

# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

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This presentation will be conducted in conjunction with the NIC video *Speaking Up: Discussing Prison Sexual Assault*. The video will be interspersed with facilitated discussion using the following script.

This information should be presented along with the Superintendent's welcome section and should be provided by the Superintendent, Associate Superintendent, Captain, or CPM unless a policy exception has been granted. A management level staff member is required due to the nature of this information and the impact needed for offenders regarding PREA implementation procedures. Each offender should be offered a copy of the brochure, "Sexual Assault and Custodial Sexual Misconduct." (Please note offenders should have received a brochure when they first arrived.)

### I. Introduction -

Safety message - the Department is committed to your safety and the safety of staff. You have the right to serve your sentence with dignity and free from sexual assault, sexual harassment, and retaliation. The Department has zero tolerance regarding sexual assault within its facilities. This means we DO NOT tolerate any level of sexual harassment, misconduct, or assault in this facility. Not in this agency, not in my facility. EVERY effort will be made to prevent sexual assault and misconduct from occurring. EVERY allegation will be investigated, EVERY perpetrator punished, and EVERY victim offered services.

There is a federal law against sexual assault inside correctional systems called the Prison Rape Elimination Act (PREA). This law covers male and female individuals incarcerated in prisons, camps, and work releases, as well as offenders on community supervision. This law also covers any form of sexual relationship between staff and offenders, even if they both consent to the relationship. In the State of Washington, we have criminal laws against sexual assault. We also have laws against custodial sexual misconduct. This is when a staff member becomes sexually involved with an offender. Both of these types of offenses are felonies and any allegation shown to be true will be referred to law enforcement for prosecution.

When you first arrive here, you are going to miss your kids, your friends, your family, and physical contact. You may want comfort and want to develop relationships with others. All of this is normal, but there are a variety of relationships that might be harmful. Most staff are here to help you and most offenders want to do their time, like you, without feeling pressure from other offenders. Not all offenders will try to sexually assault you. We will work with you to do everything we can to ensure you remain safe. This video is to help you understand sexual assault. It is to inform and educate offenders about offender-offender relationships and staff-offender sexual encounters. If a situation occurs, the information will help you be clear about options and tools to use to reduce the risk of sexual assault. The offenders in this video are actual offenders. They are not actors.

# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

---

*When ready, start the video.*

### *Facilitated discussion -*

*Review PREA policies 490.800 and 490.850, any related operational memorandums, the sexual assault / abuse / harassment state and federal laws and staff sexual misconduct laws of Washington. Ensure offenders understand we are talking about offender-offender AND staff-offender sexual behaviors.*

### **What it is sexual assault?**

- **Sexual assault is a crime**
  - Anytime another offender sexually touches you, forces you to touch the sexual parts of their body, or has sex with you without your ok, or forces you to have sex with someone else without your ok, it is sexual assault.
  - Anytime a staff member sexually touches you or has sex with you it is against the law. Even if you wanted or invited the staff person, the staff person is not allowed to respond.
  - Anytime a staff member makes sexual advances, engages in a relationship with an offender, or prevents anyone from reporting a PREA incident it is against DOC policy and is not tolerated.
  - It is also against policy for you or a staff member to make sexual related comments to another person. This is called sexual harassment.
  - It is also against the law for you to sexually touch a staff member or force them to touch you.
    - There are exemptions for touches that may be necessary, such as for medical care and routine searches.
      - **FEMALE OFFENDERS ONLY** – Pat searches of female offenders will only be conducted by female staff except in emergency situations. Staff will direct the offender to pull their brassiere away from body and shake it. Staff will use the back of their hand to brush the top of the chest area. Then, using the backs of both hands, staff will search under the bust line by placing palms together, thumbs between the breasts, following the curvature under the breast area up to the arm pit. Staff will roll the back of their hand in the crotch area, searching thighs, legs and ankles one side at a time.

### **It is NOT YOUR FAULT if you were sexually assaulted**

Review policy definitions of sexual assault, sexual abuse, sexual harassment, and staff sexual misconduct with offenders (included as policy attachment with DOC 490.800, Prevention and Reporting of Sexual Misconduct.

- **Examples of sexual assault**
  - Rape.

# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

---

- Someone forcing you to have sex with them or another person to repay a debt.
- Someone offering you protection in exchange for sex.
- A staff person offering you a privilege or a favor in exchange for sex.
  
- **Examples of sexual abuse**
  - Intentional sexual touching, including directly or through the clothing.
    - Occurs without an offender's consent; or
    - When an offender is unable to consent or refuse.
  
- **Examples of sexual harassment**
  - Deliberate or repeated statements of a sexual nature including:
    - Demeaning references to gender.
    - Derogatory comments about body or clothing.
    - Repeated profane or obscene language or gestures.

