a misdemeanor. ALASKA STAT. §§ 11.41.410(b), 11.41.420(b), 11.41.425(b) & 11.41.427(b) (2006).

<sup>4</sup> In Arizona, custody is defined as actual or constructive restraint pursuant to a court order and thus would appear to cover court holding facilities. ARIZ. REV. STAT. ANN. § 13-2501 (2006).

<sup>5</sup> In Arizona, the inmate is penalized for the misconduct. ARIZ. REV. STAT. ANN. § 13-1419B (2006).

Management and Operations Module Three July 1, 2007

<b>California</b> Employee or officer of detention facility; Engaging in sexual activity with consenting adult confined in detention facility. CAL.PENAL CODE § 289.6 (2006).	v	v	v <sup>6</sup>		v <sup>7</sup>	v	v
<b>Colorado</b> Unlawful Sexual Contact. COLO.REV. STAT. § 18-3-404 (2005).  Sexual Conduct in Penal Institutions. COLO.REV. STAT. § 18-7-701 (2005).	v	v	v	v	v	v	Consent is not addressed
<b>Connecticut</b> Sexual assault in the second degree: Class C or B felony. CONN.GEN. STAT. § 53a-71 (2006).  Sexual assault in the fourth degree: Class A misdemeanor or Class D felony. CONN.GEN. STAT. § 53a-73a (2006).	v	v	v	v	Volunteers not covered	v	Consent is not addressed

<sup>6</sup> California covers court holding facilities as well. CAL. PENAL CODE § 289.6(5) (2006).

<sup>7</sup> In California, the statute covers persons over the age of consent housed in juvenile facilities. Thus, the statute covers sexual activity with a "consenting adult" in a juvenile facility, not juveniles in juvenile facilities. Presumably, sexual offenses involving juveniles under the age of consent can be prosecuted under statutory rape or other sexual assault laws. The legislative history of the statute also suggests that the California Assembly was concerned with sexual activity with "consenting adults." No mention was made of juvenile victims, presumably because legislators knew that ANY sex between staff and juvenile inmates was already proscribed by law. Therefore, it was unnecessary to enact additional legislation criminalizing sexual activity between staff and juvenile inmates in their charge.

Management and Operations Module Three July 1, 2007

<b>Delaware</b>	v <sup>8</sup>  Sexual relations in detention facility; Class G felony DEL. CODE ANN. tit. 11, § 1259 (2006).	v <sup>9</sup>	v <sup>10</sup>		Volunteers and contractors are not covered	v <sup>11</sup>	v <sup>12</sup>
<b>District of Columbia</b>	v  First degree sexual abuse of a ward. D.C. CODE § 22-3013 (2006).  Second degree sexual abuse of a ward. D.C. CODE § 22-3014 (2006).	v	v	v <sup>13</sup>	Volunteers are not covered	v	v
<b>Florida</b>	v  Authorized use of Force; malicious battery & sexual misconduct <b>Florida Cont'</b>  prohibited; reporting required; penalties FLA. STAT. ANN. § 944.35 (2006).  Sexual battery. FLA. STAT. ANN. §	v	v	v	Volunteers not covered	v	v

<sup>8</sup> In Delaware, the activity must occur "on the premises of a detention facility" for it to be criminal. DEL. CODE ANN. tit. 11, § 1259 (2006).

<sup>9</sup> In Delaware, the activity must occur "on the premises of a detention facility" for it to be criminal. DEL. CODE ANN. tit. 11, § 1259 (2006).

<sup>10</sup> Delaware covers confinement pursuant to a court order and thus would appear to cover court holding facilities. DEL. CODE ANN. TIT. 11, § 1258(2) (2006). In Delaware, the activity must occur "on the premises of a detention facility" for it to be criminal. DEL. CODE ANN. tit. 11, § 1259 (2006).

<sup>11</sup> In Delaware, the inmate is penalized for the misconduct. DEL. CODE ANN. TIT. 11, § 1259 (2006).

<sup>12</sup> Although Delaware states that consent is not a defense to staff sexual misconduct, the law penalizes inmates for engaging in the conduct. DEL. CODE ANN. TIT. 11, § 1259 (2006).

<sup>13</sup> D.C. defines official custody as transportation for court appearances and thus would appear to cover court holding facilities. D.C. CODE § 22-3001(6)(b) (2006).

<sup>12</sup> Hawaii defines custody as restraint pursuant to a court order and thus would appear to cover court holding facilities. HAW. REV. STAT. ANN. § 710-1000(3) (2006).

Management and Operations Module Three July 1, 2007

794.011 (2006).							
<b>Georgia</b>  Sexual assault against persons in custody; sexual assault against person detained or patient in hospital or other institution; sexual assault by practitioner of psychotherapy against patient. GA. CODE ANN. § 16-6-5.1 (2006).	v	v	v		Volunteers not covered	v	v
<b>Hawaii</b>  Sexual assault in the second degree. HAW. REV. STAT. ANN. § 707-731 (2006).  Sexual assault in the third degree. HAW. REV. STAT. ANN. § 707-732 (2006).	v	v	v <sup>12</sup>	v	Volunteers not covered	v	Consent is not addressed
<b>Idaho</b>  Sexual contact with a prisoner. IDAHO CODE ANN. § 18 - 6110 (2006).	v	v	v		Volunteers not covered	v	Consent is not addressed
<b>Illinois</b>  Custodial Sexual Misconduct 720 ILL. COMP. STAT. ANN. 5/11-9.2 (2005).	v	v	v <sup>15</sup>		Volunteers not covered	v	v

---

<sup>15</sup> Illinois includes employees of any governmental agency that by court order has the responsibility for pretrial persons and thus would appear to cover court holding facilities. 720 LL. COMP. STAT. ANN. 5/11-9.2(g)(3) (2005).

Management and Operations Module Three July 1, 2007

<b>Indiana</b> Sexual misconduct by service provider with detainee IND. CODE ANN. § 35-44-1.5 (2006).	v	v	v <sup>16</sup>	v	v	v	v
<b>Iowa</b> Sexual misconduct with offenders and juveniles IOWA CODE § 709.16 (2005).		v			v		Consent is not addressed
<b>Kansas</b> Unlawful sexual relations. KAN. STAT. ANN. § 21-3520 (2005).	v	v	v		Volunteers not covered	v	v
<b>Kentucky</b> Sexual Abuse in the Second Degree. KY. REV. STAT. ANN. § 510.120 (2006).	v	v	v <sup>17</sup>	v	Community Corrections employees are not covered		Consent is not addressed
<b>Louisiana</b> Malfeasance in office; sexual conduct prohibited with persons confined in correctional institutions. LA. REV. STAT. ANN. § 14:134.1 (2006).	v	v	v		Volunteers not covered  Contract employees not covered  Community Corrections employees not covered	v	Consent is not addressed

<sup>16</sup> Indiana covers custody for purposes of court appearances and thus would appear to cover court holding facilities. IND. CODE ANN. § 35-41-1-18 (9) (2006).

<sup>17</sup> Kentucky defines custody as “restrain by a public servant pursuant to . . . an order of court for law enforcement purposes” and thus would appear to cover court holding facilities. KY. REV. STAT. ANN. § 510.010(2) (2006).

