



After reading the letter below, identify ways in which the PREA standards could support Stephanie. How would you respond if your agency received her letter?

Hello,

I saw your address on a poster in here and I hope maybe you can help me. One of the COs always gets me alone to do searches and when he does he sticks his fingers in me. I used to just put up with it but last time he got me alone he made me go down on him. I don't know what to do and I haven't told anybody. I'm scared and I feel so alone.

I want to report him and I want to get checked out because I want to make sure he didn't give me a disease or something, but I'm afraid. I don't know what will happen if I say what he did, but I know no one will believe me unless I have proof.

Can you be there with me? I don't want to be alone,

- Stephanie



Read this standard aloud or silently in a small group. Once all have had a chance to finish reading, develop a quick plan to summarize the standard below to the larger group following the breakout session, highlighting how this PREA standard can be used as a tool for advocacy and upholding the rights of survivors. Make note of which goal of PREA is satisfied by this standard in your presentation. Use a piece of paper to list group members' responses to this reading, including any questions you may have. You will have 5-10 minutes to discuss your plan, and approximately two minutes to present.

§ 115.15 Limits to cross-gender viewing and searches

- (a) The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- (b) As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- (c) The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.
- (d) The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit.
- (e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.



Read this standard aloud or silently in a small group. Once all have had a chance to finish reading, develop a quick plan to summarize the standard below to the larger group following the breakout session, highlighting how this PREA standard can be used as a tool for advocacy and upholding the rights of survivors. Make note of which goal of PREA is satisfied by this standard in your presentation. Use a piece of paper to list group members' responses to this reading, including any questions you may have. You will have 5-10 minutes to discuss your plan, and approximately two minutes to present.

Note: This standard continues onto a second page.

§ 115.21 Evidence protocol and forensic medical examinations

- (a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- (c) The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.
- (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, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), 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 (such as a law enforcement agency) 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, qualified agency staff member, or qualified community-based organization staff member 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.
- (f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.
- (g) The requirements of paragraphs (a) through (f) of this section shall also apply to:
- (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and



(2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

(h) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.



Read this standard aloud or silently in a small group. Once all have had a chance to finish reading, develop a quick plan to summarize the standard below to the larger group following the breakout session, highlighting how this PREA standard can be used as a tool for advocacy and upholding the rights of survivors. Make note of which goal of PREA is satisfied by this standard in your presentation. Use a piece of paper to list group members' responses to this reading, including any questions you may have. You will have 5-10 minutes to discuss your plan, and approximately two minutes to present.

§ 115.33 Inmate education

- (a) During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.
- (c) Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.
- (d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- (e) The agency shall maintain documentation of inmate participation in these education sessions.
- (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.



Read this standard aloud or silently in a small group. Once all have had a chance to finish reading, develop a quick plan to summarize the standard below to the larger group following the breakout session, highlighting how this PREA standard can be used as a tool for advocacy and upholding the rights of survivors. Make note of which goal of PREA is satisfied by this standard in your presentation. Use a piece of paper to list group members' responses to this reading, including any questions you may have. You will have 5-10 minutes to discuss your plan, and approximately two minutes to present.

§ 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 by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

(b) The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

(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.

CALIFORNIA ADVANCING PREA TRAINING - FACILITATOR’S GUIDE

Workshop 2: The Prison Rape Elimination Act: How Policy Applies to Survivors and Advocates

Length: 90 minutes (41 slides)

Objectives:

- *Develop an understanding of the basics of the Prison Rape Elimination Act (PREA) and how it applies to the work of rape crisis advocates*
- *Identify reporting options and accountability systems within detention facilities*
- *Use PREA standards to advocate for incarcerated survivors of sexual abuse*

Materials:

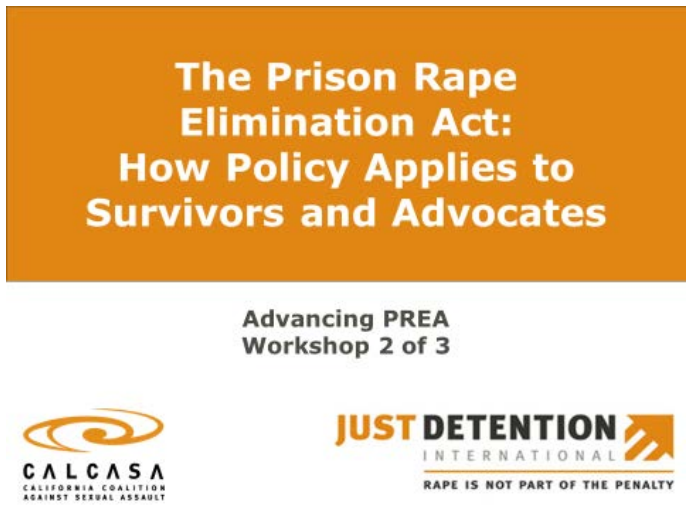
PowerPoint slides, audio/video equipment, whiteboard or flip chart paper and markers

Handouts and tools: PREA Letter script, PREA standards handout, PREA Fact Sheet for Community Service Providers.

How to use this guide:

This guide is intended to support the material presented in the PowerPoint presentation for the training entitled “The Prison Rape Elimination Act: How Policy Applies to Survivors and Advocates.” The left column has a copy of each slide in the presentation; the right column has instructions on how to present the slides. The italicized text contains notes and directions for the trainer. The text not in italics is a sample script.

This workshop guide is part of a series of trainings for California rape crisis advocates. Some of the information presented may apply only to advocates working in California. The other workshop guides in this series are “Advocacy for All: An Introduction to Serving Incarcerated Survivors”, and “Doing the Work: Providing Services to Incarcerated Survivors.” It is recommended that you review the first workshop, “Advocacy for All”, before moving forward.

