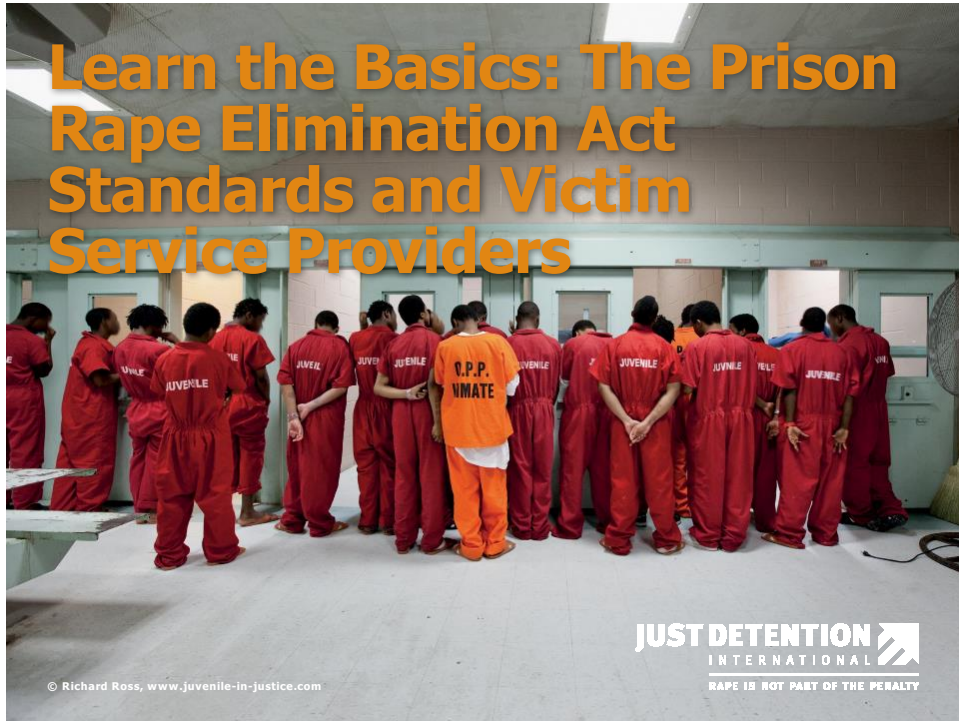


Learn the Basics: The Prison Rape Elimination Act Standards and Victim Service Providers



JDI's Mission

Just Detention International is a health and human rights organization that seeks to end sexual violence in all forms of detention.



JDI's Goals

1. Hold government officials accountable
2. Change public attitudes about sexual violence behind bars
3. Ensure that survivors get the help they need



JDI's Core Belief

No matter what
crime a person
may have
committed,
rape is not part
of the penalty.

JUST DETENTION
INTERNATIONAL
RAPE IS NOT PART OF THE PENALTY

Special Thanks

This project is supported by Grant No. 2011-TA-AX-K030, awarded by the **Office on Violence Against Women**, U.S. Department of Justice.



The opinions, findings, conclusions, and recommendations expressed in this webinar are those of the presenters and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



Objectives

By the end of this session, participants will be able to:

- Describe the PREA victim services standards
- Use the PREA standards as a tool to better serve incarcerated survivors
- Articulate and navigate confidentiality concerns with corrections partners



Agenda

- I. The Basics of PREA
- II. Overview of the PREA Standards
- III. Victim Service Standards
- IV. Common Misunderstandings



David, survivor of sexual abuse in detention



The Basics of PREA



Photo: Georgia Department of Corrections

The Purpose of PREA

- Eliminate sexual abuse in corrections and law enforcement facilities
- Increase accountability of corrections agencies
- Give incarcerated survivors the same level of care as those in the community



Overview of the PREA Standards



Photo: California Department of Corrections and Rehabilitation

Facility PREA Checklist

- Keep people safe
- Protect survivors from abusers
- Provide multiple ways to report
- Offer medical and mental health care
- Increase accountability
- Provide survivors access to victim services



Keep people safe

- Create good policies and procedures
- Designate a PREA Coordinator
- Ensure adequate staffing and supervision
- Limit cross-gender viewing and searches



Protect survivors from abusers

- Conduct staff training
- Provide inmate education
- Review screening and classification processes
- Protect those who report sexual abuse from retaliation

Photo: Peter Thoeny



Provide multiple ways to report

- To a staff member, contractor, or volunteer
- In writing
- To third parties
- To an outside reporting entity



Give access to medical and mental health care

- For emergencies and ongoing care
- At no cost to the survivor

Photo: Thomas Hawk



Increase accountability

- All reports taken seriously and investigated
- Perpetrators held accountable
- All incidents reviewed

Photo: California Department of Corrections and Rehabilitation



Provide access to victim services

- Forensic exam
- Accompaniment at forensic exams
- Accompaniment at investigatory interviews
- Confidential follow-up services
- Confidential emotional support via phone or letter

Victim Service Standards

§ 115.21 Evidence protocol and forensic medical examinations

(c) The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible...