Management and Operations Module Three July 1, 2007

<b>Maine</b> Gross sexual assault. ME. REV. STAT. ANN. tit. 17-A, § 253 (2005). Unlawful sexual contact ME. REV. STAT. ANN. tit. 17-A, § 255-A 1.E (2005). Unlawful sexual touching ME. REV. STAT. ANN. tit. 17-A, § 260.1-E (2005).	v	v	v <sup>18</sup>	v	Volunteers not covered	v	Consent is not addressed
<b>Maryland</b>  Sexual conduct between correctional or Department of Juvenile Services employee and inmate or confined child. MD. CODE ANN., CRIM. LAW § 3-314 (2006).	v	v	v <sup>19</sup>	v	Volunteers not covered  Contractors not covered		Consent is not addressed
<b>Massachusetts</b>  Punishments for sexual relations with inmate. MASS. ANN. LAWS ch. 268, § 21A (2006).		v			Volunteers not covered	v	v
<b>Michigan</b>  Criminal sexual conduct in the second degree; felony. MICH. COMP. LAWS SERV. § 750.520c (2006).		v	v		v	v	Consent is not addressed

<sup>18</sup> Maine defines official custody as custody pursuant to a court order and thus would appear to cover court holding facilities. ME. REV. STAT. ANN. tit. 17-A, § 755(3) (2005).

<sup>19</sup> Maryland defines correctional unit as a unit of government that is responsible under a court order for inmates and thus would appear to cover court holding facilities. MD. CODE ANN., CRIM. LAW § 8-201(g)(1) (2006).

Management and Operations Module Three July 1, 2007

<b>Minnesota</b> Criminal sexual conduct in the third degree. MINN. STAT. § 609.344 (2005). Criminal sexual conduct in the fourth degree. MINN. STAT. § 609.345 (2005).		v	v		v	v	v
<b>Mississippi</b> Crime of sexual activity between law enforcement or correctional personnel and prisoners; sanctions. MISS. CODE ANN. § 97-3-104 (2006).	v	v	v		v	v	v
<b>Missouri</b> Sexual contact with an inmate, penalty-- consent not a defense MO. REV. STAT. § 566.145 (amended 2006) (current version at 2006 Mo. HB 1698 (2006)).		v	v		v	v	v
<b>Montana</b> Sexual assault MONT. CODE ANN. § 45-5-502 (2005).  Sexual intercourse without consent MONT. CODE ANN. § 45-5-503 (2005).		v			v	v	v
<b>Nebraska</b>		v	v		Volunteers not	v	v

Management and Operations Module Three July 1, 2007

					covered		
Sexual abuse of an inmate or parolee. NEB. REV. STAT. ANN. § 28-322.01 (LexisNexis 2005).  Sexual abuse of an inmate or parolee in the first degree; penalty NEB. REV. STAT. 28-322.02 (LexisNexis 2005). <b>Nebraska Cont'</b> Sexual abuse of an inmate or parolee in the second degree; penalty NEB. REV. STAT. § 28-322.03 (2005).							
<b>Nevada</b>  Voluntary sexual conduct between prisoner and another person; penalty. NEV. REV. STAT. ANN. § 212.187 (2006).	v	v	v	v	Community corrections is not covered	v <sup>21</sup>	The defense of consent may be implied because the inmate is also penalized for the conduct
<b>New Hampshire</b>  Aggravated Felonious Sexual Assault. N.H.REV. STAT. ANN. § 632-A2; (LexisNexis 2006).  Felonious Sexual Assault. N.H.REV. STAT. ANN. § 632-A3: (2006).		v			Volunteers not covered	v	Consent is not addressed
<b>New Jersey</b>  Sexual assault NJ. STAT. ANN. § 2C:14-2 (2006).		v	v		Volunteers not covered	v	Consent is not addressed
<b>New Mexico</b>		v			Volunteers not covered	v	Consent is not addressed

<sup>21</sup> In Nevada, the inmate is penalized for the misconduct. NEV. REV. STAT. ANN. § 212.187(2) (2006).

Management and Operations Module Three July 1, 2007

Criminal sexual penetration. N.M. STAT .ANN. § 30-9-11 (2006).	v	v	v		Volunteers not covered	v	v
<b>New York</b>  Sexual misconduct. NY PENALLAW § 130.20 (Consol. 2006).  Rape in the third degree. NY PENALLAW § 130.25 (Consol. 2006).					Health care contractors are covered. Other contracted employees are not. <sup>22</sup>		
<b>North Carolina</b>  Intercourse and sexual offenses with certain victims; consent no defense N.C. GEN. STAT. § 14-27.7 (2006).	v	v	v	v	Volunteers not covered	v	v
<b>North Dakota</b>  Sexual abuse of wards. N.D.CENT. CODE § 12.1-20-06(2006).  Sexual assault. N.D.CENT. CODE § 12.1-20-07(2006).	v	v	v	v	Volunteers not covered	v	Consent is not addressed
<b>Ohio</b>  Sexual Battery, OHIO REV. CODE ANN. § 2907.03 (LexisNexis 2006).	v	v	v	v	Volunteers not covered	v	Consent is not addressed
<b>Oklahoma</b>  Rape Defined OKLA. STAT.tit. 21, § 1111 (2005).	v	v	v	v	Volunteers not covered	v	Consent is not addressed

<sup>22</sup> In New York, employees who perform professional duties including providing custody, medical or mental health services, counseling services, educational programs or vocational training are covered under the statute. NY PENAL LAW § 130.05(3)(e)(i) (2006).

Management and Operations Module Three July 1, 2007

Rape in the first degree - second degree OKLA. STAT. tit. 21, § 1114 (2005). Forcible sodomy OKLA. STAT. tit. 21, § 888 (2005).							
<b>Oregon</b>  First Degree Custodial Sexual Misconduct OR. REV. STAT. § 163.452 (2006).  Second Degree Custodial Sexual Misconduct OR. REV. STAT. § 163.454 (2006).	v	v		v	Volunteers not covered	v	v
<b>Pennsylvania</b>  Institutional sexual assault 18 PA. CONS. STAT. § 3124.2 (2005). <b>Rhode Island</b>  Correctional employees—sexual relations with inmates—felony R.I. GEN. LAWS § 11-25-24 (2006).		v <sup>23</sup>	v <sup>24</sup>		Volunteers not covered  Volunteers not covered	v  v	Consent is not addressed  Consent is not addressed
<b>South Carolina</b>  Sexual misconduct with an inmate, patient or offender S.C. CODE ANN. § 44-23-1150 (2005).		v			v	v	Consent is not addressed
<b>South Dakota</b>		v			Volunteers not	v	Consent is not

<sup>23</sup> In Rhode Island, the law covers employees of the Department of Corrections. According to the structure of Rhode Island's Department of Corrections, all jails are governed under the state DOC. R.I. GEN. LAWS § 11-25-24 (2006).

<sup>24</sup> In Rhode Island, the law covers employees of the Department of Corrections. According to the structure of Rhode Island's Department of Corrections, all intake centers (lock-ups) are governed under the state DOC. R.I. GEN. LAWS § 11-25-24 (2006).

