Mapping It Out: A Tool to Get Started on Providing Victim Services for Incarcerated Survivors

By Just Detention International, with Leah Green of the Resource Sharing Project

Since the release of national standards to address sexual abuse in detention — as mandated by the Prison Rape Elimination Act (PREA) — advocates have been called upon more than ever to assist incarcerated survivors. Yet the dynamics of sexual violence behind bars, and the related needs of incarcerated survivors, are new to many advocates. Some advocates may also have concerns about working in prisons, jails, and other detention settings that are likely to be unfamiliar. Additionally, survivors in detention may come from backgrounds that are different from survivors in the community who seek help from local advocacy programs. This is especially true in rural areas where most of the nation’s corrections facilities are located.

Despite these barriers, many advocates are eager to provide services to prisoner rape survivors, and they have the relevant experience to do so. Advocates’ experience working with survivors in the community gives them the most important skills needed to assist survivors behind bars. What’s more, some advocates have been providing services — ranging from hospital accompaniment to in-person confidential counseling — to incarcerated survivors for a number of years. This brief guide is intended to help advocates get started by answering some common questions asked by those who are new to working with incarcerated survivors.

Q1. What is PREA?

PREA is the first federal civil law to address sexual abuse in detention. One of the many things PREA mandated was the development of the National Standards to Prevent, Detect, and Respond to Prison Rape. The PREA standards require prisons, jails, police lockups, community confinement

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facilities, and juvenile detention facilities\(^2\) to adopt a zero-tolerance approach to this violence.\(^3\) The PREA standards, which the Department of Justice finalized in 2012, further call on corrections officials to take concrete steps to detect, prevent, and respond to sexual abuse and harassment by staff and inmates. Among the standards' provisions is the requirement that all facilities make a meaningful effort to work with local organizations to provide inmates with advocacy services that are consistent with the level of care available to survivors in the community. The PREA standards apply to corrections agencies that house children, youth, and adults; such agencies may be run by the federal government, states/territories, counties, cities, or private entities.

It is important to know that the PREA standards apply to corrections agencies, not victim services providers. The PREA standards require facilities to attempt to enter into written agreements with outside victim advocates who can provide emotional support services related to sexual abuse, in as confidential a manner as possible. The victim advocacy services outlined in the PREA standards include accompaniment during forensic exams and investigatory interviews and emotional support via hotlines or mailing addresses. In order to pass an audit of their compliance with the PREA standards, a facility must produce their written agreements or document their efforts to enter into a written agreement for such services.

Advocacy programs have a responsibility to serve the entire community, jails and prisons included. Advocates’ dedication to serving sexual assault survivors combined with facilities’ obligation to the PREA standards together can form a powerful partnership to create real change in the lives of incarcerated survivors. Many facilities around the country, in partnership with advocacy programs, have been providing some level of victim services for several years.

**Q2. Why should a program provide services for incarcerated survivors?**

Survivors who are incarcerated are among the most marginalized people in our communities. Incarcerated individuals are disproportionately likely to be people of color, living in poverty, and to have experienced sexual violence prior to incarceration.

\(^2\) Go to the [PREA Resource Center](https://www.nij.gov) for the definition of each of these facility types and to view the PREA standards.

\(^3\) In this document, we’ll use ‘facilities’ to refer to all types of detention facilities.
Detention facilities, particularly state and federal prisons, are often built in rural areas outside of large communities and urban centers. For this reason, incarcerated individuals are likely to be held far from their home and family, and far from community support services. Being separated from friends, family, and community compounds the isolation survivors already feel. Advocates can be a vital part of a support system for these survivors who are likely to have few other resources for healing, support, community, or compassion.

Advocacy organizations should remember that the choice about what risks are acceptable — and how much confidentiality is worth sacrificing for services — ultimately belongs to survivors. Survivors should have information about the limits to confidentiality at their facility, and then be empowered to decide whether they still want services.

Some advocates may struggle with the idea of providing advocacy to incarcerated survivors — particularly when the prisoner seeking services has been convicted of a sex offense or other violent crime. Advocacy programs should address these ethical concerns before providing services. Here are some factors to consider:

- Sexual assault programs serve a wide variety of survivors in the community — some of whom may have a criminal history. Most programs do not ask survivors whether they have criminal histories or have engaged in illegal behavior. This information is irrelevant to

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whether a survivor is deserving of services and compassion. The same principle holds true for survivors in a corrections facility.

