

ANNOTATED TRAINER'S GUIDE

Training Module **4**

The Prison Rape Elimination Act

Training Module 4: The Prison Rape Elimination Act

Length: 60-90 minutes

Objectives:

- Describe the PREA standards related to victim services
- Use the PREA standards as a tool to better service incarcerated survivors
- Articulate and navigate confidentiality concerns with corrections partners

Materials:

- Module 4 PowerPoint slides
- “Voices for Justice” (video)

How to Use This Guide¹:

This guide is intended to support the material presented in the PowerPoint presentation for trainings on “The Prison Rape Elimination Act” (Module 4). 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 directions for the trainer. The text not in italics is a sample script.

¹ This project is supported by Grant No. 2011-TA-AX-K030, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this guide are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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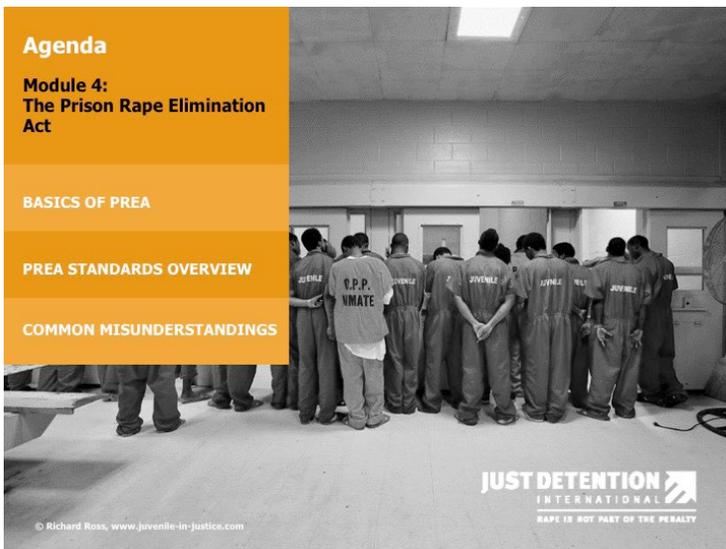
Trainer's Narrative/Notes

Slide 1



- [Welcome participants enthusiastically and set a positive and energetic tone for the training.]
- Welcome everyone. During this module, we will talk about the Prison Rape Elimination Act (PREA) and how it applies to advocates' work.

Slide 2



- We will go over the basics of PREA, review the national PREA standards, and discuss common misunderstandings about the standards.

Slide 3

Objectives

By the end of this session, participants will be able to:

- Describe the PREA victim services standards
- Use the PREA standards as a tool to better serve incarcerated survivors
- Articulate and navigate confidentiality concerns with corrections partners



When you complete this module, you should be able to:

- Describe the PREA standards related to victim services
- Use the PREA standards as a tool to better serve incarcerated survivors
- Articulate and navigate confidentiality concerns with corrections partners

Slide 4

Voices for Justice



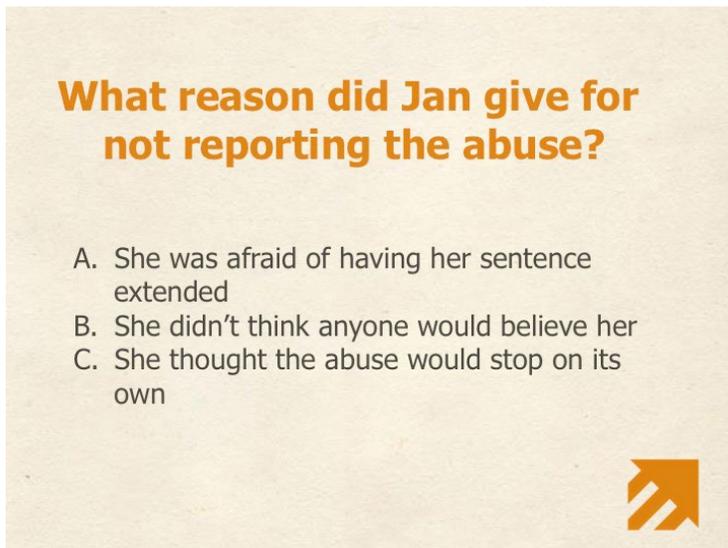
- [Cue up “Voices for Justice,” which can be found at <https://goo.gl/HiyHtt>]
- Now we are going to watch a video called “Voices for Justice.” JDI has a Survivor Council that is made up of incarcerated and formerly incarcerated survivors of prisoner rape. Council members work as advocates, spokespeople, and educators, and they were involved in the development of strong PREA standards. In the video, you will hear from three Survivor Council members. They talk a bit about their experiences and the importance of the standards.
- [Play video.]
- [Ask participants for any reactions to the video.]
- [Draw attention to the hope each of the survivors expresses that the PREA standards will help other survivors.]

Slide 5



- Now, to review the video, we are going to have a short quiz.

Slide 6



- *[Read the question from the slide and solicit responses from the group.]*
- The correct answer is A, “She was afraid of having her sentence extended.” Jan was threatened with a “major ticket” and she was determined to return home to her family as planned.

Slide 7

What did Jan, Frank, and Troy say about the importance of the PREA Standards?

- A. Facilities must offer incarcerated survivors forensic exams
- B. Staff will be trained on how to respond to sexual assaults
- C. Vulnerable prisoners will be given more protections
- D. All of the above



- *[Read the question from the slide and solicit responses from the group.]*
- The correct answer is D, “All of the above.”

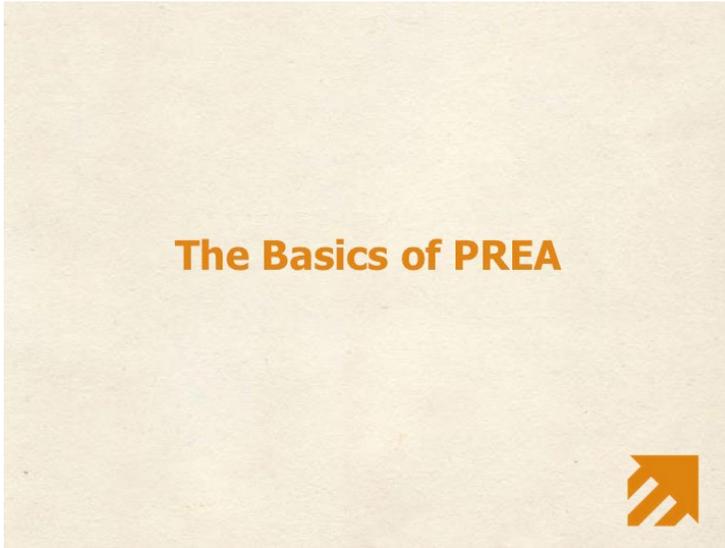
Slide 8

What do Jan, Frank, and Troy have in common with the survivors you provide services to in the community?