Management and Operations Module Three July 1, 2007

Sexual acts prohibited between prison employees and prisoners. S.D. CODIFIED LAWS § 24-1-26.1 (2006).					covered		addressed
<b>Tennessee</b> Sexual contact with inmates TENN. CODE ANN. § 39-16-408 (2006). Sexual battery by an authority figure TENN. CODE ANN. § 39-13-527 (2005).	v	v	v <sup>25</sup>	v	v	v	Consent is not addressed
<b>Texas</b> Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with person in custody. TEX. PENAL CODE ANN. § 39.04 (Vernon 2005).	v	v	v	v	v	v	Consent is not addressed
<b>Utah</b> Custodial sexual relations – custodial sexual misconduct – definitions – penalties – defenses UTAH CODE ANN. § 76-5-412 (2006).	v	v	v	v	v	v	v
<b>Vermont</b> Sexual exploitation of an inmate VT. STAT. ANN. tit. 13, § 3257 (2006).					v		Consent is not addressed
<b>Virginia</b> Carnal knowledge of an inmate, parolee, probationer, or pretrial or post-trial offender; penalty.		v	v		v	v	Consent is not addressed

<sup>25</sup> Tennessee defines custody as “restraint by a public servant pursuant to an order of a court” and thus would appear to cover court holding facilities. TENN. CODE ANN. § 39-16-601(2) (2006).

Management and Operations Module Three July 1, 2007

VA. CODE ANN. § 18.2-64.2(2006).							
STATE	Covers Law Enforcement *	Covers Jails	Covers Lock-ups	Covers Arrest	All Personnel Covered <sup>†</sup>	Some Forms are Punishable	Consent is Not a Defense
<b>Washington</b>  Custodial sexual misconduct in the first degree WASH. REV. CODE ANN. § 9A.44.160 (LexisNexis 2006).  Custodial sexual misconduct in the second degree WASH. REV. CODE ANN. § 9A.44.170 (2006). <b>West Virginia</b>  Imposition of sexual intercourse or sexual intrusion on incarcerated persons; penalty W. VA. CODE ANN. § 61-8B-10 (2006).	v	v	v	v	Volunteers not covered	v	v
<b>Wisconsin</b>  Second Degree Sexual Assault WI.S. STAT. ANN. § 940.225 (West2006).  Abuse of residents of penal facilities WI.S. STAT. ANN. § 940.29 (West2006). <b>Wyoming</b>  Sexual assault in the second degree WYO. STAT. ANN. § 6-2-303 (2006).	v	v	v	v	v	v	Consent is not addressed
					Volunteers not covered	v	Consent is not addressed

## Management and Operations Module Three July 1, 2007

United States	v <sup>27</sup>	v	v	v	v	as a Felony	v	Consent is not addressed
(NOTE: This law also covers all federal United States territories including Guam, Northern Mariana Islands, Puerto Rico and the Virgin Islands)								
Aggravated sexual abuse								
18 U.S.C.S. § 2241								
(LexisNexis 2006).								
Sexual abuse								
18 U.S.C.S. § 2242								
(LexisNexis 2006).								
Sexual abuse of a minor or ward								
18 U.S.C.S. § 2243								
(LexisNexis 2006).								
Abusive sexual contact								
18 U.S.C.S. § 2244								
(LexisNexis 2006).								

<sup>26</sup> The Federal law defines “official custody” as “detention by a federal officer” or “under the direction of a Federal officer.” 18 U.S.C.S. § 2246 (LexisNexis 2006).

## PREA Implications for Law Enforcement Operated Jails and Lock-ups

### News Stories: Criminal Convictions for Sexual Misconduct

*Note: This is a representative sample of relevant news stories. This is not meant to function as an exhaustive list.*

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
Alabama	Marshall County	9/22/2006  11/18/2006	Two More Women Testify that Cop Solicited Sex  Ex- Officer Gets Prison Sentence	Officer was accused of offering to dismiss / not give tickets in exchange for sex	Traffic Stops	Police Officer	Sex in exchange for not writing tickets	4 State Ethics Charges 3 years on each count
Alabama	Jefferson County	11/22/2006	Birmingham Officer Arrested on Rape, Drug Charges	Officer sexually assaulted a woman while on duty- cocaine was discovered during a search of the officer's home	On Duty	Police Officer	Sexual Assault	<i>Outcome unknown at this time</i>
Alabama	Montgomery County	1/11/07	Police Officer Arrested, Charged with Sexual Abuse of Teenagers	A Montgomery police officer who was part of the School Enforcement Bureau stationed at Capital Heights Junior High School resigned last night after being arrested and charged with seven counts including attempted sodomy and sexual abuse of a 15 year-old boy and two 14 year-old girls. The investigation was done	On Duty	Police Officer	Three counts of enticing a child, two counts of sexual abuse and two counts of attempted sodomy	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 74 of 100

