

OVW Special Population Webinar Series Discussion Guide

Vulnerable and Underserved: Victim Advocacy for Incarcerated Survivors with Disabilities

“I was regularly sexually abused by the facility’s assistant superintendent. This went on for a while and I was afraid to say anything for I was afraid of being transferred to a prison where I would be further abused, and my disability needs would be ignored.” - Jerry, an incarcerated survivor with physical disabilities

Introduction

Vulnerable and Underserved: Victim Advocacy for Incarcerated Survivors with Disabilities is a webinar that will strengthen advocates’ capacity to provide services for an often overlooked population — prisoners with disabilities. People with disabilities make up a significant portion of the nation’s incarcerated population and they are among the most vulnerable to sexual abuse and sexual harassment. Although federal laws require accommodations for incarcerated people with disabilities, many facilities neglect to provide adaptive equipment and do not make modifications that are essential for mobility and communication. Such failures contribute to an overall lack of safety for prisoners with disabilities. The webinar will look at the kinds of disabilities that are common among people in custody. In addition, it will offer guidance on victim services provision for this population, including the use of the PREA standards as an advocacy tool. One of the speakers on the webinar will be JDI’s Mental Health Program Director, who has provided counseling for many incarcerated survivors and is a widely recognized advocate and ambassador for the disability community. This webinar is part of a six-part series on providing victim services for especially underserved incarcerated populations, including survivors who are D/deaf or hard of hearing, survivors of sexual abuse perpetrated by women, and survivors with mental illness.

Discussion Questions

1. Consider the following scenario and discuss with your colleagues the best way to respond. Then read our suggested approach, at #4 below, in the Discussion section of the guide.

You receive a call from your primary staff contact at a facility where you are providing services. The staff person asks you to provide follow-up emotional support services to an inmate who was sexually assaulted within the past few days; the inmate uses a wheelchair. However, due to ongoing construction, the inmate cannot bring their wheelchair into the interview room where you typically meet with inmates. The staff person offers the open visitation area as an alternative.

2. At the beginning of this webinar, advocates who have provided victim services to incarcerated survivors with disabilities were asked to indicate their level of agreement with the following statement, on a scale of 1 to 5: “Our staff understands the special needs and concerns of incarcerated survivors with disabilities.” Those who answered between 1 and 4 were asked to “describe briefly your concerns about your readiness to provide culturally competent services for incarcerated survivors with disabilities.”

Having viewed the webinar, discuss whether, and how, your answers to these queries have changed and:

- Prepare an updated list of the gaps you have identified in your program’s readiness to provide culturally competent services for this population.
 - Consider whether your concerns vary depending on the nature of a survivor’s disability/ies — that is, whether the disability is cognitive, physical, visual, or involves hearing.
3. What steps can your organization take to address the gaps above and ensure that the services you provide for incarcerated survivors with disabilities are culturally sensitive? Here are some tips to build cultural competence:
 - Ensure staff, board and volunteers are diverse and representative of the survivors being served, including people with disabilities
 - Provide (additional) staff training on working with prisoners with disabilities — provided by local disability advocates, if possible — and on the protections for this population under the PREA standards
 - Include ADA compliance training for all staff as part of their onboarding as well as their annual training
 - Recruit and enlist feedback from survivors on the services provided
 - Ask disability advocates to join your sexual assault response team (SART)
 - Plan ahead, on how you will address likely challenges involved in providing services for incarcerated survivors with disabilities, such as protecting confidentiality
 - Become familiar with the policies and procedures the facilities where you are providing services have in place with respect to housing, safety, and accessibility for prisoners with disabilities
 - Observe whether the facility makes needed accommodations for prisoners with disabilities in a prompt manner
 - When working with an incarcerated survivor with disabilities, focus on the survivor’s strengths and resources, instead of on their (perceived) deficits
 - Do not let the fear of making a mistake keep you from asking questions that will help you provide services for this population

4. *Suggested approach to the scenario in #1, above:* the general visitation room is an acceptable place to hold a counseling session, provided that no visits happen at the time. If you are not certain that the visitation room will be empty, you should request a private space in which to meet, in order to protect the survivor's confidentiality.

