

Prison Rape Elimination Act of 2003

PREA



Objectives

- Participants will be educated on the importance of the Prison Rape Elimination Act of 2003 and it's effects on us.



- Participants will be able to identify appropriate responses to be taken by staff when there is an allegation of sexual abuse.

PREA of 2003



- Signed into law by President George W. Bush on September 4, 2003.

PREA

- The Prison Rape Elimination Act of 2003 was enacted by Congress to address the problem of sexual abuse of persons in custody. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. It addresses both inmate-on-inmate sexual abuse and staff-on-inmate sexual misconduct.



Inmate sexual misconduct includes the following:

- 1. Offender-on-offender sexual assault,
- 2. Sexual abuse,
- 3. Sexual harassment
- 4. Consensual Sex acts

Staff sexual misconduct includes the following:

- 1. Staff-on-offender sexual harassment
- 2. Staff-on-offender sexual assault
- 3. Staff sexual misconduct,
- 4. Consensual Sex acts

(Staff includes department employees, volunteers, contract personnel, and any other person providing services in the department facilities or offices.)

Where/Who does PREA apply to?

- All Jails, Holdovers, Holding cells, Court holding cells
- All staff, including volunteers and contractors
- All offenders



Shocking Revelations of Prison Rape



? Shocking revelations about sexual abuse in US prisons - YouTube.url

Findings



- Congress makes the following findings:
 - 2,100,146 people were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.



Findings

- Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 20 % of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.



Findings

- Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16% of inmates in State prisons and jails, and 7% of Federal inmates, suffer from mental illness.



Findings

- Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities – often within the first 48 hours of incarceration.
- Most prison staff are not adequately trained or prepared to prevent, report or treat inmate sexual assaults.

Rape among Men in Prison

- Most of the men are straight but they still engage in sex and Rape other men because they say that's the prison life style and they have to adjust to that life style.



? Prison Men talk about being RAPED - YouTube.url

How does this effect *you*?

TWO EPIDEMICS: **INCARCERATION AND HIV**

How the criminal justice system has played a role in the HIV epidemic

BY DAVID ALAIN WOHL, MD

- Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault-if they receive treatment at all.



- HIV and AIDS are major public health problems within correctional facilities.

Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released – as 600,000 inmates are each year.



- Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.



- Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.



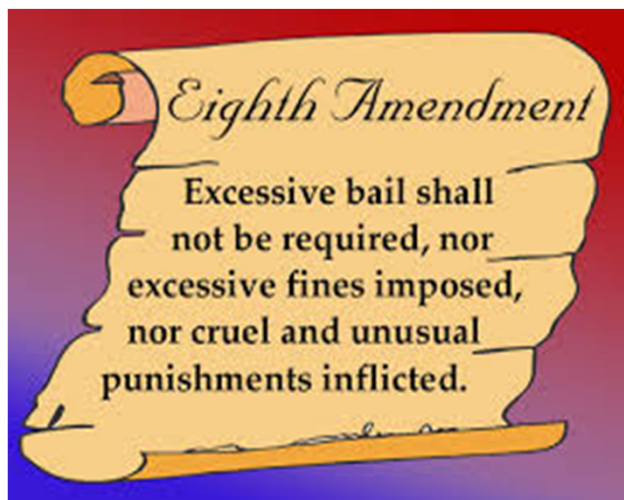
- Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.



- The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution.
- In *Farmer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment.



Who is liable?



- The ruling said: “We...hold that a prison official may be held liable under the Eighth Amendment for denying humane conditions of confinement only if he knows that inmates faces a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it.”



- The high incidence of prison rape undermines the effectiveness and efficiency of the United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relation; poverty; unemployment and homelessness. The effectiveness and efficiency of these federally funded grant programs are compromised by the failure of State officials to adopt policies and procedures that reduce the incidence of prison rape in that the high incidence of prison rape -

- A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;
- B) increases the levels of violence, directed at inmates and staff, within prisons;
- C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

- D) increases mental health care expenditures, both inside and outside of prison systems by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates.
- E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape and;
- F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community.

No Escape Prison Rape

- Details prison rape and the story of Rodney Hulin a 17 year old put in prison for starting a dumpster fire by a judge wanting to set an example. Rodney was brutalized and raped repeatedly. He wrote the warden several times to be ignored. Finally he could not take the abuse, wrote a letter to his parents, then killed himself.