State	Locale	Date	Article Title	Situation	Setting	Personnel	Allegation/ Charge	Outcome and Penalty
California	The County of San Francisco	5/2005	Gay Inmates Complain of Abuse at San Bruno Jail	by the police department's internal affairs unit who suspect that more charges and victims are forthcoming.	San Bruno Lock Up	Deputies	Prisoner Abuse	<i>Outcome unknown at this time</i>
California	San Diego County	9/20/2006	Trial Ordered for Officer Accused of Soliciting Favors from Detainees	Gay inmates were inappropriately touched  Officers solicited sexual favors from detainees in return for their freedom	El Cajon Detention Center	Police Officer	Rape and Sexual Battery Is facing up to 19 years in prison	<i>Outcome unknown at this time</i>
California	Alameda County	11/21/06	Asian Women Sue City, Oakland Cop for Illegal Stops	Asian women harassed by a police officer after traffic stops. The suit alleges that the city condoned the harassment.	Traffic Stop	Police Officer		2 counts of false imprisonment and 2 counts of interfering with the civil rights of victims. Sentenced to 6 mos. in the county jail and 3 years of probation
California	Los Angeles County	12/15/2006	LAPD Probes Claim Ex-Deputy Chief	Deputy chief is accused of arranging promotions for female	LAPD	Deputy Chief of the Standards	Promoting staff for sexual favors	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 75 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
			Promoted Sex Partners	officers who he was having affairs with		Division		
District of Columbia	Washington	7/22/2006	Sexual Assault Case	A male inmate forced to have oral sex with a male guard	DC Jail-CTF	Correctional Officer		1 <sup>st</sup> Degree Sexual Abuse of a Ward 7 years
Florida	Charlotte County	5/27/2006	Guard Admits Misconduct, Officials Say: Accused of Sex with Inmate	Guard had sex with an inmate while on duty	Jail	Corrections Officer	Sexual Misconduct	<i>Outcome unknown at this time</i>
Florida	Polk County	11/7/2006	Drug Trading Ends Deputy's Career	A Female deputy offered money and sex in exchange for pain killers and had relationships with men in her chain of command	Central County Jail	Detention Deputy	Conspiracy for unlawful compensation involving official behavior	<i>Outcome unknown at this time</i>
Florida	Orange County	1/4/07	Transvestite Accuses Ex-Cop of Sexual Abuse	A former police Lieutenant has been accused of forcing a transvestite prostitute to perform a sex act inside his patrol car. The officer is accused of making the prostitute strip and fondle him. The former officer then drove to a secluded area and forced him to perform oral sex. The accusation was investigated by the IA	It is unclear if this happened while the Lieutenant was on duty but alleged abuse occurred in the police vehicle	Police Lieutenant	Sexual Battery	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 76 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
				department and referred for criminal prosecution.				
Georgia	Colquitt County	12/15/2006	Jailer Admits Sex with Inmate	A female jailer had sex with an inmate then transported marijuana for him and crossed guard lines with contraband	Colquitt County Jail	Jailer	Sexual Assault and Marijuana possession with intent to sell	<i>Outcome unknown at this time</i>
Idaho	Canyon County	9/12/2006	Deputy Accused of Lewd Conduct	No details released	Canyon County Jail	Sheriff's Deputy	Lewd conduct with an inmate	Terminated
Illinois	Cook County	6/11/2006	County Jail Guard Charged with Sexually Abusing Woman	Guard sexually abused a visitor in the jail elevator while escorting her out of the facility	Cook County Correctional Facility	Jail Guard	Criminal Sexual Abuse and Official Misconduct	Suspended without pay
Illinois	DuPage County	8/3/2006	Jailer Convicted in Sex Case	Jailer has sex with a 16 year old female under his supervising	Illinois Youth Center	Supervisor	Sexual Conduct	4 Felony Counts
Illinois	Tazwell County	8/7/2006	Handegan Admitted Having Sex with Convicted Felon	A correctional officer admitted to using his position to gain a romantic relationship with former female inmate	Relationship happened post-incarceration	Correctional Officer	Conduct unbecoming an officer	Not facing criminal charges but was terminated
Kansas	Atchinson County	2/2006	Former Inmate Accuses Deputy of Rape	Deputy has sex with a female inmate	Atchinson County Jail	Sheriff's Deputy	Unlawful sexual relations with an inmate Faces 22 mos. and \$2 million in	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 77 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
							damages	
Kansas	Sedgewick County	5/23/2006	Former Deputy Faces Charges in Connection with Jail Sex	Male guard is accused of having sex with 2 female inmates	Sedgewick County Jail	Detention Deputy	2 Felony counts of sexual relations with an inmate	<i>Outcome unknown at this time</i>
Kansas	Butler County	8/2006	2 Butler County Sheriff's Officers Fired	Sexual Abuse of inmates	Butler County Jail	Sheriff's Officials	Sexual Misconduct Currently on administrative Leave pending outcome	<i>Outcome unknown at this time</i>
Kansas	Butler County	8/31/2006	Lieutenant Arrested on Sex Charges	Lieutenant had sex with two female inmates at jail- 2 of the 4 shifts were involved in the scandal	Butler County Jail	Lieutenant	5 counts of sexual misconduct and unlawful sexual relations	Currently only administrative sanctions- 1 resignation and 3 terminations
Kentucky	Daviess County	8/2/2006	Jail Worker Charged with Misconduct Ex Jail Worker Pleads Guilty to Misconduct	Jail worker having ongoing sexual relations with a male inmate	Davies County Detention Center	Medical Technician	1 <sup>st</sup> Degree Official Misconduct and 2 <sup>nd</sup> Degree Sex Abuse Inmate may face administrative sanctions	1 <sup>st</sup> degree official misconduct 1 year in jail (suspended) and 2 years of probation
Maryland	Cecil County	11/6/2006	2 <sup>nd</sup> Ex-Guard Pleads Guilty in Jail Case	3 guards are involved in a sex with female inmates scandal	Cecil County Detention Center	Jail Guards	Misconduct in Office, Correctional Employee engaging in intercourse with an inmate while on duty, 4 <sup>th</sup> degree sex offense, 2 <sup>nd</sup>	Fired after completion of investigation

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 78 of 100

State	Locale	Date	Article Title	Situation	Setting	Personnel	Allegation/ Charge	Outcome and Penalty
							degree sex abuse	
Maryland	Baltimore County	1/10/2007	Three Officers Given Separate Rape Trials	The three officers stopped the victim and a friend and took them to the station house in December of 2005 in the Southwester District station house. The woman was handcuffed and the officer told her that if she had sex with him she could avoid criminal charges. The same officer is also accused of the same behavior in an October of 2005 case.	Southwester District station house	3 Police Officers	One officer was accused of having sex with the woman and the other two are accused of doing nothing to intervene. All are currently suspended without pay and have been since the allegation was investigated	Trial for the officer accused of sex is beginning in January of 2007 with trials for the other two officers to follow shortly after. <i>Outcome unknown at this time</i>
Massachusetts	Hampton County	12/6/2006 12/27/2006	Guard, 3 Former Guards Indicted Former Guard Denies Sex Count	Guards accused of having “consensual” sex with female inmates	Ludlow Jail	Guards	Sex with a female inmate while on duty. Faces five years in prison and a \$10,000.00 fine	Indicted by a grand jury- One fired and others on unpaid leave. <i>Final outcome pending</i>
Massachusetts	Berkshire County	12/20/2006	Officer Charged with Sex Abuse	The guard allegedly had sexual relations with two female inmates while employed at the county jail.	Berkshire County Jail	Major	Sexual relations with an inmate. If convicted he is facing up to 20 years in state prison.	Currently suspended <i>Final outcome pending</i>
Michigan	Manistee	1/2003	Rape Case	Sexual assault of	Jail	Sheriff's	Sexual Assault	Charges

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 79 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
	County		Dropped Against Sheriff's Deputy	female inmate		Deputy		Dismissed
Michigan	Ionia County	12/5/2006	Jail Officer Fired, Investigation for Sexual Misconduct with Inmate	Officer engaged in inappropriate sexual relations with 2 female inmates	Ionia County Jail	Jail Correctional Officer	Criminal charges pending for oral sex and lewd sexual behavior while on the job	<i>Outcome unknown at this time</i>
Mississippi	Harrison County	8/11/2006	Jailers Need Monitoring and Deserve Adequate Training	Jailers accused of sex with female inmates	Pascagoula Municipal Jail	Jailer	Sex with inmates	<i>Outcome unknown at this time</i>
Mississippi	Noxubee County	6/20/2006	MBI Checks Allegations Females Raped at Noxubee Jail	Allegations of female inmates being raped by male inmates are being investigated by the Mississippi Bureau of Investigations	Noxubee County Jail	Inmate on Inmate	Prisoner Rape	<i>Outcome unknown at this time</i>
Missouri	Pulaski County	3/10/2006	Jailer Accused of Sexual Assault	Jailer has sex with female inmate	Pulaski County-Central Jail	Jailer	Sexual Assault	<i>Outcome unknown at this time</i>
Montana	Cascade County	7/6/2006	Cascade County Detention Officer Faces	Sexual relations with female inmates	Cascade County Regional Jail	Detention Officer	3 Felony counts of Rape	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 80 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
			Rape Charges					
New York	Rensselaer County	3/24/2006	Ex-Jail Guard Convicted of Raping Female Inmates	Guard coerced inmate into having sex, fondled inmates, made phone calls to former inmates	Rensselaer County Jail	Jail Guard	Rape and Lying to FBI Faces 1-3 years for rape and up to 11 for Lying	3 <sup>RD</sup> Degree Rape
New York	Bronx County	10/27/2006  11/1/2006	Bronx Cop Captain Suspended in Harassment  Sex Charge v. Cop Not Crime	Captain was making unwanted sexual advances to a female officer	Precinct-Conduct between officers	NYPD Police Captain	Sexual Harassment	Was suspended at time of event pending outcome Charges dropped- DA says behavior is lewd but not criminal
New York	<i>No locale given</i>	11/16/2006	Police Officer Arrested on Charges of Sexual Abuse	No details released- arrest of NYPD Officer comes after IA investigation	Unknown	Police Officer	Sex Abuse	<i>Outcome unknown at this time</i>
New York	Westchester County	12/1/2006	Suspended Police Officer Testifies in Harassment Case	Offered to help with a marijuana charge in exchange for sex		Police Officer		Currently suspended without pay
New York	Erie County	12/8/2006	Ex Police Officer Spared Jail Time in Sexual Coercion	Police officer forced 2 women to have sex with him or face arrest	Arrest	Police Officer	Using position as a police officer to benefit himself	Strict Probation-Professional counseling and sex offender treatment

