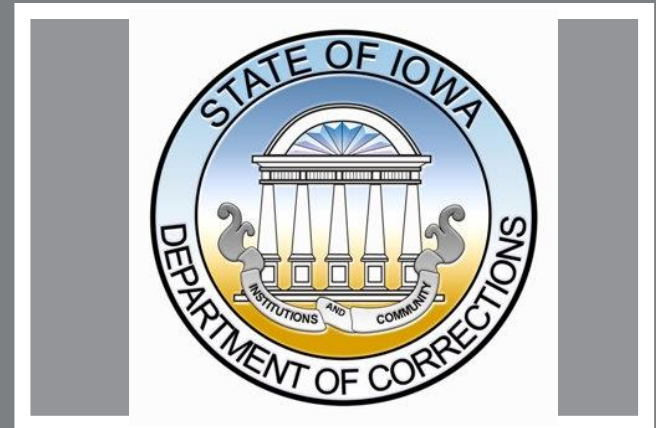


# PREA

For Contractors and  
Volunteers

## Iowa Department of Corrections



# Prison Rape Elimination Act

## PREA

### *Introduction*

Staff, Contractor,  
or Volunteer on  
Offender

Offender-on-  
Offender

Signed into law by  
President George W. Bush in 2003

PREA, and the subsequent PREA standards established by the Department of Justice, require corrections agencies to improve prevention, detection, and responses to sexual violence committed against offenders in public and private facilities and institutions throughout the United States.

PREA applies to staff, contractor, or volunteer sexual violence against offenders and to offender-on-offender sexual violence.

# Prison Rape Elimination Act

## PREA

### *Introduction*

National standards adopted as federal rule by the Department of Justice apply to all public and private:

- » Federal and State Prisons and Jails
- » Community Corrections
- » Juvenile Facilities
- » Immigration Detention Facilities
- » Lock ups

# Prison Rape Elimination Act

**PREA**

*Reality*

PREA acknowledges reality:

- » Sexual violence against offenders is a security issue.
- » Sex acts committed by staff, contractors, or volunteers with offenders is a crime.
- » Victims of prison rape suffer severe psychological and physical effects that hinder their ability to integrate back into society.

# Prison Rape Elimination Act

## PREA

*The issue of  
consent*

There is no allowable sexual contact  
between offenders.

Offender-on-Offender :

Perceived consent may not be  
“consent” in reality. Other offenders  
may exercise an influencing degree of  
intimidation and control. Would the  
offender use his/her body for  
protection if not in prison, residential  
facility, or jail?

# Prison Rape Elimination Act

**PREA**

*Introduction*

There is no consent for sexual behavior with an offender.

Staff, Contractor, Volunteer -on-Offender:

Offenders are never regarded as being in a position to grant legitimate “consent.” This is because of the unequal balance of power and authority between you and offenders.

# Prison Rape Elimination Act

## PREA

### Offender-on-Offender Sexual Assault

Three categories of offender-on-offender sexual violence:

- Sexual assault
- Sexual abuse

• All other behaviors with the intent to force, intimidate, or compel an unwilling offender into a sex act.

The victim doesn't consent or is threatened or coerced into:

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

# Prison Rape Elimination Act

## PREA

Three categories of offender-on-offender sexual violence:

- Sexual assault
- **Sexual abuse**

• All other behaviors

with the intent to force, intimidate, or compel an unwilling offender into a sex act.

### Offender-on-offender Sexual Abuse

The victim doesn't consent or is threatened or coerced into:

- » Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.
- » Excludes contact incidental to a physical altercation with no sexual intent for the contact.



# Prison Rape Elimination Act

## PREA

All other unwanted sexual behavior

Three categories of offender-on-offender sexual violence:

- Sexual assault
- Sexual abuse
- All other behaviors with the intent to force, intimidate, or compel an unwilling offender into a sex act.

These behaviors may be:

- » Repeated sexual advances or requests for sexual favors
- » Coercion
- » Grooming, acts to get the victim to let their guard down
- » Overt or implied threats of violence where sex acts appear to be imminent

# Prison Rape Elimination Act

## PREA

### Categories of Staff , Contractor, or Volunteer Sexual Misconduct

- Sexual Misconduct
- Sexual Harassment

## Staff, Contractor, or Volunteer Sexual Misconduct with Offenders

### With or without “consent”

Any behavior or act of a sexual nature directed toward an offender including:

- » Intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire:
- » Completed, attempted, threatened, or requested sexual acts;
- » Occurrences of indecent exposure including display of uncovered genitalia, buttocks, breasts
- » Voyeurism for sexual gratification including invasion of privacy unrelated to official duties or for reasons not related to approved measures or procedures, or taking pictures of the same.

# Prison Rape Elimination Act

## PREA

### Categories of Staff , Contractors, or Volunteers Sexual Misconduct

- Sexual Misconduct
- Sexual Harassment

## Staff, Contractor, or Volunteer Sexual Harassment of Offenders

### Repeated:

Sexual advances, requests for sexual favors, or verbal statements, comments, gestures, or actions of a sexual nature directed toward an offender including:

- » Demeaning references to gender, sexually suggestive or derogatory comments about body or clothing.
- » Profane or obscene language or gestures.

# Prison Rape Elimination Act

## PREA

Categories of  
Staff ,  
Contractors, or  
Volunteers  
Sexual  
Misconduct

- Sexual Misconduct
- Sexual Harassment

Just to be CLEAR --

Even though the words "prison", "prisoner", "inmate" and "offender" are referenced repeatedly in the law, PREA applies to ALL individuals under the supervision of the IDOC.

The PREA mandates and standards apply to all IDOC institutions and Community Based Corrections.

# Prison Rape Elimination Act

## PREA

Categories of  
Staff ,  
Contractors, or  
Volunteers  
Sexual  
Misconduct

- Sexual Misconduct
- Sexual Harassment

How does this impact you as a contractor or volunteer?

Staff, contractor, or volunteer sexual misconduct with an offender is a crime under Iowa Code 709.16:

“An officer, employee, contractor, vendor, volunteer, or agent of the department of corrections, or an officer, employee, or agent of a judicial district department of correctional services, who engages in a sex act with an individual committed to the custody of the department of corrections or a judicial district department of correctional services commits an aggravated misdemeanor.”

# Prison Rape Elimination Act

## PREA

### *How to Report*

## Report Misconduct

You must report any information given to you by an offender that would follow the criteria given above.

Report it immediately to a staff member or shift supervisor by requesting to talk to them.

You will not know the outcome, but if a staff member, contractor, or volunteer is found guilty of sexual misconduct with an offender, they will be referred to criminal authorities for prosecution.

# Prison Rape Elimination Act

**PREA**

*Concluding  
Thoughts*

Zero Tolerance

No Retaliation

## And finally...

The Iowa DOC has zero tolerance for all forms of sexual violence.

All offenders have the right to be free from any form of sexual violence by an offender , staff member, contractor or volunteer.

And you have the right to be free from retaliation for reporting or for cooperating with an investigation of this conduct.

Zero tolerance is good correctional practice and is not new to IDOC; sexual violence in any form has never been permitted.

IDOC will continue to make our correctional facilities safe for all offenders, staff, contractors, and volunteers.

**PREA**

**Thank you!**

**Iowa Department of  
Corrections**

