

Inmate Sexual Abuse/Harassment Prevention And Intervention

Detention Facility SOP 450.K15



2018 UPDATE

Inmate Sexual Abuse/Harassment Prevention And Intervention

For the purpose of this presentation,
“staff” shall include LCSO employees,
contractors, and volunteers.



The Leon County Sheriff's Office has a **zero-tolerance** policy for sexual abuse and sexual harassment of inmates.

It is the policy of the Leon County Detention Facility to prevent sexual abuse/harassment of inmates, provide protection and treatment for those who have been sexually abused/harassed and discipline/prosecute those who sexually abuse or harass inmates.

Legal Consequences for Staff Sexual Misconduct against Inmates According to Section 951.221, F.S.

- Sexual misconduct against inmates, without committing the crime of sexual battery, is a felony of the third (3rd) degree in the state of Florida.
- Consent of an inmate to any act of sexual misconduct may not be raised as a defense to prosecution under staff sexual misconduct against inmates.

National Standards to Prevent, Detect, and Respond to Prison Rape

- The goal of these standards are to prevent, detect, and respond to sexual abuse in confinement facilities, pursuant to the Prison Rape Elimination Act of 2003. For too long, incidents of sexual abuse against incarcerated persons have not been taken as seriously as sexual abuse outside prison walls. In popular culture, prison rape is often the subject of jokes; in public discourse, it has been at times dismissed by some as an inevitable—or even deserved—consequence of criminality.
- But sexual abuse is never a laughing matter, nor is it punishment for a crime. Rather, it *is* a crime, and it is no more tolerable when its victims have committed crimes of their own. Prison rape can have severe consequences for victims, for the security of correctional facilities, and for the safety and well-being of the communities to which nearly all incarcerated persons will eventually return.
- In passing PREA, Congress noted that the nation was “largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.”

- According to the U.S. Department of Justice, nearly one in 10 inmates suffer sexual abuse while incarcerated in state prisons, local Detention Facilities, and post release treatment facilities.
- An estimated 3.7 percent said they were forced or pressured to have nonconsensual sex with another inmate. About 5.3 percent reported an incident that involved facility staff.
- Most victims of staff sexual misconduct reported some type of coercion. Half said they had been offered favors or special privileges and a third said they had been talked into it. Nearly 7 in 8 in this category reported on perpetrators of the opposite sex. More than three-quarters of all reported staff sexual misconduct involved a male inmate with female staff.

Remember Zero Tolerance, and No Means No.

- Sexual abuse is rampant in prison and detention facilities today
- Federal estimates that more than 200,000 youth and adults are sexually abused in prisons, and detention facilities year

Facts



NATIONAL
PREA
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Inmate Sexual Abuse/Harassment Prevention And Intervention

- The Leon County Sheriff's Office has designated an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.
- Any type of sexual contact between staff and inmates, including consensual sex is prohibited.
- Any type of sexual harassment toward staff or inmates is prohibited.

Sexual Abuse Encompasses

- Inmate-on-inmate sexual abuse
- Inmate-on-inmate sexual harassment
- Staff-on-inmate sexual abuse
- Staff-on-inmate sexual harassment.

Inmate-on-Inmate Sexual Abuse

- Encompasses all incidents of inmate-on-inmate **sexually abusive contact** and inmate-on-inmate **sexually abusive penetration**.
- **Sexually Abusive Contact**: Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks without penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexual contact by threats of violence, or of an inmate who is unable to consent or refuse.

Inmate-on-Inmate Sexual Abuse cont.

- **Sexually Abusive Penetration**: Penetration by an inmate of another inmate without the latter's consent, or of an inmate who is coerced into sexually abusive penetration by threats of violence, or of an inmate who is unable to consent or refuse. The sexual acts included are:
 - Contact between the penis and the vagina or the anus;
 - Contact between the mouth and the penis, vagina, or anus; or
 - Penetration of the anal or genital opening of another person by a hand, finger or other object.

Inmate-on-Inmate Sexual Harassment

- Repeated and unwelcomed sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate toward another.

Staff-on-Inmate Sexual Abuse

- Encompasses all occurrences of staff-on-inmate sexually abusive contacts, staff-on-inmate sexually abusive penetration, staff-on-inmate indecent exposure, and staff-on-inmate voyeurism.
- Staff solicitations of inmates to engage in sexual contact or penetration constitutes attempted staff-on-inmate sexual abuse.

Staff-on-Inmate Sexual Abuse cont.

- **Sexually Abusive contact:** Non-penetrative touching (either directly or through the clothing) of the genitalia, anus, groin, breast, inner thigh, or buttocks by a staff member of an inmate with or without the latter's consent that is unrelated to official duties.

Staff-on-Inmate Sexual Abuse Cont.

