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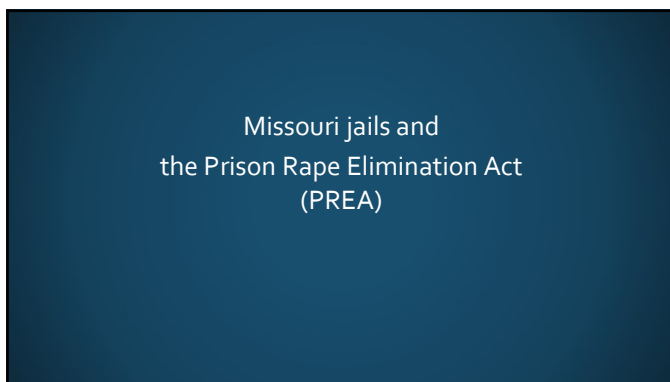
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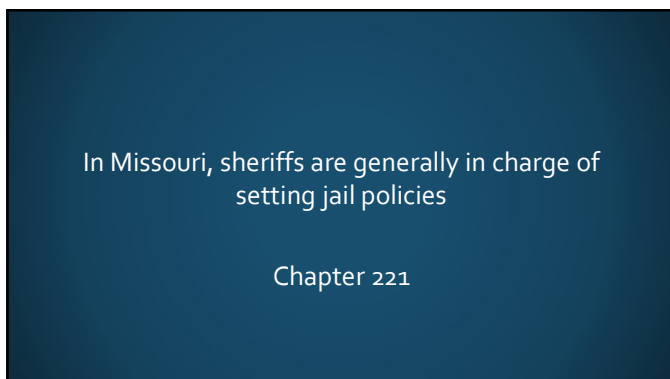
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§ 221.020, RSMo. in relevant part says:

Except as otherwise provided in this section and sections 221.400 to 221.420, the sheriff of each county in this state shall have the *custody, rule, keeping and charge of the jail* within his county, and of all the prisoners in such jail, and may appoint a jailer under him, for whose conduct he shall be responsible.

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What is PREA?

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In short, PREA was designed to:

- 1) Create national reporting and prevention standards regarding prisoner sexual assault, and
- 2) Establish financial incentives for States to meet those standards

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PREA was enacted in 2003:

- federal statutes: 34 USC §§ 30301 - 30309
  - authorized federal regulations
  - created the National Prison Rape Elimination Commission
- The Commission issued draft standards in 2009
- The DOJ published PREA Standards and they became effective in 2012
  - 28 CFR Part 115, National Standards to Prevent, Detect, and Respond to Prison Rape (aka "PREA Standards")

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DEPT. OF JUSTICE:

This publication is basically a list of model policies.



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DEPT. OF JUSTICE:

This publication cites to 28 CFR Part 115, but is not itself 28 CFR Part 115. 28 CFR Part 115 itself contains (in pdf form) 128 pages of rules and comments



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Trick question:

Do the PREA Standards, aka "Prisons and Jail Standards" really "apply" to jails?



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Any publication that calls itself "prison and jail standards" is going to include concepts that "apply" to jails;

...but this is not the same thing as saying that publication is "binding."

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National PREA Resource Center:

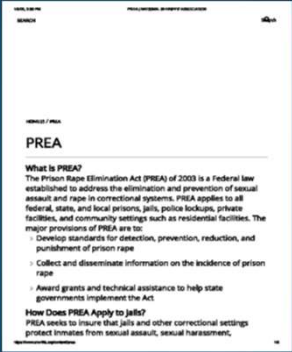
...jail standards



12

National Sheriffs' Association:

...jail standards



**PREA**

**What is PREA?**  
The Prison Rape Elimination Act (PREA) of 2003 is a federal law established to address the elimination and prevention of sexual assault and rape in correctional systems. PREA applies to all federal, state, and local prisons, jails, police lockups, private facilities, and community settings such as residential facilities. The major provisions of PREA are to:

- Develop standards for detection, prevention, reduction, and punishment of prison rape
- Collect and disseminate information on the incidence of prison rape
- Award grants and technical assistance to help state governments implement the Act

**How Does PREA Apply to Jails?**  
PREA seeks to insure that jails and other correctional settings protect inmates from sexual assault, sexual harassment,

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**PREA**

- PREA, by itself, is:
  - NOT binding on states
  - NOT binding on sheriffs
  - NOT binding on county jails

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**PREA**

- provides for Dept. of Justice to make "PREA Standards"
- makes financial incentives for states to certify that they comply with "PREA Standards"

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Put another way, PREA provides additional tools (model guidelines) and resources (money for states) to combat rape and sexual assault in prisons and jails.