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 81 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
New York*	Rensselaer County	11/17/2006	Jail Guard Sentenced for Sex with Inmates	Jail guard raped female inmates	Rensselear County Jail	Correctional Officer	Supplying Contraband, Official misconduct and lying to a grand jury and the FBI	3 <sup>RD</sup> Degree Rape 1-3 years
North Carolina*	New Hanover County	12/28/06	Former Sheriff Deputy Sued by Woman Claiming Sexual Assault	Jail guard had sex with a female inmate	Jail	Sheriff's Deputy		One felony count of sex offense by a custodian. Sentenced to 6 mos. in jail
North Dakota*	Barnes County	10/27/2006	Murder Suspect Charged with Sex Abuse of Inmates	Sexual abuse of female inmates while on duty at the jail	Barnes County Jail	Jailer	Sexual conduct with a female inmate, gross sexual imposition, sex abuse of a ward, sexual assault, also linked by DNA to a 2004 Rape	<i>Outcome unknown at this time</i>
Ohio	Cuyahoga County	8/25/2006	Cleveland Jail Guard Accused of Raping Inmate	Guard forced a male inmate to perform oral sex after threat of violence	Cuyahoga County Jail	Jail Guard	Rape of an Inmate	<i>Outcome unknown at this time</i>
Oklahoma	Tulsa County	9/19/2006	Sheriff Vows to Investigate Alleged Abuse of Jailed Teens	Allegations of abuse of juveniles held as adults	Tulsa Jail	Tulsa Sheriff's Office	Abuse	<i>Outcome unknown at this time</i>
Oregon	Multnomah	6/7/2006	County	Male inmate sneaks	Multnomah	Inmate on	Guard: Breach of	<i>Outcome</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 82 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
	County		Investigates Inmate Sex	into female inmate's cell and rapes her	County Jail	Inmate	Duty Inmate: Rape	<i>unknown at this time</i>
Pennsylvania	Allegheny County	1/31/06	Cleared of Sex Charge, Jail Guard Gets Job Back	13 guards were accused in 2004 of trading sex for contraband with female inmates at the jail. Specifically, an arbitrator ruled in favor of Donald Stupka, and settled a union grievance by reinstating him. The warden tried to block this.	Allegheny County Correctional Facility	Jail Guard	One count of Institutional Sexual Assault	Thus far, 5 guards were found guilty and five have been acquitted. Three remain to be tried for the allegations. Stupka, was cleared of all charges and won reinstatement and \$88,924.00 in back pay
Pennsylvania	Allegheny County	7/25/2006	Jail Probes Assault Claim	Guard mistook woman in cell for a male and placed a male inmate in the cell. The male then raped the female inmate	Allegheny County Correctional Facility	Inmate on Inmate		Officer disciplined based on outcome of investigation
Pennsylvania	Monroe County	12/23/2006	High Official at Monroe Jail Fired, Sources Say	The lieutenant has been fired for allegedly seeking social contacts with ex-inmates. He is accused of violating prison policies by emailing former inmates suggesting that they meet socially for drinks. Emails were	Monroe County Jail	Lieutenant	Seeking social contacts with ex-inmates	Fired

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 83 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
				sent from his correctional facility computer.				
Pennsylvania	Philadelphia County	12/23/2006	Woman Alleges Rape by Philadelphia Police	A police officer (not the arresting officer) took a female arrestee to his home and raped her after her release from police custody	Post-Arrest	Police Officer	Rape	<i>Outcome unknown at this time</i>
Pennsylvania*	Philadelphia County	8/13/2006	Extorting Sex with a Badge	Two on duty police officers stopped a stripper getting off work and forced her into their car and raped her	Arrest	Police Officer	Sex Crimes	Termination and Conviction
South Carolina	Saluda County	7/26/2006	Saluda County Jail Guard Arrested	Jail guard had sexual conversations with and fondled an inmate	Saluda County Jail	Guard	Sexual Misconduct with an Inmate	<i>Outcome unknown at this time</i>
Tennessee	Hamilton County	12/1/2006	Hickey Suspended and Demoted	Sexual Harassment of a female subordinate	Conduct Between Officers	Police Lieutenant	Sexual Harassment	Demoted and suspended 28 days without pay
Tennessee	Jackson County	12/14/2006	TBI Investigates Jackson County Sheriff	Investigation (ongoing) of a series of complaints by former jail inmates	Jackson County Jail	Sheriff	Sexual Abuse	<i>Outcome unknown at this time</i>
Tennessee	Anderson County	1/10/07	Former Anderson Reserve Deputy Indicted After Rape Claim	A woman placed a 911 call for a domestic dispute. She asked the officers who came to the scene to drive her to	On-duty performing official duties	Sheriff's Deputy	Official Misconduct	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 84 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
				her father's house. In the process of doing so the officer allegedly pulled into a secluded area and sexually assaulted and raped her. The TBI was brought in to investigate the allegation				
United States	Federal	11/17/2006	EnCon Cop Quits After Harassment Allegations	Department of Env. Conservation police officer accused by IG of harassing women drivers and lying to investigators	Traffic Stops	Police Officer	Criminal charges pending- referral to AG office	Fired
Utah	Washington County	6/22/2006	Former Deputy Sentenced in Sex Scandal	Female inmate and probationer raped by deputy	Purgatory Correctional Facility	Sheriff's Deputies	Sexual Misconduct	3 <sup>rd</sup> Degree Felony Custodial Relations, Custodial Sexual Misconduct 120 days, mental health evaluations and \$1500.00 fine
Utah	Iron County	7/20/2006	Second Deputy Sentenced for Sex with Inmate, Probationer					
Utah	Iron County	10/29/2006	Sex Offenses Ensnaring Officers	Guard had oral sex with inmate- also reported were decertification of guards in Davis County for sex with a probationer, South Salt	Iron County Jail	Guard		Custodial Sexual Misconduct Loss of Certification

