

Advocacy for Sexual Assault Victims in Custody

Question: What experiences have you had working with victims/survivors in custody?

Agenda

1. Grounding
2. Purpose of PREA
3. PREA Standards regarding Advocacy
4. Reporting
5. Mandatory Reporting Considerations
6. Confidentiality Considerations
7. Skills Needed
8. Partnership Building



What would you like to know?

Grounding Statements

- ▶ Victims/survivors in custody are 20 times more likely to experience sexual violence than those in the community
- ▶ People entering correctional facilities have likely been a victim of violence themselves
- ▶ No one deserves to experience sexual violence



Grounding Statements, Continued

- ▶ Victims/Survivors in custody should receive advocacy services:
 - ▶ akin to those offered in the community
 - ▶ regardless of if a report is made
 - ▶ regardless of when the abuse took place
 - ▶ in as confidential and private a manner as possible
- ▶ Correctional facilities are safer when victims/survivors have access to free, confidential advocacy services

Purpose of PREA

- ▶ Prevent, Detect, and Respond to Sexual Violence
- ▶ Eliminate sexual abuse in corrections and law enforcement facilities
- ▶ Increase accountability
- ▶ Provide the same level of care to survivors in confinement as survivors in the community



PREA Standards and Advocacy

1. 115.23 – Access to outside service provider with or without a report being made, regardless of if the abuse happened inside or outside of the facility
2. 115.21 – Access to an advocate following a report and access to a forensic medical exam without cost to the victim/survivor
3. 115.53 – Corrections are required by PREA standards to attempt to enter into a written agreement with service providers



Advocacy organizations are not accountable to PREA—only correctional facilities

Reporting

- ▶ Who can take a report?
 - ▶ Any facility staff member, contractor, or volunteer
 - ▶ Multiple internal mechanisms within the agency
 - ▶ A third party (friends, family)
 - ▶ Outside agency (eg child protective services, state inspector general)

Facility Response to Reports

1. Survivor and abuser will be separated
2. Survivor will be request to not take any actions that would damage physical evidence
3. Facility's coordinated response will be activated

What to Expect

- ▶ Investigators will interview the survivor, abuser, and witnesses
- ▶ If report includes criminal behavior, a referral for criminal investigation is made
- ▶ Agency employs protection measures
 - ▶ Talk with your facility about what these measures are
- ▶ Reporter and survivor are monitored for 90 days
- ▶ Survivor should be told the determination of the investigation, or if one did not occur
 - ▶ Update on staff member, if abuse occurred by staff member
- ▶ Substantiated will be forwarded to prosecution

Survivor's Rights

- ▶ Survivor should not be placed in segregated housing without an assessment of alternatives
- ▶ Access to a forensic medical examination
- ▶ Emergency medical treatment and crisis intervention services information and access to emergency contraception and sexually transmitted infections prophylaxis
 - ▶ Without financial cost, regardless of cooperation with investigation or naming the abuser

Mandatory Reporting Considerations

- ▶ Victims/survivors in custody are not considered vulnerable adults simply due to being in confinement
- ▶ Sexual assault advocates are not mandatory reporters for vulnerable adults
- ▶ Duty to warn in the context of correctional facilities



Confidentiality Considerations

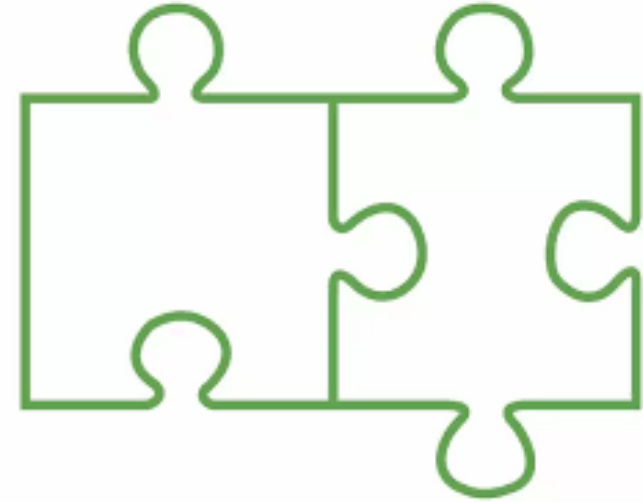
1. *What* is being said
2. *Who* it's being said to



Skills Needed

- ▶ Ability to work with ALL victims/survivors
 - ▶ Caused harm
 - ▶ Marginalized or excluded
 - ▶ Make referrals when necessary
- ▶ Healing options available
- ▶ Partnership Building
- ▶ Self Examination

Partnership Building



- ▶ Different philosophies
- ▶ Cross training, offer expertise
- ▶ Sustainability across turnover
- ▶ Help with the materials provided to inmates
- ▶ Conversations about service provision like Forensic Medical Exams, Support Groups, In-person visits

Contact Information and Resources

Ashley Sturz-Griffith, Advocacy Support Specialist

asturz@mncasa.org/651.288.7443

- ▶ Just Detention International
- ▶ PREA Resource Center