*Review the policies regarding consensual sexual relationships between offenders.*

### **What about consensual sexual relationships?**

These are also not permitted in a correctional facility. Consensual sexual relationships between offenders are against policy. Offenders who engage in these relationships will be charged with a major infraction with appropriate sanctions. Even though these relationships may be something that is desired by both people, they present medical and psychological issues which compromise your safety. The spread of sexually transmitted diseases, jealousy between participants and from other offenders, fear of homosexuality and other issues make consensual sex a threat to everyone's safety. Additionally, a consensual relationship can end, but in the close confines of a prison setting, the individuals cannot get away from each other. This may cause feelings of fear, anxiety and anger, and may create situations of sexual assault and other forms of violence.

*When ready, view the next section of the video.*

# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

---

### II. Prevention:

#### *Facilitated discussion:*

*Discuss any terms that may be unfamiliar to the offenders, such as “undue familiarity”. Discuss the situation call “protective pairing”.*

#### **How to prevent sexual assault / abuse / misconduct**

- Anyone offering you favors, lending you things, providing you protection, may be planning an assault (setting you up for an assault, targeting you as a potential victim). This applies to both staff and other offenders.
- Be aware of situations that make you feel uncomfortable. Trust your instincts. If it feels wrong, leave or call out for a staff member. It’s your right to say “NO,” “Stop it,” or “don’t touch me”.
- If you or someone else is being pressured for sex, tell a staff member immediately. You don’t need to wait for an assault to happen to ask for help.
- Be aware of areas where it may be hard to be seen or where you would have trouble getting help if you needed it.
- Stay out of other people’s cells and keep them out of yours.
- Have respect of other offenders’ personal space, privacy and belongings.
- Don’t brag about how tough you are. There are some aggressive offenders who may see this as inviting a challenge.
- Only buy what you need in small amounts at the canteen. Canteen items can be used as commodities.
- Be alert – contraband such as drugs and alcohol will make it hard for you to stay alert and make decisions.
- Do your own time. Get involved in programs and structured activities offered at this institution. The more you are involved in bettering yourself, the less likely you will be involved with idleness and other problems.
- Follow the dress code. Think about who you associate with and how you carry yourself. Pay attention to your surroundings and the behavior of others.

Everyone is vulnerable to these kinds of situations but they are less likely to happen if you follow some of the common sense rules discussed today.

*Explain that coercive behaviors and “game playing” can be confusing. Ask, “How do you distinguish friendships from someone out to hurt you?”*

*Ask if there are any differences between sexual relations with a female staff member vs. a male staff member? NO – either way it is illegal and the staff member will lose their job and face prosecution.*

Staff are trained to look for behaviors in offenders which may indicate that some form of sexual abuse may be occurring or offenders are at risk for sexual abuse. Some of these include:

- Changes in routine, mood, or behavior, to include eating, hygiene and sleeping habits.
- Avoiding staff members or staying too close to staff.

## PREA Offender Orientation for Newly Committed Offenders June 1, 2012 Revision

---

- Staying out of the dining hall, yard or showers.
- Irritability or mood swings.
- Requesting cell changes.
- One offender getting lots of attention from another offender, particularly a younger or weaker offender.
- Never having canteen / store items.
- Suicide attempts or threats.

*When ready, view the next section of the video.*

# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

---

### III. Reporting and Investigation

#### *Facilitated discussion -*

*Discuss the down side if someone chooses not to report incidents but rather to handle things on their own.*

#### **What to do if you've been assaulted or if sexual misconduct has occurred.**

- Get to a safe place.
- Even if you want to clean up immediately after the assault, it is important to save any evidence. Don't use the bathroom, brush your teeth, shower, change your clothes, or eat. Save sheets and any clothing that was involved in the incident. Evidence may be able to be gathered from your body and your clothing.
- Report the assault / sexual misconduct.
  - You don't need to have any evidence to report that an assault happened.
  - You can report an assault anytime: right after it happened or weeks later.
  - Tell ANY staff person (counselor, teacher, chaplain, volunteer, nurse, correctional officer, etc). Talk to any staff member you trust.
    - You may talk to someone in person, send a kite, drop a note under a staff member's door. Find a way to tell someone who makes you comfortable.
  - You may also call the 0-800-586-9431 report line or 'hotline' (someone in the community needs to dial 1-800). This number has been unblocked for your use. This number is not recorded or monitored at the facility. It goes directly to DOC Headquarters to a message line where a staff checks the messages during business hours, Monday through Friday, except on holidays. The 'hotline' can also be used by anyone in the community to report incidences of sexual assault or staff sexual misconduct. You don't have to be the victim to use the line. You can report something that is happening to someone else. You don't have to leave your name or number, however, you need to provide enough information so an investigation can begin.
  - Submit a grievance locally or a letter to the PREA Coordinator.
- Seek support for yourself.
  - It is important to find someone you trust to help you if you want to talk about the assault or get support.
  - You can talk to a trusted friend, family member, staff member, or counselor.
  - Whether or not you plan to report the assault, you may choose to talk to someone. But remember we cannot help you or stop this from happening to someone else if you don't report the assault.
  - Support for rape victims is available at your institution. Contact the chaplain, your counselor, medical or mental health staff for more information. Also note services are available for survivors no matter how long ago the assault occurred, even if it occurred before you were incarcerated.

# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

---

### What to expect:

We will work with you to keep you safe. If the allegation is substantiated, we will keep you separated from the perpetrator throughout your incarceration, either by unit separation or facility separation.

- All staff are required to report the allegation / incident to the Superintendent which will start the investigation process. This includes medical and mental health care providers.
- EVERY report is investigated. We take all allegations of sexual assault seriously. We will conduct a thorough investigation and all perpetrators will be held accountable.
- An investigation may include
  - A medical exam.
  - A mental health referral.
  - Evidence collection.
  - **FEMALE OFFENDERS ONLY:** If you qualify, the Department will provide you with the support and assistance of a Victim Advocate during the investigation process and staff disciplinary process (if the staff member is disciplined). A Victim Advocate can help you understand the investigation and disciplinary processes, be with you during investigation interviews, provide you with moral support, and refer you to other services. You can leave a message for the DOC Victim Advocate by calling \_\_\_\_\_ or by contacting \_\_\_\_\_.
- We will do our best to keep the information you report as confidential as we can while conducting our investigation. We expect the same of all offenders involved in the investigation (alleged victims, suspects, and witnesses).
- We will also ensure you receive a referral to mental health services for treatment and counseling.
- It is common for survivors of sexual assault to have feelings of embarrassment, anger, guilt, panic, depression, and fear for several months or years after the attack. Other common reactions include loss of appetite, nausea or stomach aches, headaches, loss of memory and/or trouble concentrating and changes in sleep patterns. Seek medical support or support from a counselor or other staff person if you need help managing any of these or other reactions.

*Discuss the repercussions of reporting. Ask, "Do you have concerns about retaliation from coming forward and being a "snitch"? Acknowledge that there is pressure not to be a "snitch" but something like sexual assault needs to be an agreed upon category that is OK to report. Emphasize that it is difficult to protect an offender or control a situation if the offender doesn't tell anyone. An offender who reports may also be protecting others.*

Offenders can participate in an investigation in many ways, including being the alleged victim, suspect, reporter, or witness. Retaliation against offenders who participate in PREA investigations can take many forms, including threats, harassment, infractions, loss of privileges, or asking others to harass or intimidate the offender. Retaliation by staff or other offenders due to reporting an allegation or participating in an investigation is prohibited and will also be investigated.

## PREA Offender Orientation for Newly Committed Offenders June 1, 2012 Revision

---

*Explain that the officer in the real hidden camera footage got into trouble and how in Washington this individual would lose his job and be referred to law enforcement for prosecution. Also explain offenders won't get in trouble if they don't lie.*

Offenders will be held accountable for making false allegations or lying during an investigation and may receive a major infraction. Making false allegations hurts the process and those offenders who have been victimized. Also lying during an investigation doesn't allow investigators to get to the truth, minimizing our ability to hold people who have engaged in misconduct accountable or provide services to those who have been victimized.



# PREA Offender Orientation for Newly Committed Offenders

## June 1, 2012 Revision

---

### IV. Summary

#### Did you know?

- Sexual assault usually does not happen spontaneously or on the spur of the moment. Perpetrators know what they are doing and plan out their activities well in advance.
- Sexual assault is a deliberate action usually used to make another person feel helpless, humiliated, and degraded, and in turn makes the rapist feel powerful.
- Sexual assault has nothing to do with the victim's present or future sexual orientation. Victims may be either heterosexual or homosexual.

We want this institution to be a safe environment for staff and offenders. Correctional staff are trained in what to do if you report a sexual threat or assault. Each report is taken seriously. We will make every attempt to protect sexual assault victims from further harm. We will do everything we can to make sure all sexual aggressors are prosecuted.

Remember, we have zero tolerance regarding sexual assault within our facilities. This means that we DO NOT tolerate any level of sexual harassment, misconduct, or assault in this facility. Not in this agency, not in my facility. EVERY effort will be made to prevent sexual assault and misconduct from occurring. EVERY allegation will be investigated, EVERY perpetrator punished, and EVERY victim provided services.