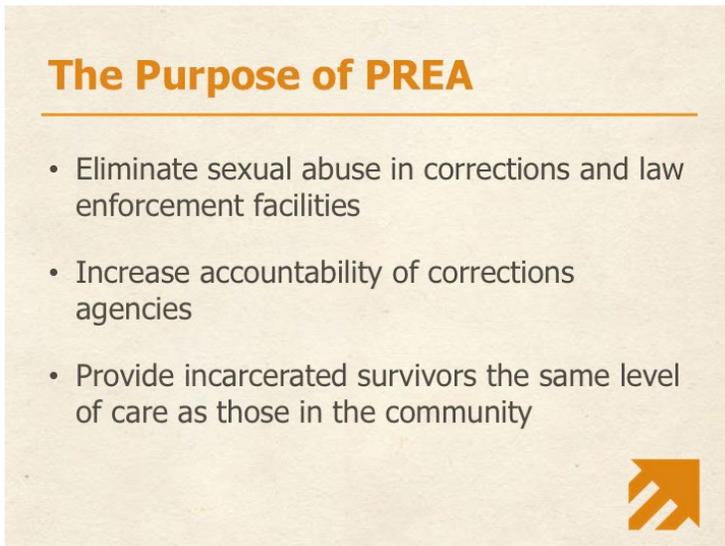
- *[Read the question from the slide and solicit responses from the group.]*
- As some of you have pointed out, it’s very possible that Jan, Frank, and Troy would seek your services in the community.
- And as you can see, all three of them are in the community now.
- Do the needs they express in the video seem different or similar to the needs of survivors you serve in the community? How do they seem different or similar?

Slide 9



- It's important for advocates to understand some basic information about the PREA standards, because they can be a useful tool when advocating for survivors and because the corrections agencies in your community are working to comply with them.

Slide 10



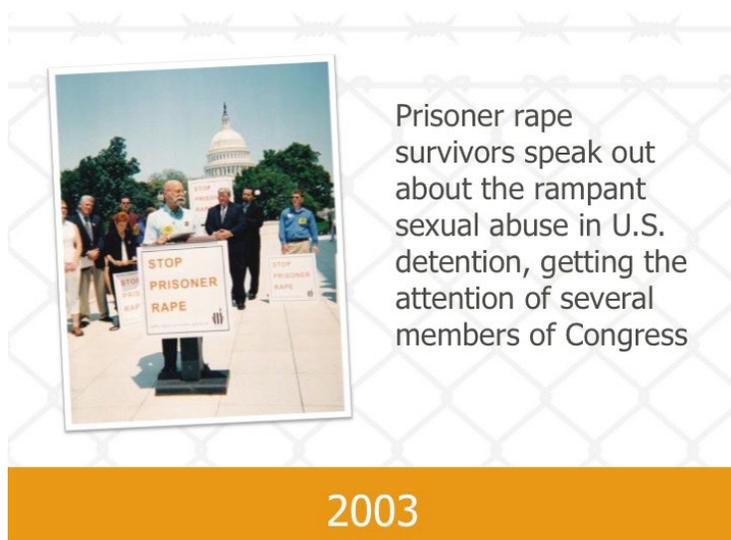
- The PREA standards' aim is to eliminate sexual abuse in prisons, jails, youth detention facilities, community confinement facilities, and police lockups.
- The steps outlined in the standards also increase accountability for both agencies and individual staff members; prioritize prevention and detection of and response to sexual abuse and sexual harassment; and provide for incarcerated people to receive the same level of care as survivors in the community.

Slide 11



- It was through the hard work and dedication of many people over decades that sexual abuse in detention was brought to the national stage. PREA — which was signed into law in 2003 — allowed the work that many had already started to have a higher profile, gain traction, and develop at a more rapid speed. The release of the PREA standards, in 2012, provided a set of requirements corrections facilities have to follow in order to prevent, detect and respond to sexual abuse and harassment behind bars. For other stakeholders, the standards are a tool for advocating for safety, services, and dignity for incarcerated survivors of sexual abuse.
- In this section, we’re going to take you through some of the key moments that led to the passage of PREA and the release of the PREA standards.

Slide 12



Prisoner rape survivors speak out about the rampant sexual abuse in U.S. detention, getting the attention of several members of Congress

- Sexual abuse in detention has long been a nationwide problem. Prior to the national research conducted by the Bureau of Justice Statistics (available here: www.bjs.gov/index.cfm?ty=tp&tid=20), most people did not realize the magnitude of the problem of sexual abuse in prisons and jails, and it was easy for some corrections officials to claim that this abuse simply did not happen.
- Attention to this human rights crisis grew when a handful of survivors started telling their stories and demanding to be heard. Eventually, survivors and their loved ones were able to get the attention of several members of Congress.
- The photo shows Tom Cahill, a survivor of sexual abuse in detention and former Just Detention International president, speaking at a Congressional briefing on Capitol Hill in 2003, urging Congress to pass PREA.

Slide 13

The Prison Rape Elimination Act is signed into law with unanimous support from Congress



2003

- In 2003, Congress passed the PREA unanimously and soon after it was signed into law by President George W. Bush. It is the first federal civil law that addresses sexual abuse in detention.
- It is important to note that PREA does not provide a basis for bringing a civil lawsuit or criminal prosecution of sexual abuse in detention.
- In enacting the law, Congress found that the high incidence of sexual assault in prisons involved actual and potential violations of the U.S. Constitution. PREA thus set out a course of action to eliminate sexual abuse in detention, requiring that facilities adopt a zero-tolerance approach to this form of abuse.

Slide 14



Bryson Martel, prisoner rape survivor, testifying at the first National Prison Rape Elimination Commission public hearing in 2005

The Department of Justice releases first-ever national research on sexual abuse in detention.

The government hears from survivors, advocates, corrections, and others to inform the national PREA standards.

2003-2012

- PREA called for three key things: nationwide studies to find out more about the problem of sexual abuse in detention, including its prevalence; funding to help corrections facilities implement the law; and the release of binding national rules or guidelines, which we now know as the PREA standards.
- Pictured on the screen is the late Bryson Martel, a prisoner rape survivor, testifying in 2005 in front of the National Prison Rape Elimination Commission, which was responsible for creating the first draft of the PREA standards.

