



# Unit 16.1 Sexual Assault & Abuse

Deputy Probation Officer Core

San Diego County Probation

# Learning Objectives:

Define

16.1.1: Define zero tolerance as it applies to sexual assault, abuse and harassment.

Identify

16.1.2: Identify potential officer liability issues related to sexual assault/abuse.

Identify

16.1.3: Identify the signs that a juvenile may have been sexually assaulted/abused.

Identify

16.1.4: Identify how to communicate effectively and professionally with juveniles, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming juveniles.

Define

16.1.5: Define human trafficking and prostitution.

Identify

16.1.6: Identify officer responsibilities for sexual assault/abuse and harassment prevention, detection, reporting, and response.

## 16.1.1 San Diego County Probation Department has a Zero Tolerance policy toward all forms of Sexual Abuse and Sexual Harassment

Zero Tolerance is defined as:

- ▶ Sexual contact between a youth and staff is **never** consensual *even if the youth initiates or pursues the contact.*
- ▶ Inherent differences in power between staff and youth makes any sexual relationship inappropriate.

The logo features the word "ZERO" in large, bold, red capital letters. Below it, the word "TOLERANCE" is written in bold, dark grey capital letters. Underneath "TOLERANCE", the phrase "FOR SEXUAL ABUSE AND SEXUAL HARASSMENT" is written in a smaller, blue, sans-serif font. The entire logo is set against a white circular background that is partially overlaid by a dark grey shape on the left side of the slide.

**ZERO**  
**TOLERANCE**  
FOR SEXUAL ABUSE AND SEXUAL HARASSMENT

## Prison Rape Elimination Act 2003

A Federal standard designed to **raise awareness of** and **prevent** sexual abuse and sexual harassment

The goal of the standard is to implement a **zero-tolerance policy toward all forms of sexual abuse and sexual harassment** within correctional facilities



**PREA**

**Zero Tolerance**

PREA:  
Keeping Kids  
Safe



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## 16.1.1

### Sexual Harassment includes:



(1) **REPEATED** and **unwelcome** sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by **one inmate, detainee, or resident (IDR) directed toward another**; and

(2) **REPEATED** verbal comments or gestures of a sexual nature to **an inmate, detainee, or resident (IDR) by a staff member, contractor, or volunteer (SCV), including:**

- demeaning references to gender
  - sexually suggestive or derogatory comments about body or clothing
- OR
- obscene language or gestures.

16.1.1  
Sexual Abuse  
can be  
perpetrated by:

(1) Sexual abuse of an inmate, detainee, or resident (**IDR**) by another inmate, detainee, or resident; and

(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer (**SCV**).

## 16.1.1

Sexual abuse of **IDR** by **IDR** includes any of the following acts if victim:

- **Does not consent;**
- **Is coerced into such act by overt or implied threats of violence; OR**
- **Is unable to consent or refuse**

(1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;

(2) Contact between the mouth and the penis, vulva, or anus;

(3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and

(4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, *excluding contact incidental to a physical altercation.*



### 16.1.1

Sexual abuse of **IDR** by **SCV** includes any of the following acts

**WITH or WITHOUT the CONSENT of IDR:**

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part *where the SCV has the intent to abuse, arouse, or gratify sexual desire*;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or *where the SCV has the intent to abuse, arouse, or gratify sexual desire*;
- (5) *Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the SCV has the intent to abuse, arouse, or gratify sexual desire*;
- (6) *Any attempt, threat, or request by a SCV to engage in the activities described in paragraphs (1)-(5) of this section*;
- (7) Any display by a **SCV** of his or her uncovered genitalia, buttocks, or breast in the presence of an IDR, and
- (8) Voyeurism by a **SCV**. *Voyeurism defined in notes*

## Objective 16.1.6

Identify officer responsibilities for sexual assault/abuse and harassment prevention, detection, reporting, and response



**Prevention**



**Detection**



**Reporting**



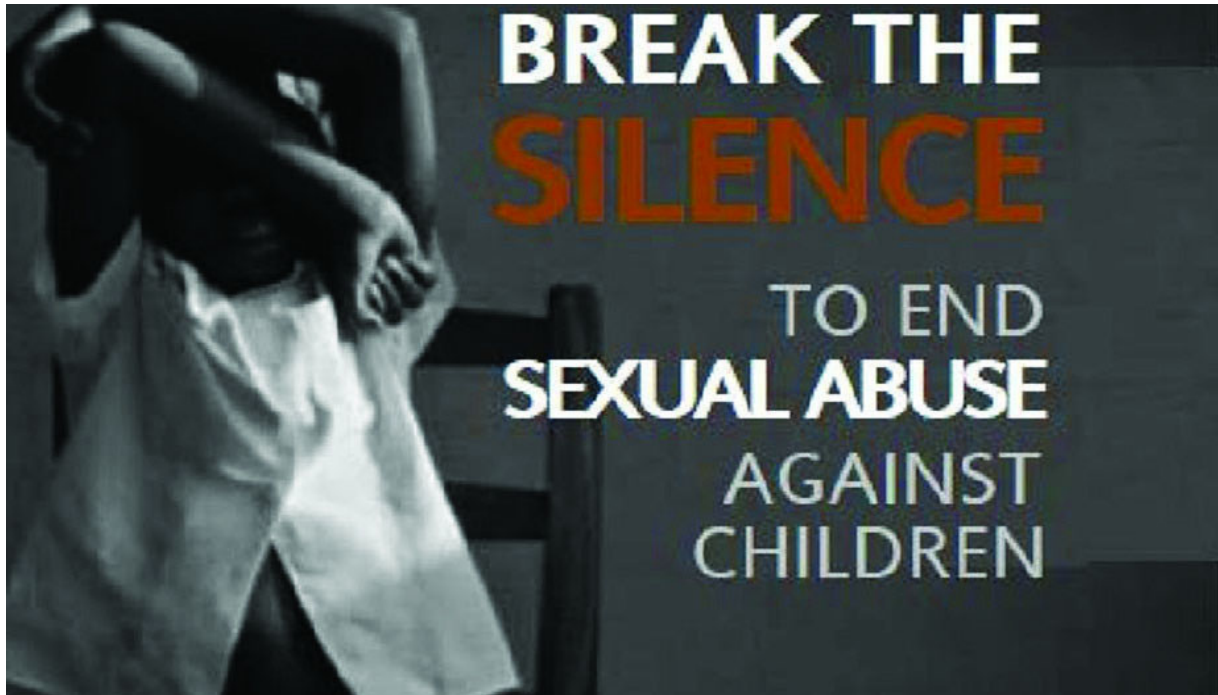
**Response**

What can we  
do to prevent  
sexual assault  
and abuse  
inside the  
institution?