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- The carrot for states officially following PREA Standards:
  - money
- The stick if Missouri sheriffs decline to officially adopt PREA Standards:
  - None. DOJ has no authority to force adoption.

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The DOJ correctly recognizes that it has zero authority to force any state or local office to officially adopt PREA Standards.

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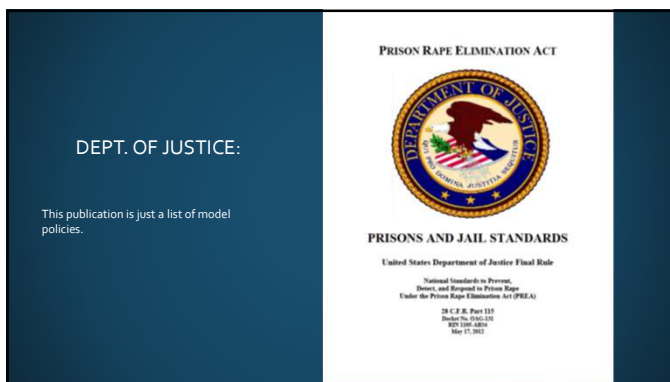
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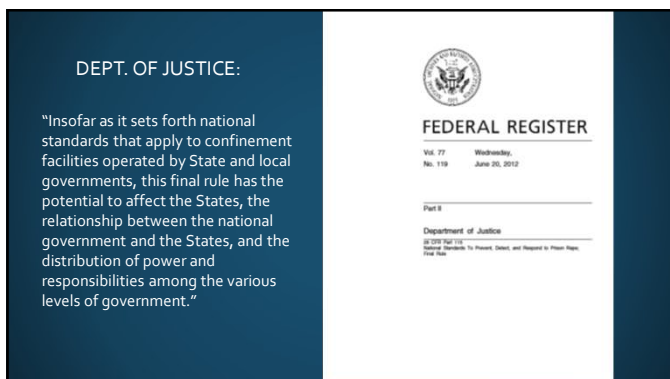
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## DEPT. OF JUSTICE:

"However, with respect to the thousands of State and local agencies, and private companies, that own and operate confinement facilities across the country, PREA provides the Department with no direct authority to mandate binding standards for their facilities. Instead, PREA depends upon State and local agencies to make voluntary decisions to adopt and implement them."



## FEDERAL REGISTER

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Part II

Department of Justice  
42 CFR Part 115  
National Standards To Prevent, Detect, and Respond to Prison Rape  
Final Rule

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## DEPT. OF JUSTICE:

"For county, municipal, and privately run agencies that operate confinement facilities, PREA lacks any corresponding sanctions for facilities that do not adopt or comply with the standards."



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Department of Justice  
42 CFR Part 115  
National Standards To Prevent, Detect, and Respond to Prison Rape  
Final Rule

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## DEPT. OF JUSTICE:

"...In drafting the standards, the Department was mindful of its obligations to meet the objectives of PREA while also minimizing conflicts between *State law* and *Federal interests*."



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### PRISON RAPE ELIMINATION ACT (PREA)

#### § 30302, Purposes:

- (1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;
- (2) make the prevention of prison rape a top priority in each prison system;
- (3) develop and implement *national standards* for the detection, prevention, reduction, and punishment of prison rape;

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### PRISON RAPE ELIMINATION ACT (PREA)

#### § 30302, Purposes:

- (4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
- (5) standardize the definitions used for collecting data on the incidence of prison rape;
- (6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;

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### PRISON RAPE ELIMINATION ACT (PREA)

#### § 30302, Purposes:

- (7) *protect the (already existing) Eighth Amendment rights* of Federal, State, *and local prisoners*;
- (8) increase the efficiency and effectiveness of Federal expenditures through *grant programs* such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and
- (9) reduce the costs that prison rape imposes on interstate commerce.

