

PRISON RAPE ELIMINATION ACT

The Prison Rape Elimination Act (PREA) was signed into law in 2003 and in 2012, the Department of Justice standards that govern its implementation in most types of detention facilities were finalized. The purpose of these standards is to tell facilities that are covered under PREA, what they need to do in order to be compliant.

A number of these standards relate to a facility's responsibility to provide incarcerated survivors with access to sexual assault advocacy services. These services are intended to be confidential and provided by a community program. Since most detention facilities are required to comply with PREA, including the victim services standards, they are likely to contact sexual assault advocacy programs near to their facilities to coordinate that service provision. It is helpful for advocates at community programs to know what facilities are required to provide in terms of access to victim services, as they begin to work together to bring these services to survivors.

RESOURCES

The Department of Justice was responsible for writing the PREA Standards for Prisons, Jails, Juvenile Facilities, Community Confinement, and Lockup. These can all be found on the PREA Resource Center website: <http://www.prearesourcecenter.org/training-technical-assistance/prea-essentials>. Some of the important standards related to victim services for prisons, jails, and juvenile facilities are outlined in this brochure.

The Department of Homeland Security was responsible for writing the PREA Standards that apply to immigration detention facilities. Those standards were not finalized until February 2014 and can be found here: <http://www.gpo.gov/fdsys/pkg/FR-2014-03-07/pdf/2014-04675.pdf>. The relevant victim services standards, which contain similar language to the standards for other facilities outlined in this brochure, can be found in Section 115.121, Responsive Planning: Evidence Protocols and Forensic Medical Examinations.

PRISON RAPE ELIMINATION ACT (PREA)

VICTIM SERVICES STANDARDS



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VICTIM SERVICES STANDARDS

For Prisons, Jails, and Juvenile Facilities

✓ PRISON & JAIL 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. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance...to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

(e) As requested by the victim, the victim advocate...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.

115.53

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...[and] shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

(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.

115.82

Access to Emergency Medical and Mental Health Services

(a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services.

✓ JUVENILE FACILITY STANDARDS

115.321

Evidence Protocol and Forensic Medical Evaluations

(mirrors Prison and Jail Standards)

115.353

Resident Access to Outside Support Services

(mirrors Prison and Jail Standards)

115.382

Access to Emergency Medical and Mental Health Services

(mirrors Prison and Jail Standards)