- **Sexually Abusive Penetration:** Penetration by a staff member of an inmate with or without the latter's consent. The sexual acts included are:
 - Contact between the penis and the vagina or the anus;
 - Contact between the mouth and the penis, vagina, or anus; or
 - Penetration of the anal or genital opening of another person by a hand, finger, or other object.

Staff-on-Inmate Sexual Abuse cont.

- **Indecent exposure:** The display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.

Staff-on-Inmate Sexual Abuse cont.

- **Voyeurism:** An invasion of an inmate's privacy by staff for reasons unrelated to official duties or when otherwise not necessary for safety and security reasons, such as peering at an inmate who is using a toilet in his or her cell; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions and distributing or publishing them.

Staff-on-Inmate Sexual Harassment

- **Sexual harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member. Such statements include demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Inmate Sexual Abuse/Harassment Prevention

- Inmates in the Leon County Detention Facility have the right to be free from sexual abuse/harassment.
- Care must be taken to identify those inmates who display sexually assaultive behavior.
- During the admission screening procedures, staff shall review all available documentation for any indication that an inmate has a history of sexually aggressive behavior.
- During the admission process, inmates shall be provided information about sexual abuse/harassment prevention and intervention.
- During the classification process, inmates shall be screened for risk of being sexually abused or sexually abusive to determine housing assignments.

Inmate Sexual Abuse/Harassment Detection

- All staff members are required to report immediately any knowledge, suspicion, or information they receive regarding an incident of sexual abuse/harassment; retaliation against inmate or staff who reported abuse/harassment; and any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse/harassment or retaliation.
- Failure to report sexual abuse/harassment that is witnessed or reported shall be grounds for disciplinary action.
- Retaliation against staff or inmates reporting sexual abuse/harassment shall be grounds for disciplinary action.

Inmate Sexual Abuse/Harassment Detection

- Sergeants and Watch Commanders will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. All staff is prohibited from alerting other staff these supervisory rounds are being conducted unless such announcement is related to the legitimate operational functions of the facility.
- Whenever a staff member of the opposite sex of the housing area is entering the area, they must announce their presence prior to entering. IE: "Female entering the pod".

Inmate Sexual Abuse/Harassment Detection cont.

- An inmate may report sexual abuse or sexual harassment verbally, in writing, and anonymously. Reports of sexual abuse/harassment may also be reported through a third party.
- An inmate may also report privately by notifying staff, chaplain, program volunteers or anyone they feel comfortable with. Such reporting will not be referred to a staff member, if the member is subject of the complaint. All reported information shall remain confidential and only discussed with appropriate officials.

NEVER tell an inmate they cannot report abuse because the abuse happened too long ago.

No Limits



- The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
- ALL grievances are IMPORTANT.



Response to Sexual Abuse/Harassment

- All incidents of sexual abuse/harassment must be reported promptly and investigated thoroughly.
- Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report will:
- Separate the alleged victim and abuser and notify your immediate supervisor.

Response to Sexual Abuse/Harassment cont.

- Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence. Do not attempt to collect any evidence yourself.
- If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure both the alleged victim and suspect do not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- If the first responder is NOT a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff.

Dynamics of Sexual Abuse/Harassment in Confinement

- Rape is violent, destructive, and a crime - no less so when the victim is incarcerated. Just as in the community, rape in detention, whether perpetrated by staff or by other inmates, is a means to achieve power and control. Certain groups of inmates appear to be more vulnerable. They include:
 - Young, inexperienced;
 - Physically small or weak;
 - Inmates suffering from mental illness and or developmental disabilities;
 - Middle class, not “tough” or “streetwise”;
 - Not gang affiliated;
 - Known to be homosexual or overtly effeminate (if male);
 - Convicted of sexual crimes;
 - Violated the “code of silence” or “rats”;
 - Disliked by staff/other inmates;
 - Previously sexually abused.