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## DEPT. OF JUSTICE:

"Despite the absence of statutory authority to promulgate standards that would bind State, local, and private agencies, other consequences may flow from the issuance of national standards, which could provide incentives for voluntary compliance."



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Vol. 77 Wednesday,  
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Department of Justice  
"25 CFR 152.101"  
General Standards To Protect, Detect, and Respond to Prison Rape  
Final Rule

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## DEPT. OF JUSTICE:

"For example, these standards may influence the standard of care that courts will apply in considering legal and constitutional claims brought against corrections agencies and their employees arising out of allegations of sexual abuse."



## FEDERAL REGISTER

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Final Rule

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However, PREA does not create any new rights for inmates, and does not authorize inmate claims based on alleged PREA violations.

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See *Gonzaga Univ. v. Doe*, 536 U.S. 273, 286, 122 S. Ct. 2268, 153 L. Ed. 2d 309 (2002) ("[W]here the text and structure of a statute provide no indication that Congress intends to create new individual rights, there is no basis for a private suit, whether under § 1983 or under an implied right of action.").

31

"...courts addressing this issue have found that the PREA does not establish a private cause of [\*8] action . . . ." *Krieg v. Steele*, 599 F. App'x 231, 232 (5th Cir.) (per curiam) , cert. denied, 136 S. Ct. 238, 193 L. Ed. 2d 178 (2015). See also *Diamond v. Allen*, No. 7:14-CV-124, 2014 U.S. Dist. LEXIS 161170, 2014 WL 6461730, at \*4 (M.D. Ga. Nov. 17, 2014)(citing cases); *Amaker v. Fischer*, No. 10-CV-0977, 2014 U.S. Dist. LEXIS 136117, 2014 WL 4772202, at \*14 (W.D.N.Y. Sept. 24, 2014)(noting that "every court to address the issue has determined that PREA cannot support such a cause of action by an inmate"); *Simmons v. Solozano*, No. 3:14CV-P354-H, 2014 U.S. Dist. LEXIS 129249, 2014 WL 4627278, at \*4 (W.D. Ky. Sept.16, 2014) (holding that the PREA creates no private right of action).

32

*Inmates cannot use 42 USC 1983 to sue for alleged "PREA violations," because:*

- PREA itself does not give inmates any new federal rights
- And § 1983 only applies to alleged violations of federal rights (not just *federal laws*)

33

MULTIPLE FEDERAL COURT DECISIONS SAY THE SAME THING:

"A failure to comply with PREA is not a constitutional violation, and ***PREA does not grant prisoners any specific rights.***"

\* *Howell v. St. Louis City*, 2022 U.S. Dist. LEXIS 69854, \*13, 19 (E.D. Mo. Apr. 15, 2022)(emphasis added)(citing *Johnson v. Garrison*, 859 F. App'x 863 (10th Cir. 2021); *Williams v. Wetzel*, 827 F. App'x 158, 162 (3d Cir. 2020); *Krieg v. Steele*, 599 F. App'x 231, 232 (5th Cir. 2015).

34

MULTIPLE FEDERAL COURT DECISIONS SAY THE SAME THING:

"In other words, ***PREA does not give prisoners a personal right to sue*** for an official's failure to comply with the Act."

\* *Howell v. St. Louis City*, 2022 U.S. Dist. LEXIS 69854, \*13, 19 (E.D. Mo. Apr. 15, 2022)(emphasis added)(citing *Johnson v. Garrison*, 859 F. App'x 863 (10th Cir. 2021); *Williams v. Wetzel*, 827 F. App'x 158, 162 (3d Cir. 2020); *Krieg v. Steele*, 599 F. App'x 231, 232 (5th Cir. 2015).

35

#### MISSOURI LAW

As applied to Missouri sheriffs, the PREA Standards are merely a potential resource for drafting policies.

In Missouri, sheriffs (not the DOJ) are generally in charge of their jails.