Slide 15

The Department of Justice issues binding national standards to end sexual abuse in prisons, jails, youth detention facilities, police lockups, and community corrections



May 2012

- After nine long years, the Department of Justice released the final PREA standards in May of 2012. The development of the standards was a process that required input from key stakeholders: survivors, their loved ones, advocates, corrections officials, and government officials, as well as tremendous research and analysis.
- The standards are binding on all prisons, jails, lockups, juvenile detention facilities, and community confinement facilities.

Slide 16

Who is required to implement the PREA standards?

- A. Only federal and state prisons
- B. All corrections and law enforcement facilities
- C. Rape crisis centers and facilities in their service areas



- Now, we have a quick question to review what we've just learned.
- *[Read the question from the slide and solicit responses from the group.]*
- The correct answer is B, "All corrections and law enforcement facilities."

Slide 17



- **The PREA Standards in a Nutshell:** The PREA standards require that corrections facilities take concrete steps to protect inmates from sexual abuse by staff and other prisoners
- There are four sets of standards: one for prisons and jails, one for police lockups, one for juvenile facilities, and one for community confinement facilities.
- The standards were created as a foundational set of guidelines — that is, a floor, not a ceiling — with a wide variety of facilities in mind — from 5-bed rural jails to large state prisons with over 4,000 beds. What keeps people safe in one facility might not necessarily work exactly the same way in another. The standards describe what facilities must do, without prescribing exactly how they must do it.
- **Culture Change is Key:** Per the Department of Justice’s Final Rule, “It is important to note that the success of the PREA standards in combating sexual abuse depends on effective agency and facility leadership and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, be directly mandated by rule.” (See www.ojp.gov/programs/pdfs/prea_final_rule.pdf)
- The PREA standards strongly encourage facilities to work with local rape crisis programs and, even beyond helping survivors, your work with corrections facilities can help to foster a change in corrections culture by introducing a model where the focus is the sexual safety of prisoners and support for survivors.
- **A Closer Look:** There are 52 individual standards, each with multiple provisions, in the adult prison and jail and juvenile facility PREA standards. Not all of those standards apply to police lockup and community confinement standards, so those types of facilities have fewer standards. We’re going to go through some of these key provisions of the PREA standards, to give you a broad overview.

Slide 18

Facility PREA Checklist

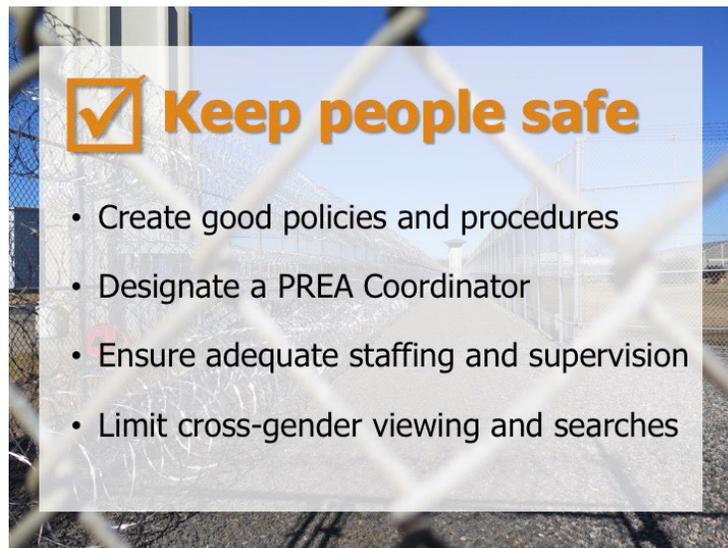
- Keep people safe
- Protect survivors from abusers
- Provide multiple ways to report
- Offer medical and mental health care
- Increase accountability
- Provide survivors access to victim services



The core goal of the standards is to keep people safe and, in order to do so, PREA requires corrections facilities to take steps to:

- Protect survivors from people who have abused them
- Provide survivors multiple ways to report sexual abuse
- Give survivors access to appropriate emergency and ongoing medical and mental health care
- Increase staff, agency, and perpetrator accountability
- Provide access to rape crisis services that are the same level of care as those in the community.

Slide 19

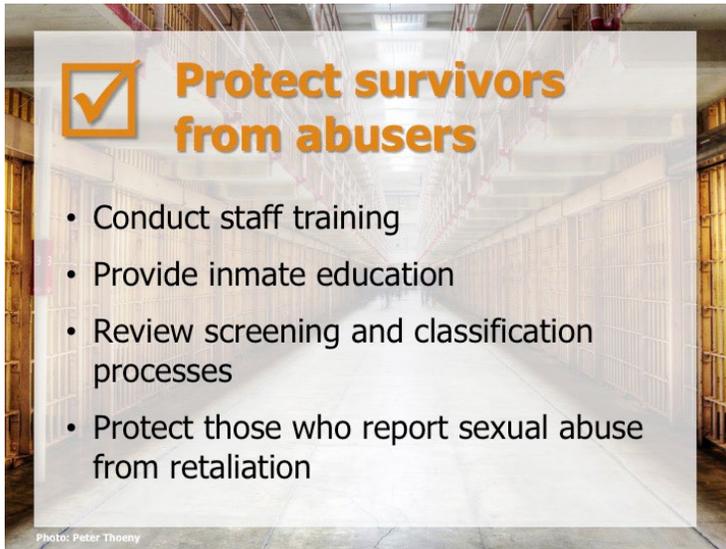


Keep people safe

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

- The PREA standards require that a corrections agency put in place policies, procedures, and protocols that are geared to preventing, detecting, and responding to sexual abuse and sexual harassment. The agency and facility must also work to make sure that the policies, procedures, and protocols are actually put into practice.
- The standards also require that agencies designate a PREA Coordinator. The PREA Coordinator is the main point person who oversees the agency’s implementation of the standards. If an agency operates more than one facility, they must appoint a PREA Compliance Manager at each facility. The PREA Coordinator and PREA Compliance Managers will likely be your organization’s primary contacts.
- It is helpful to know that more often than not the PREA Coordinator or PREA Compliance Manager — like many rape crisis staff — plays multiple roles within their facility, and PREA standards implementation is just one of those roles.
- The standards also require that the corrections agency ensure adequate staffing and supervision to prevent, detect, and respond to sexual abuse.
- Considering both the research that showed that most staff sexual abuse is cross gender (that is male-on-female or female-on-male) and the high numbers of survivors of sexual abuse and child abuse in prison populations, the standards require limits to cross-gender viewing and searches.