Slide Contents	Trainer’s Narrative/Notes
<p>Slide 1: Main Title Slide</p>  <p>The slide features a large orange rectangle with the title 'The Prison Rape Elimination Act: How Policy Applies to Survivors and Advocates' in white text. Below this, it says 'Advancing PREA Workshop 2 of 3'. At the bottom, there are two logos: CALCASA (California Coalition Against Sexual Assault) on the left and JUST DETENTION INTERNATIONAL (with the tagline 'RAPE IS NOT PART OF THE PENALTY') on the right.</p>	<p>Welcome to ‘The Prison Rape Elimination Act: How Policy Applies to Survivors and Advocates’. This workshop was created by Just Detention International (JDI) and the California Coalition Against Sexual Assault (CALCASA), as a part of the Advancing PREA project to help rape crisis centers feel confident and prepared to support incarcerated survivors.</p> <p>This module is designed to help rape crisis centers understand how The Prison Rape Elimination Act, or PREA, is a victims’ rights tool that can be used to support and advocate for incarcerated survivors.</p>

Slide 2: Advancing PREA Overview

CA Advancing PREA Overview

CALCASA and JDI will offer support and guidance to all rape crisis centers on how to build strong relationships with California Department of Corrections staff and how to create sustainable agreements and protocols for the provision of victim services to survivors.



The California Advancing PREA project is a partnership between JDI and CALCASA. JDI is a health and human rights organization that seeks to end sexual violence in all forms of detention, operating with the core belief that no matter what crime someone has committed, rape is not part of the penalty. 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.

Slide 3: Project Goals

Project Goals

1. Help advocates and prison staff understand each other's roles and culture
2. Build capacity of rape crisis center and prisons to provide trauma-informed services
3. Develop a program of services for survivors that is sustainable



The California Advancing PREA project has three main goals, all designed to ensure that incarcerated survivors have access to the vital services that rape crisis centers provide.

Slide 4: Learning Objectives

Learning Outcomes

- Develop an understanding of the basics of the Prison Rape Elimination Act (PREA) and how it applies to the work of rape crisis advocates
- Identify reporting options and accountability systems within detention facilities
- Use PREA standards to advocate for incarcerated survivors of sexual abuse



By the end of this module, you will:

- ✓ Understand the basics of the Prison Rape Elimination Act (PREA) and what it means for your work as an advocate
- ✓ Be able to identify ways that survivors can report sexual abuse and what the accountability measures look like in detention facilities
- ✓ Know how to use PREA as a victims' rights tool to advocate for incarcerated survivors

Slide 5: Workshop Agenda

Workshop Agenda

1. PREA Basics
2. Accountability in Detention
3. Working with Corrections
4. Resources



Just Detention International



Our agenda for this workshop is to first go over how the PREA standards can be an advocacy tool for rape crisis centers and for survivors themselves.

We will talk about accountability systems within detention facilities, with a specific focus on California Department of Corrections and Rehabilitation, or CDCR, state prisons.

Then, we will review some important information about working with corrections officials and systems, which can sometimes be challenging for advocates.

Finally, we will go over some resources that you can use to help you support survivors.

Slide 6: Self Care



This workshop will include stories about sexual violence, including quotes from survivors. Please practice self-care during this workshop. This could mean taking a deep breath or stepping outside if needed. Are there any other ideas for ways we can take care of ourselves during this workshop?

[Invite participants to share ideas for self-care.]

Slide 7: Video – Voices for Justice



[This is a placeholder slide for Voices for Justice. This video features survivors of rape in detention sharing their stories and how important PREA is to them. Play the video and then ask for participant reactions or anything that stood out to them. Video is 6 minutes and 33 seconds long.]

Link:

<https://www.youtube.com/watch?v=ZV0bb4I-5yw>

Slide 8: The Basics of PREA



The Prison Rape Elimination Act, or PREA, was passed in 2003 after years of hard work by advocates and survivors. A civil law, PREA did not create any new crimes, but instead describes a course of action to eliminate sexual abuse in detention. It states that sexual assault in detention is a violation of the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment. It requires that facilities adopt a “zero-tolerance” approach to sexual abuse, meaning take actions to demonstrate that no sexual abuse exists.

PREA called for three key things: nationwide studies to find out more about sexual abuse in detention, funding to help corrections facilities implement the law, and binding national rules, known as the PREA standards. These standards were released in 2012.

Slide 9: The Purpose of PREA - Discussion

The Purpose of PREA

- To eliminate sexual abuse in corrections and law enforcement facilities
- To increase accountability of corrections agencies
- To give incarcerated survivors the same level of care as those in the community

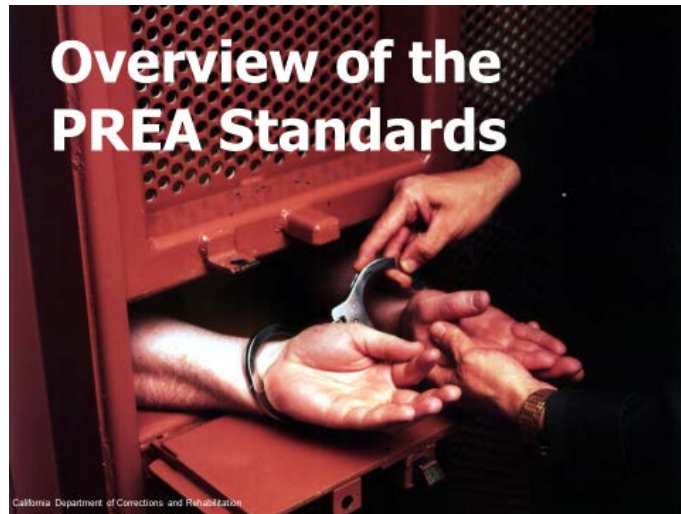


The ultimate purpose of PREA is to make detention facilities safer, and rape crisis centers have an important part to play in that goal. Advocates can help to provide needed training and support to corrections staff, while also providing invaluable services to survivors in need. It's important to know that PREA can be used as an advocacy tool and is an important part of ensuring survivor rights, however it does not mandate rape crisis centers comply with any standards or mandates.

Why is it important to give incarcerated survivors the same level of care as those in the community?

[Depending on the number of participants, have large group, small group or partnered discussion about this question. Have groups/pairs share back what they discussed.]