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16.1.C Identify an offender's/ juvenile's right to be free from sexual assault/abuse and harassment

16.1.D Identify the right of offender's/ juveniles and employees to be free from retaliation for reporting sexual assault/ abuse and harassment

During the [intake process](#), offenders receive a brochure explaining the Probation Department's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

Thereafter through weekly programs offenders receive a comprehensive age-appropriate education that includes areas such as:

[-their rights to be free from sexual abuse and sexual harassment](#)

[-to be free from retaliation for reporting such incidents](#)

-policies and procedures for responding to such incidents, as well as

-reading the sexual harassment/sexual misconduct statement.

## How Can You Support Prevention Efforts?

- Enforcing the agency or facility policy on zero tolerance
- If you see something suspicious, report it!
- Take all reports of sexual abuse or sexual harassment seriously
- Pay attention to your surroundings (blind spots, unlocked closets, staffing shortages)
- Treat everyone with courtesy, professionalism and respect
- Other strategies?

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## 16.1.6 Officer's Responsibilities for Sexual Assault/Abuse **PREVENTION**



## 16.1.6 Prevention Planning

- Provisions have been made for youth to avoid being viewed by staff of the opposite gender when unclothed.
- AM/PM/LN announcement of, “Male and female staff will be working with you today.”
- Supervisors conduct and document unannounced rounds on all shifts.
- Ensure sufficient level of direct supervision by establishing a minimum staffing ratio of 1:8/day and 1:16/sleeping hours
- Provisions for youth with disabilities and language barriers



- All facility staff will receive PREA Training:
  - Probation staff, Volunteers & contractors, Visitors (sign-in sheets)
- Will **not** HIRE or PROMOTE those who have:
  - Engaged in sexual abuse
  - Convicted of sexual abuse (civilly or administratively adjudicated)
- All private agencies or entities that operate in our facilities must comply with the PREA standards.
- Youth education:
  - Brochure, weekly education, posters
  - Informed of their rights, zero tolerance, how to report



16.1.6

Officer's responsibilities for sexual assault/abuse

PREVENTION

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16.1.6  
Officer's  
responsibilities  
for sexual  
assault/abuse  
**PREVENTION**

Goal is NOT to isolate  
youth unless  
absolutely necessary  
for their safety

## Youth Assessment and Placement

- ▶ Lesbian, gay, bisexual, transgender, or intersex (LGBTI) offender **shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status.**
- ▶ The department shall make a determination about whether a transgender resident should be housed with males or with females.
- ▶ Any youth in custody that is deemed an abuse behavior risk is placed on single room status and that status is documented.
- ▶ In making housing assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems



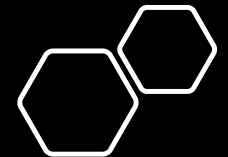


**education  
IS prevention**

**16.1.6**

**Officer's Responsibilities for Sexual Assault/Abuse**

**PREVENTION & DETECTION THROUGH  
EDUCATION**



# 16.1.E GROUP DISCUSSION



What are the unique attributes of youth in custody?



How might this affect a youth's susceptibility to victimization & willingness to report or overall behavior?

## 16.1.E

Educating ourselves about the dynamics of inmates with increased susceptibility to sexual abuse will greatly assist in preventing and detecting it



**Inmates with mental illness**



**Size of inmate victim and correlation to victimization**



**Incarcerated for sexual violence**



**First time inmates/younger inmates**



**Inmates perceived as LGBTI**



**Prior sexual victimization**



## 16.1.E Dynamics of sexual abuse in confinement settings

**In your group, discuss how sexual abuse dynamics in confinement settings might differ compared to the community:**

1. Environmental differences
2. Reporting challenges
3. Vulnerable Populations
4. Gender differences
5. Imbalance of power (staff/inmate)
6. Investigative process

## 16.1.E. Environmental dynamics of sexual assault/ abuse and harassment in confinement

- Inmate victims of sexual abuse can be subjected to **seeing the perpetrator every day**, this could be another inmate or a staff person
- Due to the routine nature of daily life in facilities, the inmate may **revisit the location of the abuse** nearly everyday (cell, office, classroom, chapel)
- **Constant reminders of a traumatic event** can greatly impact how inmates react to the abuse, can worsen the trauma already experienced, and can “trigger” the inmate to behave in unpredictable ways if they relive the incident
- This can **create safety concerns for staff and other inmates** if not appropriately addressed

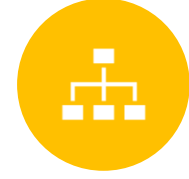
# 16.1.E. Reporting Considerations of sexual assault/abuse and harassment in confinement



**INMATES MAY FEAR  
RETALIATION BY  
STAFF OR OTHER  
INMATES FOR  
REPORTING**



**INMATES MAY RISK  
LOSING PRIVILEGES  
THAT ARE VERY  
IMPORTANT TO THEM  
OR RISK THEIR  
SAFETY**



**REPORTING IS  
DETERRED IN  
FACILITIES THAT  
DON'T HAVE STRONG  
REPORTING  
MECHANISMS &  
CREATE A FEAR-BASED  
ENVIRONMENT**



**ACCORDING TO BJS  
DATA, ONLY 37%  
PERCENT OF VICTIMS  
OF INMATE-ON-  
INMATE SEXUAL  
ABUSE REPORTED  
THE ABUSE TO STAFF**



**NEARLY 2/3 OF THE  
INMATES WHO WERE  
VICTIMIZED BY  
ANOTHER INMATE  
NEVER MADE A  
REPORT**

**16.1.E  
Youth in a  
confinement  
setting are more  
vulnerable to  
sexual abuse  
than adults.  
However, some  
youth are more  
vulnerable than  
others.**

These vulnerable populations are:

- Previously victimized
- Developmentally disabled or delayed
- Mentally ill
- Hearing impaired
- Limited language ability
- Sexual minorities
- Substance dependent

# 16.1.E Gender Differences in Victimization Patterns

Source: Beck, Allen Ph.D. et al. (2009). Sexual Victimization in Prisons and Jails, 2007-2008. Washington, D.C. U.S. Department of Justice, Bureau of Justice Statistics

- Overall, 31% of inmates reporting abuse were victimized **3 or more times**
- 13% of male prison inmates and 19% of male jail inmates said they were **victimized by other inmates within 24 hours after admission** (vs. 4% of female inmates in prison and jail)
- Inmate-on-inmate victimization was most commonly reported to have **occurred between 6 pm-midnight** (more than 40% reported in this time frame)
- Nearly 16% of male victims of **staff** sexual misconduct in prison and 30% of male victims in jail said they were **victimized within the first 24 hours** (vs. 5% of female victims in prison and 4% in jail)