Additional Resources

Resources Related to the PREA Standards

- For links to the PREA standards and other resources for the corrections field, visit the National PREA Resource Center, at www.prearesourcecenter.org/
- The "PREA Audit Supplementary Questionnaire on Community Advocate Engagement", www.justdetention.org/wp-content/uploads/2018/01/Supplementary-Questionnaire-on-Community-Advocate-Engagement.pdf. The questionnaire may be useful for victim advocates to review as they prepare to speak with a PREA auditor about conditions in the facilities where they provide services
- PREA Standards in Focus includes an in-depth look at PREA's requirements on 1) ensuring that inmates with disabilities benefit from the corrections facility's PREA-related efforts; 2) screening inmates for vulnerability, including having a disability; and 3) requiring facilities to provide PREA-related inmate education in formats that are accessible to prisoners who are blind or low-sighted, are D/deaf or hard of hearing, or otherwise have a disability that might impede their access to the information:
 - Inmates with Disabilities and Inmates Who Are Limited English Proficient, www.prearesourcecenter.org/sites/default/files/library/115.16%20SIF%20%282%29.pdf
 - Screening for Risk of Sexual Victimization and Abusiveness, www.prearesourcecenter.org/sites/default/files/library/115.41_0.pdf
 - Inmate/Resident Education, www.prearesourcecenter.org/sites/default/files/library/115.33%20SIF_Update.pdf

Webinars and Other Resources

- JDI's resources for advocates can be found at: www.justdetention.org/advocate-resources
- Vera Institute of Justice, "Making PREA and Victim Services Accessible for Incarcerated People with Disabilities: An Implementation Guide for Practitioners on the Adult and Juvenile Standards," www.vera.org/publications/making-prea-and-victim-services-accessible-for-incarcerated-people-with-disabilities-an-implementation-guide-for-practitioners-on-the-adult-and-juvenile-standards
- California Coalition Against Sexual Assault, "Supporting Sexual Assault Survivors With Disabilities" (A Chapter Update to the "Support for Survivors" Training Manual), www.calcasa.org/wp-content/uploads/2010/12/Survivors-with-Disabilities.pdf
- National Disability Rights Network, "Protection & Advocacy's Role in Prison Litigation," www.ndrn.org/resource/protection-and-advocacys-role-in-prison-litigation/ (describes

the national protection and advocacy (P+A) network, which includes an agency in every state and territory that has been given a federal legislative mandate to provide legal representation and other advocacy services to all people with disabilities.)

- Disability Rights Washington, “No Excuses, Shining a light on abuse and neglect of people with developmental disabilities in Washington’s institutions,” www.disabilityrightswa.org/reports/no-excuses/
- Rooted in Rights, “#DisabilityToo: (video), www.rootedinrights.org/video/disabilitytoo
- National Public Radio, All Things Considered, “The Sexual Assault Epidemic No One Talks About,” www.npr.org/2018/01/08/570224090/the-sexual-assault-epidemic-no-one-talks-about
- Resource Sharing Project, “Eight Step Advocacy Plan for Deaf and Hard of Hearing Survivors of Sexual Assault A Guide for Rural Dual/Multi-Service Advocates,” www.resourcesharingproject.org/sites/resourcesharingproject.org/files/Working_with_Deaf_Survivors.pdf

National Organizations Advocating for Disability Rights

- National Disability Rights Network, www.ndrn.org
- Vera Institute of Justice, www.vera.org/projects/equal-access-for-people-with-disabilities
- Center for Prisoner Health and Human Rights, www.prisonerhealth.org
- The Arc, www.thearc.org
- Council on State Governments Justice Center, www.csgjusticecenter.org
- Prison Policy Initiative, www.prisonpolicy.org
- Urban Institute, www.urban.org
- National Association for the Deaf, www.nad.org
- Helping Education to Advance the Rights of Deaf Communities (HEARD), www.behearddc.org