

can always provide information to survivors about the reporting process and support them during that process if they choose to report.

Providing Advocacy Services in a Correctional Facility

Advocacy programs should establish up front to the facility that they are a partner, not a contractor or a volunteer. Explain the role of an advocate, advocacy training requirements, and confidentiality obligations. This will help establish trust and the understanding of sexual assault advocacy as a specialized profession.



Corrections Culture

- Correctional facilities need the help of advocacy programs to be compliant with PREA.
- Correctional facilities are highly regulated and controlled environments.
- Correctional officers and other corrections professionals who advocates may encounter while doing this work are mission driven. Public safety, community safety, and safe facilities are their mission.
- Correctional facilities operate with detailed policies and procedures and have a distinct chain of command for

decision making. It is helpful to identify the right person to connect with, show an understanding of this structure, and then work together to determine where advocacy fits in the response policies and procedures for sexual assault incidents.

- Correctional officers also experience vicarious trauma from hearing about and witnessing violence in their facilities. They are vigilant about their own safety while on the job, in addition to the safety of their fellow officers and incarcerated people.
- Correctional officers are often not aware that advocacy services are available to the broader community if they or someone they know has experienced sexual assault.

What to Know Prior to Providing Advocacy in a Facility

- There should be a designated point of contact for PREA in each facility. The staff position assigned this responsibility differs from facility to facility, and may be called the PREA Liaison, PREA Coordinator, PREA Compliance Manager, or other title. Advocates should find out who this person is and connect with them.
- In most facilities, advocates will need to go through a security screening before being able to enter the facility. They may be required to attend an orientation class or meet with facility staff about emergency procedures.
- Advocates should tour the facility before beginning services so they are familiar with the environment and other services

available to incarcerated people.

- Advocates will need to find out when incarcerated people have access to phones and what times and days in person meetings can occur.
- Most calls from incarcerated people are recorded by the facility and in many facilities an incarcerated person must enter their identification number to make a call. The facility should work to ensure calls to the advocacy program are not recorded and no identification number is required.
- Advocates should look at all available options for meeting with an incarcerated survivor within the facility. Consider using the same space used for attorney visits or mental health treatment.
- Facilities may conduct internal investigations, in addition to referring to law enforcement, as part of their response to sexual assault allegations. Advocates should become familiar with these processes so they are able to help survivors understand what will happen if they decide to report.
- Advocacy programs should have clear procedures for addressing any conflicts or complex scenarios that may occur, such as providing advocacy for an incarcerated survivor who has previously perpetrated against others.

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What is the Prison Rape Elimination Act (PREA)?

The Prison Rape Elimination Act of 2003 is the first federal law passed to address sexual violence in detention facilities. PREA states that sexual assault in detention can constitute a violation of the eighth amendment of the U.S. Constitution and requires that facilities adopt a zero-tolerance approach to this form of abuse. Standards that tell detention facilities what they must do to be in compliance with the law were published in 2012. There are hundreds of standards requiring facilities to act to prevent and respond to sexual violence against incarcerated and detained people.

What types of facilities does the Prison Rape Elimination Act apply to?

Most detention facilities are required to comply with PREA. This includes state and federal prisons, jails, juvenile detention, work release, community confinement, lockup, and immigration detention facilities.

The PREA standards for prisons, jails, lockups, community confinement and juvenile facilities can be found on the PREA Resource Center's website.

What does PREA say about access to sexual assault advocacy services for incarcerated people who have experienced sexual assault?

Correctional facilities must provide access to outside confidential support services (advocacy) for hospital accompaniment, investigatory interviews, emotional support, crisis intervention, information, and referrals.

For more details, refer to the PREA Victim Services Standards resources on the WCSAP website.

Confidentiality with Incarcerated and Detained Survivors

PREA requires correctional facilities to provide access to outside confidential support services, or advocacy, and to enable reasonable communication between incarcerated people and advocates in as confidential a manner as possible. Community based sexual assault advocates in Washington State have privileged communication with all survivors, including those who are incarcerated. Advocates are also required by state and federal law, their funding, and their program policies to protect survivors' confidential information and those requirements do not change when the survivor is incarcerated.

Almost everyone who enters a correctional facility – staff, contractors, volunteers – is required to report back to the facility if they see or hear about a sexual assault that occurred in the facility. However, community based sexual assault advocates who work for an outside agency are not required to report back, and should not do so, unless the survivor requests this, or an exception to confidentiality applies (e.g. mandated reporting of child abuse or abuse of a vulnerable adult), because they would be violating their confidentiality obligations. It may take longer to build trust with survivors who are incarcerated, and being clear about the fact that advocates do not work for the facility and will protect the survivor's confidential information is key to building that foundation for trust.

In addition to providing access to advocacy services, correctional facilities are required to provide inmates with many different options for reporting sexual assault that occurs in their facility. One of these options must be reporting to an entity that is outside of the correctional facility and is not affiliated with it. For example, a Department of Corrections (DOC) may have a reciprocal agreement with a DOC in another state, or a county jail may partner with an unaffiliated city jail to fulfill this requirement. This entity receives reports of sexual assault, including anonymous reports, and then is required to provide information about the assault back to the facility where it occurred for investigation purposes. This requirement is in a different PREA standard than the outside confidential support services standard and it is not the intention of PREA for the same agency to serve in both roles.

Serving as the external reporting entity would not be an appropriate role for a community based sexual assault advocacy program, because the program would be part of a system based response, and would have to determine if a survivor was calling for support or to report. Serving in this role could also have a detrimental impact on the program's reputation with survivors in community who may fear that their information will not be kept confidential if they seek services. It should be clear to all survivors when calling the community based sexual assault program that the program will not release their confidential information unless required by law or court order. Of course, advocates