- Sexual assault survivors held in corrections facilities in a program’s service area are part of the community — just like people in other institutions based in your area, such as universities or military bases.

- As such, serving incarcerated survivors is consistent with advocacy programs’ core principles: no one deserves to be sexually assaulted and all survivors deserve support.

- Many advocates are concerned about being asked to work with an incarcerated survivor who committed a crime against another survivor to whom they have provided services. When an individual advocate faces this or any other potential conflict of interest, the program’s supervisor should work with the advocate to resolve the conflict. Resolutions might include finding another advocate or, in some cases, another program or a staff person at the state/territory coalition who can work with the survivor.

- Many survivors of sexual abuse in detention are also survivors of past sexual abuse who have never received any support. By providing services in detention, advocates may be offering survivors the first chance they have ever had to receive advocacy services, process trauma, and develop healthy coping skills. Additionally, given that the majority of incarcerated survivors will be released and return to their community, incarcerated survivors, their families, and the community will all benefit from services being provided.

- Advocacy programs have a responsibility to serve the entire community, including incarcerated survivors. In recent years, the victim services field as a whole has embraced the principle that incarcerated survivors deserve victim services, just like any other survivors. Advocacy programs and coalitions around the country have been at the forefront of efforts to increase incarcerated survivors' access to these services. Many advocacy programs have been partnering with corrections facilities around the country to provide some level of victim services for incarcerated survivors for several years or more. In addition, advocates played a pivotal role in lifting the federal ban on using Victims of Crime
Act (VOCA) funding for serving incarcerated survivors — a landmark victory that has paved the way for more funding for work with incarcerated survivors.\(^5\)

Advocacy programs and other victim services providers share the common goal of ending all forms of sexual violence. The belief that survivors of sexual abuse in detention have a right to support is consistent with this mission. No one deserves to be sexually abused and all survivors, regardless of their background, deserve advocacy and support.

**Q3. What steps should our program take to ensure our readiness to address the needs of incarcerated survivors?**

Answering this question will require an honest assessment of staff’s capacity, as well as their willingness, to work with incarcerated survivors. Programs should explore staff, volunteers’, and board members’ thoughts about working with incarcerated survivors — do they have reservations or fears; are they excited by the opportunity? Working with incarcerated survivors and alongside corrections officials can bring up strong feelings. It compels advocates to take a hard look at core beliefs around what it means to be a victim and who has the right to be safe. This work also brings into sharp focus the deep-rooted inequalities in our society and our criminal justice system, including who ends up in prison, and

\(^5\) It should be noted, however, that state and territory governments may still place restrictions on the use of VOCA funds. Check with your state/territory coalition about the guidelines developed by the state victim services administration.
how racism, misogyny, poverty, homophobia, and transphobia enable sexual violence to thrive both in the community and behind bars.

Programs will most likely need to invest time and effort into educating staff and volunteers about the importance of providing support services to incarcerated victims. Such efforts should familiarize advocates with the range of ways they can be involved in serving incarcerated survivors, and address their concerns about personal safety. If any staff or volunteers question whether prisoners are entitled to victim services, programs should encourage open discussions about those feelings. Part of the conversation should be about the organization’s mission and values — and the agency’s duty to provide care to all survivors, even those who may have committed a crime.

Programs may also need to provide advocates with training on the dynamics and prevalence of sexual abuse in detention, the PREA standards, and the unique needs of incarcerated survivors. Staff will need help to learn how they can apply the tools they use in the community to their work with incarcerated survivors. This training should also cover how advocates’ approach to assisting with safety planning, coping skills, and systems advocacy will be different for survivors behind bars.

Q4. What kind of services could a program provide?

The PREA standards require that facilities offer survivors an advocate who can be present during a forensic exam and investigatory interviews. All prisoners must also be able to reach out to an advocacy program for emotional support via hotlines or by mail, in as confidential a manner as possible. Many advocacy organizations have moved beyond what is required under PREA, providing a wider range of services and programming to address sexual abuse in detention and support survivors.\textsuperscript{6} Advocacy

\textsuperscript{6} These requirements can be found in PREA Standards §115.21 Evidence protocol and forensic medical examinations and §115.53 Inmate access to outside confidential support services. The PREA standards (by type of facility) can be found here.
programs and corrections officials need to work together to determine the scope of the services that will be offered. Factors to consider include the facility’s security concerns and openness to working with outside partners and the capacity of the advocacy program.