**Slide 10: Overview of the PREA Standards –
Title Slide**

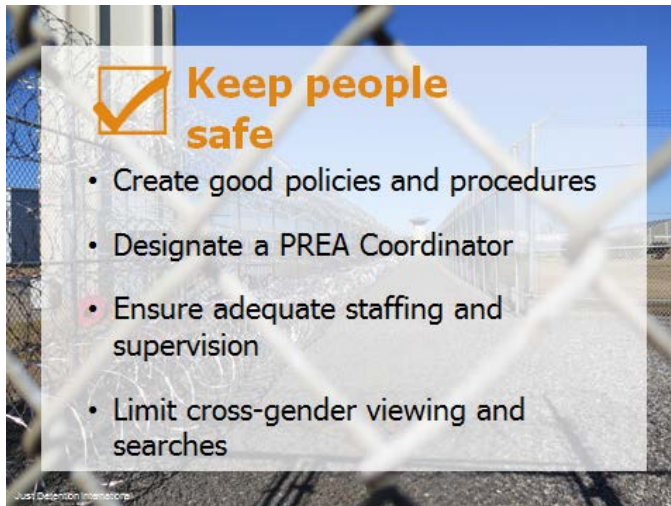



The PREA standards require that corrections facilities take concrete steps to protect inmates from sexual abuse — whether perpetrated by staff or inmates. These standards were created with input from advocates and survivors, as well as corrections, and taking into account the research done after the initial passing of PREA. There are four separate sets of standards for various types of detention facilities: adult prisons and jails, juvenile detention facilities, police lockups, and community confinement facilities. The standards vary based on the nature of the facility, but each set of standards contains information about access to victim services.

The PREA standards affirm that it is the absolute responsibility of corrections agencies to protect people in their custody from sexual abuse. At the same time, they recognize the importance of outside agencies in supporting these efforts. The standards are a lengthy document so we will do an overview.

[Because Department of Homeland Security, rather than Department of Justice, oversees immigration facilities, they have a separate set of standards. Their standards are very similar and were based on the PREA standards.]

Slide 11: Keep People Safe



 **Keep people safe**

- Create good policies and procedures
- Designate a PREA Coordinator
- Ensure adequate staffing and supervision
- Limit cross-gender viewing and searches

Just Detention Innovations

The overall goal of the PREA standards is to keep people safe. In order to do this, the standards state that:

- A corrections organization must have good policies, procedures, and protocol on the books and work to make sure that they are put into practice by staff.
- It must designate a PREA Coordinator who is responsible for PREA agency-wide. In smaller organizations where there is only one facility, it is common to find the PREA Coordinator also serving as the PREA Compliance Manager at the facility. The PREA Compliance Manager is the main point person who oversees all things PREA at a facility. This person is likely to be the primary contact for the local rape crisis center. Often, the duties of the PREA Compliance Manager are assigned onto someone's other duties.
- The corrections organization must ensure adequate staffing and supervision to prevent, detect, and respond to sexual abuse. That includes ensuring supervisors conduct unannounced rounds on all shifts and in all units.
- It must also limit cross-gender viewing and searches. This means in adult and youth facilities, staff of the same gender should only monitor people who are showering, changing, or using the toilet. It also means that in juvenile facilities, only women staff may search girls and men staff may search boys, except for in emergencies. In adult facilities, only women may strip search women and men may strip search men except for emergencies. For transgender inmates, there are a few options for searches. Facilities must have only women officers search transgender inmates, or have all

searches done by medical staff or ask the inmate their preference at intake. For transgender youth, only the last two options are available.

Slide 12: Provide Multiple Ways to Report

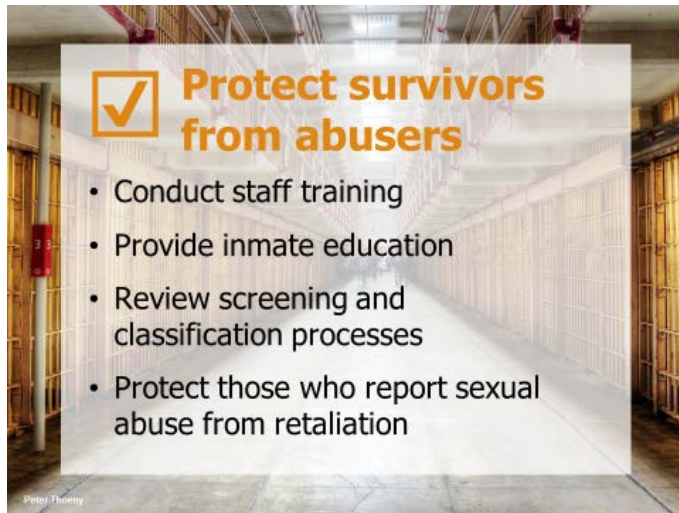


A facility must provide survivors of sexual abuse multiple ways to report sexual abuse, including both anonymously and privately.

- A survivor should be able to report to any staff member, contractor, or volunteer regardless of the staff's position
- They should be able to report in writing through the formal grievance process or even through a note under the door
- They should be able to report to third parties, for example a loved one like their grandma or spouse, or to their lawyer or pastor in the community
- And they must be able to report to an outside reporting organization designated by the corrections agency such as the local police department or another outside reporting agency. Just Detention International recommends the best practice of NOT using the rape crisis center for reporting purposes; however, the PREA standards do not prohibit the use of a rape crisis center for reporting.

[Similarly to why a rape crisis center wouldn't be a reporting mechanism for survivors in the community, it also wouldn't be for incarcerated survivors.]

Slide 13: Protect Survivors from Abusers



In order to protect survivors from abusers, the corrections organization must do the following:

- Conduct training for staff about the organization's PREA policies and protocol, including the dynamics of sexual abuse and how to detect and respond to signs of abuse
- Provide basic education to inmates when they first come to a facility about: their right to be safe from sexual abuse in detention, how they can reach out for help, and what rights they have if it ever happens to them. They must also provide a more comprehensive education within 10 days in juvenile facilities and within 30 days in adult prisons and jails. This information must cover: the department's "zero tolerance" policy on sexual abuse and sexual harassment, and the inmate's right to be free from retaliation for reporting such incidents; how to avoid sexual contact while incarcerated; the risks and consequences of engaging in sexual activity; how to report sexual abuse and harassment; what defines a false accusation; how to obtain counseling services and medical assistance if sexually assaulted; and, what outside emotional support services are offered as well as the confidential nature of those services.
- Review its screening process and ensure it identifies those who are more vulnerable to sexual abuse and those who are at higher risk of perpetrating sexual abuse and use this information to inform housing and programming.
- Protect inmates and staff who report sexual abuse from retaliation by having a policy against retaliation and monitor people who report, for at least 90 days.