Slide 20



- In order to protect survivors from abusers, the standards require corrections agencies to provide staff with training regarding preventing, detecting, and responding to sexual abuse, including identifying the dynamics of sexual abuse, detecting red flags, and understanding normal trauma reactions.
 - Your organization may be asked or may offer to help with these trainings.
- It is equally important for prisoners to understand 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. Corrections agencies are responsible for providing this information to everyone in their custody.
 - Your organization may also be asked or may offer to help with these trainings.
- The standards require the agency to review and ensure that their screening processes keep those who are most vulnerable away from those at highest risk for committing abuse.
- Finally, the standards require that the agency protect inmates and staff who report sexual abuse from retaliation by including their intention to do so in written policy and by having a plan to monitor for possible retaliatory actions.

Slide 21



- The standards require an agency to provide survivors of sexual abuse multiple ways to report privately, and with an option to also report anonymously.
 - Survivors must be able to report to any staff member, contractor, or volunteer.
 - Survivors must be able to report in writing through the formal grievance process or even through a written note slipped under the door.
 - Survivors must be able to report to third parties, for example a loved one like their grandmother or spouse, a lawyer, or even another prisoner.
 - Survivors must be able to report to an outside entity designated by the corrections agency, such as the local police department or Crime Stoppers line that can forward the reports back to the agency.
 - Corrections agencies often ask rape crisis centers to play this role. However, JDI recommends against taking on the role of operating a reporting line in order to maintain clarity about services and confidentiality.

Slide 22



Give access to medical and mental health care

- For emergencies and ongoing care
- At no cost to the survivor

Photo: Thomas Hawk

- Under the PREA standards, any prisoner 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.
 - This includes information about, and access to, emergency contraception and care for possible sexually transmitted infections, pregnancy tests, and information about their right to lawful pregnancy-related medical services.
- A survivor should have access to these services even if they are not ready to provide information about the perpetrator or participate in an investigation. Again these must be provided at no cost to the person.

Slide 23



Increase accountability

- All reports taken seriously and investigated
- Perpetrators held accountable
- All incidents reviewed

Photo: California Department of Corrections and Rehabilitation

- The standards require an agency to take all reports of sexual abuse and harassment seriously and investigate them properly, thoroughly, and objectively and ensure that they are documented.
- They also require every agency to take measures to hold prisoners and staff who commit sexual abuse accountable and ensure that they are subject to disciplinary actions.
- All incidents must be reviewed by the agency to identify any possible patterns that may be preventable in the future.

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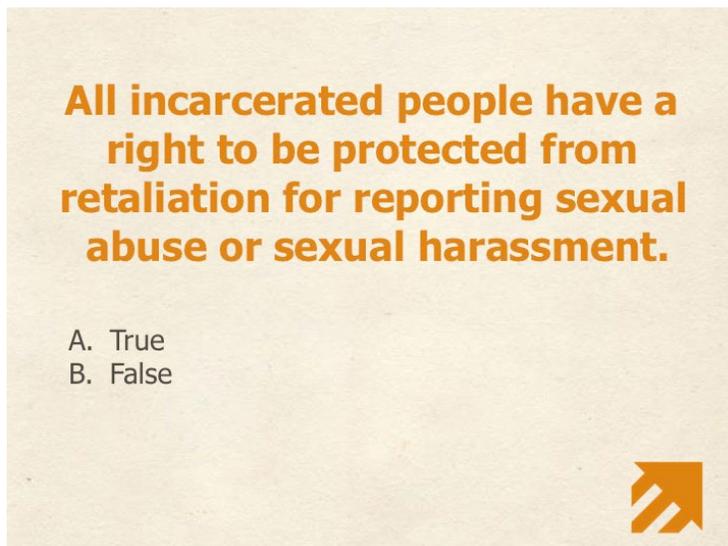


 **Provide access to victim services**

- Forensic exam
- Accompaniment at forensic exams
- Accompaniment at investigatory interviews
- Confidential follow-up services
- Confidential emotional support via phone or letter

- Finally, the standards require that corrections agencies provide prisoners with access to victim services. There are only two standards that explicitly reference victim services conducted by victim advocates.
 - These standards include access to a forensic exam and access to a victim advocate for emotional support, information, and referrals at every stage of the process following a report.
 - We will talk about these victim services standards in greater detail in Module 5.
 - Now, let's take a quick quiz to review.

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All incarcerated people have a right to be protected from retaliation for reporting sexual abuse or sexual harassment.

A. True
B. False



- *[Read the question from the slide and solicit responses from the group.]*
- The correct answer is A, "True." The PREA standards include provisions to ensure that all incarcerated survivors, and anyone who reports abuse (including bystanders and staff) are protected from retaliation after reporting sexual abuse or harassment.

Slide 26

Out of the 52 PREA standards, how many explicitly address rape crisis services for incarcerated survivors?

A. 15
B. 27
C. 2
D. All of them



- *[Read the question from the slide and solicit responses from the group.]*
- The correct answer is C, “2.” This means two things:
 - Corrections agencies are in a place where they need you and your agency to help them do their job and properly implement the PREA standards.
 - You have two federal guidelines in your advocacy tool belt to better help you work with survivors in detention.

Slide 27

PREA Standards on Victim Services



- *[In this section, divide the participants into three groups, representing: corrections, rape crisis center advocates, and incarcerated survivors.]*
- *After you discuss the content of the slide for each subsection, ask the small groups to discuss the following points from the group’s perspective:*
 - *How does this standard benefit your group?*
 - *What challenges does this standard present to your group?*
 - *What are ways to overcome these challenges independently and collaboratively?*
- *Then facilitate a report back to the larger group. Discuss the importance of approaching each issue from the different perspectives to get better insight into approaches for collaboration.]*

Slide 28

§ 115.21 Evidence protocol and forensic medical examinations

(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...

§115.121 in the Police Lockup Standards, §115.221 in the Community Confinement Standards, and §115.321 in the Juvenile Facility Standards

- **A Closer Look — 115.21:** Let’s take a closer look at the language of the standards and start with 115.21(c).
- The corrections agency must offer ALL victims of sexual abuse access to forensic exams without cost. Most corrections agencies will transport inmates to their local hospital or SANE site, while others may have the SANEs conduct the exams at the detention facility.
- At some agencies, prisoners have to pay a co-pay for medical care. However, this standard holds that for medical care related to an incident of sexual abuse, such as a forensic exam or care for a sexually transmitted infection resulting from the assault, facilities must waive this fee.
 - Examples of potential challenges:
 - Corrections — A local SANE may not be available.
 - Survivor — The corrections agency may: disrupt timely access to the exam, treat the exam as mandatory, or charge the survivor the medical co-pay.