Some advocacy organizations provide the same services behind bars as they do in the community. An advocacy organization creating a new program for incarcerated survivors, however, might opt to start by limit the offerings to crisis services. Baseline crisis services, such as advocacy and support during forensic exams and support via hotlines or letter, are critically important for survivors and often the easiest for organizations to work into existing programs. Some providers worry that limited services are almost worse than no services, but for incarcerated survivors — who have so little connection to the outside world — receiving advocacy during an exam and emotional support via mail or telephone can be a lifeline. By starting with immediate crisis intervention services, programs provide the help survivors most urgently need. Once your program has become confident in providing these initial services you can then grow the services you provide incarcerated survivors. Services that advocacy organizations might provide include:

- **Medical Accompaniment and Advocacy**
  As noted above, the PREA standards require that corrections officials attempt to make a community advocate available when a survivor in their custody is taken to a medical facility for a forensic sexual assault examination.

- **Crisis Intervention**
  The PREA standards state that incarcerated survivors should have access to crisis intervention during forensic exams and investigatory interviews. Advocates also may choose to provide crisis services to any incarcerated person who identifies as a survivor, regardless of where or how long ago the abuse occurred.

- **Counseling**

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7 If no community advocate is available, PREA standard §115.21 requires corrections officials to make available either a qualified staff member from another community-based organization or a qualified member of their own staff. To be considered qualified, this individual must be screened for appropriateness to serve in this role and must receive training concerning sexual assault and forensic examination issues in general.

At some facilities, advocates are providing individual and/or group counseling sessions in-person or via telephone. Such programs are great examples of services that go beyond the PREA standards’ requirements discussed above.

- **Legal Accompaniment and Advocacy**
  The PREA standards state that survivors must be able to access a victim advocate when they are interviewed about their report of abuse. Just like survivors in the community, incarcerated survivors may also need an advocate to support them throughout any civil or criminal legal process in the aftermath of a report.

- **Staff Training, Inmate Education, and Input on Policies and Protocols**
  The PREA standards require that corrections staff receive training on detecting and responding to sexual abuse, and on common reactions to this violence. Prisoners must receive education regarding their right to be free from sexual abuse, how to make a report, and how to access services. Sexual assault advocates are qualified to provide this training and to offer guidance to corrections agencies on building a survivor-centered and trauma-informed response to sexual abuse.\(^9\)

**Q5: How can a program get started on providing services to incarcerated survivors?**

Some initial steps your program can take to begin providing services to incarcerated survivors are:

- Read and become familiar with the PREA standards. Review available resources for victim advocates taking on this work,\(^10\) or designate a staff member or group of staff to do so. Many people in the field —

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advocates, corrections officials, and even PREA auditors — are misinformed about the PREA standards related to victim services and what they entail, so it is important for organizations to develop internal expertise.

- Ask the state/territory sexual assault coalition and other local programs if they are providing services to incarcerated survivors. The coalition may already have begun working with the state/territory prison system, and they will welcome the opportunity to work with your program. Victim services programs in nearby counties may have developed collaborations with local facilities that can serve as a model. If there are reservations or tribal lands nearby, connect with the tribe or tribal coalition to learn about the facilities in the jurisdiction and the services they already offer. Programs should be sure to ask their counterparts to share training materials, MOUs, and other resources they have used for their work in detention facilities.

- Visit the corrections agency’s website. The PREA standards require that facilities post information about sexual abuse prevention on their website. The facility should make the contact information for the agency or facility PREA coordinator available online as well as the information for the facility-level PREA compliance manager and the warden or superintendent of the facility — any of whom can be approached about service provision.

- Get to know facility officials and work on developing strong relationships. Identify a primary contact person, and at least one secondary contact, at the facility. Corrections staff often change positions, retire, or leave — just as staff do in advocacy programs. Building relationships with several staff members will help to maintain services if the primary contact person leaves. Programs should make sure to meet with and talk to several staff members, not just the PREA coordinator, as the two entities discuss the partnership and develop an MOU.

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11 A PREA coordinator is an individual in the facility who is responsible for the implementation and maintenance of PREA compliance. When a corrections agency has two or more facilities, it must appoint a PREA compliance manager for each facility, who reports to an agency-wide PREA coordinator.

12 It is also helpful to connect with other key staff members, including the public information officer, PREA investigators, the chief of mental health, and the head of the mailroom.
• Meet with corrections officials face-to-face, especially in the early stages of the partnership. Requesting an in-person conversation will show officials that advocates are accessible and genuinely interested in building a partnership, and there is no substitute for in-person contact when building a collaborative working relationship.