See § 221.020, RSMo.

36

### MISSOURI LAW

- There are no published Missouri court opinions describing PREA, because PREA is a federal law, not a state law
- There are no Missouri statutes that claim to wholly adopt or incorporate all the PREA Standards into Missouri law
- There is only one Missouri statute that even mentions PREA

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In 2021, SB 53 & 60 made several changes to Missouri's justice system.

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### SB 53 & 60

- Signed by the Governor 7/14/21
- Made several revisions to several statutes regarding the administration of justice
- This included changes to juvenile process, described in Chapter 211
- Did NOT change § 221.020, RSMo. or that sheriffs are in charge of jails
- Did NOT incorporate PREA into Missouri law
- Out of multiple statutes revised by SB 53 & 60 and 60, there is only one brief reference to PREA

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## § 211.072, RSMo.

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## § 211.072.6, RSMO.

Out of *all of the Missouri statutes*, the only statutory reference to PREA is in subsection 6 of 211.072, RSMo.

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## § 211.072.6, RSMO.

All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception *shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.*

(emphasis added)

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§ 211.072.6, RSMo.

What does this mean?

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§ 211.072.6, RSMo. is the only Missouri statute to even *mention* PREA

This statute has never been cited in any published court decision

There has been no change to § 221.020, RSMo. and sheriffs are still in charge of jails

...and the law tells us that when we try to decipher statutes, we are supposed to use common sense and plain language to interpret the meaning

44

Determine the intent of the legislature based on the words used in the statute. *See Butler v. Mitchell-Hugeback, Inc.*, 895 S.W.2d 15, 19 (Mo. 1995)(citing *Trailer Corp. v. Director of Revenue*, 783 S.W.2d 917, 920 (Mo. banc 1990)).

When the words of a statute are clear, there is nothing to construe beyond the plain meaning. *See State v. Myers*, 386 S.W.3d 786, 794 (Mo.App. S.D. 2012).

Courts will not interpret a statute in a manner that defeats the purpose of that statute. *See Mitchell v. Residential Funding Corp.*, 334 S.W.3d 477, 497 (Mo. App. W.D. 2010).

The words used in a statute must be considered in context, *State v. McLaughlin*, 265 S.W.3d 257, 267 (Mo Banc 2008), and statutory provisions are read as a whole. *State v. Haskins*, 950 S.W.2d 613, 615-616 (Mo. App. S.D. 1997).

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So what protections of PREA are being referenced in this subsection?

This one:

All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

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Separation of juveniles from adult inmates is a recommended protection in the PREA Standards.

This statutory subsection, which consists of a single sentence, requires physical separation of pre-trial certified juveniles.

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Example of PREA Standards language:

*Youthful inmate* means any person under the age of 18 who is under adult court supervision and incarcerated or detained in prison or jail.

§ 115.5

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Example of PREA Standards language:

- (a) A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- (b) In areas outside of housing units, agencies shall either:
- (1) Maintain sight and sound separation between youthful inmates and adult inmates, or
  - (2) Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

§ 115.14

49

Example of PREA Standards language:

- (c) Agencies shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

§ 115.14

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Is it reasonable to interpret this single-sentence subsection as incorporating the entirety of the PREA Standards into Missouri law?

All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

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Again:

- No Missouri statute expressly incorporating PREA
- No change to § 221.020, RSMo.
- The *only* reference to PREA is in the one-sentence subsection that *only* expressly describes separating pre-trial certified juveniles from adult inmates

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#### IMPLIED CAUSES OF ACTION ARE DISFAVORED

"The creation of a private right of action by implication is not favored and the general trend under Missouri law is away from judicial inferences that a violation of a statute is personally actionable."

*Bradley v. Ray*, 904 S.W.2d 302, 313 (Mo. App. 1995).

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## UNFUNDED MANDATE

Statutes are presumed constitutional, and courts construe statutes to be consistent with the constitution.

