

Connections

An Annual Publication of
Washington Coalition of
Sexual Assault Programs

Volume XVIII

WINTER 2015

ADVOCACY WITH

Incarcerated Survivors of Sexual Violence in Washington State



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Letter from the Editor

Kelley Amburgey-Richardson - PREA Program Coordinator, WCSAP



In WCSAP's 2006 issue of *Connections*, *Sexual Assault: Not Part of the Penalty*, we explored the issue of sexual assault in correctional facilities. A lot has changed since then. Although the

Prison Rape Elimination Act (PREA) was passed in 2003 to address sexual assault and abuse in prison, it was not until 2012 and 2014 that the final PREA standards that govern implementation of this law took effect.

Several of these standards recognize the importance of advocacy services and require correctional facilities to take action to provide these services to incarcerated survivors of sexual violence. Later in this issue, we outline the victim advocacy standards. We also walk you through Washington State's recent PREA work, including the statewide system developed by a partnership between WCSAP, the Office of Crime Victims Advocacy (OCVA), and the Washington State Department of Corrections (WADOC), for providing advocacy services to survivors in prison and work release facilities. Several of the programs currently implementing that statewide plan are highlighted in the following pages.

The organization at the forefront of the work to end sexual assault in prisons, jails, juvenile facilities, and other detention facilities is Just Detention International (JDI). JDI began its work in 1980, and today remains the only organization in the world that is dedicated exclusively to the elimination of sexual violence in detention. We, in the anti-sexual violence movement, are deeply indebted to their work on this issue and WCSAP is grateful to be able to learn from their expertise as we push this work forward in Washington State.

JDI has created a guide for advocates who are providing services to incarcerated survivors of sexual violence. The complete guide is available on their website; with permission, we have reprinted the chapter on *Overcoming Barriers to Providing Services Behind Bars* in this issue of *Connections*.

One thing that has not changed since our last exploration of the issue of sexual assault in correctional facilities is the essential nature of advocacy services for incarcerated survivors. These survivors have access to few resources. Connecting with an advocate who can: validate their experience and normalize their reactions, partner with them to develop an informed safety plan, support them at a forensic exam or help them understand the PREA investigation process, and most of all, help create conditions that support their empowerment in a setting with very little power and choice, is nothing short of a lifesaving service.

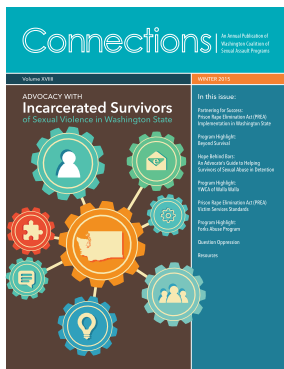
These survivors have access to few resources. Connecting with an advocate . . . is nothing short of a lifesaving service.

In our 2006 issue of *Connections*, we wrote "... society in general and those who labor in the anti-rape community have a responsibility to peel back layers of inequities and amplify voices of all victims and survivors, including victims confined within the parameters of controlled correctional institutions." This remains true today, and we hope that with this issue, we can dig a little deeper and challenge ourselves to envision and prioritize comprehensive advocacy services for incarcerated survivors of sexual violence.



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Advocacy with
Incarcerated Survivors
of Sexual Violence
in Washington State

The mission of the Washington
Coalition of Sexual Assault
Programs is to unite agencies
engaged in the elimination of
sexual violence through education,
advocacy, victim services,
and social change.

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Partnering for Success: PREA Implementation in Washington State

WCSAP

In 2012, shortly after the Prison Rape Elimination Act (PREA) standards were finalized, WCSAP began meeting with the Office of Crime Victims Advocacy (OCVA) and the Washington State Department of Corrections (WADOC) to discuss implementation of the PREA Victim Services Standards in prison and work release facilities in our state. These standards are outlined later in this publication. These meetings were the beginning of an ongoing multi-year partnership, based on the shared beliefs that (1) no one deserves to be sexually assaulted, and (2) people who experience sexual assault while incarcerated should have access to comprehensive confidential advocacy services.

The three partner agencies had worked together on previous projects, which created a foundation for a successful PREA partnership. Although we shared beliefs about services for incarcerated survivors and a history of working together on other issues, the victim service agencies and WADOC still had a lot to learn about each other. During our regular workgroup meetings, we began to understand each other's terminology, values, and priorities.