Slide 29

§ 115.21 Evidence protocol and forensic medical examinations

(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.

§115.121 in the Police Lockup Standards, §115.221 in the Community Confinement Standards, and §115.321 in the Juvenile Facility Standards

- The first part of subsection (d) means that the corrections agency is required to invite the rape crisis center to provide services.
- The second part of subsection (d) means that if a rape crisis center is not available, the corrections agency must provide a victim advocate from a community organization or their agency.
 - Examples of potential challenges:
 - Corrections — The rape crisis center may be unresponsive or unable to provide a victim advocate to provide services.
 - Rape crisis center — The corrections agency may not understand the value of confidential services and may insist rape crisis counselors to break confidentiality or may not even attempt to communicate, assuming that the hospital provides an advocate.
 - Survivors — The survivor might not know their rights to an exam or victim advocate and may not realize they have a right to refuse all or part of the exam.
- *[Instruct participants to discuss the advantages and challenges of having rape crisis centers serve as victim advocates from their group’s perspective. Now discuss the benefits and challenges of having corrections staff serve as victim advocates from their group’s perspective.]*

- In its commentary on this provision, the Department of Justice recognized that a “victim will most benefit from a trained, confidential support person, who can focus on the victim and to whom the victim will feel safe talking.”
 - This is because advocates use a survivor-centered, trauma-informed approach and often have statutory protections (or a mandate based on state or federal funding) to maintain the client’s confidentiality.
 - By contrast, corrections staff typically do not have training in providing survivor-centered, trauma-informed services. Because of their duty to the facility, corrections staff are also required to report the abuse, even if it is against the survivor’s wishes.

Slide 30

§ 115.21 Evidence protocol and forensic medical examinations

(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.

§115.121 in the Police Lockup Standards, §115.221 in the Community Confinement Standards, and §115.321 in the Juvenile Facility Standards

- According to subsection (e) of this standard, all survivors have a right to a victim advocate during the forensic medical examination process and investigatory interviews for the same purpose survivors in the community have this right — to receive emotional support, crisis intervention, information, and referrals.
 - Examples of potential challenges:
 - Corrections — The rape crisis center may not be able to provide accompaniment to the exam or investigatory interview due to the distance, staffing, or funding.
 - Rape crisis center — The corrections agency may not inform the rape crisis center of when or where the exam or interview are taking place; the investigators may be unwelcoming to advocates because they are not familiar with their role and participation.
 - Survivor — A survivor may not be familiar with the role of an advocate or their right to an advocate and therefore may not request their accompaniment.

Slide 31

§ 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.

§115.253 in the Community Confinement Standards and §115.353 in the Juvenile Facility Standards

- **A Closer Look — 115.53:** The second PREA standard that pertains to victim services is Standard 115.53, Inmate access to outside confidential support services.
- Subsection (a) of this standard says that the facility must provide inmates access to outside victim advocates for emotional support services by providing them with mailing addresses and telephone numbers.
 - This provision ensures that incarcerated survivors, just like anyone in the community, can reach out to a rape crisis center for support for sexual abuse they experienced in their childhood, in the community, or in a detention facility, even if they do not wish to report the abuse.
- *[Ask the participants to discuss the first part of the subsection about access, then the second part about confidentiality in their small group.]*
 - Examples of potential challenges:
 - Corrections — The inmates may take advantage of this system and manipulate advocates to get what they want; the phone systems may not allow inmates to call toll-free hotlines; the rape crisis center’s mailing addresses may not all be public.
 - Rape crisis centers — The corrections agency may have a different interpretation of “in as confidential manner as possible”^{***} than the rape crisis center and insist that no confidentiality is possible, i.e. they record and monitor calls and read letters. Prisoners may not be able to call hotlines directly, because rape crisis centers do not accept collect calls. Inmates may reach out asking for help unrelated to sexual abuse.
 - Survivors — Rape crisis centers may not write or call back, inmate phones may not be able to dial the hotline number, or the facility may reject attempts to send out confidential mail.
 - **Some Further Cautions About this Provision:** Access to victim services via phone and letter must be tested and maintained. If a prisoner cannot reach a hotline because the numbers do not work or centers do not accept phone calls, survivors will become demoralized and the agency is not meeting the requirements of the standard.
 - ^{**}The clause “in as confidential a manner as possible” provides agencies a lot of flexibility for implementation. At best, it means that letters to and from rape crisis centers are considered confidential mail and are not read by officers. It could also mean that the facility has a privately located phone which can connect a prisoner to a hotline number that is neither recorded nor monitored. Less favorable conditions

look like phones that are in public spaces, calls that are made on a line that is (or can be) monitored and letters that are skimmed by officers. We will talk about these limits to confidentiality, in the next section.

Slide 32

§ 115.53 Inmate access to outside confidential support services

(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.

§115.253 in the Community Confinement Standards and §115.353 in the Juvenile Facility Standards

- Subsection (b) of this standard means that the facility should let prisoners know about the limits to confidentiality, so that anyone who chooses these services can make an informed decision as to what they share and through what means they share it.
 - Examples of potential challenges:
 - Corrections — Inmates may not believe that the services are confidential, even if the facility tells them that they are confidential. Phone systems might be outdated and unable to program in the rape crisis hotline number as an unmonitored line.
 - Rape crisis centers — Corrections staff might not inform prisoners of the limits to confidentiality and survivors may share information they would not otherwise have shared.
 - Survivors — Survivors may not use services if they do not think the information is confidential because the corrections agency or the abuser may use information they share against them.

Slide 33

§ 115.53 Inmate access to outside confidential support services

(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.

§115.253 in the Community Confinement Standards and §115.353 in the Juvenile Facility Standards

Finally, the last subsection requires that corrections agencies attempt to partner with community organizations because strong partnerships dramatically improve the level of care for survivors behind bars.

- The corrections agency is required to invite your rape crisis center to enter into a relationship, the parameters of which are laid out in an MOU (Memorandum of Understanding).
 - Examples of potential challenges:
 - Corrections — Rape crisis centers might take a long time to respond to MOUs or might respond with modifications that the corrections agency does not understand or cannot approve.
 - Rape crisis centers — Corrections agencies might provide MOUs with tight deadlines and impractical clauses that limit confidentiality and compromise the quality of services.
 - Survivors — The agency and center might have an MOU, but the services are not accessible or are not being provided.