Slide 14: Give Access to Medical and Mental Health Care



Under the PREA standards, any inmate who reports being sexually abused must be provided with timely, unimpeded access to emergency medical treatment, crisis intervention services, and ongoing medical and mental health care.

- The standards also mandate that corrections agencies provide inmates who are sexually assaulted with information about and access to emergency contraception and care for possible sexually transmitted infections.
- Survivors who might become pregnant must be offered pregnancy tests and receive information about their right to lawful pregnancy-related medical services following a rape.
- A survivor should have access to these services at no charge, even if they are not ready to provide information about the perpetrator or cooperate with an investigation.

Slide 15: Provide Access to Victim Services



This part of the PREA standards is what applies most directly to our work as advocates. The PREA standards state that corrections agencies must attempt to make a victim advocate from an outside agency available for emotional support at a forensic exam and investigatory interview, whether the sources are off-site or inside the facility. The standard is written in this way because there are some communities where there are no rape crisis centers, and PREA provides other options in those circumstances.

Facilities must also make emotional support via phone or letter available to everyone in the facility in as confidential a manner as possible. An example of how this is possible in the facilities already exists with regard to the confidential communications enabled between the incarcerated and their attorneys. These

procedures can vary widely from facility to facility so it is important to connect with the PREA Coordinator, PREA Compliance Manager or another staff person to determine the best way for you to ensure confidentiality when providing support to a survivor.

Finally, corrections facilities must ensure that survivors have equal opportunity to use advocacy services and any PREA-related programs. This means that facilities must take steps to accommodate survivors with disabilities or who may need interpreters.

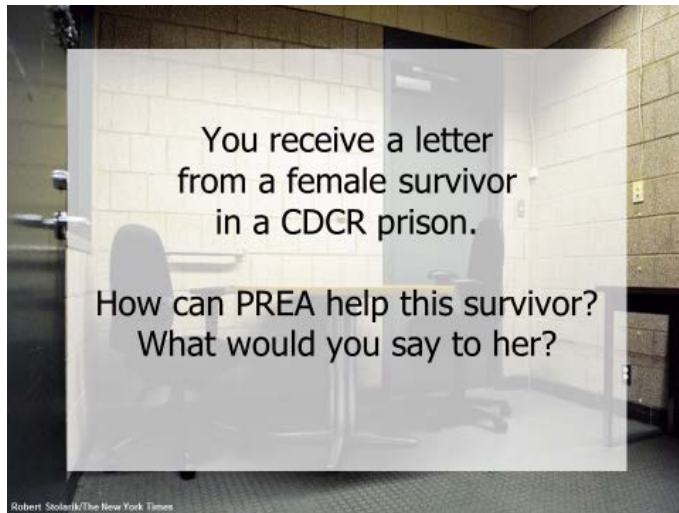
Slide 16: Increase Accountability



Another important part of PREA is around holding institutions accountable. In order to increase accountability:

- An agency must take all reports of sexual abuse and harassment seriously and investigate them
- An agency must have policies and protocol in place to hold perpetrators accountable
- All incidents must be reviewed to identify any patterns that may be preventable
- Facilities must be audited for compliance with all of the PREA standards. Failure to pass an audit places an institution on a corrective action plan accountable to the U.S. Department of Justice. The agency has 180 days to bring the facility into compliance with the standards.

Slide 17: Activity/Discussion





[Hand out copies of the PREA Letter script. Depending on the number of participants, have a large group, small group or partnered-discussion. Allow for 5 minutes to discuss. As a facilitator, be sure to review the checklist on Slide 18 in order to guide share back. Have participants share back before moving onto the next slide.]

Text of handout: “Hello, my name is Stephanie. I saw your mailing address on a poster in here and I hope maybe you can help me. One of the COs always gets me alone to do searches and when he does he sticks his fingers in me. I used to just put up with it but last time he got me alone he made me go down on him. I don’t know what to do and I haven’t told anybody. I’m scared and I feel so alone. I want to report him and I want to get checked out because I want to make sure he didn’t give me a disease or something, but I’m afraid. I don’t know what will happen if I say what he did, but I know no one will believe me unless I have proof. Can you be there with me? I don’t want to be alone.”

Slide 18: PREA in Practice



PREA in Practice

- ☐ Emotional support:
 - ☐ Validate feelings
 - ☐ Normalize trauma responses
- ☐ Survivor empowerment:
 - ☐ Multiple options for reporting
 - ☐ Right to forensic exam and medical care
 - ☐ Right to accompaniment by an advocate
- ☐ Advocacy opportunities:
 - ☐ Cross-gender searches may be in violation of PREA
 - ☐ Offer follow up with PREA Coordinator at facility



Here is the checklist for things to share with this survivor. As always, the first and most important step is to validate her feelings and to normalize her trauma responses. Tell her that you believe her, that it’s not her fault, and that the way she is feeling is normal given what has happened to her.

Share with her some of her rights under PREA: that she has multiple options to report, that she has the right to a forensic exam and medical care, and that she has the right to accompaniment with an advocate during that exam. Be sure to learn about the facilities in your service area so you can give her facility-specific instructions for reporting. Additionally, note that she asks if **you** can be there with her. You may want to consider how you answer that question – an advocate can be there with her, it might not be you. Remember that it is PREA’s responsibility to ensure an

	<p>advocate is present, but you can also offer to her that she can request one.</p> <p>Finally, there are some advocacy opportunities that you can offer to her, with her consent. As discussed earlier, cross-gender searches should only be done in ‘exigent circumstances’ and must be documented. Her letter suggests that this has happened more than once. You can offer to follow up with the PREA Compliance Manager at her facility to discuss staff training – again, with her consent.</p>
<p>Slide 19: PREA and Confidentiality</p> <div data-bbox="191 709 857 1213"> <h3>PREA and Confidentiality</h3> <ul style="list-style-type: none"> • All staff members who work in corrections facilities are mandated to report all crimes in the facility, but rape crisis advocates are <u>not</u> • The PREA standards do <u>not</u> change the legal and ethical principles that guide rape crisis services • Rape crisis services are for <u>all</u> survivors, even if they do not report   </div>	<p>Maintaining confidentiality on behalf of incarcerated survivors can be challenging. There are a few important things to note when providing services.</p> <p>Corrections staff are required to report allegations of sexual abuse. Information tends to spread fast in detention and most survivors have a well-founded fear of retaliation for reporting abuse. As a result, survivors are often reluctant to seek help from corrections officials, especially if their abuser is a staff member.</p> <p>Keep in mind that as an advocate, working within detention settings does not change your legal and ethical principles around confidentiality. In CA, the same right to privileged communication that survivors have in the community extends to survivors behind bars. You are not required to report anything behind bars that you wouldn’t also report in the community.</p> <p>Also important to remember, and to remind corrections staff, is that our services are available to all survivors, even if they do not report.</p> <p><i>[For more guidance around specific confidentiality challenges that arise when providing services, check out the third workshop in this series, “Doing the Work: Providing Services to Incarcerated Survivors.]</i></p>