WCSAP and OCVA also conducted site visits to two prisons, the Washington Corrections Center for Women (WCCW) in Gig Harbor and the Washington Corrections Center (WCC) in Shelton,

and met with staff there to gain a better idea of the daily lives of inmates and prison operations. These two large facilities with multiple security levels serve as reception centers for all new inmates in Washington State.

The partners attended each other's trainings, had in depth discussions about essential issues such as: facility safety, advocate confidentiality, and protocols for forensic exam transport and advocate response, and developed resources for each other. One example is a document WCSAP developed for WADOC called, "Understanding Community Based Advocacy." WCSAP and OCVA presented this document at a statewide WADOC Superintendents meeting, and it was later distributed to WADOC staff across the state to help them better understand an advocate's role in working with incarcerated survivors. The partners even had the opportunity to share their work on a national platform during a webinar (see Resources section for link).

At several points in the process, we held calls with community advocates to help them understand PREA and what their role might look like in serving incarcerated survivors. Desiring comprehensive victim services to be available for the inmates in their facilities, WADOC supplied funding to support advocacy services. During the 2014 fiscal year, community sexual assault programs

No one deserves to be sexually assaulted.

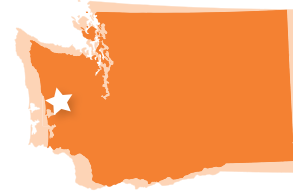
People who experience sexual assault while incarcerated should have access to comprehensive confidential advocacy services.

were invited to apply for funding from WADOC, administered by OCVA, to provide advocacy services to prison and work release facilities. Fourteen programs were selected. Advocates identified at those programs as lead and back-up PREA advocates were required to attend a rigorous schedule of advanced advocacy trainings related to serving incarcerated survivors of sexual violence. The advocates received training from WCSAP on PREA and working with incarcerated survivors, confidentiality considerations, phone advocacy, and supporting survivors at a forensic exam. They also received training from WADOC on facility safety, manipulation and compromise, prison culture, and PREA investigations.

At the current stage of implementation, advocates are providing advocacy via two forums. The first forum is over the phone. The PREA partners developed policies for and implemented a statewide confidential Sexual Assault Support and Information Line for survivors in prison and work release facilities. This included codifying in WADOC policies that calls to that hotline would not be recorded like all other inmate calls and that inmates would not be required to enter their identification number to make a call to that line. Survivors access initial phone advocacy services by calling that line. If a survivor needs more ongoing support than an initial call for crisis intervention or gathering information, the PREA Support Specialist who answers that line makes an appointment for the survivor with an advocate at a community program. The survivor calls the line at the appointed time and is patched through to the PREA-trained community advocate.

Second, advocates at community programs are supporting survivors at forensic exams. This has included developing protocols, based on statewide guidance, with their DOC facilities and the hospitals that survivors are transported to for the exam. Some programs are also setting up multidisciplinary teams in their communities specific to their prison advocacy work.

Recognizing that the PREA standards require access to confidential advocacy services, but do not provide many specifics about what those services should entail, the partners all agreed that these services should be as comprehensive as possible. This means that we are currently working on what in person advocacy at correctional facilities should look like, including advocacy support during a correctional facility's PREA investigation process. The partners will be developing a plan and protocols for in person advocacy services, including gathering input from community based advocates who are currently doing the on-the-ground work. These advocates are our most important partners in the effort to provide comprehensive sexual assault advocacy services to incarcerated survivors – without their commitment and work, this project would not be possible. We are proud of the work being done in Washington and are being looked at nationally as a model for service delivery and developing partnerships between victim services and corrections. We look forward to advancing the efforts to support incarcerated survivors and promote zero tolerance for sexual assault in prisons in our state.



Beyond Survival

Tessica Welch, Executive Director

WCSAP: What is your role in working with incarcerated survivors of sexual assault?

TW: Beyond Survival works with Stafford Creek Correctional Center (SCCC). We have trained PREA advocates to respond to crisis calls and provide medical advocacy. I am currently the PREA Supervisor for our program, but was previously the lead PREA contact for our agency.

WCSAP: What advocacy strategies have worked for you with these survivors? What do you think would be important for other advocates to know about working with incarcerated survivors of sexual assault?