Slide 34

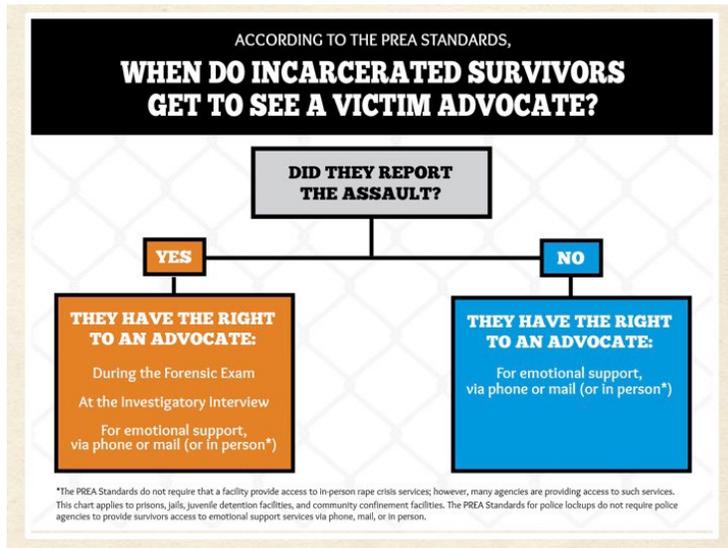
Under the PREA standards, when should a survivor have access to a victim advocate?

A. During the forensic exam
 B. During the investigatory interview
 C. Only when they report the abuse
 D. Anytime by letter/phone, even if they don't report the abuse
 E. A, B, and D



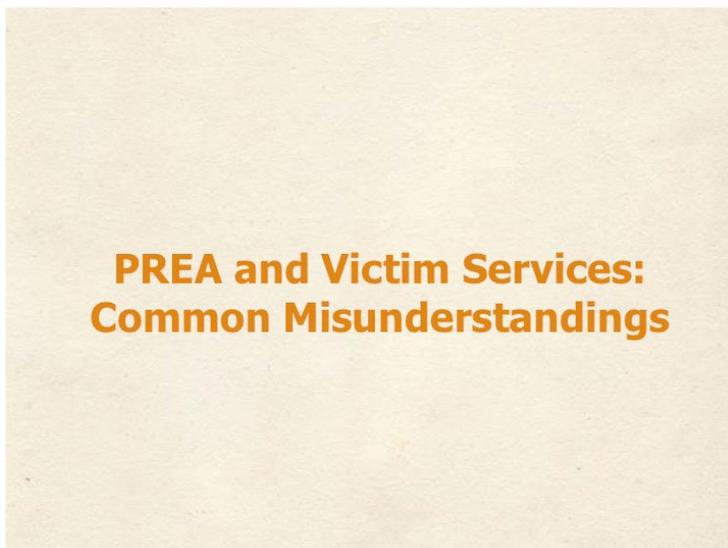
- *[Read the question from the slide and solicit responses from the group.]*
 - The correction answer is E, “A, B, and D.” A survivor should have access to a victim advocate during the forensic exam, during the investigatory interview and anytime by letter or phone, even if they don’t report the abuse.

Slide 35



- Here’s a chart that explains when a prisoner has a right to an advocate, according to the PREA standards.
- Let’s review: If an inmate reports abuse the agency must provide him or her with:
 - A forensic exam
 - Access to an advocate during the exam
 - Access to an advocate during an investigatory interview
 - Access to an advocate by phone or letter in as confidential a manner as possible.
 - “Note that an inmate has the right to the exam and to have access to an advocate regardless of whether they name the abuser or take part in the investigation.”
- If an inmate does not report the abuse, they must still be able to reach an advocate for emotional support, in as confidential a manner as possible.

Slide 36



- Now we will review some of the common misperceptions about the PREA standards that you, as victim service providers, may come across as you work with corrections staff. We hope this gives you some clarification and helps you address these points with your corrections contacts if they arise.

Slide 37

MISPERCEPTION	CLARIFICATION
Rape crisis centers must report abuse to corrections, regardless of the survivor's wishes	Rape crisis center staff support good investigations
Rape crisis center staff inhibit good investigations	The PREA Standards are binding on corrections agencies
The PREA Standards are binding on rape crisis centers	Rape crisis centers must comply with state mandates on confidentiality

- **ACTIVITY: Match the misunderstanding with the misperception**
- The first misunderstanding that we hear is that rape crisis center staff must report abuse to corrections staff, regardless if the survivor wants you to or not.
 - But in reality, rape crisis centers must comply with their own state mandates on confidentiality.
- The second common misunderstanding is that rape crisis center staff inhibit good investigations.
 - In reality we know that the support that rape crisis advocates offer to survivors often lead to better investigations.
- And the third common misunderstanding we hear from corrections staff about rape crisis services is that the PREA standards are binding on rape crisis centers.
 - The truth is that the PREA standards are binding on corrections agencies, NOT on community victim service providers.

Slide 38



- *[Ask the question and solicit a response.]*

Slide 41

PREA and Confidentiality

- All staff members who work in corrections facilities are mandated to report all crimes in the facility, but rape crisis advocates are **not**
- The PREA standards do **not** change the legal and ethical principles that guide rape crisis services
- Rape crisis services are for **all** survivors, even if they do not report

- Let's review a bit, because this topic is both challenging and extremely important. Remember that all staff members, including therapists and psychologists, who work in corrections facilities are mandated to report all crimes in the facility.
- As a rape crisis advocate, you have statutory protections for maintaining your clients' confidentiality and although they're worded differently state to state, in essence, they all hold that the survivor gets to decide if they want to report or not.
- Whatever laws and protections apply to maintaining your client's confidentiality follow you wherever you go, including in your work with people confined in prisons, jails, lock ups, community corrections, and juvenile detention facilities.
- To reiterate, rape crisis services for incarcerated survivors — just as for all other survivors — applies to abuse that happened at any point in their life, including if they do not want to or are not yet ready to report or cooperate in an investigation.

