Access for All

A Guide to Serving Incarcerated Survivors

CALCASA
CALIFORNIA COALITION AGAINST SEXUAL ASSAULT

JUST DETENTION INTERNATIONAL
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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

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California Rape Crisis Center Staff,

My role as the Chief of the Victim Services Division of the California Governor's Office of Emergency Services (Cal OES) includes ensuring that survivors of sexual assault have access to high-quality services and knowledgeable advocates — including while incarcerated. Doing so requires building relationships between rape crisis centers and correctional facilities — a crucial task that Cal OES supports through California Advancing PREA, a project that is run jointly by JDI and CALCASA.

The California Advancing PREA project team created this toolkit to ensure the sustainability of victim services programs inside California's prisons. In this toolkit, you will find useful information about working with corrections officials and providing high-quality services to survivors of sexual abuse in detention. It is designed to help you fulfill your commitment to doing this vital work.

On behalf of Cal OES, I want to thank you for your hard work and dedication to helping incarcerated survivors in their healing.

Thank you,

Janine Williams
Chief, Victim Services Division
California Governor's Office of Emergency Services

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PART 1 NO BAD VICTIMS

1. SURVIVORS ON THE MARGINS

All people have a right to be safe from sexual abuse — including people who are incarcerated. No matter what crime a person may have committed, rape is not part of the penalty.

The mission of rape crisis centers (RCCs) is to end sexual violence and ensure that all survivors can get the help they need to heal. RCCs are guided by the principle that there are no bad victims — *all* survivors of sexual violence deserve compassion and support. In particular, RCCs aim to reach survivors from communities that are underserved.

No group of survivors has been more neglected, more isolated from sexual abuse service providers, than survivors behind bars. Historically, California's detention facilities have been closed to outside advocates. The good news is that, thanks to the Prison Rape Elimination Act (PREA), facilities are required to enter partnerships with community-based counselors — and RCCs increasingly have opportunities to bring quality care and support to incarcerated people who need and deserve their help.

Access for All is a toolkit designed to help rape crisis counselors provide direct services to survivors who are in the custody of the California Department of Corrections and Rehabilitation (CDCR). The toolkit is a product of California Advancing PREA, a partnership between JDI and CALCASA that is funded by Cal OES.

For RCCs and advocates new to this work, *Access for All* offers some of the basics on how to work with incarcerated survivors. The information provided here is specific to facilities operated by CDCR, but many of the ideas can be applied to other forms of detention, like county jails and immigration detention facilities.

WHAT IS CDCR?

CDCR is the government agency that administers state prisons in California. CDCR holds people who have been convicted of violating state law and sentenced to a prison term, generally of more than one year. CDCR operates 38 facilities across the state — 35 adult and 3 juvenile detention facilities. As of September 30, 2018, 119,221 people were in CDCR custody.

BRINGING OUTSIDE SERVICES INTO PRISONS

The release of the PREA standards, in 2012, paved the way for RCCs to work with incarcerated survivors. Under these standards, adult and youth facilities must allow the people in their custody to get emotional support services from qualified community-based victim services providers.[1]

The standards require facilities to adopt a range of commonsense measures to address sexual abuse, such as safer reporting methods, more robust investigations, and programs to educate inmates on their rights. Further, the standards state that facilities must designate a staff person to ensure PREA implementation, known as a PREA Compliance Manager (PCM), and that corrections agencies name a PREA Coordinator to oversee these efforts.[2]

The door for advocates opened even wider in 2016 when the federal government lifted a longstanding prohibition on using Victims of Crime Act (VOCA) funding to help prisoners.[3] With that ban no longer in place, RCCs can spend VOCA grant money on providing services to sexual abuse survivors behind bars.

SURVIVOR VOICES

FRANK

"Prisoner rape is not just a statistic for those of us who have lived through it — it is a life shattering experience. But the PREA standards have filled me with hope that no one will have to experience what I went through."

– Frank Mendoza, JDI Survivor Council

2. WHO IS INCARCERATED?

There are 2.3 million people locked up in the United States — the highest total in the world.[4] A disproportionate number of people behind bars come from marginalized communities. People of color, for example, are dramatically overrepresented in detention facilities. African Americans make up 40 percent of the prison population, despite comprising just 12 percent of the U.S. population.[5]

People who are poor, mentally ill, or LGBTI are also at an elevated risk of being locked up. When a person belongs to more than one marginalized group, the chances that they will become ensnared in the criminal justice system rises. For example, one study found that nearly half of African-American transgender people have served time in prison.[6]

A SYSTEMIC PROBLEM

Structural factors fuel the high rate of incarceration for these communities — namely racism, classism, ableism, and anti-LGBTI bias. These sets of beliefs are ingrained in every level of our criminal justice system, affecting how people are treated by law enforcement officials, by the courts, and by corrections agencies.