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 85 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
				Lake for inappropriate touching of a female while off duty and in Washington County, felony and misdemeanor sex with inmates				
Virginia	Fairfax County	2004	VA Ex-Deputy Guilty of Having Sex With Inmates	An ex-deputy intimidated 2 female inmates into having sex	Alexandria City Jail	Deputy	Carnal knowledge of an inmate, Abduction	6 years in prison, 3 years on probation and an \$840.00 fine
Washington	King County	8/31/2006	Jurors Deadlock in Jail Sex Case	Sex with 5 Female inmates	King County Jail	Jail Guard		Mistrial- New trial set for January, 30, 2007
Washington	King County	8/10/2006 12/2/2006	Sex Claims Outlines at Guard's Trial County Jail Officer to Become an Inmate	Guard exposed himself, fondled and had sex in a storage closet with 2 female inmates	King County Jail	Guard	Custodial Sexual Misconduct	Custodial Sexual Misconduct 12 months in jail 8 months suspended
Washington	King County	1/6/2007	Former Jail Guard Sentenced in Sexual Misconduct Case	The guard was accused of making sexual comments to a female inmate in March of 2005 and receiving oral sex from her. The charges also involve another woman who	King County Jail	Guard	Second-degree custodial sexual misconduct and third degree assault	6 months in jail and had to resign his position at the jail.

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 86 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
				the guard had sexual contact with while she was on work release in 1999.				
Washington	Clallam County	7/26/2006	Sex Incident in Jail Prompts Changes	Inmates conspired to have sex in jail	Callam County jail	Inmate on Inmate	Security Lapse	Male inmate disciplined
Washington*	King County	7/25/2006	Former King County Jail Guard Accused of Having Sex With Juvenile Inmates	2 juvenile inmates had sex with a female guard in exchange for candy	King County Juvenile Detention Center	Detention Officer	4 counts custodial sexual misconduct Trial set for April	Currently on paid leave
	King County Cont'	8/1/2006	Female Guard Pleads Not Guilty to Sex Charge					
		8/2/2006	A Sex Scandal Widens Among Guards at the County and Juvenile Jail					
West Virginia	Marshall County	4/29/2006	Female Guard Accused of Having Sex with Inmate	Female jail guard is accused of having sex with male inmate in her office	Jail	Guard	Felony charge of imposing intercourse on an incarcerated person and bringing a cell phone to jail and letting an inmate use it- Facing 1-5 years and a \$5,000.00 fine	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 87 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
Wisconsin	Milwaukee County	7/27/2006	Milwaukee Deputy Convicted of Sexually Assaulting an Inmate in 2005	Deputy forced female inmate to perform oral sex in jail	Milwaukee County Jail	Sheriff's Deputy	Faces up to 40 years	2 <sup>nd</sup> Degree Sexual Assault of an inmate by a CO, 2 <sup>nd</sup> Degree Sexual Assault with the use of force <i>Outcome unknown at this time</i>
Wisconsin	Dodge County	9/12/2006	Former Waupun Officer Charged With Sexual Assault	Officer sexually assaulted a 15 year old girl, fondled, offered condoms and looked at porn as she was sitting in a car	Unclear- off duty OR in process of traffic stop	Police Officer	Sexual Assault of a child under 16	
Wyoming	Platte County	9/27/2006	Two Others Face Trial in Platte Jail Sex Case	Sex with female detainees and stealing mail	Platte County Detention Center	Guards	2 <sup>nd</sup> degree sexual assault, mistreating a person in an institution, bribery, larceny and reckless endangerment	<i>Outcome unknown at this time</i>

**PREA Implications for Law Enforcement Operated Jails and Lock-ups**  
**News Stories: Civil Liabilities in Conjunction with Criminal Convictions for Sexual Misconduct**

*Note: This is a representative sample of relevant news stories. This is not meant to function as an exhaustive list.*

State	Locale	Date	Article Title	Situation	Setting	Personnel	Allegation/ Charge	Outcome and Penalty
California	County of San Francisco	8/24/2006	Deputy Faces Suit By Former Inmate	Male deputy used his authority to force a female inmate to have oral sex.	San Francisco County Jail	Sheriff's Deputy- also named in suit are: Sheriff and city of San Francisco	Sexual Assault, Intentional infliction of Emotional Distress, Battery, False Imprisonment, Negligence \$4 million dollar federal civil rights law suit Violation of Civil Rights	<i>Outcome unknown at this time</i>
California	Alameda County	11/21/2006	Asian Women Sue City, Oakland Cop for Illegal Stops	Asian women harassed by a police officer after traffic stops. The suit alleges that the city condoned the harassment.	Traffic Stop	Police Officer	Violation of Civil Rights	<i>Outcome unknown at this time</i>
District of Columbia	Washington	6/1999	Ex Inmate Tells Court of Strip Tease	Female inmates forced to strip and perform for guards	DC Jail	Guards		\$5.3 million awarded in damages
District of Columbia	Washington	12/14/2006	Two Women Sue DC Alleging Rape by Jail Guards	Male guards took female inmates to isolated parts of the jail and raped them	DC Jail CTF run by CCA	Guards	Violation of Civil Rights, Emotional Distress and Battery, Failure to Properly Supervise, Failure	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 89 of 100

State	Locale	Date	Article Title	Situation	Setting	Personnel	Allegation/ Charge	Outcome and Penalty
							to Train Guards and Investigators Seeking punitive and compensatory damages	
Florida	Miami-Dade County  Miami-Dade County Cont'	11/19/2006	Officer Sues Town for Sexual Harassment	Male officer made off color "sexual" comments to females officer	Police Precinct Between Officers	Police Officers	Sexual Harassment and discrimination- Asking for \$15,000.00 compensatory damages plus attorney's fees, mental anguish and loss of dignity	<i>Outcome unknown at this time</i>
Mississippi	Hancock County	8/19/2006	April Trial Set for Suit Against Jail	Female inmates claim they were beaten and forced to have sex with guards	Hancock County Jail	Guards Sheriff, County Supervisors and Mayor also named in suit	Failure to provide adequate supervision	<i>Outcome unknown at this time</i>
Missouri	Jefferson County	3/23/2006	Woman Settles Law Suit Over Alleged Rape in Jail Cell	Male inmates raped a female inmate when housed with her by mistake	Jefferson County Jail	Inmate on Inmate		\$30,000 in damages
Missouri	St. Louis County	11/19/2006	Motorists Vulnerable to Sex Abuse and Harassment by Police	3 women filed suit against the police chief for abuse and harassment	Traffic Stops	Police Officer	Abuse of Power	<i>Outcome unknown at this time</i>
New York	Rensselaer, Schenectady	8/24/2006	Strip Search Settlements	Illegal strip searches	Rensselaer, Schenectady	Correctional Officers	Illegal Strip Searches	\$7.7 million collectively