*See e.g. City of Jefferson v. Missouri Dept. of Nat. Resources*, 863 S.W.2d 844 (Mo. banc 1993)(holding SB 530 permitted, and did not mandate, a city to join a waste management district)

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## UNFUNDED MANDATE

The state is hereby prohibited from reducing the state financed proportion of the costs of any existing activity or service required of counties and other political subdivisions. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivisions, *unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.*

Mo. Const. Art. X, Sec. 21, subs. 1 (emphasis added).

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Not only that, but the rest of that single-sentence subsection also describes the law *as applied to pre-trial certified juveniles* (not all inmates) “shall continue...”

All pre-trial certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception *shall continue* to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

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"... shall continue..."

"Continuous" = Uninterrupted; unbroken; not intermittent or occasional

- *Black's Law Dictionary*, 6<sup>th</sup> Ed.

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"... shall continue..."

"Continuous" = going on or extending without interruption or break; unbroken; connected

- *Webster's New World College Dictionary*, 4<sup>th</sup> Ed.

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So, aside from emphasizing to separate juveniles, the law with respect to Missouri jails and PREA continues to be the same as before.

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To emphasize to the DOJ that at the state level, Missouri claims to be in conformance with PREA Standards.

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# PREA GRANTS § 30305

**(a) Grants authorized.** From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

64

# PREA GRANTS § 30305

**(b) Use of grant amounts.** Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

**(1) Protecting inmates.** Protecting inmates by—

**(A)** undertaking efforts to more effectively prevent prison rape;

**(B)** investigating incidents of prison rape; or

**(C)** prosecuting incidents of prison rape.

65

# PREA GRANTS § 30305

**(2) Safeguarding communities.** Safeguarding communities by—

**(A)** making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

**(B)** developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

66

PREA GRANTS § 30305

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

67

PREA GRANTS § 30305

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

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*Any other ways that PREA can impact jails?*

69

## FEDERAL INMATES

- If you house federal inmates, then you:
  - Probably have an IGA with the USMS
  - That IGA probably requires complying, or at least trying to comply, with PREA Standards
    - Failure to do so could be a breach of contract

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Plus, remember that the whole point of PREA is to encourage states and their political subdivisions to adopt policies consistent with the PREA Standards, partly through money, *and partly through the PREA Standards influencing how courts view jail policies*

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## DEPT. OF JUSTICE:

"Despite the absence of statutory authority to promulgate standards that would bind State, local, and private agencies, other consequences may flow from the issuance of national standards, which could provide incentives for voluntary compliance."



### FEDERAL REGISTER

Vol. 77 Wednesday,  
No. 119 June 20, 2012

Part II

Department of Justice  
National Standards To Prevent, Detect, and Respond to Prison Rape  
Final Rule

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## DEPT. OF JUSTICE:

"For example, these standards may influence the standard of care that courts will apply in considering legal and constitutional claims brought against corrections agencies and their employees arising out of allegations of sexual abuse."



## FEDERAL REGISTER

Vol. 77 Wednesday,  
No. 119 June 20, 2012

Part II

Department of Justice  
"STANDARD 110"  
Minimum Standards To Prevent, Detect, and Respond to Prison Rape  
Final Rule

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Fortunately, courts generally reject the DOJ's invitation to use PREA Standards to rewrite the Constitution

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Courts recognize that:

*"...state law, not PREA, governs county jails..."*

*And at the same time...*

*Policies that consider PREA concerns demonstrate that offices are not deliberately indifferent to prisoner sexual assault*

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*PREA is not a very good sword for DOJ or inmates to use against jails.*

But having policies that address concerns raised by PREA can be a *shield* from municipal and officer liability

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And at the same time...

If an office has (and follows) policies that address PREA concerns (like having zero tolerance), this can be used to show the office was not deliberately indifferent to prisoner sexual assault

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Example of PREA Standards language:

"An agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct."

§ 115.11(a)

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Example:

**Taney County Jail  
Correctional Officer Code of Ethics**

As Correctional Officers, it is our honor to be able to know the values of the Taney County Sheriff's Office by demonstrating the best example of integrity, honesty, professionalism, and leadership. It is also expected that employees shall obey not only the laws of the state, but also the rules of being a member of the Taney County Sheriff's Department while on duty and in a personal capacity while off duty.

LSCJ keep the facility secure to ensure safety, integrity, and the best of officers, inmates and visitors to the facility.