Another factor that can lead to incarceration is prior trauma. The link between abuse and incarceration — sometimes known as the "trauma to prison pipeline" — is especially pronounced in women's facilities. A staggering 86 percent of women in jail have experienced prior sexual abuse.[7]

A person's reaction to trauma can itself be a pathway to incarceration, particularly for children. Young people who have suffered abuse at home may exhibit normal reactions to trauma, like acting out at school, or committing so-called "status offenses" such as running away. Too often, instead of getting the help they need, youth — especially youth of color — find themselves funneled into the juvenile justice system.

SURVIVOR VOICES

TROY

"I've spent a total of 24 years in juvenile halls, county jails, and state prisons. I know that people who are LGBT, and who are perceived to be LGBT, are targeted. And the worst part was staff just didn't protect us. We were just seen as different, and if we were abused or harassed, staff thought we deserved it."

- Troy Isaac, JDI Survivor Council.

3. SEXUAL VIOLENCE BEHIND BARS

Many people who are incarcerated have experienced trauma in their lives. Sadly, rather than getting help while they are locked up, a depressingly high number of people in detention are sexually assaulted. Every year, 200,000 people are sexually abused behind bars in the U.S.[8] Even worse, most survivors are abused not once but again and again. Shockingly, about half of this abuse is committed by corrections staff — the very people whose job it is to keep prisoners safe.[9] Staff sexual abuse is even more common in juvenile detention facilities; a staggering 81 percent of youth victimized in such settings are abused by a staff member, usually multiple times.[10]

BARRIERS TO REPORTING

Most sexual abuse behind bars goes unreported. Survivors in detention facilities stay quiet for the same reasons as survivors in the community: they fear they will be stigmatized or humiliated if they come forward, they don't trust authority figures to help them, and they don't believe anything will be done.

Incarcerated survivors face additional pressures that make it difficult for them to report. Retaliation — by other inmates and by staff — is rampant behind bars, and anyone who speaks out risks being labeled a "snitch." Many prisoners don't report because they know that staff will respond by sending them to solitary confinement, thus cutting them off from any programming or support systems they may have developed. The isolation of prison life also makes it difficult to come forward. Whereas survivors in the community can reach out any time to a loved one, prisoners are far removed from the outside world. Worse still, prison medical and mental health care services are extremely limited, and are not confidential; providers of such services are required to share reports of abuse with prison staff. As a result, survivors are often wary of seeking out their help.

SURVIVOR VOICES

JAN

"Any rape survivor deals with the effects of being violated, humiliated, and afraid. A survivor of prisoner rape has all of these plus the added emotions of being a prisoner, which range from fear of being locked up to the humiliation and constant triggers of daily life in a facility."

— Jan Lastocy, member of the JDI Board of Directors and Survivor Council

PART 2 HOW YOU CAN HELP

4. SERVICES FOR SURVIVORS

The PREA standards have led to expanded opportunities for advocates to help prisoner rape survivors. In this section, we spell out some of the types of services that advocates can offer survivors, and give tips on how to deliver them effectively.

WRITTEN CORRESPONDENCE

For incarcerated people, letters are a vital connection to the outside world. In California, correspondence between RCCs and incarcerated survivors that is marked with "Evidence Code 1035.4 Confidential/Privileged Communication" is treated as confidential. Envelopes with this mark are opened in front of the survivor and checked for contraband, without being read by staff.

Many rape crisis counselors provide emotional support to prisoners through letter-writing. While written correspondence has its limitations, advocates can apply their expertise in trauma-informed care to help survivors feel heard, validated, and believed. A letter from you can be a lifeline for a survivor, something tangible they can revisit over and over again — especially in crisis.

CRISIS HOTLINES

People held in CDCR prisons can call their local RCC's crisis line. The calls are free, unmonitored, unrecorded, confidential, and anonymous. Advocates should treat these calls like any other crisis line call, while recognizing that privacy is hard to come by in prison. With the survivor's verbal consent, advocates can follow up with callers by sending information via confidential mail. Information on how to get help by mail or phone can be found in CDCR prisons on "Help is Available" posters, which are in English and Spanish.