• Just as advocacy programs do with any other partner, negotiate an MOU to establish how the victim services agency and the corrections facility will work together. The MOU should outline the roles and responsibilities of each partner, the services that will be provided, and any fees the corrections facility will pay to the advocacy program for its work. The MOU should also define important concepts, such as confidentiality. Corrections facilities are required under the PREA standards to attempt to work with victim services providers, a fact that can be leveraged during negotiations. It should be noted that while victim services providers refer to this as an MOU, federal facilities often use the term Gratuitous Services Agreement (GSA).

• Begin to explore funding sources to support your program’s capacity to sustain this work into the future. In addition to federal sexual assault funding, consider the following potential funding sources:
  o State, local, and foundation grants. Because services for incarcerated survivors are often new programs, advocacy programs might be able to tap into grant streams that were not previously available for their broader services.
  o Private funding from individual donors in the community.
  o Stipends from corrections agencies. Some advocacy programs have been able to secure agreements from facilities to reimburse travel costs or to pay, on a fee-for-service basis, for activities such as conducting staff trainings or appearing in an inmate education video.

Q6. How can an advocacy program identify the corrections facilities in its service area?

Identifying and reaching out to detention facilities in a program’s service area is a first step in providing services to incarcerated survivors. Victim services programs can:

13 Sample MOU’s can be found on JDI’s website at https://justdetention.org/resource/tools/.
• Ask local law enforcement or court contacts from their systems advocacy network if they know of adult or youth facilities in the service area.
• Find the website for the state department of corrections. Such websites typically include addresses for all of its facilities. For example, service providers in Nevada should consult this map: http://doc.nv.gov/Facilities/Home/
• Check the city or county government websites for information on local jails. County jails are often run by county sheriff’s departments. In large cities, the local police department may administer one or more jails.
• Check the Bureau of Prisons website for locations of federal facilities, here: https://www.bop.gov/locations/list.jsp.
• U.S. Immigration and Customs Enforcement (ICE) holds detainees in a variety of types of facilities, including ones operated by the federal and county governments and private corporations. ICE facilities can be found here: https://www.ice.gov/detention-facilities.

Q7: What are some challenges my program may face in working with corrections officials?

Corrections officials and advocates come from two different professional orientations. Their ultimate goals may overlap, but they serve different roles in preventing and responding to sexual abuse. The two professions also use their own unique terminology and have distinct cultures. Corrections officials and advocates have to work together to bridge the gaps between their professions and focus on their common goals in order to make sure incarcerated survivors receive the help they need. Corrections facilities are often unfamiliar with how advocacy programs work and may be uncertain about how to connect with local victim services agencies. Corrections officials
often have a different understanding of what confidentiality means than advocates do. Some corrections facilities may be under pressure to have an MOU in place before a PREA audit, and ask a local program to sign one with unrealistic expectations or without allowing a reasonable opportunity to negotiate and agree to it. Some facilities may ignore calls and emails from their local advocacy program after the MOU is signed.

Many advocacy programs find that corrections officials may be apprehensive about allowing an advocate to come into their facilities regularly. They may limit advocacy services to hotline calls, correspondence by mail, and hospital accompaniment. Over time, as the partnership develops and a service provider’s capacity grows, officials may be open to a wider range of services.

Another common challenge to these partnerships is around the understanding of who should get services — corrections, like other law enforcement agencies, often place a great deal of stock in official reports and the outcomes of investigations. The PREA standards require that services be available to all incarcerated survivors, regardless of whether they name the abuser or cooperate in an investigation. Victim services agencies should be prepared to talk through why all survivors deserve services, even if they did not report or if their report could not be substantiated by an investigation.

Q8: How can an advocacy program provide services to incarcerated survivors while maintaining confidentiality?

The PREA standards require facilities to enable reasonable communication between inmates and advocates in as confidential a manner as possible. Negotiating confidential services with corrections officials, however, can be challenging. Corrections officials are used to monitoring inmates’ movement and communications at all times. They review inmates’ incoming and outgoing mail, record phone calls, and monitor in-person visits. Corrections officials

Figure 4: Photo credit Mississippi Department of Corrections
consider such monitoring to be an essential tool in maintaining safety and security within their facilities.

While negotiating confidentiality with corrections officials may seem daunting, keep in mind that facilities do have systems in place that allow inmates to write to, meet with, and call their attorneys confidentially. For example, inmates’ correspondence with their attorneys is considered confidential legal mail. While some facilities may allow staff to open confidential legal mail to check for contraband, they should have protocols in place to prevent staff from reading the content.