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 90 of 100

State	Locale	Date	Article Title	Situation	Setting	Personnel	Allegation/ Charge	Outcome and Penalty
	and Montgomery Counties		Cost Jails Millions	conducted in jails throughout New York	and Montgomery Counties			
North Carolina	New Hanover County	12/28/2006	Former Sheriff's Deputy Sued by Woman Claiming Sexual Assault	A New Hanover deputy was sentenced to 6 months in jail after pleading guilty to a felony count of sex offense by a custodian.	Jail	Sheriff's Deputy and the Sheriff	Negligence, misconduct and misbehavior Is seeking compensation	<i>Outcome unknown at this time</i>
North Dakota	Barnes County	11/15/2006	Suit Against Jailer Details Assault	Jailer sexually assaulted a female inmate	Barnes County Jail	Jailer	Failure to Supervise - suit brought against county and jailer	<i>Outcome unknown at this time</i>
Oregon	Lake County	11/7/2006	Former Jailer Accused of Preying on Inmate	Jailer coerced a female inmate into oral sex for tobacco	Lake County Jail	Correctional Officer Also named in the suit are the Sheriff and county	Battery, Intentional infliction of emotional distress and Civil Rights violations.	<i>Outcome unknown at this time</i>
Pennsylvania	Allegheny County	8/4/2006	Former Inmates Settle Law Suit	13 male guards accused of sex scandal with female inmates	Uptown Lock-up	Guard	Institutional Sexual Assault	All guards fired and a settlement of \$27,000.00 for each of the 4 women
Pennsylvania	Philadelphia County	11/2006	City Freed from Police Sex Suit	Police Officers forced a woman into their police car and raped	On Duty	Police Officers		The police department was dismissed from liability. The
		11/8/2006	\$8.3 Million					

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 91 of 100

State	Locale	Date	Article Title	Situation	Setting	Personnel	Allegation/ Charge	Outcome and Penalty
			Award in Police Sex Abuse Case	her.  NOTE: The officers were previously found guilty and sentenced.				court held that the Philadelphia Police Department did not have a policy or practice of condoning sexual harassment of civilians  The officers were held personally liable and will have to pay out \$8.3 million
Tennessee	Blout County	7/26/2006	Woman Claims Jail Policies Led to Rape by Officer	A non-violent inmate began transported to a dental appointment was taken to a hotel by the transport officer and raped	Transport - Blout County Jail	Jail and Correctional Officer	County had Policies that allowed the victim to be raped	<i>Outcome unknown at this time</i>
Washington	King County	12/6/2006	Justice Department Investigates King County Jail	Suit filed following reports of sexual abuse, inadequate medical care and suicide	King County Jail	Jail Staff	US Department of Justice has opened an investigation regarding alleged Civil Rights Violations	<i>Outcome unknown at this time</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 92 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Setting</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
				prevention				

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 93 of 100

## PREA Implications for Law Enforcement Operated Jails and Lock-ups

### News Stories: Criminal Convictions for Off Duty Conduct

*Note: This is a representative sample of relevant news stories. This is not meant to function as an exhaustive list.*

<b>Sate</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
Alabama	Lee County	11/1/2006	Former Opelika Cop Guilty of Sex Abuse	Inappropriately touching a 13 year old family member	Police Officer	2 <sup>ND</sup> Degree Sexual Abuse	2 <sup>ND</sup> Degree Sexual Abuse 9 mos. in jail and 2 yrs. Probation
		12/15/2006	Ex Policeman Give 9 Months for Child Sex Convictions				
Alabama	Baldwin County	11/29/2006	ABI Investigator Charged with Sex Abuse	Harassment and sexual abuse involving a juvenile	ABI Investigator	Improperly touching a juvenile	<i>Outcome unknown at this time</i>
California	County of San Francisco	10/30/2006	San Francisco Officer Accused of Sex Abuse	Sexual Abuse of a 14 year old in Cambodia	Police Officer	Sex Offense Against a Child Is facing 10-20 if convicted	Officer killed himself in a Cambodian Jail
		11/2006	Cops Investigated for Sex Trips Overseas	Police Officers may have had knowledge about cops going overseas to have sex with minors- have the obligation to enforce the law			
District of Columbia	Washington	8/9/2006	Capital Police Officer Released from Jail in Teen Sex Case	Officer had sex with a girl working as a prostitute for a Maryland high school coach	Capitol Police Officer	Child Sex Abuse. Suspended and monitored by ankle bracelet pending trial	<i>Outcome unknown at this time</i>
Florida	Broward	11/1/2006	Lake Deputy	Deputy sexually	Police Officer	Indecent Assault,	<i>Outcome unknown at</i>

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 94 of 100

Sate	Locale	Date	Article Title	Situation	Personnel	Allegation/ Charge	Outcome and Penalty
	County		Arrested for Reported Child Sex Abuse <sup>28</sup>	assaulted a 7 year old repeatedly		Sexual Battery of a Child, Lewd and Lavatorial Molestation	<i>this time</i>
Kansas	Wichita County	7/3/2006	Former Cop Sentenced for Sex Crimes	Sexual Abuse of a female child	Police Officer	Child Sex Crimes	Repeated Aggravated Criminal Sodomy 10 years and 3 mos.
Louisiana	Evangeline County	10/5/2006	Turkey Creek Police Chief Accused of Molesting Teenage Girl	Chief accused of molesting a 15 year old family member before his election	Police Chief	Molestation Up to 15 years if convicted	<i>Outcome unknown at this time</i>
Maryland	Dorchester County	11/29/2006	Sex Abuse Case Against Former Hurlock Cop on Hold	Sexual Assault of an 8 year old girl	Police Officer	2 <sup>nd</sup> Degree Rape	Case on hold for 3 years- if officer gives up his certification and seeks sex offender counseling the case will be dismissed
Maine	Worchester County	11/24/2006	Former Jail Guard Convicted of Rape	Jail guards raped a women after she agreed to have coffee with him after he promised he could help her get a job as a CO	Jail Guard	Facing 6-8 years	Rape, Assault and Battery
Massachusetts	Worchester County	12/20/2006	Former Police Officer Facing	Officer pled guilty to charges of sexually	Police Officer	Indecent assault and battery on a child under	<i>Outcome unknown at this time</i>

<sup>28</sup> In this news article, it specifically states that the jurisdiction where the abuse took place was Broward County, however, the deputy was employed as a Lake County Deputy.