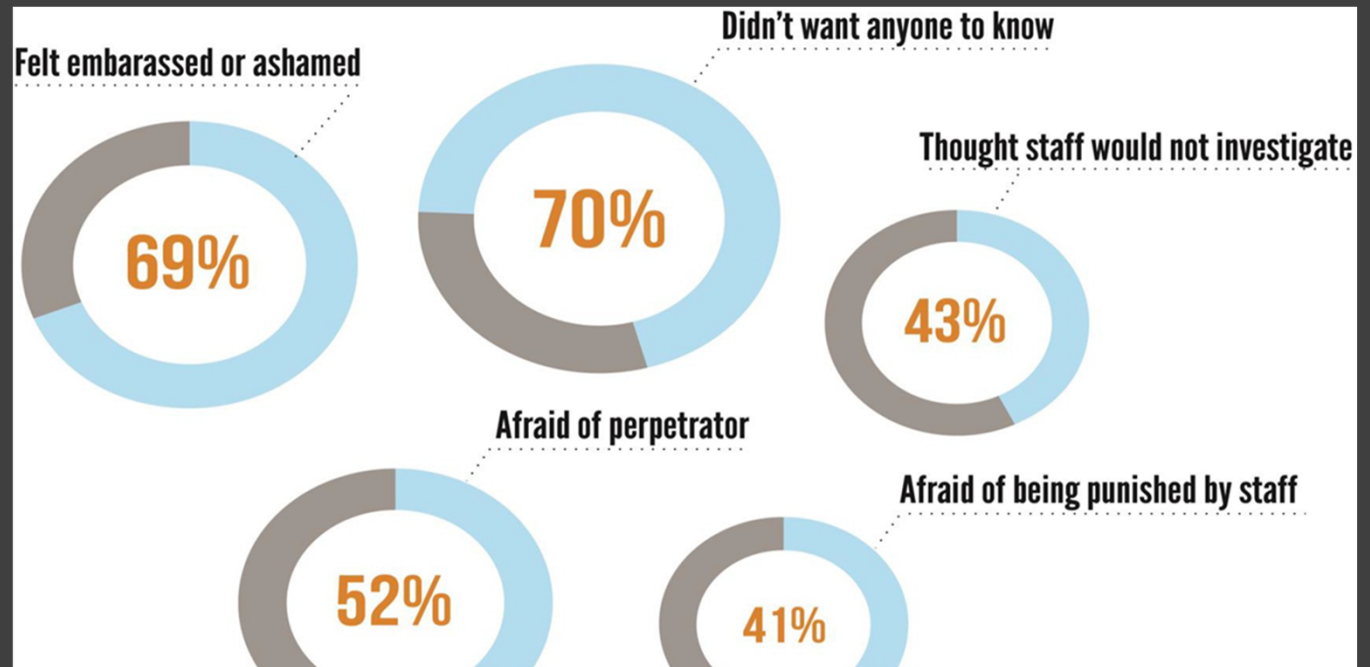




## 16.1.E Imbalance of Power - Inmate Code of Silence

- The code of silence applies to youth as well
- Are youth at your facility concerned with being labeled a “snitch”?
- How many youth might not have confidence in staff’s ability to protect them from other inmates?
- Fear of retaliation from staff or other youth

# Investigative Process - Reasons victims did not report



## 16.1.E Dynamics of sexual Assault/abuse and harassment in confinement

Graphic by Just Detention International. Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.

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## 16.1.G Detection

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- Take note of inmate behaviors and patterns
- Address the inmate should their behavior become uncharacteristic or demonstrate signs discussed previously in this training
- Take note of staff behaviors should they become uncharacteristic of the staff person
- Develop a strategy with how you will address the staff person should their behavior become out of the ordinary
- While we can refer to red flags to help guide prevention and detection these are not absolutes, but may indicate need for further response

## OBJECTIVE

16.1.3

Identify the signs that a juvenile may have been sexually assaulted/abused

**DON'T BE  
CLUELESS.**

**POSSIBLE  
SIGNS OF  
SEXUAL  
ABUSE**

**AnxiousToddlers.com**

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## 16.1.3 GROUP DISCUSSION

What **red flags or warning signs** would make you suspicious that a youth might be victim of sexual misconduct?

What are some signs of abusive behavior?



## RED FLAGS – YOUTH BEHAVIOR

### 16.1.3 Identify signs that a juvenile may have been sexually assaulted/abused

Source: The Moss Group (TMG)

- Isolation, Depression, bedwetting
- Lashing out at others, increased misconduct
- Will not shower with others, afraid to shower
- Suicidal/homicidal thoughts or actions
- Seeking protective custody
- Refusing to leave an empty cell
- Refusing to enter an occupied cell or transport vehicle
- Letters between residents
- Resident exchanging food, sharing food, using food for favors; giving away commissary items
- Increase in sexualized language and conversations
- Change in relationships with other inmates
- Unusual aggressiveness, may attempt to fight
- Linger near staff
- Requesting administrative segregation

## 16.1.3 Youth-on-youth sexual abuse behaviors

### **Changes in youth Behavior**

- Stalking or grooming another inmate
- Significant trading in of favors in the recent past
- Significant increase in money transfers
- Heard bragging about "getting" someone
- Access to extra canteen without money
- Suddenly seems to have money without having a job
- Referred to in another youth's mail

### **History and Signs of Abusive Behavior**

- Always wants a two-person cell
- History of frequent cell changes by cellmates
- Sudden changes in behavior among younger or more vulnerable youth when youth leaves the area
- Frequently tests boundaries
- History of switching jobs
- History of refusing searches
- Someone who has look-outs
- Others?

# 16.1.3 Additional Warning Signs

*Physical Health Indicators*



Bruising



Unexplained scars



Dental problems



Cigarette burns



Malnutrition, poor diet, and dehydration



Bald patches



Headaches, back pain, stomach pains



# 16.1.F Common reactions of sexual assault/abuse and harassment victims

- **Physical Health**

health, body issues, sexual challenges

- **Emotional Responses**

difficulty managing feelings, coping, stress management, repeating dangerous patterns, fear, anger, hypervigilance

- **Cognition**

disturbance in thinking, learning, communication, concentration, judgment

- **Self-Concept**

low self esteem, shame, guilt, poor self-image, powerless

- **Forming Relationships**

mistrust, vulnerable to unsafe relationships, perceive blame or attack, isolation



STOP  
HUMAN  
TRAFFICKING

OBJECTIVE  
16.1.5  
Define  
human  
trafficking  
and  
prostitution

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# Prostitution vs. Human Trafficking

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# 16.1.5 Definitions of...