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Scenario Exercise #1

You receive a call from Lt. Michaels, the PREA Coordinator from the local prison. He says:

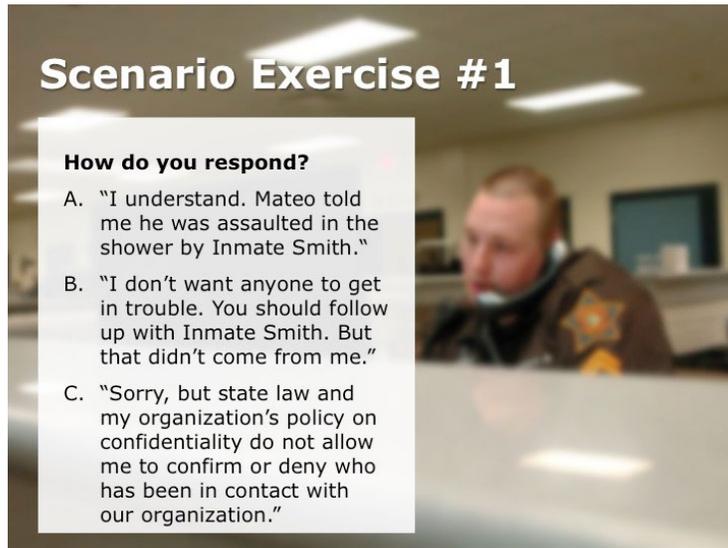
"Hi there, I heard that Inmate Jones contacted you about being sexually assaulted in my facility. I'm concerned about the safety and security of the facility and the inmates who are in my custody.

I need you to tell me everything the inmate told you."



- *[Instruct participants to read the scenario, then choose the correct response, discussing their reason for choosing the answer they did.]*

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The slide features a background image of a man in a uniform talking on a mobile phone. Overlaid on the left is a white text box with the title "Scenario Exercise #1" and a list of response options under the heading "How do you respond?".

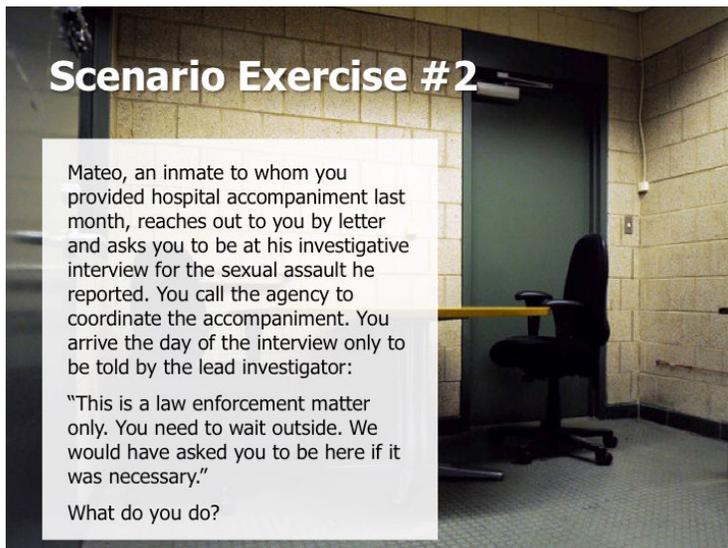
Scenario Exercise #1

How do you respond?

- A. "I understand. Mateo told me he was assaulted in the shower by Inmate Smith."
- B. "I don't want anyone to get in trouble. You should follow up with Inmate Smith. But that didn't come from me."
- C. "Sorry, but state law and my organization's policy on confidentiality do not allow me to confirm or deny who has been in contact with our organization."

- The correct response is "C." Lt. Michaels may be irritated, but this is what is required by your policy and state law.
- It may be helpful to follow-up and schedule a time to have a more in-depth conversation about your desire to help and to explain your role, your own legal mandates, and why maintaining confidentiality is important for the safety of the victim, staff, and the institution overall.
- Of course, it is best if your organization can have this conversation at the beginning of your relationship before you even start offering services, in order to avoid the scenario above.
- *[Invite participants to role play how they might start this challenging conversation.]*

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The slide features a background image of an empty office or interview room with a desk and chair. Overlaid on the left is a white text box with the title "Scenario Exercise #2" and a paragraph of text followed by a question.

Scenario Exercise #2

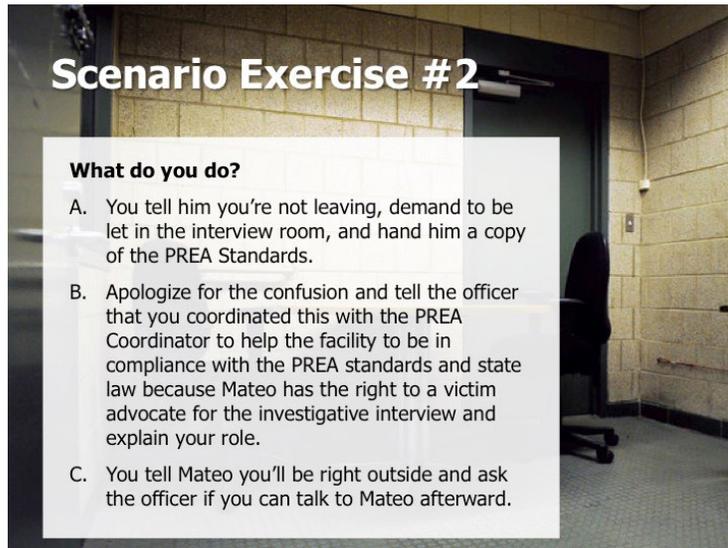
Mateo, an inmate to whom you provided hospital accompaniment last month, reaches out to you by letter and asks you to be at his investigative interview for the sexual assault he reported. You call the agency to coordinate the accompaniment. You arrive the day of the interview only to be told by the lead investigator:

"This is a law enforcement matter only. You need to wait outside. We would have asked you to be here if it was necessary."

What do you do?

- *[Instruct participants to read the scenario, then choose the correct response.]*

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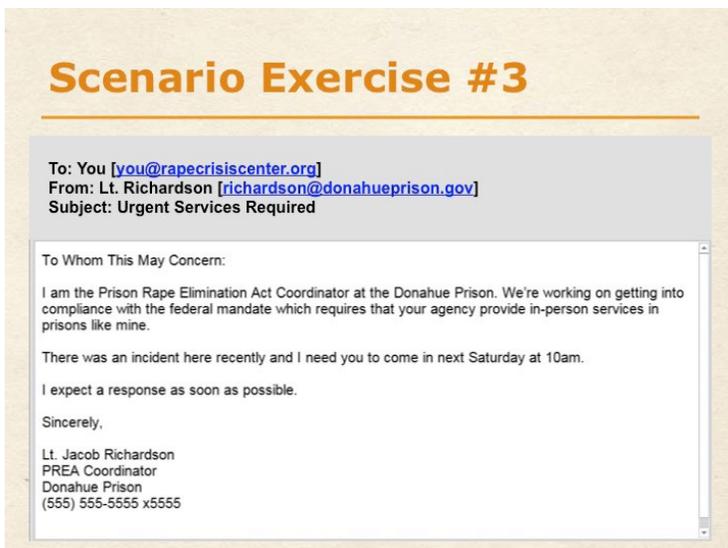
Scenario Exercise #2

What do you do?