No Escape Prison Rape - A Documentary Short - [YouTube.url](#)



Zero Tolerance means:

- Every staff person has a responsibility and an obligation to **report**;
- once reported, incidents are investigated; anonymous and third party reports are investigated as vigorously





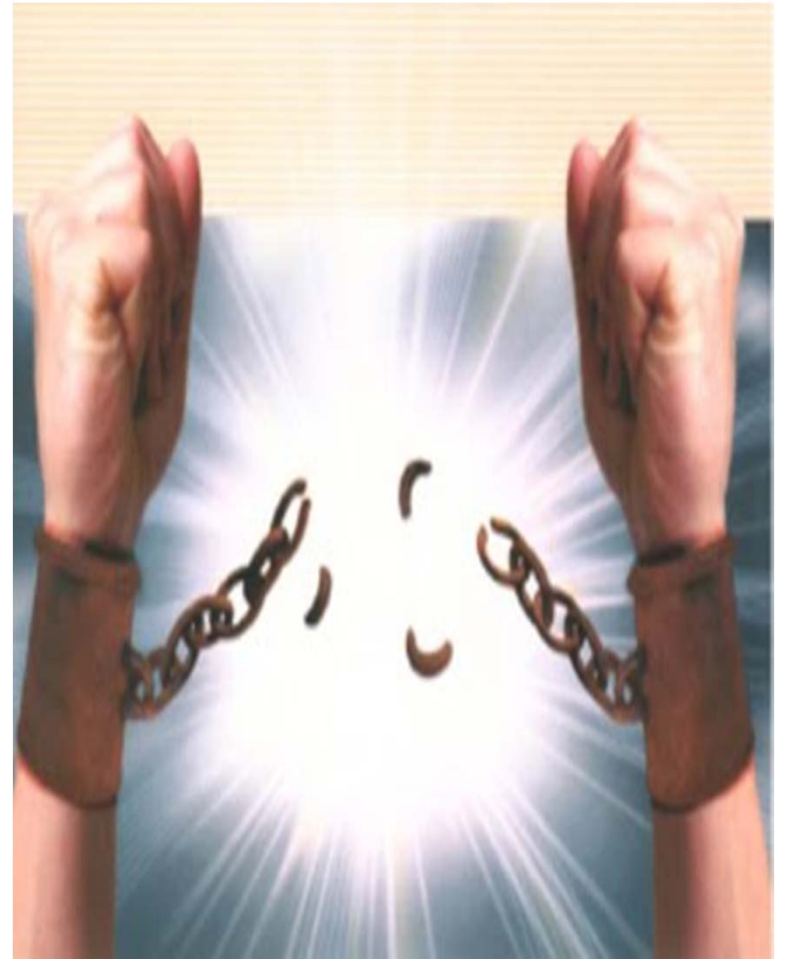
- We all have A statutory obligation to keep confined individuals safe and secure
- PREA is not just about keeping offenders safe from sexual abuse...it is about keeping our communities safe from sexually transmitted diseases, violent crime and prosecuting perpetrators.

Purposes of PREA

- **Establish a zero tolerance** standard for the incidence of prison rape in prisons in the United States;
- **Prevention** - make the prevention of prison rape a top priority in each prison system;
- **Developed National Standard** – develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;
- **Track Incidents to Improve Practice** - increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
- **Standardize Definitions** – Standardize the definitions used for collecting data on the incidence of prison rape;
- **Increase Accountability** – increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
- **Impact Outside the Institutions** – increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation, race relations; poverty; unemployment; and homelessness and;
- **8th Amendment Rights** – protect the Eight Amendment rights of Federal, State, and local prisoners;
- **Funding** – reduce the costs that prison rape imposes on interstate commerce.

Dallas County complies with PREA via

- Education / training
- Security cameras
- Supervision/Accountability
- Hotlines
- PREA Coordinator



Some Common Characteristics of a Perpetrator

1. Violent crime convictions
2. Long sentences
3. Familiar with prison culture
4. Large stature
5. Confidence
6. Gang affiliations
7. Significant social status within the jail

Reasons prisoners engage in sexual activity

1. For pleasure
2. For love
3. To trade or barter
4. As an expression of self
5. For the thrill of breaking the rules
6. Social dominance and control
7. For procreation
8. For the promise of protection
9. Because they are forced

Conclusion

- Law enforcement organizations take extraordinary measures each day to protect the public, arrestees and their own employees from harm. These actions help maintain the public's trust in policing. Reviewing the mandates of PREA and looking objectively at the agency operations is another way to protect and serve.
- Clarifying the responsibility to protect arrestees held in custody from being harmed by other arrestees, particularly from sexual assault or misconduct.

Any Questions ?



Break the Chains of Silence



- For assistance or additional information, contact your PREA Team:
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