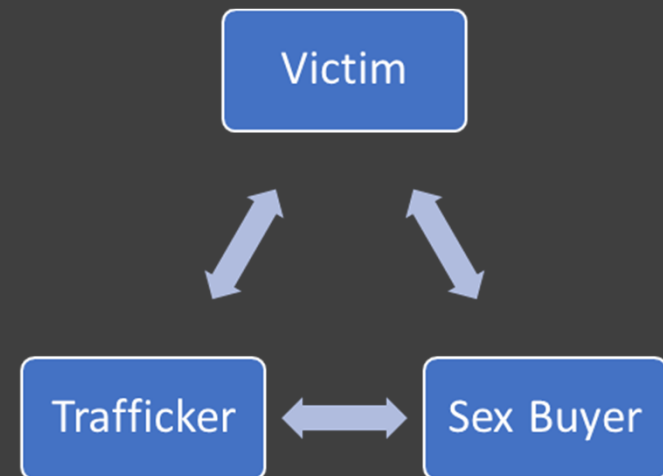
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- **Prostitution** is the process of performing sexual acts in exchange for money without the use of force, fraud, or coercion.
- Prostitution is primarily the result of a lack of choice among the most marginalized, vulnerable, and defenseless people in the world.
- **Human Trafficking** is a crime involving the exploitation of someone for the purposes of **compelled labor** or a **commercial sex act** through the use of force, fraud, or coercion.

## TRAFFICKING VICTIMS PROTECTION ACT OF 2000

### 16.1.5 HUMAN TRAFFICKING (HT)

Any labor or commercial sex act induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age, for the profit of a third party.



# The Problem

- Human trafficking for sexual exploitation is one of the fastest growing areas for criminal activity.
- Sexual exploitation is more prevalent than other forms of forced human labor.
- Estimated that 100,000 – 300,000 children in the US are commercially sexually exploited each year -- but it is difficult to identify.

## Human Trafficking Cases

Sexual exploitation and forced labor are the most common forms of human trafficking in the world.



20%

human trafficking cases involve the labour industry.



80%

human trafficking cases involve the sex industry.

Resources : [http://articles.cnn.com/2009-02-16/world/un.trafficking\\_1\\_human-trafficking-women-and-girls-camel-jockeys?s=PM:WORLD](http://articles.cnn.com/2009-02-16/world/un.trafficking_1_human-trafficking-women-and-girls-camel-jockeys?s=PM:WORLD)

## Victims of trafficking

- 80% female
- 50% under 18
- Average age first exploited: 12-14 (DOJ)
- No accurate prevalence estimates exist

Human trafficking is a \$32 billion per year industry

1 in 3 teens will be exploited within 48 hours of leaving home (NCMEC)

41% of cases reported to the National Human Trafficking Hotline concerned US Citizens

## Exploiters

70% male

Exploit 4-6 youth per year (NCMEC)

Makes \$200k per exploited child each year (US DOJ)

## FBI Child Trafficking Hotspots:

- San Francisco Bay Area
- San Diego, CA
- Los Angeles, CA



## 16.1.5 Human Trafficking in San Diego

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- Largest, most comprehensive human trafficking research study to date
- \$810 million Underground Commercial Sex Economy
  - \$536,000 estimated earnings annually per trafficker
- 110 gangs are involved in commercial exploitation of people
  - 85% of pimps/sex trafficking facilitators interviewed were gang involved





Prostitute

## 16.1.5 The importance of Language

What's the difference?

Commercially Sexually Exploited Child/Youth (CSEC)

## 16.1.5 Commercial Sexual Exploitation of Children (CSEC)

Range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person

Includes sex trafficking, prostitution, sex tourism, pornography, early marriage, performance in sexual venues, and online or electronic transmission of children engaged in sexual activities

Child is treated as a commercial and sexual object

## 16.1.5 CSEC Includes:

- Street Walking
  - Pornography
  - Survival Sex
  - Stripping
  - Escort Agencies
  - Phone sex lines
  - Video Chats
- 
- Private Parties
  - Internet based exploitation
  - Erotic/nude
  - massage
  - Gang-based prostitution
  - Interfamilial pimping



## 16.1.5 Human Trafficking Warning Signs

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- Change in dress
- New tattoos/branding
- Talk (money, defending their man, secretive/lying)
- Drug use increases
- New items (cell phone, clothes)
- Bruises
- Friends change
- Not going to school

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## PARENTS SHOULD KNOW ABOUT

<p><b>MEETME</b></p>  <p>MEETME IS A DATING SOCIAL MEDIA APP THAT ALLOWS USERS TO CONNECT WITH PEOPLE BASED ON GEOGRAPHIC PROXIMITY. AS THE APP'S NAME SUGGESTS, USERS ARE ENCOURAGED TO MEET EACH OTHER IN PERSON.</p>	<p><b>GRINDR</b></p>  <p>GRINDR IS A DATING APP CEARED TOWARDS GAY, BI AND TRANSCENDER PEOPLE. THE APP GIVES USERS OPTIONS TO CHAT, SHARE PHOTOS AND MEET UP BASED ON A SMART PHONE'S GPS LOCATION.</p>	<p><b>SKOUT</b></p>  <p>SKOUT IS A LOCATION-BASED DATING APP AND WEBSITE. WHILE USERS UNDER 17-YEARS-OLD ARE UNABLE TO SHARE PRIVATE PHOTOS, KIDS CAN EASILY CREATE AN ACCOUNT USING A DIFFERENT AGE.</p>
<p><b>WHATSAPP</b></p>  <p>WHATSAPP IS A POPULAR MESSAGING APP THAT ALLOWS USERS TO SEND TEXTS, PHOTOS, MAKE CALLS AND VIDEO CHATS WORLDWIDE. WHATSAPP USES AN INTERNET CONNECTION ON SMART PHONES AND COMPUTERS.</p>	<p><b>TIKTOK</b></p>  <p>TIKTOK IS A NEW MOBILE DEVICE APP POPULAR WITH KIDS USED FOR CREATING AND SHARING SHORT VIDEOS. WITH VERY LIMITED PRIVACY CONTROLS, USERS ARE VULNERABLE TO BULLYING AND EXPLICIT CONTENT.</p>	<p><b>BADOO</b></p>  <p>BADOO IS A DATING AND SOCIAL NETWORKING APP WHERE USERS CAN CHAT, SHARE PHOTOS AND VIDEOS AND CONNECT BASED ON LOCATION. WHILE THE APP IS INTENDED FOR ADULTS ONLY, TEENS ARE KNOWN TO CREATE PROFILES.</p>
<p><b>BUMBLE</b></p>  <p>BUMBLE IS SIMILAR TO THE POPULAR DATING APP 'TINDER' HOWEVER, IT REQUIRES WOMEN TO MAKE THE FIRST CONTACT. KIDS HAVE BEEN KNOWN TO USE BUMBLE TO CREATE FAKE ACCOUNTS AND FALSIFY THEIR AGE.</p>	<p><b>SNAPCHAT</b></p>  <p>SNAPCHAT IS ONE OF THE MOST POPULAR APPS IN RECENT YEARS. WHILE THE APP PROMISES USERS CAN TAKE A PHOTO/VIDEO AND IT WILL DISAPPEAR, NEW FEATURES INCLUDING 'STORIES' ALLOW USERS TO VIEW CONTENT FOR UP TO 24</p>	<p><b>KIK</b></p>  <p>KIK ALLOWS ANYONE TO CONTACT AND DIRECT MESSAGE YOUR CHILD. KIDS CAN BYPASS TRADITIONAL TEXT MESSAGING FEATURES. KIK GIVES USERS UNLIMITED ACCESS TO ANYONE, ANYWHERE, ANYTIME.</p>

