

# PREA Offender Orientation for Offenders Transferring between Facilities June 1, 2012 Revision

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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.

No one deserves to be raped. Others do not have a right to try to intimidate you or even approach you for sex or to abuse you. It's not easy for staff and offenders to come together and talk about the sensitive topic of rape in prison. But we need to have these discussions as an important step in preventing and eliminating rape, sexual assault, sexual harassment, and staff sexual misconduct in the prisons in the State of Washington. That hope is increased with the implementation of the Prison Rape Elimination Act or PREA. This is a federal law against sexual assault inside correctional systems that 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.

This is a very serious topic we need to talk about. There may be some of you who are giggling or laughing and who may be uncomfortable talking about this topic. The stereotype is that someone has to be big, mean and scary to be someone who would sexually assault you. IT CAN BE ANYONE - the big mean person, the person who reminds you of your grandparent, or your next door neighbor. It doesn't matter who you are, where you're from, or what your race is – it can happen to anyone.

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*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 that offenders understand that 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.
  - 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.

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- **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 that 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.

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## II. Prevention:

Sexual assaults can often occur after a simple favor – a cup of coffee, a candy bar, or even an extension of friendship and caring. These may just be down payments. It is usually a situation that starts small and involves manipulation and grooming; separating you from others and offers of protection before payment for the favors is required in the form of sexual behaviors. Refusal may then result in sexual assault or rape. Don't borrow or accept favors in the first place. Take care of yourself; don't let others take care of you. Don't isolate yourself or spend all your time in your cell alone. Get involved in the positive programs and opportunities while you are incarcerated. Respect others and yourself. Find others who you can get along with and who are doing positive things with their time. If anyone starts to pressure you in any way, report it to a staff member immediately. If you become involved with someone sexually for protection, it is still sexual assault.

### **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 talked about today.

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:

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

The best prevention of all is you. When you know that something doesn't feel right, when the little hairs on the back of your neck stand up, you know the situation isn't right. Whether it is another offender or staff, you need to back away and do something about it. Get out of the situation as quickly as possible and report it to staff.

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## III. Reporting and Investigation

### 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 many 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 that 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 if you want.
  - Whether or not you plan to report the assault, you may choose to talk to someone. But remember that 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 that services are available for survivors no matter how long ago the assault occurred, even if it occurred before you were incarcerated.

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## 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's Advocate during the investigation process and staff disciplinary process (if the staff member is disciplined). A Victim's 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 need 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 too.*

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.

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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.



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## 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 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 that all sexual aggressors are prosecuted.

Prison rape is also a question of your health. Sexually transmitted diseases, AIDS, hepatitis, and other sexually transmitted diseases are just one aspect that can lead to medical complications and a shorter life. A short sentence can turn into a death sentence as a result of these diseases.

If you think something is going on and you are uncomfortable, report it before it becomes a rape or sexual assault. Do something before it gets that far and keep it from happening to you or someone else. You need to help send the message that this will no longer be tolerated.

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.