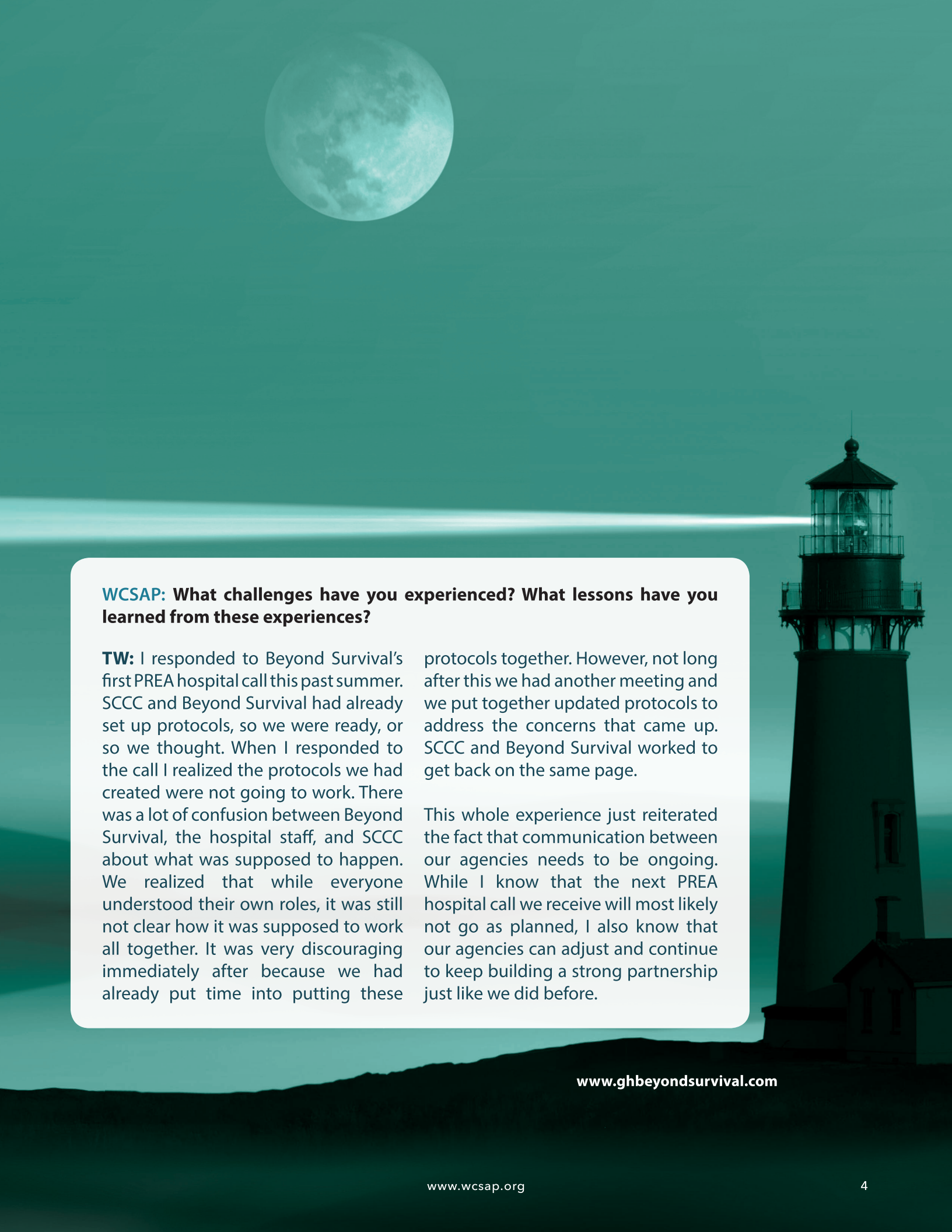
TW: The most important thing I have learned as a PREA advocate is that my role as an advocate is the same. I provide information and support to survivors. I think it was easy to get wrapped up in all the ways providing these services might look different for incarcerated survivors. While these differences are important to learn about and discuss with the partner agencies we may be working with, it is crucial to remember that just like the other survivors we work with, incarcerated survivors need to be believed and supported. Saying “I believe you” is the most useful tool I have used while working with incarcerated survivors.

WCSAP: How have you partnered successfully with the Department of Corrections facility where you support incarcerated survivors?

TW: The partnership we have created with our local facility has resulted from constant communication. Both SCCC and Beyond Survival play an important role in helping incarcerated survivors. I think our partnership has been successful so far because we have taken the time to understand each other’s roles and how we can use each other’s strengths and expertise. I appreciate that the SCCC staff understand the importance of advocacy and how we can help their facility because when it comes time to provide advocacy there, our advocates can focus on the survivor. However, our partnership is still a work in progress and communication needs to be ongoing. Things are always changing and communication is the only way to ensure both agencies are on the same page.

WCSAP: What would you tell a sexual assault program that may be struggling with providing sexual assault advocacy services to incarcerated survivors?