# 16.1.5 Human Trafficking Warning Signs

- Coming home late or not at all
- Has explicitly sexual online profile via internet community sites such as Facebook/Instagram, Snapchat
- Dating Apps on their phone
- Excessive use of internet chat rooms or classifieds sites such as "Backpage"
- Doctors or nurses consider frequent or multiple sexually transmitted diseases (STDs)/pregnancies a warning signs.
- Prepaid credit cards
- Separating from family
- Calls at all hours

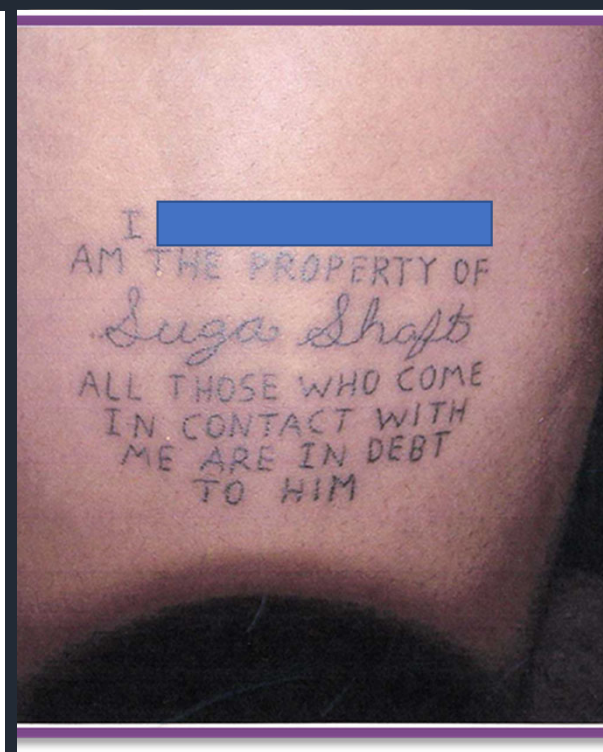


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16.1.5 Non-verbal signs include:



- Bruising/ scars (cutting), Cigarette burns,
- Tattoos (branding)

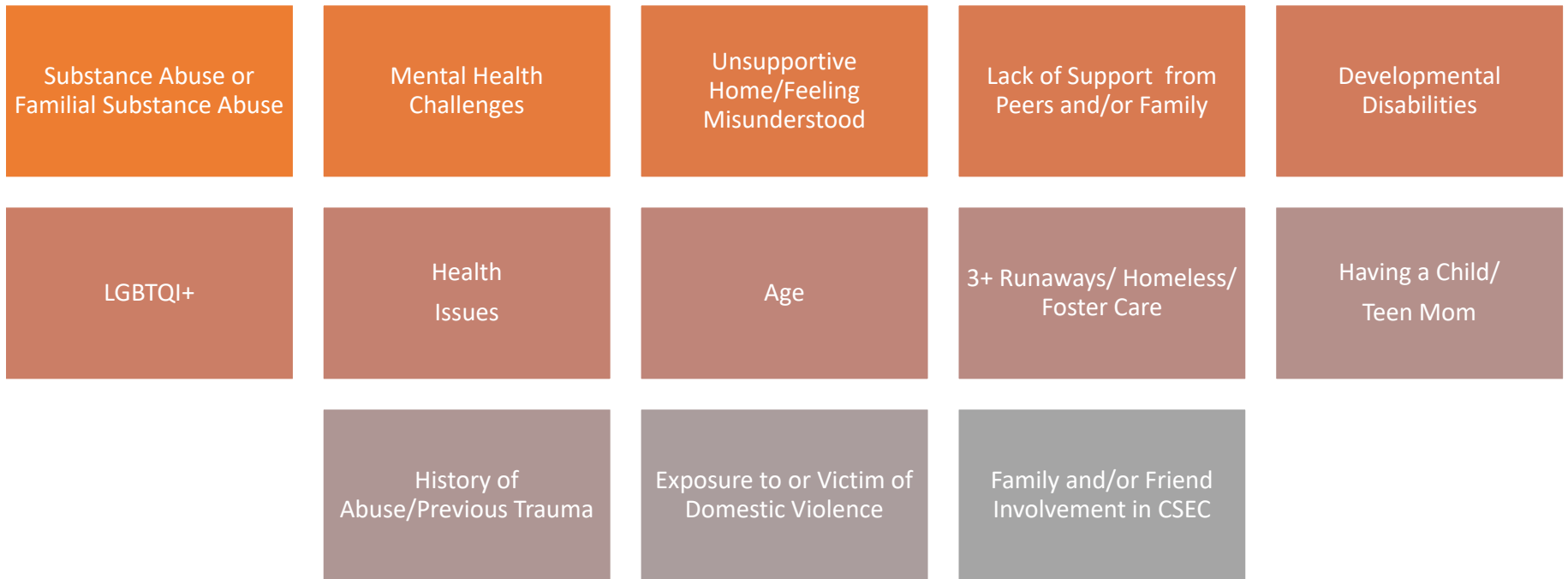


# Discussion



Discuss what ***individual risk factors, environmental risk factors, Behavioral Indicators, & Physical Indicators*** contribute to youth being vulnerable to CSEC/Sex Trafficking.