§115.121 in the Police Lockup Standards, §115.221 in the Community Confinement Standards, and §115.321 in the Juvenile Facility Standards

§ 115.21 Evidence protocol and forensic medical examinations

(d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers.

§115.121 in the Police Lockup Standards, §115.221 in the Community Confinement Standards, and §115.321 in the Juvenile Facility Standards

§ 115.21 Evidence protocol and forensic medical examinations

(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

§115.121 in the Police Lockup Standards, §115.221 in the Community Confinement Standards, and §115.321 in the Juvenile Facility Standards

§ 115.53 Inmate access to outside confidential support services

(a) The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

§115.253 in the Community Confinement Standards and §115.353 in the Juvenile Facility Standards

§ 115.53 Inmate access to outside confidential support services

(b) The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

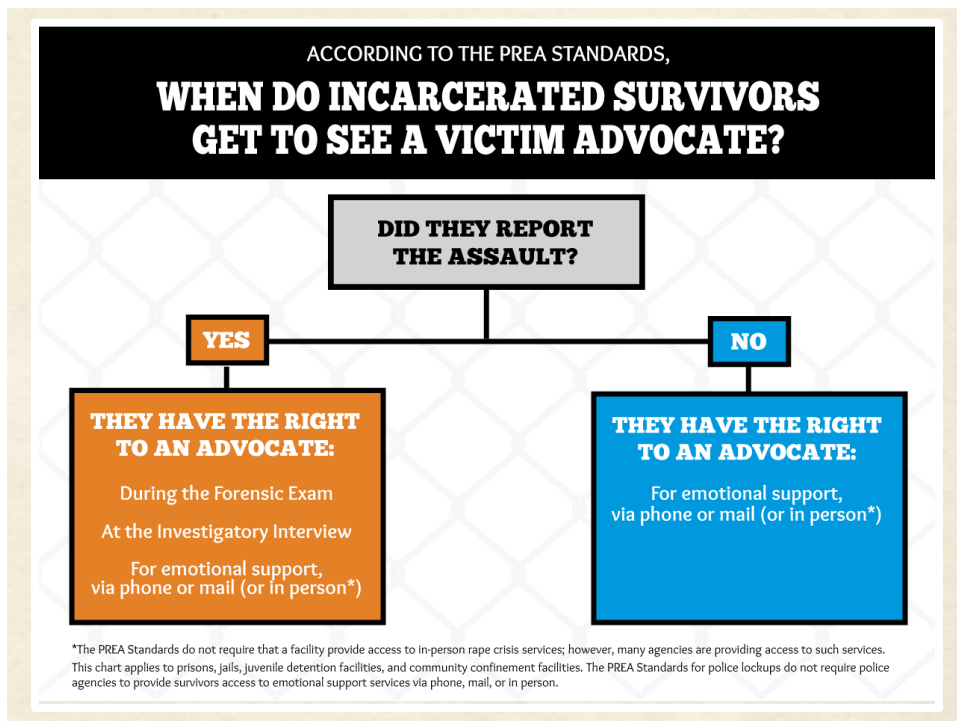
§115.253 in the Community Confinement Standards and §115.353 in the Juvenile Facility Standards

§ 115.53 Inmate access to outside confidential support services

(c) The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

§115.253 in the Community Confinement Standards and §115.353 in the Juvenile Facility Standards

In the Community	Behind Bars
SART Accompaniment	SART Accompaniment
Investigations Accompaniment	Investigations Accompaniment
Emotional support, advocacy, and follow-up via: <ul style="list-style-type: none"> • Phone • In-person 	Emotional support, advocacy, and follow-up via: <ul style="list-style-type: none"> • Mail • Phone • In-person



PREA and Victim Services: Common Misunderstandings



Clarifications

Rape crisis centers must **comply with state mandates on confidentiality**

Rape crisis center staff **support** good investigations

The PREA Standards are binding on **corrections agencies**

Why is Confidentiality Important?