TW: Providing advocacy services to incarcerated survivors is new to everyone so you are not alone. WCSAP can be a great resource. There are other programs that are struggling too or programs that have found a solution to a similar issue and WCSAP can help you to get connected. The important thing is that the focus stays on survivors and what we can do to support them. This motivation has helped our agency to keep pushing through all the struggles we have experienced.



WCSAP: What challenges have you experienced? What lessons have you learned from these experiences?

TW: I responded to Beyond Survival's first PREA hospital call this past summer. SCCC and Beyond Survival had already set up protocols, so we were ready, or so we thought. When I responded to the call I realized the protocols we had created were not going to work. There was a lot of confusion between Beyond Survival, the hospital staff, and SCCC about what was supposed to happen. We realized that while everyone understood their own roles, it was still not clear how it was supposed to work all together. It was very discouraging immediately after because we had already put time into putting these

protocols together. However, not long after this we had another meeting and we put together updated protocols to address the concerns that came up. SCCC and Beyond Survival worked to get back on the same page.

This whole experience just reiterated the fact that communication between our agencies needs to be ongoing. While I know that the next PREA hospital call we receive will most likely not go as planned, I also know that our agencies can adjust and continue to keep building a strong partnership just like we did before.

www.ghbeyondsurvival.com



Hope Behind Bars

An Advocate's Guide to Helping Survivors of Sexual Abuse in Detention

Just Detention International

Excerpt reprinted with permission from Just Detention International

This article is excerpted from *Hope Behind Bars: An Advocate's Guide to Helping Survivors of Sexual Abuse in Detention*. Published by Just Detention International (JDI), *Hope Behind Bars* is the first-ever manual for rape crisis advocates working in detention facilities nationwide. The manual gives an overview of sexual abuse behind bars and the pivotal national standards — mandated by the Prison Rape Elimination Act (PREA) — aimed at ending

this violence. The PREA standards, which were released by the Department of Justice in 2012, call for increased partnerships between rape crisis centers and corrections agencies. This excerpt covers some of the principal challenges to delivering services in a corrections setting, offering tips on how to overcome them. JDI is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

Overcoming Barriers to Providing Services Behind Bars

PROVIDING SERVICES TO incarcerated survivors can pose a number of challenges to rape crisis centers. Some organizations may have concerns about securing the funding to serve inmates, or may lack experience working with people behind bars. Even service agencies that have sufficient resources and staff training may nonetheless face obstacles in developing partnerships with corrections departments. The following section provides guidance on how to overcome the most common barriers to providing rape crisis services to inmates.

Funding for Services in Detention Behind Bars

Rape crisis centers typically operate on extremely limited budgets.³⁹ Many struggle to fund even core services, such as a hotline or crisis counseling. The prospect of developing new programs to reach inmates can be daunting. In addition, many corrections departments have limited funding to compensate rape crisis programs for their work with inmates. Some departments have the funding, but have not yet developed a strategy to include rape crisis services in their programs.

Community service providers are eligible for federal funding to support their work with survivors of sexual abuse in custody. However, the program guidelines for the State Victim Assistance Program under the Victims of Crime Act (VOCA), a primary funding source for rape crisis centers, have prohibited grantees from using these funds to serve incarcerated individuals. At the time of writing, the Department of Justice has proposed changing the guidelines to allow grantees to service incarcerated survivors.⁴⁰ As a result of ex-

tensive advocacy efforts by JDI and allied groups and the openness of the Department of Justice to revisit this outdated prohibition, the regulations that denied some survivors life-saving support are set to change in the near future.

Even with the VOCA restriction in place, rape crisis programs were, and are, able to use other resources to serve prisoners without jeopardizing their VOCA funding. Funding made available through the Office on Violence Against Women (OVW) can be used to help prisoner rape survivors — specifically STOP (Services, Training, Officers, and Prosecutors) grants and SASP (Sexual Assault Services Program) grants.

There are private donors and foundations that are willing to support work with inmates. There are also corrections agencies that have contracted with rape crisis programs to provide services. Some rape crisis centers use specially trained volunteers to work with incarcerated survivors (rather than having to pay a staff member) and share resources with other agencies. Others work with local detention facilities to develop innovative programs that might be attractive to private or government funders.