LSCJ on duty, dress and conduct with all inmates.

LSCJ maintain a positive attitude when confronted with danger and stressful situations.

LSCJ not become socially or personally involved in the lives of inmates or their families.

We shall not accept any gift, personal services, or favors from an inmate or family (inmate or their) agree to be maintained with or related to us on duty or during leisure.

LSCJ always be honest and properly document all things in my reports.

I shall always be polite, LSCJ not use profanity when communicating with visitors of the facility.

LSCJ be vigilant and hold the inmates accountable for all rules and regulations of the facility.

LSCJ not show favoritism or give preferential treatment to one inmate or group of inmates.

LSCJ not use force or physical force to subdue an inmate, or use any force beyond which is reasonably necessary to subdue an inmate.

LSCJ respect and protect the civil and legal rights of all inmates.

I shall treat every situation in the jail with professionalism.

Correctional Officers shall avoid situations which give the appearance of conflict of interest or situations which would limit a reasonable person to doubt the employee's integrity.

Correctional Officers shall not take employee's time and will always be alert and attentive during duty hours.

All Correctional Officers must be in violation of any policy or law to subject to disciplinary action, up to and including termination or prosecution.

By signing and dating this code of ethics, I promise to uphold these values and will always be positive of while performing my duties.

\_\_\_\_\_ Date: \_\_\_\_\_

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Example:

*J.K.J. v. Polk County*, 960 F.3d 367 (7th Cir. 2020)

- Inmate focused on jail staff denigrating PREA in emails as not binding;
- Inmate hired expert to say jail's sexual assault policies did not fully adopt PREA;
- Court noted that state law, not PREA, governs jails, so inmate failed to state a claim;
- but also, the jail had adopted policy language regarding PREA, so not deliberately indifferent to Const. rights

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You might even already have policies that refer indirectly to PREA.

For example, a jail could have a policy of complying with NCCHC recommended policies.

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National Commission on Correctional Health Care (NCCCHC):

Standards for Health Services in Jails, 2018

Model Policy J.F-06

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Having and following policies can shield your office and staff, but there is also no general legal requirement that jails have particular policies.

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Courts acknowledge that this sort of warning should be unnecessary

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*Parrish v Ball*, 594 F. 3d 993 (8th Cir. 2010)

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...we found no patently obvious need to train an officer not to rape young women even in the face of actual knowledge of deviant behavior, **we do not believe that there is a patently obvious need to train an officer not to sexually assault women**, especially where there is no notice at all that such behavior is likely. **An objectively reasonable officer would know that it is impermissible to touch a detainee's sexual organs by forcible compulsion.** See *Barney v. Pulsipher*, 143 F.3d 1299, 1308 (10th Cir.1998)(holding that the court was "not persuaded that a plainly obvious consequence of a deficient training program would be the sexual assault of inmates" and that "[s]pecific or extensive training hardly seems necessary for a jailer to know that sexually assaulting inmates is inappropriate behavior"). Moreover, [Road Deputy] himself acknowledged in his testimony that he knew such behavior was wrong. **Thus, while it may have been wise to tell officers not to sexually assault detainees, it is not so obvious that not doing so would result in an officer actually sexually assaulting a female detainee.**

*Parrish*, 594 F.3d. at 999 (emphasis added).

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#### Elements to state an inadequate training claim

In order for local government to be liable under §1983 on an inadequate training theory, the plaintiff must show: 1) that training was actually inadequate, 2) the government entity was deliberately indifferent to the rights of others in adopting those training practices, to the extent that the failure to train reflects a deliberate or conscious choice, and 3) the "alleged deficiency in the ...training...actually caused the [plaintiff's] injury." *Parrish*, 594 F.3d at 997 (quoting *Andrews v. Fowler*, 98 F.3d 1069, 1076 (8th cir. 1996)(internal citation omitted).