Slide 20: PREA and Youth Facilities

PREA and Youth Facilities

- Same PREA standards regarding access to rape crisis center services
- Same confidentiality standards as in the community



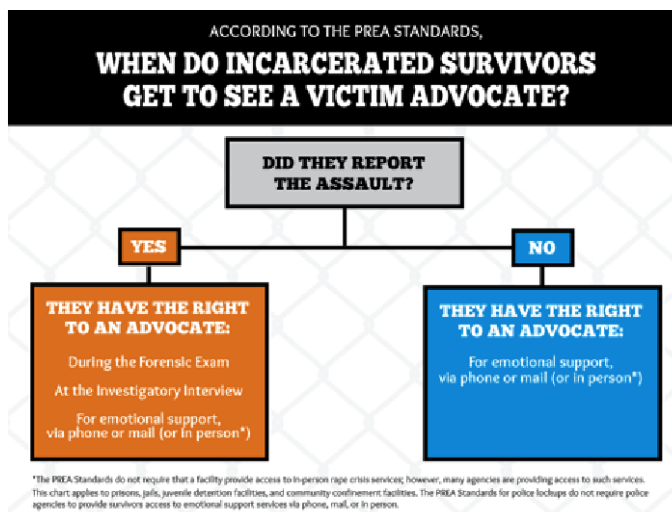
Peter Lindbergh/Photo



Working with youth can present some unique challenges, particularly around confidentiality and reporting requirements. It's important to note that the PREA standards around access to advocacy services are the same for youth facilities as they are for adult facilities. Youth in detention have the same rights to an advocate during a forensic exam and investigatory interview, and for follow-up and emotional support services. The confidentiality standards for working with youth in detention are similar in most areas to working with those in the community, but be sure to check in your community. If you are a mandated reporter on the outside, you are a mandated reporter on the inside. Before beginning work with youth in detention, talk with detention staff and with your team to determine protocols for when and how to report.

[The third workshop in this series, "Doing the Work: Providing Services to Incarcerated Survivors", goes into more detail around best practices for serving youth survivors in detention.]

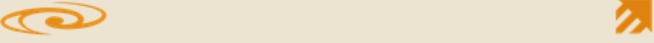
Slide 21: When Do Incarcerated Survivors Get to See a Victim Advocate?



As a reminder, here is a helpful graphic to illustrate when an incarcerated survivor gets to see an advocate. Note that they have the right to emotional support services regardless of whether or not they make a report.

Slide 22 Part 1: Activity/Discussion

QUESTION	ANSWER
Who must be in compliance with the PREA standards?	
Do advocates have to report abuse?	
Do the PREA standards cover abuse that happened prior to incarceration?	
Does PREA cover sexual harassment too?	




Let's play a little quiz game about PREA, just to clear up any lingering questions. Some of these may be trick questions, or may even be issues we didn't cover. No worries about getting it right or wrong – we will figure it out together!

First, who must be in compliance with the PREA standards?

[As a large group, ask participants to answer before moving onto the next slide.]

Slide 22 Part 2: Activity/Discussion

QUESTION	ANSWER
Who must be in compliance with the PREA standards?	Corrections agencies, not rape crisis centers
Do advocates have to report abuse?	
Do the PREA standards cover abuse that happened prior to incarceration?	
Does PREA cover sexual harassment too?	



Right, corrections agencies are responsible for implementing the PREA standards, not rape crisis centers.

Next question, do advocates have to report abuse?

[As a large group, ask participants to answer before moving onto the next slide.]

Slide 22 Part 3: Activity/Discussion

QUESTION	ANSWER
Who must be in compliance with the PREA standards?	Corrections agencies, not rape crisis centers
Do advocates have to report abuse?	Advocates follow the same confidentiality standards as in the community
Do the PREA standards cover abuse that happened prior to incarceration?	
Does PREA cover sexual harassment too?	



The answer to this is – it depends. We follow the same confidentiality standards as in the community. So, if we were working out in the community and we would have to report, we would report in detention (for example: youth). If we wouldn't report in the community, we won't report in detention.

Next question: Does PREA cover abuse that happened prior to incarceration?

[As a large group, ask participants to answer before moving onto the next slide.]

Slide 22 Part 4: Activity/Discussion

QUESTION	ANSWER
Who must be in compliance with the PREA standards?	Corrections agencies, not rape crisis centers
Do advocates have to report abuse?	Advocates follow the same confidentiality standards as in the community
Do the PREA standards cover abuse that happened prior to incarceration?	Yes - PREA applies to prior incidents of abuse
Does PREA cover sexual harassment too?	



Some of the PREA standards apply to abuse that happened at any point in a survivor's life. For example, incarcerated survivors have the right to access advocacy and support services whether the prior abuse occurred in another institution, or in the community.

Last question: Do the PREA standards cover sexual harassment too?

[As a large group, ask participants to answer before moving onto the next slide.]