Ensuring the Safety of Advocates

The prospect of working with inmates gives some service providers pause. Advocates, especially those who have little or no experience with prisoners, may worry about their safety when faced with an incarcerated survivor in crisis. A typical fear is that advocates may be taken advantage of, manipulated, or even attacked by an inmate. While these concerns are understand-

able, they are largely rooted in myth rather than fact. Advocates should certainly take precautions when providing services to inmates. However, many advocates will find that incarcerated survivors are similar to their clients in the community, and no more dangerous to serve. The vast majority of inmates are grateful — and often surprised — to get outside help, and treat visitors with gratitude or curiosity. Services for inmates are rare in detention facilities, and it is unlikely that a prisoner would do anything to compromise this help. Even inmates with a violent past and who may not need rape crisis services are unlikely to try to harm a visitor, knowing that any violent behavior may result in additional criminal charges, revocation of privileges, or placement in isolation.

Service providers who are concerned for their safety — or who have little or no experience in corrections facilities — can request an orientation and tour and ask to meet with staff and inmates before the onset of services. Having face-to-face contact with prisoners can help to dispel fears about this population and provide advocates with an opportunity to learn more about their backgrounds and experiences.

Corrections officials are responsible for protecting visitors, and they take this role seriously. If a service provider ever feels that a situation may be unsafe — or if the advocate feels threatened — protective measures can be taken, such as providing a staff escort or limiting physical contact between advocates and survivors. Any agreement that is established between rape crisis centers and corrections agencies should cover safety protocols for rape crisis center staff.⁴¹ Some of the steps advocates can take include assessing the room in which they will meet with inmates, talking with staff about emergency procedures, and checking in with a corrections staff contact person before and after meeting with a client.

Bridging the Culture Gap

Even for those community-based groups that are willing to work with corrections departments, bridging the cultural divide between these agencies may seem overwhelming. On the surface, rape crisis programs

and corrections agencies operate with completely different missions and philosophies, and their staff may be uncomfortable working together initially. Outsiders are not always welcome in corrections facilities that, by nature, are closed off from the community. As such, prisons and jails tend to lack strong connections to outside groups.

Rape crisis programs that work with law enforcement or the military will find similarities between such agencies and corrections departments, which tend to be hierarchical and resistant to change. In order to work together successfully, community service providers and corrections agencies should identify common goals and objectives. Successful advocates know how to work within a corrections system, rather than against it. Cross-training is an important way for advocates and corrections officials to share their approaches and philosophies with each other. Rape crisis programs and corrections staff share a commitment to safety, which can provide a basis for working together.

The national PREA standards offer the most concrete and useful mechanism for rape crisis programs and corrections agencies to work together to end sexual abuse in detention and to serve survivors. As mentioned earlier, the PREA standards require that corrections agencies work with community rape crisis centers and other service providers to offer survivors services, including: confidential support via hotlines and letters; advocacy during sexual assault forensic examinations; and crisis intervention and supportive follow-up services. The standards also require that all facility staff receive training, including on the dynamics of sexual abuse, a clear area of expertise of rape crisis programs.

Many corrections agencies will reach out to rape crisis centers directly, asking for help. Rape crisis programs can also take the first step and offer to help nearby prisons, jails, youth facilities, and community confinement facilities to comply with some of the key requirements of the standards. The standards require that each facility designate a PREA Coordinator, who is responsible for ensur-

ing compliance with the standards and is the natural first contact for any rape crisis program that is willing to help.

The Sexual Assault Response Team (SART) model is an area of common ground that advocates can use to work with corrections facilities and help incarcerated survivors. The PREA standards require that all facilities develop a coordinated response plan that is similar in intent and format to SARTs in the community. SARTs are multi-disciplinary units tasked with responding to sexual abuse, ensuring evidence collection and a forensic exam, and arranging for emergency and ongoing medical and mental health services. Community SARTs and coordinating bodies for community services can offer to support the development of SARTs in institutions, invite corrections agencies to join community SARTs, and revise community protocols to include services for incarcerated survivors explicitly.

The foundation of any effective SART is the twofold goals of ensuring the well-being of the survivor and improving prosecution rates. Central to a SART's success is the commitment of each team member to carrying out his or her role in the service of these goals. Incarcerated survivors benefit tremendously when corrections officials join community SARTs and form SARTs in their institutions. Both the model itself and the interaction with community advocates change the culture of corrections facilities. Across the country, since the release of the PREA standards, such collaborations are increasing transparency, exposing corrections staff to new ways of understanding sexual abuse, and opening doors for survivors to get the help they need.