ADVOCATE VOICES

MARGARET

"Please prepare, read, follow instructions, ask questions, and don't feel alone. And at the end of the day, there'll be this wonderful satisfaction of having done something that you know has helped another individual."

– Margaret Sauza, Executive Director of Sure Helpline

ACCOMPANIMENT TO FORENSIC EXAMS AND INTERVIEWS

Most CDCR prisons take survivors to outside hospitals for forensic exams. Corrections officers are in charge of transporting survivors to and from the hospital, and may remain present during the exam. Prison staff are required to offer survivors in-person support from an advocate during forensic exams.[11] At the exam site, advocates should let survivors know what follow-up services are available. This is especially important if corrections officials will not leave the exam (or interview) room to allow the advocate to meet privately with a survivor. Advocates can bring printed resource materials to the exam or interview, and may wish to obtain the survivor's verbal consent for sending follow-up mail.

IN-PERSON

RCCs that have the capacity to do so can provide one-on-one peer counseling, support groups, and prevention education classes in CDCR prisons. Advocates will need work with facility-based corrections staff to arrange the logistics, such as identifying an appropriate space to hold counseling sessions.

5. VULNERABLE COMMUNITIES IN DETENTION

When a detention facility has weak leadership and bad policies, no one is safe from sexual abuse. Yet prisoner rape is a crisis that affects some groups of people more than others.[11] The table below lists the most vulnerable communities in detention, and gives advice on how you can support them.

PRISONERS WHO ARE LGBTI

ADVOCACY TIPS:
Use inclusive language in your materials and services. If you are unsure of a person's pronoun, it's okay to ask. You should also ask the person whether it is safe use their pronoun in front of staff and other inmates.

Become familiar with the CDCR staff policies on housing transgender prisoners, and specifically the requirements on respectful communication. (See the *Resources* section.)

1 in 8
PRISONERS
who identify as
LESBIAN, GAY, BISEXUAL or OTHER
were sexually abused by another inmate in one year.

34%
of transgender people in U.S. prisons and jails reported being sexually abused in one year.

SURVIVOR VOICES

RODNEY

"I often hear that 'homosexuals' just love being in jail. That it is akin to a kid in a candy store. That cliché is so far from the truth. When I choose to be with someone, it's personal and intimate. Being raped is anything but. Jail is a nightmare for anyone. But for a gay man — the target of sexual assaults — it is pure hell."

– Rodney Roussell, JDI Survivor Council

PRISONERS WHO HAVE SUFFERED PREVIOUS SEXUAL ABUSE

ADVOCACY TIPS:
Be mindful that detention itself is traumatic, and especially so for survivors of prior abuse. When a person is incarcerated, they are subjected to regular strip and pat searches and a lack privacy, and they have limited control over their movements — all of which can be triggers.

Keep in mind that many prisoners who have experienced prior trauma may have never gotten help before. You are likely to be the first person with whom a survivor in prison has spoken about past abuse.

1 in 8
PRISONERS

who have experienced prior sexual victimization reported sexual abuse by another inmate.

PRISONERS WITH A MENTAL ILLNESS

ADVOCACY TIPS:
Become familiar with the mental health staff at the facility where you are working; they will have a wealth of knowledge about available resources.

Make sure that survivors are aware that mental health staff, as mandated reporters, are duty-bound to tell their superiors at the prison about any assault that happens inside the facility.

Be sure your services and materials are accessible for survivors living with hearing, vision, physical, and cognitive disabilities. (See the *Resources* section.)

Prisoners with serious psychological distress are

9X MORE LIKELY

to be sexually abused by another prisoner than those with no indication of mental illness.

YOUTH IN DETENTION AND NON-ENGLISH SPEAKERS

While the vast majority of people who are detained in California are adults, the Californian Department of Juvenile Justice — which is run by CDCR — holds more than 11,000 children. As with the adult inmate population, some groups of children are more likely to be targeted behind bars than others — and especially those who identify as LGBT and those with a history of abuse. The tips listed on the previous page are also applicable to vulnerable youth — though advocates should keep in mind that children respond to trauma differently than adults. (The *Resources* section of this guide includes links to information on how to build an effective victim services program for kids in detention.) Advocates also should tell kids they are working with that they are a mandated reported, and explain what that means.