Slide 22 Part 5: Activity/Discussion

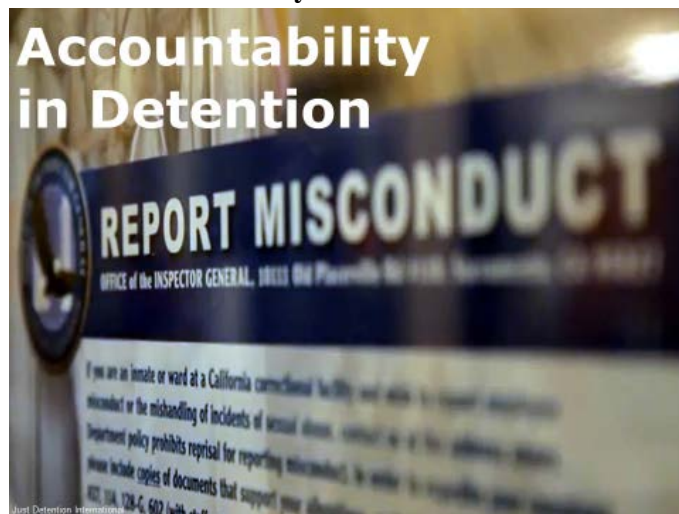
QUESTION	ANSWER
Who must be in compliance with the PREA standards?	Corrections agencies, not rape crisis centers
Do advocates have to report abuse?	Advocates follow the same confidentiality standards as in the community
Do the PREA standards cover abuse that happened prior to incarceration?	Yes - PREA applies to prior incidents of abuse
Does PREA cover sexual harassment too?	Yes - PREA applies to sexual harassment as well



Yes, the PREA standards apply to sexual harassment too. This means that survivors of sexual harassment have some of the same rights as survivors of sexual abuse, including access to relevant emotional and support services.

Thank you everyone for participating!

Slide 23: Accountability in Detention – Title Slide



Like in the community, detention facilities have systems in place to respond to crimes. Some of these systems look similar to traditional law enforcement, some are very different. We'll cover some general information about these systems and ways that accountability and oversight take place in detention facilities.

Slide 24: Who Investigates Sexual Abuse in Detention?

Who Investigates Sexual Abuse in Detention?

Inmate-on-Inmate

- Investigative Services Unit – ISU
- County facilities – Sheriff's Department
- Investigates inmate crimes that occur in detention, including sexual abuse against other inmates

Staff-on-Inmate

- Internal affairs
- Similar to in the community – the authority that investigates law enforcement
- Investigates all criminal misconduct by staff including sexual abuse



Who investigates sexual abuse in detention depends on the type of facility and who has perpetrated the abuse.

In California state prisons, the investigative services unit, or ISU, is responsible for investigating all crimes that occur inside, including sexual abuse. They are a separate unit within each CDCR facility. They ultimately decide whether a report is substantiated, unsubstantiated or unfounded. Depending upon the ISU determination, the case will then either be referred to the district attorney or to an internal disciplinary division of the agency or facility.

Building relationships with ISU investigators can be very helpful, since ISU staff initiate forensic exams and are typically responsible for ensuring an advocate is made available. For county jails, which are typically run by the sheriff's department, the sheriff's department is responsible for investigating crimes within its facility(ies).

If the abuser is a staff person, a separate department is called in to investigate. Similar to the community, internal affairs investigates any abuse or wrongdoings by law enforcement. Detention facilities are no different.

The Office of Inspector General, or OIG, is a department whose head is appointed by the Governor of California and is charged with oversight of the California state prison system. Survivors are also able to report to the OIG. The OIG can highlight patterns and make prison conditions known to the public and to legislators.

It's important to note that all of this information depends on the type of facility and type of case. There are always exceptions to the norm.

Slide 25: Discussion

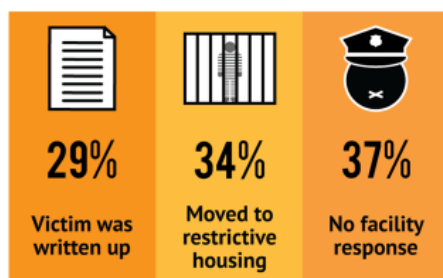
How do you think facilities respond to reports of inmate-on-inmate sexual abuse?



[As a large group, take 2-3 minutes to discuss this question. Possible responses may include: abuse not taken seriously, survivors dismissed or not believed, survivors told to handle it on their own, survivors not being kept safe from perpetrators, survivors punished for rule violations that occurred during abuse.]

Slide 26: Infographic – Facility Response

FACILITY RESPONSE TO REPORTS OF SEXUAL ABUSE BY OTHER INMATES



Source: Bureau of Justice Statistics, Sexual Victimization Reported by Former State Prisoners, 2008, May 12, 2012. © Just Detention International



Like in the community, reports of sexual abuse are often dismissed. In detention, survivors can sometimes face retaliation for making reports. For example, survivors may be written up for rule violations that may or may not be related to abuse they suffered. It could be that the abuse took place in an off limits area, or that there was contraband or drugs involved.

Survivors are sometimes moved into restrictive housing as a result of abuse, particularly if a survivor is being targeted for repeated abuse. The intention may be to keep the survivor safe, but it can also feel like a punishment, as restrictive housing units also mean a reduction in programs, visitations and other privileges.

And most often, when the abuse is perpetrated by another inmate, there is no facility response.

Slide 27: Discussion

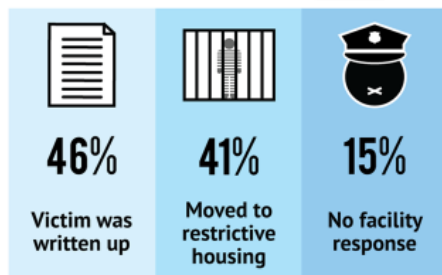
How do you think facilities respond to reports of staff-on-inmate sexual abuse?



[As a large group, take 2-3 minutes to discuss this question. Possible responses may include: abuse not taken seriously, survivors dismissed or not believed, survivors retaliated against by other staff, survivors accused of manipulation, survivors not kept safe from perpetrators, survivors punished for rule violations that occurred during abuse.]