- A. You tell him you're not leaving, demand to be let in the interview room, and hand him a copy of the PREA Standards.
- B. Apologize for the confusion and tell the officer that you coordinated this with the PREA Coordinator to help the facility to be in compliance with the PREA standards and state law because Mateo has the right to a victim advocate for the investigative interview and explain your role.
- C. You tell Mateo you'll be right outside and ask the officer if you can talk to Mateo afterward.

- The correct answer is “B.” It is important to show respect for the officer’s concerns and start with a diplomatic approach because most people do not like abrupt change; he may have been conducting investigations the same way for years.
- Letting him know that you arranged your participation with the PREA Coordinator ahead of time shows that the agency is invested in your involvement.
- If you mention the fact that your involvement will help keep the agency in legal compliance, it shows how your participation is necessary.
- Finally, if you share your role and that you do this regularly in the community, it takes the mystery out of the process, makes the situation less threatening, and builds your credibility.
- Keep in mind, it probably won’t be until you work together to support a survivor through the process that he will feel comfortable with your participation.

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Scenario Exercise #3

To: You [you@rapecrisiscenter.org]
From: Lt. Richardson [richardson@donahueprison.gov]
Subject: Urgent Services Required

To Whom This May Concern:

I am the Prison Rape Elimination Act Coordinator at the Donahue Prison. We're working on getting into compliance with the federal mandate which requires that your agency provide in-person services in prisons like mine.

There was an incident here recently and I need you to come in next Saturday at 10am.

I expect a response as soon as possible.

Sincerely,

Lt. Jacob Richardson
PREA Coordinator
Donahue Prison
(555) 555-5555 x5555

- *[Instruct participants to read the scenario, then choose the correct response.]*

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Scenario Exercise #3

How do you respond?

- A. You ignore his email because your agency does not have the capacity to provide in-person services.
- B. You move your schedule around to go to Donahue on Saturday, even though you know your agency does not have the capacity to provide in-person services regularly.
- C. You consult with your supervisor who instructs you to thank him and let him know that although your agency can't provide in-person services right now, you would be interested in having a conversation with him about getting other services set up.

- The correct response is “C.” It is important that your organization’s leadership is clear with Lt. Richardson about the organization’s limitations to provide services in a professional manner, while keeping the door open for discussing potential service opportunities in the future.

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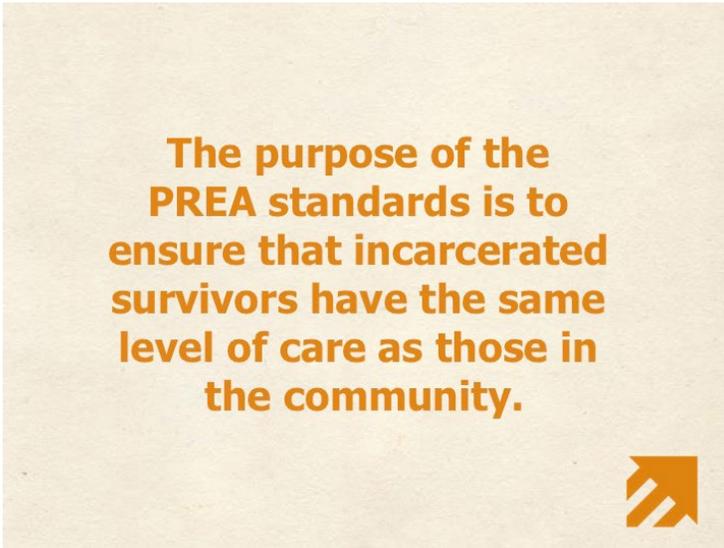
PREA Applies to All Corrections Agencies

- The PREA standards are **not** binding on rape crisis centers
- It is the responsibility of corrections agencies to implement and comply with the PREA standards
- Under the standards, corrections agencies are required to “attempt to” establish an MOU with local rape crisis centers



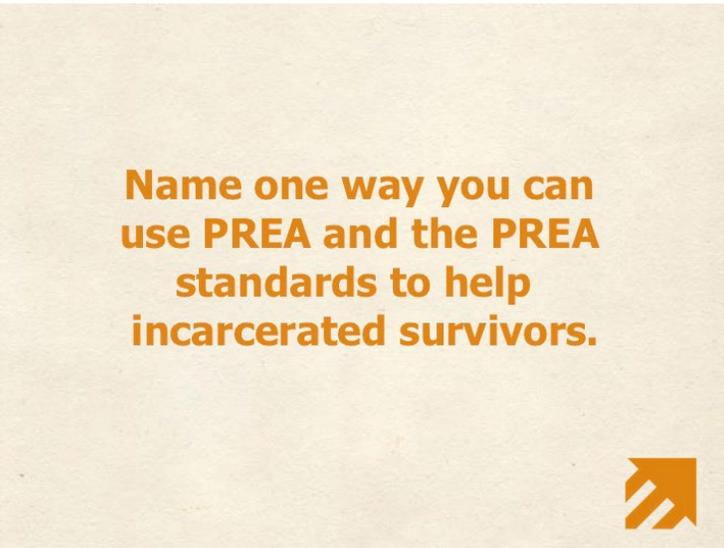
- To review, the PREA standards are federal rules that are binding on all corrections facilities.
- As we saw before, they require facilities to attempt to enter into relationships with rape crisis centers.
- In some areas, a rape crisis center cannot provide services due to geographic, staffing, or funding limitations. The Department of Justice understood that services, especially in-person services by outside providers, are not always available and therefore created secondary and tertiary plans discussed in 115.21 (d); for victim services to be provided by other community based organizations or corrections staff as a viable alternative.
- Responsibility lies with the corrections facility to implement the standards.

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- The overarching message of this module is that incarcerated survivors have a right to the same level of care as survivors in the community.
- What other important messages will you take away? Please share one or two.

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- [Ask if there are any final questions.]