Dynamics of Sexual Abuse/Harassment in Confinement

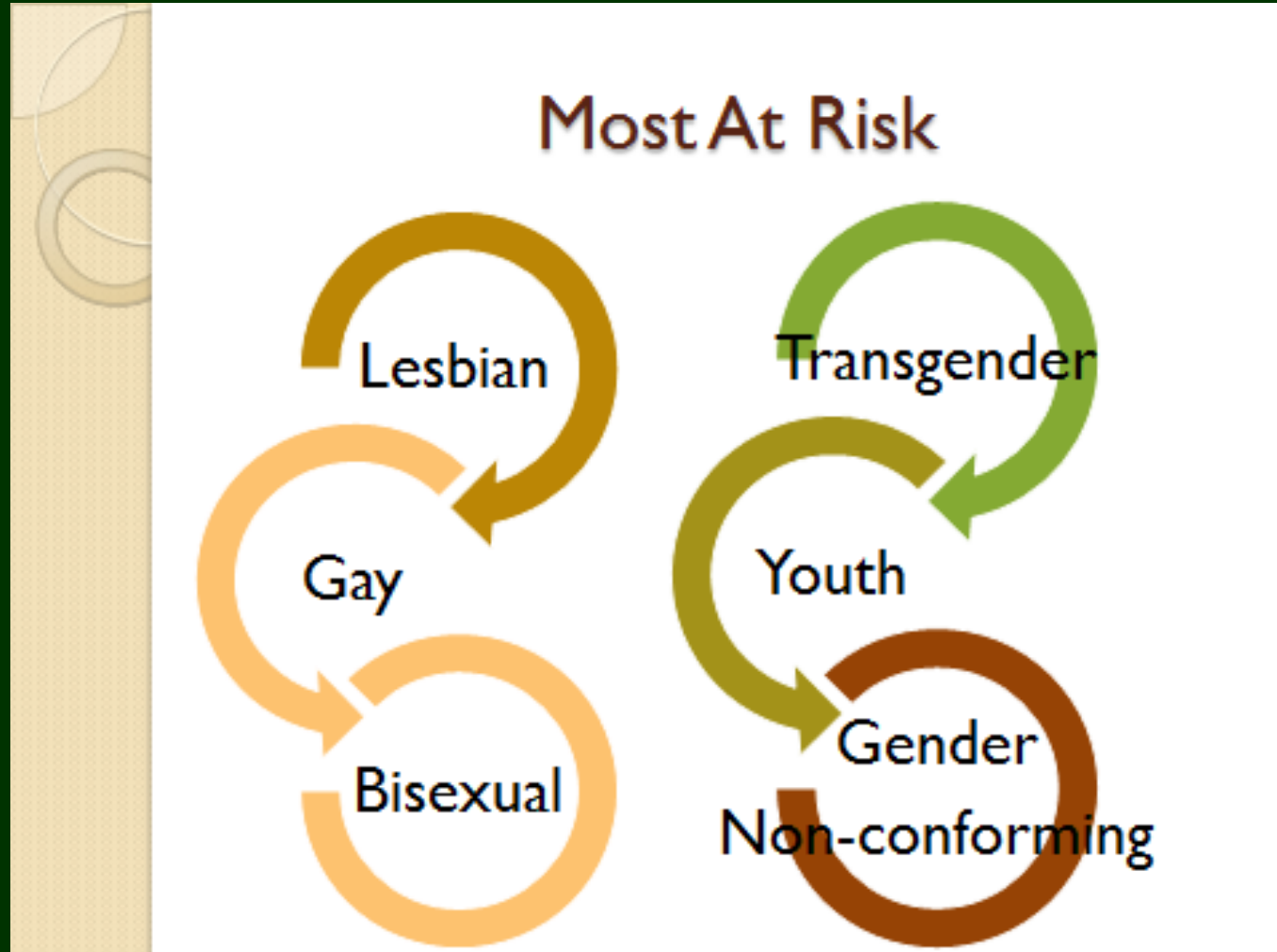
cont.

- Inmate sexual abuse occurs most frequently when no one is around to see or hear it, particularly at night and in areas that are difficult to monitor.
- Male inmates who are abused in this manner are considered “turned out” perceived to have been turned into a victim, a woman, or have been “made gay”.
- Inmates who have been victimized once are likely to be sexually abused multiple times during the course of their incarceration. Many survivors are marked as property by gang members or serve as likely targets for future attacks.
- The phenomenon of “protecting pairing” (also called “hooking-up”) mimics the dynamics of domestic violence, both in the behavior of the perpetrator and the impact on the survivor. In protective pairings, a more powerful inmate offers protection to a less powerful inmate in exchange for sex.

Dynamics of Sexual Abuse/Harassment in Confinement cont.

- Inmate on inmate sexual abuse between female inmates is also common, albeit largely invisible. Similar to domestic violence in lesbian relationships, such abuse is often minimized or eroticized by staff.
- Perpetrators hide behind the perception that women in detention simply form their own family structures, without regard to the abusive nature of many such relationships.

Surveys conducted by the Bureau of Justice Statistics indicate that non-heterosexual adult offenders report higher rates of sexual victimization while in custody



Likely Victims

- Transgender Females

- in males facilities are 13% more likely to be sexually abused

- Youth

- Including individuals with youthful appearances



Some of the most outspoken advocates to end this abuse have been survivors themselves.

Common Reactions of Sexual Abuse/Harassment

- Survivors of sexual abuse in detention experience the symptoms and reactions of Rape Trauma Syndrome in much the same way as survivors in the community. However, the violent and dehumanizing environment in which they live poses additional challenges.
- Many inmate sexual abuse survivors are not only dealing with the recent trauma of their sexual abuse, but with pre-existing mental illness, alcohol or drug addiction, and/or prior trauma as well.
- Some survivors respond to crisis in ways that may create disciplinary problems. For example, while inmates are expected to appear calm and follow directions without question, a survivor in crisis may feel disoriented, irritable or anxious. In addition, survivors sometimes feel so desperate and out of control that they behave in provocative or dangerous ways, such as making suicidal gestures, picking a fight with a powerful inmate or disregarding a staff direction, in order to break the tension.