Slide 28: Infographic – Facility Response

FACILITY RESPONSE TO REPORTS OF SEXUAL ABUSE BY STAFF

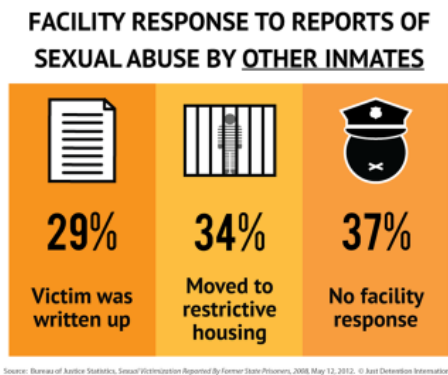


Source: Bureau of Justice Statistics, Sexual Victimization Reported by Former State Prisoners, 2008, May 12, 2012. © Just Detention International



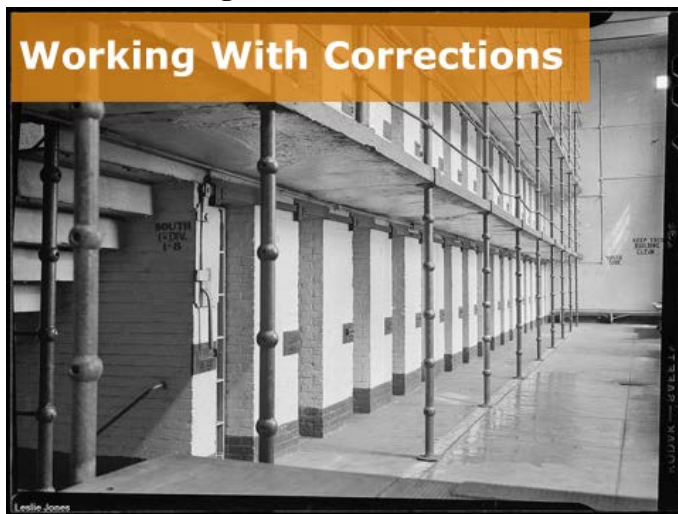
You'll notice the numbers shift when the reported abuse is perpetrated by a corrections staff person. Almost half of survivors of this type of abuse are written up, and 41% moved to restrictive housing.

Slide 29: Infographic – Facility Response



[This slide is repeated in order to highlight the differences in facility response depending on who is the abuser.]

Slide 30: Working with Corrections – Title Slide



As rape crisis centers and detention facilities work together to ensure compliance with the PREA standards, it's important to talk about some tips and strategies for working with corrections. If you work regularly with law enforcement, you already have a lot of the skills needed to do this. Working with corrections requires strategic thinking around the balance between accountability and relationship building, while always prioritizing survivor needs.

[As a large group, take 2-3 minutes to discuss the following questions: What do you think it's like working with corrections? Why do you think it's like that?]

Slide 31: Advocacy and Corrections

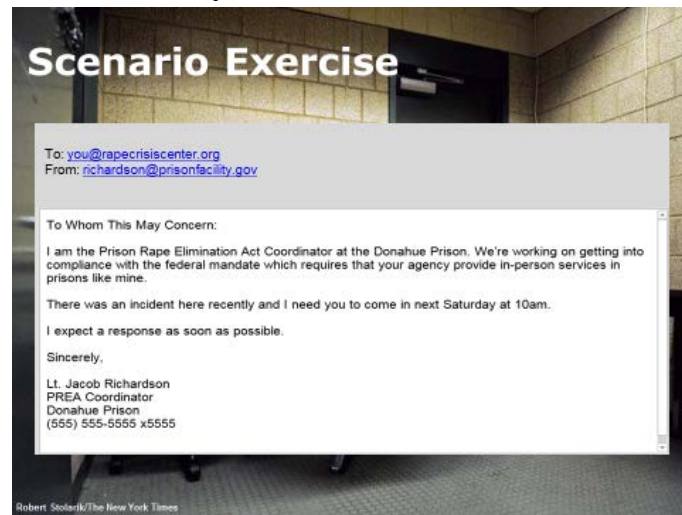
ADVOCACY	CORRECTIONS
Focused on healing and empowerment	Focused on safety and security
Survivors are the experts, work is done in partnership	Strong hierarchical structure
Improve public safety through ending rape culture	Improve public safety through detention and rehabilitation
Burnout and vicarious trauma	Burnout and vicarious trauma



There are some significant differences in the perspectives of advocates and the perspectives of corrections staff, and some important similarities as well. The main focus for advocates is healing and empowering survivors, and for corrections, safety and security is the top priority. Whereas advocates believe that healing and empowerment are done through working in partnership with survivors and focusing on the expertise of survivors in their own journey, corrections follows a paramilitary structure and the importance of rules in maintaining safety. Both advocates and corrections work toward improving public safety, although in very different ways. Advocates believe that ending rape culture means believing survivors. Corrections believe that public safety requires a level of skepticism and the need to prevent possible manipulation.

One important thing that advocates and corrections staff can have in common is burnout because of vicarious trauma. Advocates and corrections staff witness trauma every day and although advocates are often provided space to process the things they've seen, corrections staff are rarely afforded those opportunities. Both advocates and corrections also tend to work long hours and are under-resourced. Keeping this in mind can help bridge gaps between our role as advocates and the role of corrections staff.

Slide 32: Activity/Discussion




Let's practice working with corrections with a short scenario exercise. You receive this email from the PREA coordinator at a local facility. What are some of the successes in this email, along with some of the challenges? How would you respond?

[Depending on the number of participants, discuss as a large group, in small groups or in partners. Allow 2-3 minutes for discussion and then have participants share what they discussed before moving onto the next slide.]



Slide 33: Successes and Challenges

Successes and Challenges

- Corrections reaching out to rape crisis center
- Taking sexual abuse incident seriously
- Lack of understanding of PREA responsibilities
- Demanding tone



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There are some good things to note about this email and some challenges. First, that the PREA coordinator is reaching out at all to the rape crisis center is worth celebrating, as it shows that they are taking abuse seriously and recognize the importance of the survivor receiving support services. Some of the challenges in this email include a lack of understanding of PREA responsibilities – the PREA coordinator seems to believe that PREA requires your organization to provide services, whereas what PREA requires is that the detention facility reaches out to rape crisis centers to make those services available. The email also has a bit of a demanding tone, insisting that an advocate come to the facility on a Saturday. This may be attributed to corrections culture and normal communication styles in corrections settings.

Slide 34: How to Respond

How to Respond

- Thank Lt. Richardson for reaching out
- Let Lt. Richardson know about capacity and limitations
- Invite Lt. Richardson to an in-person meeting



In our response, we want to make sure that we thank the Lt. for reaching out and for taking the incident seriously. You can also let the Lt. know about your organization's capacity to serve – most organizations are unable to provide in-person services (other than emergency response) on weekends. Email may not be the best place to clarify roles and responsibilities under PREA, and since the Lt. is clearly making efforts to ensure PREA-compliant policies are being followed, this is a great opportunity to invite the Lt. to an in-person meeting to discuss what services are available and how to access them. Ideally, this meeting can also lead to the development of an operational agreement or an MOU.