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#### Inadequacy of Training

If Plaintiff cannot show there was patently obvious need for training, then local government cannot have been deliberately indifferent. *See e.g. Parrish*, 594 F.3d at 998. In cases where the alleged right violation is sexual assault, even a complete lack of training may not be enough to state a claim. *See e.g. Parrish, supra. (quoting City of Canton v. Harris*, 489 U.S. 378, 390-91 (“That a particular officer may be unsatisfactorily trained will not alone suffice to fasten liability on the [local government]”)(brackets by *Parrish*).

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#### *Deliberate Indifference: The Need To Tell Officers Sex With Inmates Is Wrong*

When the “particular” alleged right violation is sexual assault, the Eighth Circuit has “**found no patently obvious need to train an officer not to rape young women even in the face of actual knowledge of deviant behavior**, [and] we do not believe that there is a patently obvious need to train an officer not to sexually assault women, *especially* where there is no notice at all that such behavior is likely.” *Parrish*, at 999.

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In order to show deliberate indifference, the Plaintiff must be able to establish that, “...in light of the duties assigned to [the] specific officers...the need for more or different training [must be] so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policymakers...can reasonably be said to have been deliberately indifferent to the need.” *Parrish*, 594 F.3d at 998 (*quoting City of Canton, supra*, 489 U.S. at 390).

“In other words, [Plaintiff] must demonstrate that the [Sheriff] ‘had notice ... procedures were inadequate and likely to result in a violation of constitutional rights.’” *Parrish, supra. (quoting Andrews*, 98 F.3d at 1076)(internal citation omitted). Plaintiff must show the Sheriff exhibited “deliberate indifference to the risk that a violation of a *particular* constitutional or statutory right will follow the decision.” *Id.* (emphasis by *Parrish*).

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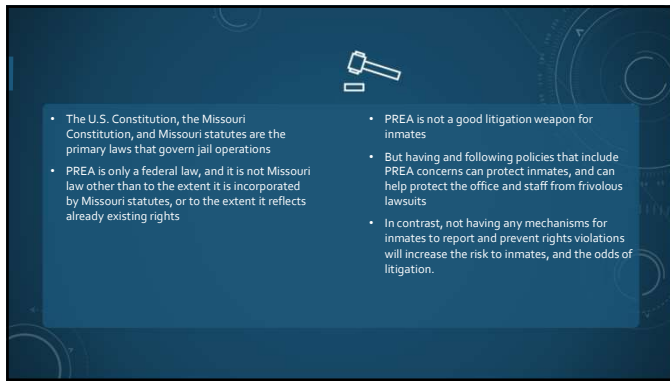
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- The U.S. Constitution, the Missouri Constitution, and Missouri statutes are the primary laws that govern jail operations
- PREA is only a federal law, and it is not Missouri law other than to the extent it is incorporated by Missouri statutes, or to the extent it reflects already existing rights
- PREA is not a good litigation weapon for inmates
- But having and following policies that include PREA concerns can protect inmates, and can help protect the office and staff from frivolous lawsuits
- In contrast, not having any mechanisms for inmates to report and prevent rights violations will increase the risk to inmates, and the odds of litigation.

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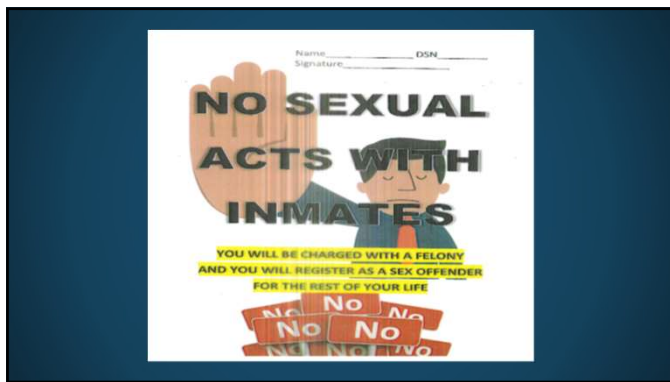
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Name \_\_\_\_\_ DSN \_\_\_\_\_  
Signature \_\_\_\_\_

**NO SEXUAL ACTS WITH INMATES**

**YOU WILL BE CHARGED WITH A FELONY  
AND YOU WILL REGISTER AS A SEX OFFENDER  
FOR THE REST OF YOUR LIFE**

**No No No No No No No**

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