# 16.1.5 Risk Factors: INDIVIDUAL





# 16.1.5 Risk Factors: ENVIRONMENTAL



Poverty



Violence/Gangs in  
Neighborhood



Existing Adult Sex Industry



Transient Male Population



Lack of Community  
Resources/Opportunities

## 16.1.5 Behavioral Indicators of Child Sex Trafficking

Avoids answering questions or lets other speak for him/her

Appears frightened, resistant, or belligerent to law enforcement or coached when talking to law enforcement

Lies about age or identity

Looks to other before answering questions

Uses prostitution-related terms such as “daddy” or “the life”

Does not ask for help or resists offers to get out of the situation (does not identify as victim)

Preoccupied with getting money

## 16.1.5 Physical Indicators of Child Sex Trafficking

No identification

Presence of overcontrolling "boyfriend" or older female

Recovered at hotels, street tracks, truck stops, or strip clubs

Multiple cell phones or electronic devices

Items or appearance that does not fit current situation (i.e. homeless with nice things)

Unaddressed medical issues or goes to ER or Clinic alone

Has sexual paraphernalia (bulk condoms or lube)

Evidence of travel



# 16.1.5 ACTIVITY

**Take 5 minutes to review the article assigned to your group:**

1. The Victim
2. Case Assignment
3. Case Study
4. Mindset of a Victim
5. Trafficker or the Pimp
6. Gangs in Sex Trafficking

**Present your topic to the class when called upon:**

1. Summary of the Topic
2. Important Key Points
3. How does this apply to your role as a CDPO in Juvenile Hall?

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## OBJECTIVE

16.1.4

Identify how to communicate effectively and professionally with juveniles and offender's, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming

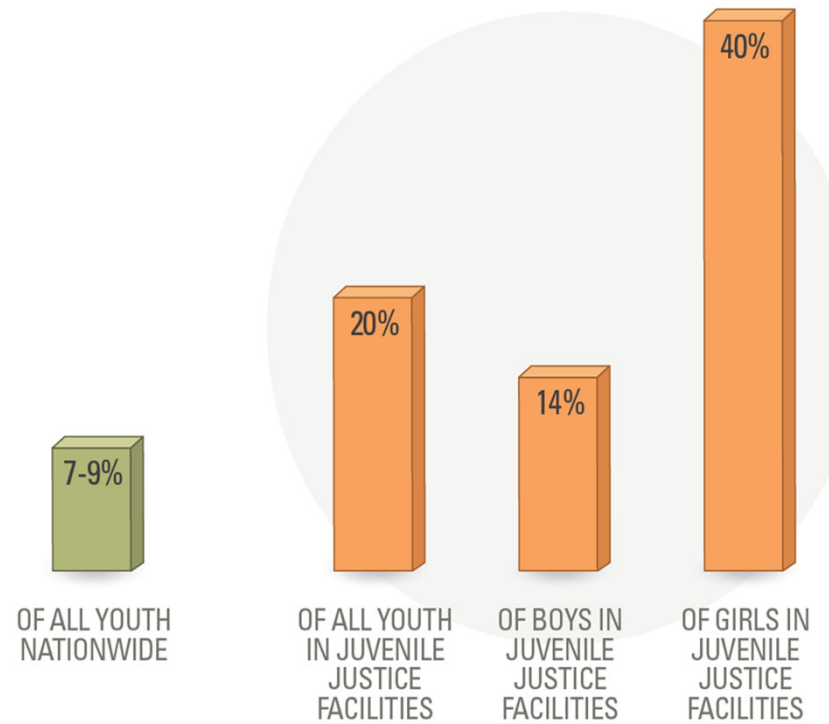


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# LGBTQ Youth

lesbian gay transgender bisexual or questioning

## LGBTQ YOUTH OVERREPRESENTED IN THE CRIMINAL JUSTICE SYSTEM



## 16.1.4 Communicating effectively and professionally with juveniles and offender's, including LGBTQI & gender non-conforming (GNC)



Improve safety of & resources available to LGBTQ youth in juvenile facilities.



PREA-compliant individual-centered intake procedures



Implement PREA placement requirements



Reduce sexual assault and improve systems for addressing assault



Improve staff training



Implement non-discrimination policies



Improve in-custody health care



Provide access to appropriate clothing and grooming options

## 16.1.4 Communicating effectively and professionally with juveniles and offender's, including LGBTQI & gender non-conforming (GNC)



- Use gender neutral language
- Be comfortable when using LGBT terms
- Acknowledge and be prepared to address “coming out” issues with probationers
- Listen and ask appropriate and relevant questions
- Use correct name, form of address and gender pronouns. Ask about name and gender pronouns if uncertain
- Whether or not you agree with their lifestyle, treat each person with the same dignity and respect as you treat your family members. Life in juvenile hall is rough enough...don't contribute to making it harder for someone.





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How are we showing respect to our coworkers as well as the youth in our facilities?

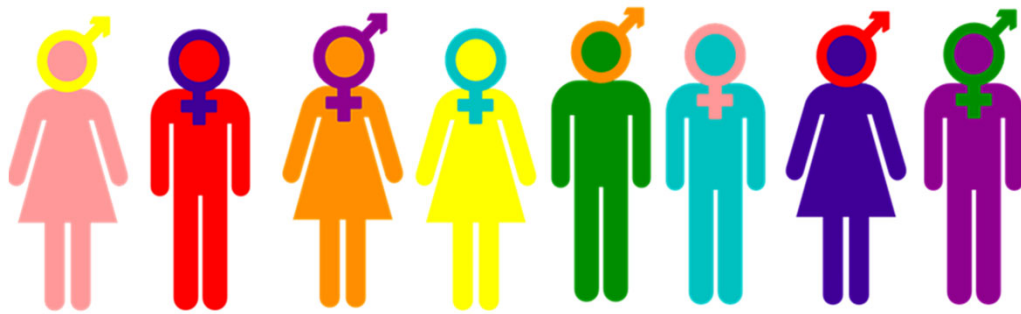


- **DEPARTMENTS/AGENCIES**
- Provide comprehensive ongoing training
- Enact non-discrimination policies
- Prohibit slurs and jokes
- Display inclusive Symbols
- Encourage dialogue
- Make LGBT resources available

16.1.1

Creating an inclusive workplace for sexual orientation and gender identity minorities

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## INDIVIDUALS

1. Be mindful that we have LGBT probationers and coworkers
2. Educate yourself and others about diversity & treat everyone with respect.
3. Intervene when you witness LGBT peer harassment and violence & address inappropriate behavior IMMEDIATELY
4. Be non-judgmental & Don't make assumptions. Avoid double standards.
5. Create an LGBT affirming environment by using inclusive terminology and symbols & have LGBT resources in your agency
6. Allow individuals to dress, style their hair, and groom in accordance with identified gender

16.1.I Creating a supportive workspace

16.1.1  
How do I  
intervene  
when  
disrespect is  
being shown?



Address it immediately &  
privately...do not wait until later



Describe why it is offensive



Remind them to be professional



If actions are repeated, speak to  
a supervisor

# 16.1.6 REPORTING & RESPONSE

METHODS

ROLES AND RESPONSIBILITIES

INVESTIGATIONS

RIGHTS AND PROTECTIONS



**REPORT  
ABUSE!**

16.1.A

SD County Policy 800.15.4 STAFF FIRST RESPONDER DUTIES  
(§ 115.364)

Upon learning of an allegation that a youth was sexually abused,  
the first staff member to respond to the report shall be required  
to:

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- (a) Separate the alleged victim and abuser;
- (b) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; and
- (e) If the first staff 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 Sworn Probation staff.