Advocacy programs that provide legal advocacy and information, or that work in partnership with an attorney or legal assistance groups, may qualify for confidential legal mail status. Indeed, several states and counties have granted confidential mail status to advocacy programs with which they have an MOU. The advocacy program should review the facility’s procedures for confidential legal mail, or other allowable confidential mail, and negotiate confidentiality through the MOU process.

When it comes to providing hotline services to survivors behind bars, the level of privacy and confidentiality can vary greatly. Calls from corrections facilities may be recorded, monitored, and subject to strict time limitations. Detention settings have few spaces that afford privacy, and survivors will usually call from the center of a busy day room or dorm. Less often, facilities will arrange for survivors to make calls from a relatively private setting, like a counselor’s office. Some advocacy programs have worked with corrections officials to ensure that calls to their hotlines are not monitored, using whatever system the facility already has in place to prevent calls to attorneys or state oversight agencies from being monitored.

Hospital accompaniment and in-person counseling can also present challenges around confidentiality. Corrections officials may want to have custody staff in or near the exam room for security reasons. Advocates should work with corrections officials ahead of time to consider the layout of the exam room, including where custody staff will be in relation to the advocate and the survivor. Advocacy programs and corrections officials will also want to determine whether the advocate will have any time alone with the survivor, before or after the exam.

Conversations around confidentiality take time, and advocates and corrections officials need to work together to strike the right balance between confidentiality and security. It is important to address these concerns before initiating services. With every service a program offers, the goal should be to
secure the highest possible level of privacy and confidentiality. To facilitate strong relationships, advocacy programs should discuss with officials what confidentiality means within their work, including that advocates have an ethical duty to provide services confidentially. Advocates may want to offer training to facility staff on confidentiality, emphasizing the benefits of confidentiality for survivors and facilities, as well as limits to confidentiality.

When the conditions are less than ideal — where phone lines are monitored or recorded, or mail is not confidential — programs can still provide valuable support to survivors. Advocates should expect conversations with corrections officials about confidentiality to be ongoing. The facility may be willing to provide more confidentiality to survivors as the partnership grows. Advocacy programs should remember that the choice about what risks are acceptable — and how much confidentiality is worth sacrificing for services — ultimately belongs to survivors. Survivors should have information about the limits to confidentiality at their facility, and then be empowered to decide whether they still want services.

Q9: What considerations should small, rural sexual assault programs have in mind?

Small, rural sexual assault programs, with limited staff and few volunteers, may have large service areas that include a number of corrections facilities.\(^{14}\)

Due to the high number of corrections facilities in many rural areas, the small staff sizes of most rural sexual assault programs, and the long distances involved, it can be difficult or impossible for rural sexual assault agencies to provide in-person services. Rural corrections facilities may already have systems in place that

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\(^{14}\)For more information on best practices for small and/or multi-service agencies on providing rape crisis services to survivors in facilities that are located far from large cities and towns, please see In Your Reach: Providing Services to Survivors in Rural Detention Facilities (webinar), available at https://justdetention.org/webinar/in-your-reach-providing-services-to-survivors-in-rural-detention-facilities/.
can be adapted to provide remote services through electronic means. For example, some facilities provide inmates with access to email for communicating with attorneys. Others provide video or private telephone conferencing for legal or medical appointments or family visits. Officials who are already familiar with these systems — and with ensuring that inmates can use them privately or confidentially — may be willing to expand them to provide sexual assault counseling services.

As in other aspects of advocacy work, collaborating with community-based partners is vital. If an advocacy program’s service area has several corrections facilities that are far from the advocacy program offices, they may be able to serve survivors at those facilities through partnerships. For example, an advocacy program in a neighboring county may be able to provide in-person hospital accompaniment, while another organization provides telephone follow-up. If a program is part of a Sexual Assault Response Team, staff from the corrections facilities should be invited to join. Together, the team can explore ways that each partner can support the others in providing a victim-centered response.

Incarcerated survivors are counting on advocacy programs — the experts in healing from sexual abuse — to be a compassionate witness, to help them to heal, and to help keep them safe. Developing service programs for incarcerated survivors is not without challenges. The good news is that advocates already have the most important skills necessary to do this work. The skills advocates use every day in the community are transferable to work behind bars. Advocacy programs play a vital role in developing relationships with facilities and ensuring survivors receive services in detention settings.

For more information, visit www.resourcesharingproject.org/rural-training-and-technical-assistance.

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