

CALIFORNIA ADVANCING PREA

A Guide to Working with Rape Crisis Centers





Just Detention International (JDI) is a health and human rights organization that seeks to end sexual abuse in all forms of detention. Founded in 1980, JDI is the only organization in the U.S. – and the world – dedicated exclusively to ending sexual abuse behind bars. We hold government officials accountable for prisoner rape; challenge the attitudes and misperceptions that allow sexual abuse to flourish; and make sure that survivors get the help they need.

The California Coalition Against Sexual Assault (CALCASA) is committed to ending sexual violence through a multifaceted approach of prevention, intervention, education, research, advocacy, and public policy. CALCASA provides leadership, vision, and resources to rape crisis centers, individuals, and other entities committed to ending sexual violence.

ACKNOWLEDGMENTS

This project is supported by Grant No. AP16-03-8671, awarded by the California Office of Emergency Services (CalOES). The opinions, findings, conclusions, and recommendations expressed in this training are those of the authors and do not necessarily reflect the views of the Governor’s Office of Emergency Services.

The California Advancing PREA project is a collaboration between JDI and CALCASA.

PREA Compliance Managers and Designees,

A critical role of the DJJ PREA Coordinator is ensuring that PREA Compliance Managers at all DJJ campuses have the tools they need to keep youth safe from sexual abuse by complying with the national Prison Rape Elimination Act (PREA) standards and DJJ policies.

The PREA standards are an important part of maintaining overall safety and security on DJJ campuses. Under juvenile standard 115.353 (a), DJJ is required to provide confidential access to a victim advocate for follow-up support services. In addition, standard 115.321 (e) requires DJJ to make a victim advocate available for accompaniment during a forensic exam. Your campus is also required to enter into a memorandum of understanding (MOU) with your local rape crisis center (RCC), per DJJ policy.

However, PREA can also present some challenges for you. For example, some of you may never have worked with an RCC, and are therefore unfamiliar with their key role in supporting youth and ensuring the overall safety of our campuses.

This toolkit is designed to help you fulfill your responsibilities on building effective partnerships with RCCs. It will describe what types of services victim advocates provide, including trainings, and additional services for youth including educational groups and individual support. This information will help you ensure that your campus is complying with policy and is audit-ready as it relates to these victim services requirements.

On behalf of the department, I want to thank you for your hard work related to PREA. For further information or if you have additional questions, please contact me at (916) 683-7760.

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1. SEXUAL ABUSE IN DETENTION

Sexual abuse in detention is a nationwide crisis. Every year, 200,000 adults and children are sexually abused behind bars.¹ Most survivors are abused not once, but again and again. This violence affects some groups of people more than others. People who are LGBTI, people with a mental illness, and survivors of prior abuse are particularly vulnerable to sexual abuse in detention.

In 2012, the Department of Justice released its national PREA standards to address this crisis.² The standards, which are binding on prisons, jails, youth detention

facilities, police lockups, and community corrections facilities, call on corrections agencies to take commonsense steps to ensure the safety of the people in their care. The PREA standards recognize the extreme risks facing some youth residents, and mandates that facilities must take basic steps to keep them safe.

The standards also pave the way for youth to get help from community-based rape crisis centers. These providers have the expertise to deliver high-quality care to people in detention who need and deserve their help.

WHAT'S THE RIGHT TERM: VICTIM OR SURVIVOR?

For many years, people who experienced sexual abuse were referred to as “victims.” Thanks to the efforts of rape crisis counselors, the term “survivor” started to gain widespread acceptance in the 1970s. This shift was made in recognition of the strength it takes to speak out against, and heal from, sexual abuse. Advocates also noted that the word “survivor” gives agency to the people who lived through abuse — allowing them to be defined not by the horrific crime against them, but by their response to it.

2. WHAT IS A RAPE CRISIS CENTER?

Rape crisis centers (RCCs) are nonprofit organizations that provide emotional support services to survivors of sexual assault and sexual harassment. Some RCCs also support people who have experienced domestic violence or child abuse. The people who do the work at RCCs are known as Sexual Assault Victim Counselors, which is usually shortened to victim advocates. The training that victim advocates receive is regulated by California state law, and covers the effects of sexual abuse and the culture that allows it to thrive.

THE BENEFITS OF WORKING WITH ADVOCATES

Sexual abuse is a devastating crime — but with quality rape crisis services, healing is possible. Rape crisis advocates have the skills to help survivors cope in the aftermath of an assault and begin to rebuild their lives. As one survivor, Eric, wrote in a letter to the advocate who helped him, “Your words and supportive actions give me the power to overcome and keep moving forward.”

AN ADVOCATE IS....	AN ADVOCATE IS NOT....
Someone who supports survivors during the investigative process	An investigator
A partner who helps DJJ implement the PREA standards	A PREA auditor
A professional who provides trauma-informed crisis intervention	A therapist
An expert who can provide referrals and follow-up services	A doctor
A source of information for survivor on the reporting process and the rights of CA victims	A lawyer
An ally who shares and supports DJJ’s goal of safety	DJJ staff

3. WHAT SERVICES DO RAPE CRISIS ADVOCATES PROVIDE TO YOUTH SURVIVORS IN DJJ FACILITIES?

Under the PREA standards, DJJ is required to ensure youth can get confidential support services from outside providers.⁴ The services that advocates can offer include phone counseling, letter writing, accompaniment during forensic exams and investigatory interviews, and in-person counseling.