## 16.1.6 Youth/Staff Duty to Report



Provisions have been made for youth to privately report sexual abuse/harassment and retaliation by other youth or staff.



Youth who have been the victim of sexual conduct or the threat of sexual conduct are encouraged to report these situations.



Staff shall educate youth on how to report any actual or threatened inappropriate sexual conduct (Sick Call Slips, Grievances, STAT team).



All staff, volunteers and contractors that have reason to believe that actual or threatened sexual conduct has occurred must report this information immediately to the Duty Supervisor, Watch Commander, and through their chain of command. Staff may request to speak with any of the above privately to report.



Any Probation Department employee who knowingly fails to report sexual activity, assault and/or rape of an offender shall be subject to disciplinary action up to and including dismissal.

# 16.1.6 Youth Reporting



Access to written or verbal communication within the community and facilities in order to easily, privately, and securely report any sexual abuse, retaliation or staff neglect that may have contributed to an incident of sexual abuse



Anyone can report sexual abuse to any entity within the Probation Department or outside public entity.



Staff accepts reports made verbally, in writing, anonymously and from third parties.



Staff will document any report of sexual abuse/harassment and cooperate fully with any investigation



# 16.1.A Identify the first steps in response to an in-custody suspected or reported sexual assault/abuse –

## Responding to Misconduct

Immediately report knowledge, suspicion, or information regarding sexual misconduct that occurs in a facility.

Immediately separate victim from the accused

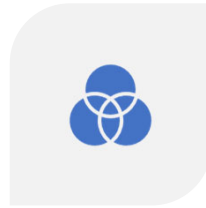
Report staff neglect or violation of responsibilities that may have contributed to sexual misconduct.

Staff must also comply with mandatory reporting laws.

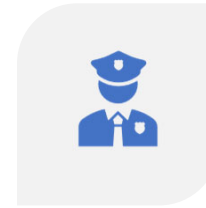
Allegation of sexual abuse will be referred to the appropriate agency

The DC or his/her designee will make required notifications to parents or legal guardians & attorney and court, if required

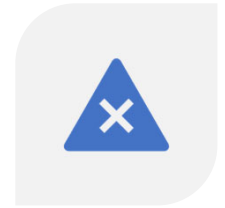
# 16.1.6 & 16.1D Responding to Misconduct



SEPARATE VICTIMS  
AND ABUSERS AND  
PRESERVE EVIDENCE  
AND TO ENSURE THE  
SAFETY OF INVOLVED  
PARTIES.



STAFF MUST NOT  
TOLERATE  
RETALIATION AGAINST  
YOUTH OR STAFF WHO  
REPORT MISCONDUCT  
OR COOPERATE WITH  
INVESTIGATIONS.



MONITOR THE  
CONDUCT AND  
TREATMENT OF  
YOUTH (FOR AT LEAST  
90 DAYS) WHO HAVE  
BEEN VICTIMIZED TO  
ENSURE NO  
RETALIATION TAKES  
PLACE.

## 16.1.6 Fact Finding/ Investigation



All allegations of sexual abuse/harassment are investigated.



If warranted, criminal and administrative investigations will be conducted. Staff shall cooperate with the investigation.



The investigation is completed in its entirety regardless of whether the victim(s) are in or out of custody.



Abuse allegations are reported to Child Welfare Services within 24 hours.



All sexual abuse allegations must be documented.



All alleged victims are notified of the outcome of the investigation.



Outcomes are not reported to any third party unless they have a right and a need to know and are decided by the Ombudsman.

## 16.1.G Response Planning – Crime Scene Preservation

- Policies and procedures are in place for preserving the crime scene on any alleged sexual abuse.
- In response to an incident of sexual abuse the supervisor shall:
- Coordinate actions among staff, first responders, medical/mental health practitioners, investigators, and the Ombudsman.
- Contact local law enforcement to begin an investigation.
- Make a referral to a victim advocate.





## 16.1.G Response Planning Disciplinary Sanctions for Youth

- Formal disciplinary process following an administrative finding that the youth engaged in youth-on youth sexual abuse or following a criminal finding of guilt.
- In a custodial setting, any youth-on-youth sexual activity **shall not** be considered consensual and will constitute sexual abuse.
- Sanctions shall be appropriate with the nature and circumstances of the abuse committed.
- Range of disciplinary action up to and include room confinement, rule violations (loss of custody days), administrative removal, and criminal prosecution.
- Alternate placement may be found for victims if needed to ensure safety

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## **16.1.H Mandated Reporting**

**Failure to report = Misdemeanor**

**Effective  
1/1/2016  
Mandated  
Reporting Law  
amended to  
include CSEC**

**Child Abuse  
Hotline:  
1-800-344-6000**

**Law Enforcement  
Hotline:  
1-888-242-5722**

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## 16.1.H MANDATED REPORTING

- California law states no one under age 18 can consent to sex, therefore all sex by a minor must be reported to CPS.
- Report abuse/HT to CPS within 24 hours, but by end of shift as best practices.
- Report HT disclosure to DPO Wiener FIRST for expedited investigation, then to CPS.
- Report branding/tattoos to DPO Wiener (HTTF) for photographing/evidence collection.
- **DOCUMENT** all reports in PCMS!!!!



16.1.2  
Identify potential  
officer liability  
issues related to  
sexual assault/  
abuse





# SAFEGUARDING YOURSELF AND YOUR COWORKERS

Staff are not to abuse  
their authority or  
establish any form of a  
personal relationship  
with a youth whether  
in or out of custody.

Probation Admin Policy  
Section 903.6.4(g)



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## 16.1.2 Discussion

What are some possible liability issues regarding abuse within an institution and failure to report abuse?

## 16.1.2 Officer liability issues related to sexual assault/abuse can include:



Law violation resulting in criminal charges



Traumatizes



Jeopardizes trust and safety



Liability exposure



Hostile work environment



Threatens federal funding

# 16.1.G Misconduct Involving Staff



All allegations involving staff will be investigated by the Ombudsman(s)



Investigations remain confidential



Staff have the right to union representation



Referrals will only be made to IA if serious disciplinary action is anticipated



Our goal is to provide staff with clear communication and a swift resolution



Staff also have the right to be free from harassment and retaliation

# 16.1.G Disciplinary Sanctions for Staff



All departmental staff who engage in or withholds knowledge of any incidents of sexual abuse or sexual harassment is subject to disciplinary sanctions up to and including termination.