Protecting Survivor Confidentiality

Despite having a shared goal of survivor safety and well-being, advocates can expect to have detailed and sometimes difficult conversations with corrections officials about confidential communication with survivors. It is unimaginable to many corrections agencies that someone would learn of a sexual assault that oc-

curred within their facility and not immediately report it. Their fear is often that criminal activity will go unchecked if survivors have confidential access to community-based advocates. No matter what corrections officials' concerns may be, advocates should not compromise their principles and responsibility to survivors because a survivor is incarcerated. A survivor's right to confidentiality does not change depending on where the survivor lives, and nor do advocates' legal and ethical obligations.

An effective approach to reaching agreement on confidentiality can be to educate corrections officials about advocates' professional obligations and state laws regarding confidentiality. Advocates can also educate officials about how survivors in the community are more likely to report sexual abuse and participate in a prosecution when they have access to confidential counseling services. In recognition of the effectiveness of SARTs, the Department of Justice incorporated the principles of this model in the PREA standards.

Corrections officials' concerns about safety are real and valid. It is their responsibility to keep the facility safe, and they fear that if they do not know about a sexual assault against an inmate, they will be unable to protect others from the perpetrator. Advocates should be prepared to make clear to corrections staff that a rape crisis advocate is the one person whose only concern is the survivor's well-being. Every other person an incarcerated survivor comes in contact with on a daily basis is mandated to report crimes that occur within the facility. Having access to one person who is able to provide confidential support, information, and resources is likely to lead to an increase in inmate reporting.

Agreements about confidentiality should be documented clearly in memoranda of understanding or other written agreements. Rape crisis program staff can help to institutionalize confidential services for survivors by participating in staff training and inmate education, and they can also explain the role of the advocate and the extent to which communication with the advocate is confidential.

Sustaining Partnerships

Rape crisis centers know from experience that collaborative partnerships with other agencies can be challenging to maintain. Corrections-community partnerships may be particularly difficult to sustain given the differing philosophies, limited funding, and high staff turnover in the agencies.

An effective tool to build and sustain partnerships between rape crisis centers and corrections agencies is to develop a written memorandum of understanding that formalizes each agency's role in working with survivors. The PREA standards require that corrections agencies enter into such agreements with rape crisis centers, and many departments

will be eager to formalize these collaborations.⁴² To ensure continuity, community service providers should build relationships with several people in their local detention facilities, such as PREA Coordinators, front-line custody officers, and agency leaders. Including corrections staff in coordinated response meetings in the community can also help to ensure that partnerships are sustainable beyond the individuals who begin the collaboration. Scheduling regular check-ins and remaining in close contact can also ensure that these partnerships will continue as long as incarcerated survivors are in need of rape crisis services. As with any collaboration, it is important to assess and adjust the terms of the agreement regularly to make sure that the partners are working well together and that survivors are getting the help they need.

SUCCESS STORY: PITKIN COUNTY JAIL, COLORADO

Pitkin County Jail, in Colorado, is a small, rural facility with an average daily population of just 16 inmates. The jail does not have a 24-hour medical attendant, and the nearest sexual assault nurse examiner is more than 100 miles away.

In 2011, the head of the facility, Don Bird, reached out to a community-based organization to help set up victim services for inmates at the jail. The resulting partnership between the jail and the advocacy group, called RESPONSE, has been groundbreaking. With JDI's support, RESPONSE has created a sexual assault response team (SART) at the facility. In addition, the jail's staff are now trained in how to handle cases of sexual abuse.

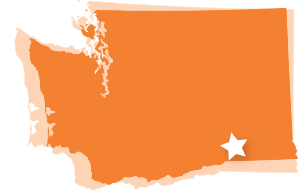
Don Bird and Jill Gruenberg, Advocacy and Prevention Program Coordinator at RESPONSE, talked about creating successful community-corrections partnerships:

"For me, the key thing is having a comfortable relationship with the jail staff in which there is mutual respect. We're seeing each other weekly, saying hello, and gaining insight into each other's roles. In the natural flow, I might have a question that's relevant to the jail. Having the relationship means I can pick up a phone and just ask."

— Jill Gruenberg, RESPONSE

"Any cooperative enterprise in a community is beneficial. Jails tend to be fairly insular. I've always tried to make the jail part of the community and get community involvement to the extent that we can. Jill has a network with her group and, so by, extension, we can partner with the greater community. One of the benefits of living in a small town is that you can make those connections."

— Don Bird, Pitkin County Jail



YWCA of Walla Walla

Anne-Marie Zell-Schwerin, Executive Director

WCSAP: What is your role in working with incarcerated survivors of sexual assault?

