

## **Prison Rape Elimination Act of 2003 (PREA)**

The Prison Rape Elimination Act of 2003 (PREA) is the first United States Federal law dealing with sexual assault in confinement facilities and was signed into law on September 4, 2003. The purpose of this law is to prevent, detect, and respond to sexual abuse and sexual harassment in confinement facilities.

PREA defines "prison" quite broadly. Within the context of PREA, prison is defined as "any federal, state, or local confinement facility, including local jails, police lockups, juvenile facilities, and state and federal prisons."

The Stanislaus County Probation Department is committed to maintaining an environment free from sexual abuse and sexual harassment of youth within their facilities. There is zero tolerance for anyone engaged in any form of sexual abuse or sexual harassment of youth. Sexual abuse and sexual harassment of youth is prohibited by U.S. Federal and California State laws.

The Stanislaus County Probation Department requires all probation staff, contract staff, volunteers, and visitors to document and report any suspected or observed sexual abuse or sexual harassment to the facility's duty officer, supervisor, or the department PREA Coordinator. The department will refer all allegations of sexual abuse to local law enforcement to investigate. Any allegation of sexual harassment involving youth-on-youth will be investigated by the facility in which the incident occurred. Allegations of sexual harassment involving staff will be referred to the department's Human Resources Division/Professional Standards Unit to conduct an administrative investigation.

### Frequently Asked Questions (FAQ's)

#### **1. What is PREA?**

The Prison Rape Elimination Act (PREA) is a federal law, Public Law 108-79, signed into law in September 2003. PREA establishes a zero-tolerance standard against sexual assaults and rapes of incarcerated persons of any age. This makes the prevention of sexual assault in Stanislaus County Probation Department's facilities a top priority.

PREA sets a standard that protects the Eighth Amendment right (constitutional right prohibiting cruel or unusual punishment) of federal, state, and local youth offenders.

It also increases collection of nationwide data on sexual misconduct and sexual assaults on confined persons. It increases accountability for administrators who fail to prevent, reduce, and punish sexual misconduct and sexual assaults.

## **2. How does PREA impact Stanislaus County Probation Department's Juvenile facilities?**

PREA requires all Probation employees who may have contact with youth detained in its facilities to be trained of their responsibilities under the department's PREA policy on how to prevent, detect, and respond to any knowledge, suspicion, or reported incidents of sexual abuse and/or sexual harassment. Youth are also advised of their right to be free from sexual abuse or sexual harassment, how to report any knowledge or suspicion of sexual abuse and/or sexual harassment in Probation's juvenile facilities.

## **3. To whom does PREA apply?**

PREA applies to all public and private facilities that house juvenile and/or adult offenders, male or female.

## **4. Who can I call if I have any questions relating to PREA?**

Most PREA related questions could be answered by calling (209) 525-4580 and requesting to speak to the Probation Department's PREA Coordinator.

## **5. What is a PREA incident?**

Sexual abuse is defined as:

Sexual abuse of a youth by another youth includes any of the following acts if the victim: 1) does not consent; 2) is coerced into such act by overt or implied threats of violence or; 3) is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 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.

Sexual abuse of a youth by a staff member, contractor, volunteer, or visitor includes any of the following acts:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;
- 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 with the intent to abuse, arouse, or gratify sexual desire;

- Any attempt, threat, or request to engage in the activities described above;
- Any display of genitalia, buttocks, or breast in the presence of a youth; and
- Voyeurism.

Sexual harassment:

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another;

Any repeated verbal comments or gestures of a sexual nature to a youth by a staff member, contractor, volunteer, or visitor, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

### **6. How can a youth detained in a Stanislaus County Probation Department Juvenile Facility report a PREA incident?**

Youth detained in a Stanislaus County Probation Department's Juvenile Facility can report PREA incidents by telling any staff member they trust, filing a grievance, filling out a mental health or medical referral, or contacting the department's ombudsman.

### **7. How can a parent or third party report a PREA incident?**

A parent or third party can call any of the department's juvenile facilities and report their concerns to the duty officer.

### **8. What happens when an allegation of sexual abuse is reported?**

The local law enforcement is contacted to complete a full investigation into the allegation of sexual abuse. The department will also conduct an administrative investigation into all PREA allegations made against any staff within the department's juvenile facilities.

### **9. Does the department offer victim support?**

Stanislaus County Probation offers victim support through the following rape crisis center:

Haven Women's Center of Stanislaus  
618 13<sup>th</sup> Street  
Modesto, Ca. 95354  
(209) 524-4331

**24 Hour Crisis Line**  
(888) 454-2836 or (HAVEN)

**Web address:** *havenwcs.org*

**10. How can I learn more regarding the National Standards to Prevent, Detect, and Respond to Prison Rape under the Prison Rape Elimination Act?**

A copy of the final rule can be obtained at:

[http://www.ojp.usdoj.gov/programs/pdfs/prea\\_final\\_rule.pdf](http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf)

Contact Stanislaus County Probation

**Mailing address:**

Institutional Director

Stanislaus County Probation Department

2215 Blue Gum Ave. Modesto, Ca. 95358

**Phone:**

(209) 525-4580