Sanctions shall be commensurate with the nature and circumstances of the act committed, the staff members disciplinary history and the sanctions imposed for comparable offense by other staff with similar histories.



All termination or resignations due to violations of sexual abuse policies are reported by the department to the appropriate law enforcement agencies for possible criminal prosecution.

# RAISE THE RED FLAG

A hand in a dark suit sleeve holds a red flag on a wooden stick. The background is white with the words 'RAISE THE RED FLAG' in large, bold, red capital letters.

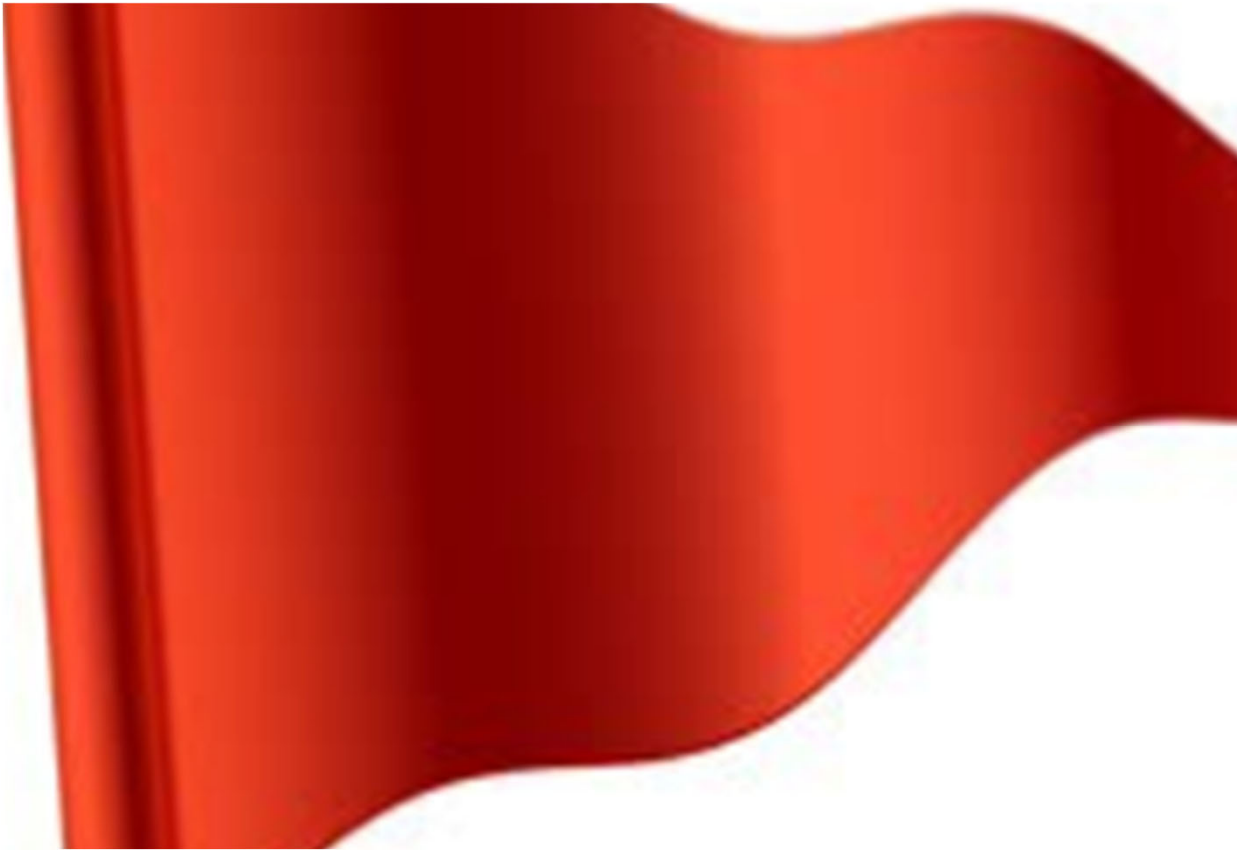
16.1.J DISCUSSION  
Avoiding inappropriate  
relationships with  
offenders

List behaviors that may signal you or someone  
you work with is in danger of engaging in  
sexual misconduct with an offender

- ▶ Spending a lot of time with one offender
- ▶ Change in appearance
- ▶ Deviating from policy for the benefit of a particular offender
- ▶ Sharing personal information with an offender
- ▶ Doing favors for an offender
- ▶ Consistently volunteering for a particular assignment
- ▶ Coming to work early/staying late
- ▶ Staff in the facility during "off hours"
- ▶ Staff overly concerned about an offender
- ▶ Overlooking violations



16.1.J Avoiding inappropriate relationships with offender's – Staff behaviors



- Changes in personal life & appearance
- Increased overtime hours
- Increased attention/privileges to one particular offender
- Appearing at work during off hours
- Close physical proximity to an offender
- Bringing inappropriate items to work
- Attempts to find out information (unrelated to work) about a particular offender
- Isolation from other staff
- Deviating from policy for the benefit of a particular offender

## 16.1.J Avoiding inappropriate relationships with offenders

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## Officer behaviors



- Telephone calls (staff/offender)
- Offender grape-vine, offender/staff rumors
- Drastic behavior change on the part of an offender or staff
- Flirting
- Increased familiarity of staff personal life

## 16.1.J Avoiding inappropriate relationships with offender's – offender behaviors

## 16.1.J Identify how to avoid inappropriate relationships with offender's

- Know and follow your search policy
- Address inappropriate comments/behavior immediately
- Youth should never touch staff, handshakes are okay
- Avoid leering at offenders
- Do not make decisions on the credibility/lack of credibility of the offender
- Document, Document, Document!

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16.1.J Identify how to avoid inappropriate relationships with offender's

- Maintain good personal, physical, & emotional boundaries
- Avoid conversations & jokes w/ sexual innuendos
- Do not touch, pat or hug
- Zero tolerance practice
- Attend annual training
- Report suspicion of sexual misconduct
- Do not cross the line
- Use ethical judgment at all times

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16.1.D Identify the right of offender's/ juveniles and employees to be free from retaliation for reporting sexual assault/abuse and harassment

“Whistle blower” will not be retaliated against.

**The Department will** monitor the conduct and/or treatment of victim, whistle blower, or staff that have reported the alleged abuse and/or cooperated with the investigation and will **protect all residents and staff who report sexual abuse.** This may include housing changes, transfers for victims and/or abusers, and the reporting party.

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16.1.B Given a scenario where a sexual assault/abuse possibly occurred, identify persons that must be notified

**In your groups, discuss the scenario given and answer the questions posed. Be prepared to report out.**



# Pop Quiz & PREA Sign Off |

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