People who do not speak English are another group with specialized needs that advocates should be prepared to help. California prisons hold thousands of people who speak languages other than English. The most commonly used non-English language is Spanish, but there are also many speakers of Hmong, Mandarin, and Tagalog.

While there is no data on the prevalence of sexual abuse among the population of non-English-speaking prisoners, it is clear that not being fluent in English can make a person vulnerable. JDI has heard from incarcerated survivors who never received information in their language on how to report sexual abuse.

Under the PREA standards, detention facilities must make all programs related to sexual abuse prevention accessible to non-English speakers, including through the use of interpreters.[13] Ideally, your RCC will have available a pool of staff and volunteers who are fluent in languages commonly spoken by prisoners in the facility where you work.

6. BUILDING THE TEAM

An effective, sustainable sexual abuse services program for incarcerated survivors depends on strong relationships between prison staff and advocates. Developing a clear memorandum of understanding is crucial to this relationship, but it is only part of the equation. Here are a few other strategies for RCCs to deepen connections with CDCR prisons.

WORKING WITH CDCR STAFF

COORDINATED RESPONSE

Advocates should share information about SART meetings and upcoming training opportunities with CDCR staff. Under CDCR policy — and under PREA — staff must participate in the community SART.

CROSS TRAINING

CDCR relies on volunteers to provide programming, and the department offers training sessions to prepare them on working inside a prison. You should attend these trainings, if possible. CDCR staff can also offer training just for RCCs that covers the department's policies and procedures for preventing and responding to sexual abuse and sexual harassment. The facility PCM is the best person to contact about setting up cross-trainings. It may also be possible for your RCC to train CDCR staff on trauma-informed practices, the dynamics of sexual abuse, and other services that RCCs provide. In addition, the investigative services unit at the prison might be interested in specialized training on trauma-informed interviewing and survivors' rights.

MAKING THE MOST OF MEETINGS AND FACILITY TOURS

Meetings and facility tours are an opportunity for you to get to know your corrections partners — and for them to get to know you. In conversations with CDCR officials, you may wish to explain your work, noting that you serve not just people in prison but the outside community as well — including corrections officials and their families. You can also invite CDCR staff to upcoming RCC events, during which you may want recognize their efforts to ensure the safety and dignity of the people in their care.

ADVOCATE VOICES

KARIN

"There are many rules and procedures that we must follow in the institution. Staff is responsible for our safety while we are at the facility and advocates should know who to check in with. It is important for advocates to feel comfortable in their environment in order to be effective providing this service."

– Karin Stone, Program Director at Women's Center High Desert

Facility tours are an important starting point for partnerships between advocates and corrections officials. Below are some tips to help you make the most out of a facility tour.

WHAT TO BRING
State-issued ID
Clothing that meets visitor dress code
Comfortable walking shoes
Notebook
Business cards
Outreach materials describing your services

WHAT TO SEE
Housing units
Administrative segregation
Intake area
Private locations for in-person services
Medical and mental health areas
Locations of “Help is Available” posters
Inmate phone areas

WHO TO MEET
PREA Compliance Manager
Investigative Services Unit (ISU) Lieutenant
Mental health staff
Medical staff
Community Resource Manager
Inmate Advisory Council

WHAT TO ASK
Who are my points of contact while I am in the facility?
Is there a space where I can meet with survivors in private?
What do I need to know about facility safety procedures while inside?
What programming is offered to inmates here, and how do they access it?
Can we make a test phone call to my agency?
When can we schedule a follow-up/implementation meeting?

CONNECTING WITH THE INMATE COMMUNITY

RCCs should aim to build relationships with people living in CDCR prisons. The Inmate Advisory Council, a community-appointed representative group that exists in each prison, is an ideal place to start. Council members have invaluable insight on facility culture, community needs and concerns, and ways to spread the word about RCC programs and services. In addition, the council can also offer guidance on how advocates should approach talking about sexual violence in a setting where it may be taboo, or even dangerous.

Another way to connect with the inmate community is through education programs on sexual safety and prisoners' rights, which are required by the PREA standards and offered to everyone in CDCR custody. You can provide the people running the classes — who are, in many cases, inmates themselves — informational materials that describe your agency's services and how to access them.

BUILDING TEAM CAPACITY

It is important that RCCs continue to build their own expertise. Your agency may find it helpful to make one team member the subject matter expert on working with incarcerated survivors. At the same time, every person on staff should feel comfortable providing basic services to people behind bars, including taking crisis line calls, responding to letters, and accompanying survivors during forensic exams.