<b>Sate</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
			Child Sex Charges	assaulting an 11 year old girl		the age of 14 and statutory rape of a child	
New Hampshire	Strafford County	12/20/2006	Former Trooper Admits Sexual Conduct, Argues for Lesser Charge	A former state trooper admitted to molesting a 13 year old boy. His lawyer is arguing that he should be facing a lesser charge because there was implied consent. The officer met the boy through a mentoring program and supervised the boy for 2 years prior to the incident	State Trooper	Aggravated felonious sexual assault	<i>Outcome unknown at this time</i>
New Jersey	Bergin County	8/1/2006	Jail Officer Charged with Having Sex with Girl 15	Jail officer had oral sex with a 15 year old after telling her it was okay because he was a deputy	Police Officer	A sexual offense Facing termination pending investigation	<i>Outcome unknown at this time</i>
New Mexico	Santa Fe County	11/28/2006	Former Santa Fe Police Officer Pleas Guilty	Officer arranged to meet a 15 year old girl from the internet for sex in a hotel	Police Officer		Harassment , Child solicitation by a computer, Attempted criminal sexual penetration and an Alford plea to Burglary on an unrelated incident
North Carolina	Brunswick County	9/15/2006	NC Police Officer Charged with Statutory Rape	Officer solicited a 14 year old from my space	Police Officer	Statutory Rape, Statutory Sex Offense and Indecent Liberties with a Child	Currently on unpaid leave pending outcome

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 96 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
North Carolina	Polk County	11/2006	NC Sheriff-elect Faces Rape Charges	Sheriff accused of raping 2 girls, aged 10 and 11, 20 years ago	Current Police Chief in Columbus/ Sheriff-elect in Polk City	Statutory Rape Sex Offense Facing removal from duty if convicted	<i>Outcome unknown at this time</i>
Ohio	Wood County	11/3/2006	(Title not on File)	Sexually assaulted a woman	Police Officer	Rape	Paid leave after allegation-termination after indictment
South Carolina	Florence County	11/22/2006	Florence Police Officer Arrested in Child Porn Case	Pictures of children engaged in sexual activity found on home computer of the officer	Police Officer	2 <sup>nd</sup> and 3 <sup>rd</sup> Degree Exploitation of a Minor	Fired
Tennessee	Sumner County	12/21/2006	Former Gallatin Officer Charged with Statutory Rape	One police officer is charged with statutory rape and two other officers resigned after being accused of failure to report the abuse.	Police Officer	Statutory Rape	<i>Outcome unknown at this time</i>
Tennessee	Hardin County	12/27/2006	Demopolis Police Officer Fired After Being Charged with Rape	A Demopolis police officer was charged with allegedly having sex with an underage female on three separate occasions, one of which was while he was on duty.	Police Officer	3 Counts- Rape	Fired
Tennessee	Claiborne County	1/8/2007	Claiborne Sheriff Accused of Rape in Federal Law Suit	A federal lawsuit filed on behalf of a girl and her mother accuses the Claiborne	Sheriff	Rape The Sheriff continues to perform his duties	

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 97 of 100

<b>State</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
Texas	Tom Green County	11/1/2006	Ex-Assistant Police Chief in San Angelo Avoids Trial	County Sheriff of raping the girl while hunting with her. He is accused of threatening the girl with his service weapon and holding her against her will and sexually molesting her. This is also under investigations with the TN Bureau of investigation	Ast. Police Chief	Unlawful Restraint	Charges dropped pending completion of 9 mos. supervised probation
Utah	Utah County	11/30/2006	Ex-Jail Worker Pleads Guilty to Abusing 3 Girls	Chief handcuffed a woman who refused to give him oral sex  Sheriff's Deputy guilty of touching girls inappropriately	County Jail Commander	1 <sup>st</sup> degree felony sexual abuse of a minor	6 counts of sexual abuse of a minor- reduced from charge after plea deal
Virginia	Newport News City (an Independent city with no county affiliation) Newport News Cont'	12/9/2006	Ex-state Trooper will Serve One Year in Prison	Oral sex with a teenager	State Trooper with the State Department of Police		2 counts of carnal knowledge of a child older than 13 but younger than 15 10 years- 9 suspended NOTE: Cases with 3 other girls dropped in exchange for plea
Wisconsin	Douglas County	10/25/2006	Jailer Gets Prison Time in Douglas	Jailer developed a relationship with 14	Jailer		2 <sup>nd</sup> Degree Sexual Assault of a Child

Developed by Smith Consulting

January 2007

Do not use, publish or distribute without prior permission from authors. Please contact Prof. Brenda V. Smith at [bvsmith@wcl.american.edu](mailto:bvsmith@wcl.american.edu) to obtain permission.

Page 98 of 100

<b>Sate</b>	<b>Locale</b>	<b>Date</b>	<b>Article Title</b>	<b>Situation</b>	<b>Personnel</b>	<b>Allegation/ Charge</b>	<b>Outcome and Penalty</b>
			County Internet Case	year old girl on the internet and met for sex			under 16 13 years on parole and sex offender registration

## About the Authors

**Susan W. McCampbell** has worked in corrections and law enforcement for 30 years. She is President of the Center for Innovative Public Policies, Inc., (CIPP) a not-for-profit company specializing in public policy consulting, established in 1999. McCampbell serves as the Special Master in the matter of the USA v. the Territory of the Virgin Islands, et. al., appointed by the Federal Court in April 2006; and works as an expert witness in corrections and law enforcement litigation. McCampbell has worked with the National Institute of Corrections (NIC) including: developing strategies for community corrections to address recruitment, retention and preparation of first line supervisors; creating curriculum on managing multi-generational workforces; providing technical assistance to state and local correctional agencies regarding staff sexual misconduct and PREA; and revising the curriculum for the National Sheriffs' Institute. Prior to founding CIPP, McCampbell was the Director, Department of Corrections, Broward County, Florida, Sheriff's Office for four (4) years overseeing the daily operations of a jail system with 4,200 inmates, three facilities, and a staff of 1,600. While with BSO, Ms. McCampbell served as Chief Deputy/Acting Sheriff for six (6) months following the death of the Sheriff. Prior to coming to BSO, Ms. McCampbell was Assistant Sheriff , City of Alexandria, Virginia, Sheriff's Office for eleven (11) years, a Program Director for Police Executive Research Forum in Washington, D. C., and a regional criminal justice planner in Northern Virginia. She can be reached at [cippinc@aol.com](mailto:cippinc@aol.com)

**Elizabeth Layman** is President of Price Layman, Inc., a criminal justice consulting firm. Ms. Layman was a police officer/detective for 9 years in Arlington, Virginia, working in patrol and in the detective bureau investigating major crimes. Subsequently Ms. Layman spent 16 years with the State of Florida in Department of Corrections, and the Parole Commission. For 9 years of those years, Ms. Layman was the Regional Director for the Florida Parole Commission, managing agency operations in the eight-county region of South Florida. Ms. Layman also conducted clemency investigations for the Office of the Governor of Florida during her tenure at the Parole Commission.

Since 1997, Ms. Layman has worked with the U.S. Department of Justice, National Institute of Corrections and Bureau of Justice Assistance on numerous cooperative agreements including on-site technical assistance and training in corrections agencies, law enforcement agencies, and community corrections agencies; curriculum development, including: *Training for Investigators of Staff Sexual Misconduct*; *Managing a Multi-Generational Workforce*; *FutureForce:Developing a 21<sup>st</sup> Century Workforce for Community Corrections*; co-authorship of *A Resource Guide for New Wardens*, and *Staff Sexual Misconduct with Offenders: A Policy Development Guide for Community Corrections*; and co-authorship of publications on the issue of Staff Sexual Misconduct and Workforce Development in various periodicals, including *American Jails, Perspectives*, and *Sheriffmagazines*.

Ms. Layman has a Bachelor's Degree in Sociology from Virginia Tech. Ms. Layman is a member of the American Probation and Parole Association, and the American Correctional Association. Layman can be reached at [eplayman@bellsouth.net](mailto:eplayman@bellsouth.net)