AMZS: As agency director, I don't provide direct services. My role is to ensure that the people who do provide direct services have the resources and support they need to do this important work. With regards to the PREA project, I have been engaged in building relationships with DOC and PREA personnel at the Washington State Penitentiary (WSP), working at a systems level.

WCSAP: What advocacy strategies have worked for you with these survivors? What do you think would be important for other advocates to know about working with incarcerated survivors of sexual assault?

AMZS: We have had only one advocacy call so far and no calls to the hospital yet. I think it is important for advocates to know what to expect when a call comes in, especially that the survivor has only 20 minutes to talk. Staff have expressed to me their need for help in shrinking what they do into a 20-minute interval. Additionally, staff have said that they are challenged when recommending resources to incarcerated survivors. Most of our regular resources are inaccessible to them. We need a better understanding of the resources available inside the institutions and how to refer people to them. When this project started, Andrea Piper-Wentland said something that has stayed with me: "We are building the plane while we are flying it." Knowing that this process is one in which we are all learning on the job in real time is actually quite comforting and has made for really good communication.



WCSAP: How have you partnered successfully with the Department of Corrections facility where you support incarcerated survivors?

AMZS: One of our YWCA board members is a long-time Washington State Penitentiary investigator. She told me about PREA and WSP's PREA work, even sharing with me a training manual from a 3-day workshop on PREA for DOC staff. She also laid the groundwork for connecting the YWCA with our PREA liaison at WSP. When I eventually met our liaison, I already felt like we had a connection, thanks to my board member. The liaison and I had the chance to work together right away when we were asked to present on PREA and our community response at Walla Walla's annual Violence Prevention Conference. We prepared slides and shared them with an audience of students and community

Knowing that this process is one in which we are all learning on the job in real time is actually quite comforting and has made for really good communication.



Reach out.
The folks at DOC want to get this right.

The great thing about this time in the project’s evolution is that we are in the building stages, and the feedback is crucial to the next steps.

members at Whitman College in March. We had time for questions and answered each question from the standpoint of the institution and the community based advocacy program.

WCSAP: What would you tell a sexual assault program that may be struggling with providing sexual assault advocacy services to incarcerated survivors?

AMZS: Reach out. The folks at DOC want to get this right. Use the help of WCSAP and don’t hesitate to call Megan Baskett, the PREA Specialist who answers the statewide PREA hotline and manages the DOC PREA grants. Call other programs, too, because the chances are that all of us have some variation of the same struggle. The great thing about this time in the project’s evolution is that we are in the building stages, and the feedback is crucial to the next steps.

WCSAP: What challenges have you experienced? What lessons have you learned from these experiences?

AMZS: The biggest challenge we have had is in dealing with the fears around the prison environment and in envisioning what advocacy as we know it looks like in a very controlled environment. I was concerned about the reaction of some of my board members when I told them about PREA and our role in service provision. It was essential that we started at first principles, asking ourselves, “What do we know to be true?” The answer, that no one asks to be or deserves to be sexually assaulted, put the discussion in context. Did it make fears go away or stereotypes instantly crumble, no, but it reminded us all of why we are here, doing this work.

www.ywcawww.org



Prison Rape Elimination Act (PREA) Victim Services Standards

WCSAP

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.

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>. Below some of the important standards related to victim services for prisons, jails, and juvenile facilities are outlined.

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 below, can be found in Section 115.121, Responsive Planning: Evidence Protocols and Forensic Medical Examinations.



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

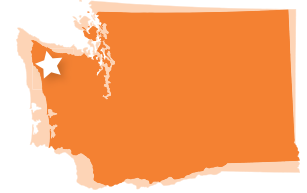
Resident Access to Outside Support Services

(mirrors Prison and Jail Standards)

115.382

Access to Emergency Medical and Mental Health Services

(mirrors Prison and Jail Standards)



Forks Abuse Program

Ann Simpson, Executive Director & Amanda Ellis, Lead Sexual Assault Advocate

WCSAP: What is your role in working with incarcerated survivors of sexual assault?

AS & AE: We approach this work as a team project. It's important to have support in this work, have someone available as needed, and still allow for an advocate to be sick or take a vacation. So far, we have really tried to work hand in hand. We both have visited the Department of Corrections (DOC) facilities and both participated in the team meetings. Since Ann has more experience in direct service and system work, she tends to have the ideas of how we can proceed with the project, and often hands the ideas off to Amanda to develop a bit, and then we come back together. In reality, when we have had calls for advocacy Ann has been on vacation and Amanda has gone out on her own. But we always talk before and after the hospital visit.