By sharing the work across the team, your RCC will ensure that helping incarcerated survivors is fully incorporated into its mission. The space below includes some suggestions to help RCCs embrace their role of serving all survivors, including those who are behind bars.

INCORPORATING INCARCERATED SURVIVORS INTO YOUR WORK

- **JOB DESCRIPTIONS**
  Include working with incarcerated survivors as an explicit part of staff and volunteer duties
- **STAFF MEETINGS**
  Include updates on serving incarcerated survivors as a standing agenda item
- **POLICIES**
  Review agency policies to ensure that language is inclusive of incarcerated survivors
- **INCARCERATED SURVIVOR TEAM**
  Set regular check-ins for staff who are directly involved in working with incarcerated survivors
- **VOLUNTEERS**
  Include the topic of supporting incarcerated survivors in volunteer trainings and ongoing education
- **PREVENTION**
  Become involved with inmate education and other prevention efforts at CDCR prisons

7. A CALL TO ACTION

In 2009, while serving time in a California prison, Joe Booth was raped by his cellmate over a period of four days. Joe tried to get help, but staff ignored him; one officer told Joe that it wasn't his job to intervene in a "lover's spat." Days before the assault, Joe, who is openly gay, had requested to be transferred away his cellmate — a rapist with a history of targeting gay men in prison.

What happened to Joe is horrific — and all the more so because it could have been prevented. But Joe's story also contains hope. After staff finally took him out of his cell, Joe saw an advocate from the local RCC. Joe credits that meeting with saving his life. "She treated me like a person, like someone who deserves and has the same rights as everyone else," he said. "She told me it wasn't my fault. That meant everything."

In California and nationwide, advocates are changing prisoner's lives — like Joe's advocate changed his. Today, as a member of JDI's Survivor Council, Joe is a leader in the fight to stop prisoner rape. He believes that advocates can help ensure that every person behind bars is safe and gets support — advocates like you.

SURVIVOR VOICES

JOE

"I know from experience that advocates save lives. They are on the front line, bringing healing to people who desperately need it. But there are so many people behind bars who still need support, who feel like there's no place to turn. Let's give them the support and care that they deserve. Together, we can make prisons safe."
– Joe Booth, JDI Survivor Council

RESOURCES

    - RCC Service Area Key for CDCR Institutions
    - "Help Is Available" Posters for CDCR
    - MOU and Exhibits
        - MOU
        - Exhibit A-1
        - Exhibit E-2
    - Department Operations Manual
    - Map of CDCR Institutions
    - Dress code for CDCR Visitors/Volunteers
- Ventura Youth Correctional Facility Sexual Assault Response Protocol Manual (developed by Coalition for Family Harmony)
- Online Training Resources
    - Developed by CA Advancing PREA:
        - Online Modules
        - Letter Writing
        - Crisis Line
        - Mental Illness
        - Male Survivors
        - Disabilities
        - Trauma Responses in Detention
    - Developed by JDI:
        - In Practice: In-Person Services
        - Strategies for Protecting Confidentiality
        - Beyond Response: Preventing Sexual Abuse Behind Bars
- Other Resources
    - PREA resource center
    - CALCASA
    - JDI
    - BJS
    - BJA State PREA Submissions
    - LGBTI resource

ENDNOTES

1. National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115, Department of Justice (2012), §§ 115.53, 115.253, 115.353, www.federalregister.gov/documents/2012/06/20/2012-12427/national-standards-to-prevent-detect-and-respond-to-prison-rape
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3. Victims of Crime Act Victim Assistance Program, 28 CFR 94, Department of Justice (2016), at www.federalregister.gov/documents/2016/07/08/2016-16085/victims-of-crime-act-victim-assistance-program
4. Prison Policy Initiative, "Mass Incarceration: The Whole Pie 2019," at www.prisonpolicy.org/reports/pie2019.html
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7. Overlooked: Women and Jails in an Era of Reform, Vera Institute of Justice (2016), at www.vera.org/publications/overlooked-women-and-jails-report
8. 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
9. Ibid.
10. *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (Bureau of Justice Statistics, June 2013), available at www.bjs.gov/content/pub/pdf/svjfry12.pdf
11. The statistics in these graphics were drawn from the Bureau of Justice Statistics' National Inmate Surveys, which can be found at www.bjs.gov/index.cfm?ty=dcdetail&iid=278
12. National PREA Standards, §§ 115.16, 115.116, 115.216, 115.316."