

Prison Rape Elimination Act of 2003 (PREA)

The Contra Costa 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 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 Contra Costa 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 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 Contra Costa 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 Contra Costa 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 and requesting to speak to the Probation Department's PREA Coordinator.

5. What is a PREA incident?

Any incident where a youth is sexually abused by another youth, staff, contractor, volunteer or visitor. This includes any attempt, threat or request to engage in a sexual act.

An incident may also involve the following:

Any display of genitalia, buttocks, or breast in the presence of a youth.

Voyeurism, which is the act of spying on another person engaged in intimate acts, such as dressing or bathing, for the purpose of sexual gratification.

Any 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 youth.

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 Contra Costa County Probation Department Juvenile Facility report a PREA incident?

Youth detained in a Contra Costa County Probation Department's Juvenile Facilities can report PREA incidents by telling any staff member they trust, filing a grievance, filling out a mental health or medical referral. Additionally, youth may contact someone outside the facility by writing a letter or calling on the phone.

7. How can a parent/legal guardian or third party report a PREA incident?

A parent/legal guardian or third party can call any of the Department's juvenile facilities and report their concerns to the Supervisor on duty. If they wish to contact the telephone number is (925) 957-2700.

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?

Contra Costa County Probation offers victim support through the following rape crisis centers: Community Violent Solutions (CVS). The contact telephone numbers for CVS is 1-800- 670-7273 or Child Quest International 1-800-818-4673.