WCSAP: What advocacy strategies have worked for you with these survivors? What do you think would be important for other advocates to know about working with incarcerated survivors of sexual assault?

AS & AE: Our actual survivor face-to-face advocacy work has been limited. Ultimately the role of the advocate is the same as for any sexual assault advocacy. Support the survivor and help make the process and the system pieces as smooth as possible. When system issues come up, try and address them for the good of all. It is also our role to have conversations with others to raise awareness and see if we can start to work on the root causes.

We have had 2 calls for advocacy support. The advocate's role has been to help explain the



process, and normalize it as much as that is possible. There were system glitches with both calls, and that has given us an opportunity to have meaningful conversation with the DOC staff to work on making this process successful.

WCSAP: How have you partnered successfully with the Department of Corrections facility where you support incarcerated survivors?

AS & AE: This has been the most successful part of the work. We have created a Multi-Disciplinary Team with staff from facilities, the Sergeant from the County Sheriff's Department, and medical and social work staff from the hospital. This process has allowed us to talk about problems that came up during an exam or a call out, discuss areas for growth, and learn about each other's systems. We have been asked to come out and meet with



Developing relationships with the DOC staff is going to be key. Ask questions of them, and always recognize what's going well. It's also important to look at what resources might be available to them, and be helpful to them and to the advocacy program.

medical staff from one of the DOC facilities and have a team meeting with them. It's been really great to see the commitment from the DOC staff and be able to work together to build a really great response network for incarcerated survivors.

WCSAP: What would you tell a sexual assault program that may be struggling with providing sexual assault advocacy services to incarcerated survivors?

AS & AE: Developing relationships with the DOC staff is going to be key. Ask questions of them, and always recognize what's going well. It's also important to look at what resources might be available to them, and be helpful to them and to the advocacy program.

WCSAP: What challenges have you experienced? What lessons have you learned from these experiences?

AS & AE: There are some really great people working at the DOC facilities. Everyone has been very welcoming and committed to the process. So we have been fortunate - we have been able to have conversations and ask questions and try and work on making this process work for everyone. We had some challenges during one call for advocacy – the survivor ended up in a small exam room with a SANE nurse, and SANE in training, the advocate, one law enforcement officer, and two corrections officers. That seemed a bit much so we were able to meet afterward, and talk about it and work on ways to avoid a repeat of overcrowding someone. We were also a little concerned about the lack of communication from the DOC officers. Later, when we asked, it was much clearer. We were told that we really need to look at them as security. That was something new. We had been looking at them as service partners and didn't understand the distance they projected. They were just doing their job. If we hadn't asked, we never would have known. That's one place that where we could have walked away thinking that they didn't care or weren't interested. So that's why it's so important to build relationships, ask questions.

www.forksabuseprogram.org

Question Oppression



Exploring the Connections Between Sexual Violence & Oppression

Use these questions to explore the connections between sexual violence and oppression with staff, volunteers, or board members.

Try discussing one or more at a staff meeting, in-service, volunteer training, or board retreat.

How would you safety plan or do crisis intervention differently with someone who is incarcerated and has access to limited resources, keeping in mind that they have had power and choice taken from them by incarceration?

What additional risks or confidentiality concerns might a trans* or gender-nonconforming survivor face in accessing your advocacy services from a correctional facility or in reporting abuse to a correctional facility?

What intersecting oppressions might an incarcerated survivor be experiencing and how might this impact their ability to trust you?

Resources



Did you know . . . that WCSAP members have access to check out our library items? It's true. We mail them to you, you mail them back. Access our library online: <http://www.wcsap.org/lending-library>

- **PREA Resource Center Webinar on Washington State PREA Partnership – Partnering at the State Level: Getting to Know Each Other**
<http://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/partnerships>
- **WCSAP Survivors in Detention Web Page**
<http://www.wcsap.org/survivors-detention-facilities>
- **Just Detention International Fact Sheets**
http://www.justdetention.org/en/fact_sheets.aspx
- **Just Detention International Advocate Resources Page**
<http://www.justdetention.org/en/advocate-resources.aspx>



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*For information about becoming a member of WCSAP,
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Connections is **YOUR** magazine.

We invite guest authors to submit pieces on a variety of topics, and welcome your submissions on advocacy approaches, media reviews, and creative work like original art or poetry.

We would also like to feature highlights of your agency and the advocacy work you are doing.

Direct submissions to
advocacy@wcsap.org

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