Slide 35: Communicating with Corrections

Communicating with Corrections

- See every communication as an opportunity to educate
- Encourage cross-trainings with corrections staff
- Frame the advocate's role as an asset
- Use the same skills as with law enforcement
- Think strategically

When communicating with corrections, much like communicating with community law enforcement, use each interaction as an opportunity to provide education around responses to sexual abuse, trauma, your services, and how to access them. Cross-training is also a wonderful opportunity to ensure corrections staff are familiar with advocacy services and vice versa. Remember that your help is an asset to the facility, not only do your services help ensure they are in compliance with certain PREA standards, but can help to create a culture of safety in the facility.

These are skills many of us have already put into practice when working with law enforcement. The key is to always think strategically – what effect will this have on the survivor I am supporting? What about future survivors? We of course want to advocate for survivors in any way we can, and we also want to maintain good working relationships with corrections so that we can continue to support survivors to come. If you are ever unsure, connect with your team or supervisor to get support around best practices.

Slide 36: Activity

PREA Standards Activity

- ✓ Keep people safe
- ✓ Provide multiple ways to report
- ✓ Protect survivors from abusers
- ✓ Give access to medical and mental health care
- ✓ Provide access to victim services
- ✓ Increase accountability



[Have the participants form four groups. Each group will study one of the four PREA standards from the PREA standards handout. Have each group develop a quick plan to summarize the PREA standard and how the standard fulfills the goals of PREA as noted on this slide. Groups can also write down questions they have about the standard. If possible, provide each group with a large sheet of paper in order to write down their thoughts. Allow each group 5-10 minutes (depending on group sizes and time left in the workshop) for discussion, and then allow each group 2 minutes to share back. Encourage groups to come to the front of the room to share back.]

As a facilitator, take some time before the workshop to familiarize yourself with the language in the standards handout. If groups have questions about the standards that you are unable to answer, please feel free to reach out to JDI and/or CALCASA.

For copies of the standards in their entirety, go to: www.prearesourcecenter.org]

Slide 37: Voices of Survivors

"It's because of you that I am in a stable state of mind. Although the scars are still very fresh and become overwhelming at times, I know and realize there are people like you with a heart."



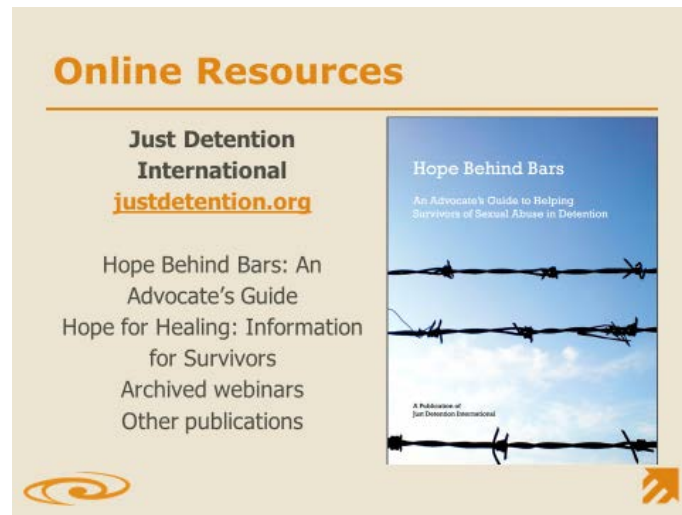
Ophelia

-Ophelia, VA



In order to highlight how important simple support services can be, here is a quote from Ophelia, an incarcerated survivor from Virginia. Her experience shows the impact that advocates can have for survivors on the inside.

Slide 38: Online Resources



These JDI resources are all available online.

Hope Behind Bars: An Advocate's Guide contains helpful information about the dynamics of sexual abuse behind bars, the role of advocates, overcoming barriers and providing services to incarcerated survivors.

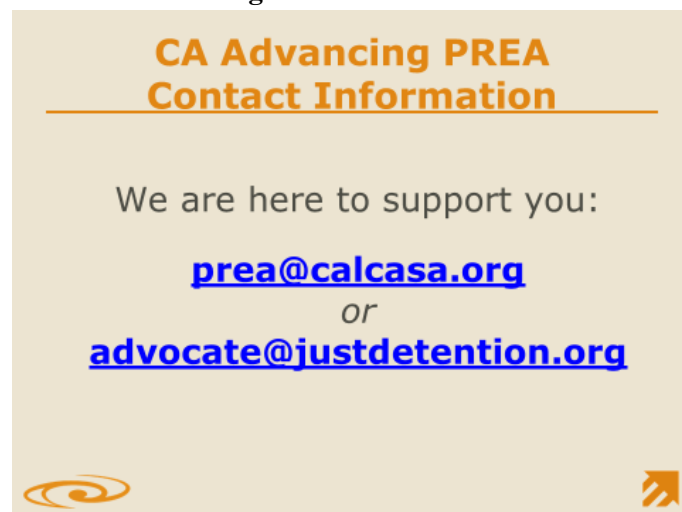
Hope for Healing: Information for Survivors is a packet that can be given to survivors at the hospital or mailed to them that goes over their rights and options after an assault, normalizes trauma responses and provides resources for coping that are appropriate for someone currently behind bars.

In addition, JDI's webinars are archived for advocates to access as needed. There are webinars available on a range of topics such as confidentiality, corrections culture and LGBTQ survivors.

Finally, JDI has several other publications including fact sheets and resource guides that are available online.

[You can print some of these for your staff/volunteers if resources allow.]

Slide 39: Advancing PREA Contact Info



These two email addresses are specifically for advocates and other rape crisis center staff that have questions or concerns about doing work with incarcerated survivors. Feel free to use either one. CALCASA and JDI have staff dedicated to supporting California rape crisis centers in this work.

Slide 40: Questions



Thank you so much for your participation, if anyone has any questions feel free to ask them now.

[If participants ask any questions you feel you are unable to answer, please feel free to reach out to either JDI or CALCASA for support.]

Slide 41: Acknowledgements

Acknowledgments

This project is supported by Grant No. AP14-01-8671, awarded by **CalOES**. The opinions, findings, conclusions, and recommendations expressed in this web conference are those of the presenters and do not necessarily reflect the views of the Governor's Office of Emergency Services.