PHONE COUNSELING

DJJ facilitates confidential rape crisis hotline services for the people in its custody. Through the hotline, youth can reach advocates at their local RCC for emotional support, information, and referrals. The calls are free, unmonitored, unrecorded, confidential, and anonymous. A youth can use access services via the hotline even if they have not filed an official report.

LETTER WRITING

Letters are an effective way for advocates to provide emotional support and to decrease the sense of isolation common to survivors of sexual abuse. DJJ treats mail between youth and advocates as confidential when “Evidence Code 1035.4”

is written on the envelope. Such mail may be checked for contraband, but the contents should not be read.

FORENSIC EXAM ACCOMPANIMENT AND INVESTIGATORY INTERVIEWS

During forensic exams and investigatory interviews, rape crisis advocates provide survivors with in-person emotional support and information about the investigatory process. The role of an advocate is not to participate in the investigation; rather, their job is to ensure that survivors feel supported. The PREA standards and the California Penal Code (Section 674.04(a)) outline the facilities’ responsibility to provide an advocate during forensic exams and investigatory interviews.

IN-PERSON SERVICES

Rape crisis centers with the capacity to do so can also provide in-person crisis counseling sessions. PREA Compliance Managers may be asked to help arrange meetings between advocates and survivors, and identify confidential locations for meetings to occur.

WHAT DJJ MOUS SAY ABOUT CONFIDENTIALITY

Respect the nature of privileged communication between the Victim Advocate from the rape crisis center and the youth pursuant to CAL EVIDENCE CODE § 1035.4 and 1035.8, whenever possible during the forensic medical examination process; and treat written correspondence between Contractor Personnel and a youth in an envelope marked “Evidence Code 1035.4 Confidential/Privileged Communication” as confidential written correspondence.

4. BUILDING PARTNERSHIPS WITH WITH RAPE CRISIS CENTERS

Before PREA, it was practically unheard of for corrections officials and advocates to work together. But that's changing, and today there are many successful partnerships between corrections agencies and outside advocates. Rather than undermining security, as some in corrections feared, victim services programs have made facilities safer.

Advocates have the skills and expertise to help youth heal from trauma. What's more, the very presence of advocates inside detention increases the level of trust that youth have in staff to take sexual abuse and sexual harassment seriously.

DJJ has been a leader in bringing high-quality care from community-based providers to their facilities. To build and sustain a strong victim services program for people in detention, it is important to understand its key components.

MEMORANDUM OF UNDERSTANDING (MOU)

The first step to building a partnership with a local RCC is establishing an MOU. Per the DJJ I&C Policy and Procedures, the purpose of the MOU is to "ensure that both agencies understand their roles and responsibilities when responding to sexual violence or staff sexual misconduct."⁵

A MULTIDISCIPLINARY APPROACH (COMMUNITY SARTS)

A sexual assault response team (SART) is a cornerstone of an effective response to reports of sexual abuse. SARTs are made up of people from a range of professions, including law enforcement, district attorneys, forensic nurses, and advocates. As explained in the DOM, the SART's role is to meet the "medical and emotional needs of the victim of sexual violence or staff sexual misconduct."⁵

DJJ policy mandates that facilities contracted for off-site forensic exams collaborate with their local SART. Facility PREA Compliance Managers who actively participate in the community SART, including by attending local SART meetings, are better able to build connections with Sexual Assault Nurse Examiners, local law enforcement, victim services providers, prosecutors, and other agencies responding to sexual abuse.

TRAINING OPPORTUNITIES

Rape crisis advocates are the experts in the dynamics of sexual abuse and sexual harassment. As such, they can provide assistance related to several training requirements outlined in the PREA standards. This can include assisting in PREA training for DJJ volunteers and contractors, and providing training for DJJ staff on trauma-informed sexual abuse response.

RESOURCES

- [Rape Crisis Center Service Area Key for DJJ Facilities](#)
- [RCC Informational Posters for DJJ](#)
- MOU and Exhibits
 - [MOU](#)
 - [Exhibit A-1](#)
 - [Exhibit E-2](#)
- [DJJ I&C Policy and Procedures](#)

Other Resources

- [PREA Resource Center](#)
- [CALCASA](#)
- [JDI](#)
- [Bureau of Justice Statistics](#)
- [Bureau of Justice Assistance State PREA Submissions](#)
- [Standing with LGBTI Prisoners \(National Center for Transgender Equality\)](#)

ENDNOTES

1. This figure is an estimate made by the Bureau of Justice Statistics, based on its Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12 (May 2013), available at www.bjs.gov/content/pub/pdf/svpjri1112.pdf
2. Ibid.
3. National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115, Department of Justice (2012), www.federalregister.gov/documents/2012/06/20/2012-12427/national-standards-to-prevent-detect-and-respond-to-prison-rape
4. National PREA Standards, §§ 115.53, 115.253, 115.353
5. Department Operations Manual (DOM), (California Department of Corrections and Rehabilitation, Adult Institutions, updated January 2019) 54040.8.2.
6. Ibid, 54040.3.