

Prison Rape Elimination Act Training

304.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

304.2 POLICY

The County of Santa Clara Probation Department endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers, and contractors are aware of their responsibilities and that staff, volunteers, contractors, and youth are aware of the policies and procedures of the facilities as they relate to PREA.

304.3 MEMBER TRAINING

All staff, volunteers, and contractors who may have contact with youth shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within the facilities. The Training Manager shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and youth may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Training Manager shall be responsible for developing and administering this training, covering at a minimum (28 CFR 115.331; 28 CFR 115.332):

- (a) The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.
- (b) The dynamics of sexual abuse and sexual harassment in confinement.
- (c) The common reactions of youth sexual abuse and sexual harassment victims.
- (d) Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the facilities.
- (e) Procedures for the investigation of a report of sexual abuse and/or sexual harassment.
- (f) Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
- (g) An individual's right to be free from sexual abuse and sexual harassment.
- (h) The right of members and youth to be free from retaliation for reporting sexual abuse and sexual harassment.
- (i) How to detect and respond to signs of threatened and actual sexual abuse, and how to distinguish between sexual abuse and consensual sexual contact between youth.
- (j) How to communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, and gender non-conforming youth (15 CCR 1352.5).

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- (k) How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.
- (l) How to avoid inappropriate relationships with youth.
- (m) Relevant laws regarding the applicable age of consent.

Training shall be tailored according to the gender of the youth at the facility and the unique needs and attributes of youth in the juvenile facilities. Youth supervision staff should receive additional training on security measures and the separation of male and female populations in the same facility if the staff has been reassigned from a facility that houses youth of only one gender.

Training should include written testing to validate knowledge and understanding of the material. The Training Manager shall document, through signature or electronic verification, that staff, volunteers, and contractors have received and understand the training. The Training Unit will maintain training records on all those receiving training in accordance with procedures developed by the Training Manager.

The Training Manager shall ensure that juvenile facility staff undergo refresher training every two years that covers the department's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.331).

304.4 SPECIALIZED MEDICAL TRAINING

All full- and part-time qualified health care and behavioral/mental health professionals who work regularly in the facilities shall receive all training listed above, as well as training that includes (28 CFR 115.335):

- (a) Detecting and assessing signs of sexual abuse and sexual harassment.
- (b) Preserving physical evidence of sexual abuse.
- (c) Responding effectively and professionally to youth victims of sexual abuse and sexual harassment.
- (d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and behavioral/mental health professionals employed by these facilities conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Training Manager shall maintain documentation that the facility's health care and mental health professionals have received the PREA training. Custody Health shall keep all additional training records.

304.5 SPECIALIZED INVESTIGATIVE TRAINING

*Specialized investigative training for members who conduct sexual abuse investigations shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interviewing youth sexual abuse victims; proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collection in confinement settings; and the criteria and

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evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.321; 28 CFR 115.334).

*Designated law enforcement agency (Probation Internal Affairs, Sheriff's Office, and/or the Morgan Hill Police Department).

304.6 REFERENCES

[County of Santa Clara Probation Department Forms Repository](#)