PREA and Confidentiality

- All staff members who work in corrections facilities are mandated to report all crimes in the facility, but rape crisis advocates are **not**
- The PREA standards do **not** change the legal and ethical principles that guide rape crisis services
- Rape crisis services are for **all** survivors, even if they do not report

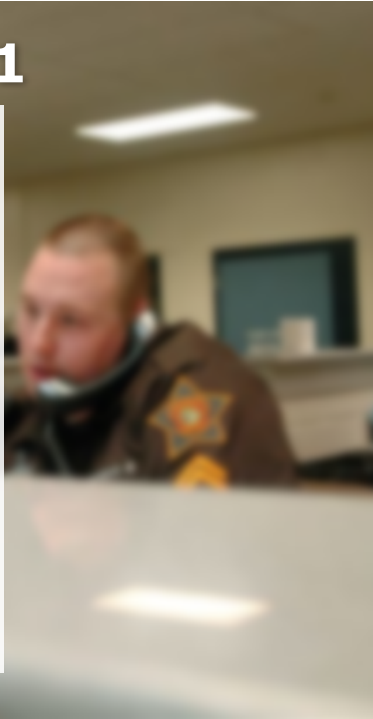
Scenario Exercise #1

You receive a call from Lt. Michaels, the PREA Coordinator from the local prison. He says:

"Hi there, I heard that Inmate Jones contacted you about being sexually assaulted in my facility.

I'm concerned about the safety and security of the facility and the inmates who are in my custody.

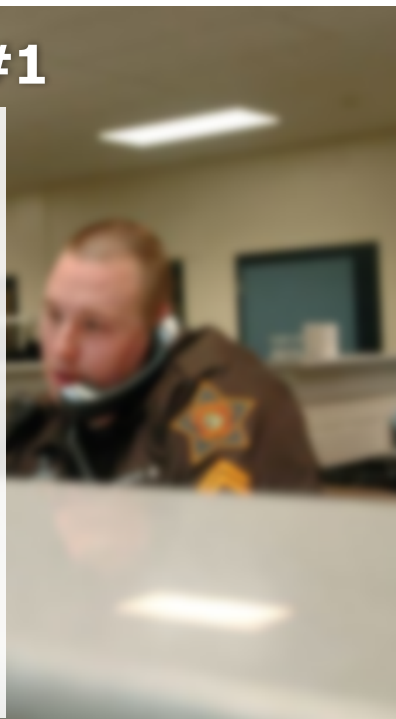
I need you to tell me everything the inmate told you."



Scenario Exercise #1

How do you respond?

- A. "I understand. Mateo told me he was assaulted in the shower by Inmate Smith."
- B. "I don't want anyone to get in trouble. You should follow up with Inmate Smith. But that didn't come from me."
- C. "Sorry, but state law and my organization's policy on confidentiality do not allow me to confirm or deny who has been in contact with our organization."



Scenario Exercise #2

Mateo, an inmate to whom you provided hospital accompaniment last month, reaches out to you by letter and asks you to be at his investigative interview for the sexual assault he reported. You call the agency too coordinate the accompaniment. You arrive the day of the interview only to be told by the lead investigator:

"This is a law enforcement matter only. You need to wait outside. We would have asked you to be here if it was necessary."

What do you do?

Scenario Exercise #2

What do you do?

- A. You tell him you're not leaving, demand to be let in the interview room, and hand him a copy of the PREA Standards.
- B. Apologize for the confusion and tell the officer that you coordinated this with the PREA Coordinator to help the facility to be in compliance with the PREA standards and state law because Mateo has the right to a victim advocate for the investigative interview and explain your role.
- C. You tell Mateo you'll be right outside and ask the officer if you can talk to Mateo afterward.

Scenario Exercise #3

To: You [you@rapecrisiscenter.org]
From: Lt. Richardson [richardson@donahueprison.gov]
Subject: Urgent Services Required

To Whom This May Concern:

I am the Prison Rape Elimination Act Coordinator at the Donahue Prison. We're working on getting into compliance with the federal mandate which requires that your agency provide in-person services in prisons like mine.

There was an incident here recently and I need you to come in next Saturday at 10am.

I expect a response as soon as possible.

Sincerely,

Lt. Jacob Richardson
PREA Coordinator
Donahue Prison
(555) 555-5555 x5555

Scenario Exercise #3

How do you respond?

- A. You ignore his email because your agency does not have the capacity to provide in-person services.
- B. You move your schedule around to go to Donahue on Saturday, even though you know your agency does not have the capacity to provide in-person services regularly.
- C. You consult with your supervisor who instructs you to thank him and let him know that although your agency can't provide in-person services right now, you would be interested in having a conversation with him about getting other services set up.



PREA Applies to All Corrections Agencies

- The PREA standards are **not** binding on rape crisis centers
- It is the responsibility of corrections agencies to implement and comply with the PREA standards
- Under the standards, corrections agencies are required to “attempt to” establish an MOU with local rape crisis centers



The purpose of the PREA standards is to ensure that incarcerated survivors have the same level of care as those in the community.