Common Reactions of Sexual Abuse/Harassment cont.

- Dangerous myths – including that inmates who are raped must have deserved it, that only child molesters are sexually abused in detention, that a gay inmate cannot really be raped, that transgender women and feminine men like the attention, that women do not sexually abuse other women – contribute to self-blame among survivors of sexual abuse in detention and effectively halt the healing process.
- Survivors need to regain a sense of control to begin healing, but incarcerated survivors have no control over even the most mundane aspects of life.
- Survivors in detention live in an environment where aspects of the trauma are triggered every day. In the aftermath of sexual abuse or of a reactivation of crisis, a person's usual ways of coping tend to be overwhelmed.
- Survivors must cope with panic attacks, nightmares, flashbacks or generalized fear, remember that an incarcerated survivor cannot call a hotline, go for a walk or ask a love one to stay with them.

How To Avoid Inappropriate Relationships With Inmates

- **You are in a position of authority and there can be NO consensual sex with an inmate.**
- Maintain a professional distance.
- Focus behavior on duties and assignments.
- Do not become overly familiar with any particular inmate.
- Never share personal information or have personal or sexual discussions with inmates.
- Do not share personal information or have personal conversations with other staff when inmates are present.
- Do not accept gifts or favors from inmates.
- Avoid sexual comments about one's body.
- Avoid repeated staring, comments filled with sexually suggestive innuendoes or double meanings, and/or propositions of a sexual nature.

How are you protected?

- The agency protects all inmates and staff who report sexual abuse/harassment or cooperate with sexual abuse/harassment investigations from retaliation by other inmates or staff.
- The agency employs multiple protection measures, including: housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation.

Communicating Effectively and Professionally with Lesbian, Gay, Bisexual, Transgender, Intersex, or Gender Nonconforming Inmates

- Effective and professional communication with inmates, including LGBTI individuals, is key to ensuring that the staff members are equipped to prevent and respond to incidents of sexual abuse affecting all individuals in custody.
- If staff members do not have the ability to communicate effectively and professionally with LGBTI inmates, these individuals may be afraid to approach staff when they are threatened with abuse or are being abused out of fear staff will mistreat them, blame them for the abuse, or not believe them.

Communicating Effectively and Professionally with Lesbian, Gay, Bisexual, Transgender, Intersex, or Gender Nonconforming Inmates

- Staff must ensure that they interact with the LGBTI inmates in the same way they interact with other inmates. Using the correct pronouns when addressing a member of the LGBTI population is essential. The best practice is to refer to all inmates by either their last name or as inmate.
- Do not tolerate other inmates referring to members of the LGBTI population in derogatory ways as this will ensure the LGBTI inmate will not trust you to have their best interest in mind.

Mandatory reporting of Sexual Abuse to Outside Authorities

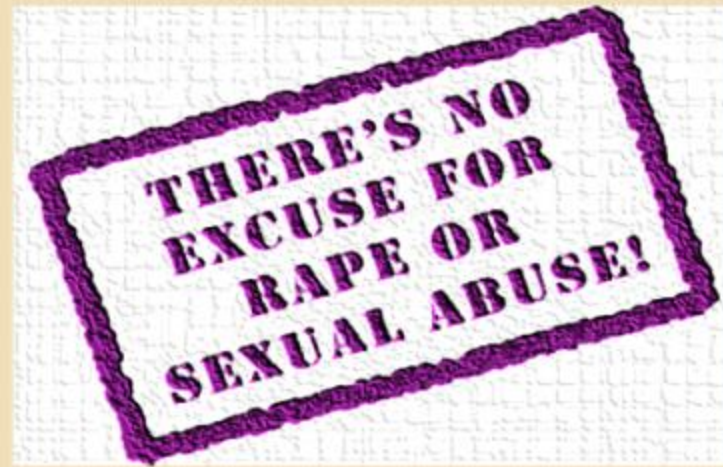
- The Leon County Sheriff's Office conducts its own investigations into allegations of sexual abuse. The Violent Crimes Unit and/or the Special Victims Unit will be contacted if the sexual abuse rises to the level where a potential crime has been committed.
- The Leon County Sheriff's Office has a standing MOU with the local rape crisis center, Refuge House, to provide counseling to any inmate who has been the alleged victim of sexual abuse within the facility.



THERE IS NO
EXCUSE
AND NEVER
AN INVITATION
TO RAPE

Zero Tolerance

**Prison
Rape
Elimination
Act**



The End

