

Supporting Incarcerated Survivors: Protecting Confidentiality

Confidentiality is a core value of advocacy. Incarcerated survivors must trust that what they tell their advocate will not be shared with anyone else. By protecting confidentiality, advocates can help ensure that survivors are able to process their trauma safely.

Confidential rape crisis services must be available for all survivors, regardless of whether or not they make a report.

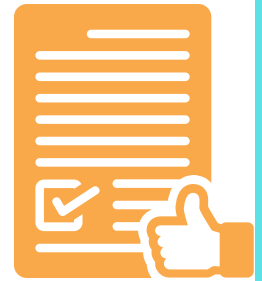


While corrections staff must report sexual abuse, rape crisis center advocates should abide by the same confidentiality obligations that apply to their work with survivors in the community. Advocates must not disclose anything without the survivor's permission.

How to talk about confidentiality with survivors:

- Always discuss confidentiality up front, before working with a survivor
- Be clear about when you would be required to break confidentiality

Advocates should be well-versed in both their agency's policies and their state's laws regarding any limits to confidentiality. Common exceptions to confidentiality include child abuse, elder abuse, or plans of suicide or homicide. Advocates should have a plan in place in the event that they need to break confidentiality.



- If possible, let the survivor know if you will need to break their confidentiality, and try to involve them in the process
- Always follow up with the survivor after making a mandated report

To advocate on behalf of a survivor or to arrange follow up services (including mailing letters to the survivor or setting up in person services for the survivor), you must get informed consent from the client. Informed consent means the survivor has a clear understanding of the short- and long-term consequences of sharing identifying information. Ideally, advocates should try to get written permission through a release of information (ROI); as an alternative, advocates can use a verbal consent.

- Advocates should review the ROI with the survivor to ensure the survivor understands the form they are signing/consenting to
- ROIs should specify with whom the information will be shared with and must be time-limited
- ROIs should be filled out at the end of the forensic exams or they can be sent via confidential mail to a client