

**Specialized Training: Investigating Sexual Abuse in
Correctional Settings
Notification of Curriculum Utilization
December 2013**

The enclosed *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum was developed by The Moss Group, Inc. (TMG) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The PREA standards served as the basis for the curriculum's content and development with the goal of the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and TMG logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval at which point the BJA logo may be added.

Note: Utilization of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility "meets standard". Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.



NATIONAL
PREA
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CENTER



THE MOSS GROUP, INC.

Experienced Practitioners Committed to Excellence in Correctional Practice

Module 5: Role of Medical And Mental Health Practitioners in Investigations

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Module 5: Objectives

1. Understand the PREA Standards applicable to Medical and Mental Health Care practitioners involved in the investigative process
2. Describe the Forensic Medical Exam Process
3. Explain the Role of Victim Advocates

Evidence Protocol and Forensic Exams

§115. (3)21 Evidence protocol and forensic medical examinations

- Follow a uniform evidence protocol that is developmentally appropriate and based on DOJ's National Protocol for Sexual Assault Medical Forensic Exams, Adult/Adolescents*.
- Offer all survivors access to exams, at no cost, when appropriate.
- Exams must be performed by qualified medical professionals, such as Sexual Assault Nurse Examiners.

•* **A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents** is available at: <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

Evidence Protocol and Forensic Exams – Access to Advocates

§115.(3)21(d) Evidence protocol and forensic medical examinations

- Attempt to make available a victim advocate from a rape crisis center (RCC) to provide accompaniment.
- If RCC is not available, qualified staff from community organization or agency staff must accompany survivors.
- Document efforts to secure services from RCCs.
- Can use advocates from government agencies if they are not affiliated with the criminal justice system and provide a comparable level of confidentiality as nongovernmental agencies.

Exam Evidence Protocol and Forensic Exams – Access to Advocates

§115.(3)21(e-h) Evidence protocol and forensic medical examinations

- Advocates accompany and support victims through the exam process and investigative interviews and provide emotional support, crisis intervention, information, and referrals.
- A qualified agency staff member must be screened for appropriateness and receive education on sexual assault and forensic exams.

Specialized Training

§115.(3)35(a) Specialized training: Medical and mental health care

Ensure medical and mental health staff are trained in:

- How to detect and assess for signs of sexual abuse and harassment
- How to preserve physical evidence of sexual abuse
- How to respond professionally to victims
- How and to whom to report allegations or suspicions of sexual abuse or harassment

Specialized Training, Cont.

§115.(3)35(b-d) Specialized training: Medical and mental health care

- Medical staff who perform forensic examinations must receive appropriate training.
- Maintain documentation of medical and mental health staff participation in required trainings.
- Ensure medical and mental health staff receive appropriate staff, volunteer, or contractor training, in addition to the specialized training described above.

Access to Outside Confidential Services

§115.(3)53(a-b) Inmate/resident access to outside confidential support services

- Provide inmates/residents with phone and mail access to rape crisis and/or other victim advocates.
- Enable reasonable communication in as confidential a manner as possible.
- Inform inmates/residents of the extent to which this communication is monitored and reports will be filed in accordance with mandatory reporting laws.

Access to Outside Confidential Services - Agreements

§115.(3)53(c) Inmate/resident access to outside confidential support services

- Enter into written agreements (MOUs) with outside victim advocates who are able to provide inmates/victims with confidential emotional support.
- Document attempts to enter into such agreements.

Coordinated Response

§115.(3)65 Coordinated response

- Develop a written institutional plan to coordinate actions taken among first-responders, medical and mental health staff, investigators, and administrators.

Access to Emergency Medical and Mental Health Care

§115.(3)82(a-b) Access to emergency medical and mental health services

- Provide timely, unimpeded access to emergency medical treatment and crisis intervention services.
- If no practitioners are available, first responders protect victims and notify appropriate staff.

Access to Emergency Medical and Mental Health Care

§115.(3)82(c-d) Access to emergency medical and mental health services

- Offer victims information about and timely access to emergency contraception and sexually transmitted infections prophylaxis.
- Treatment must be provided at no cost to the victim, regardless of whether or not the victim cooperates with the investigation or names the abuser(s).

Access to Ongoing Medical and Mental Health Care

§115.83(a-b) Ongoing medical and mental health care for sexual abuse victims and abusers

Offer evaluation and treatment to inmates/residents who have been sexually abused, including:

- Follow-up services
- Treatment plans
- Referrals for continued care

Access to Ongoing Medical and Mental Health Care, Cont.

§115.(3)83(c-d) Ongoing medical and mental health care for sexual abuse victims and abusers

- Provide medical and mental health services consistent with the community level of care, including:

- Pregnancy tests for victims of sexually abusive vaginal penetration
- Timely and comprehensive information and medical care for victims who become pregnant as a result of abuse
- Tests for sexually transmitted infections

Access to Ongoing Medical and Mental Health Care, Cont.

§115.(3)83(c-d) Ongoing medical and mental health care for sexual abuse victims and abusers

- Provide treatment at no cost and regardless of whether the inmate names the abuse or cooperates in the investigation.
- Within 60 days of learning of an inmate/resident previously perpetrated sexual abuse, prison mental health staff:
 - Conduct a mental health evaluation
 - Offer treatment, when appropriate

Interpreting the Medical and Mental Health Standards

Corrections must offer victims of sexual abuse:

- Hospital accompaniment by an advocate
- Emergency and ongoing medical and mental health care
- Forensic evidence collection, as appropriate
- Preventive measures such as pregnancy and HIV/AIDS tests and prophylaxis

Interpreting the Victim Services Standards

Corrections must:

- Provide care in a trauma-informed manner
- Develop an institutional coordinated response plan
- Enter formal agreements with victim advocates and other service providers
- Use a uniform evidence protocol to collect the most usable physical evidence



The Forensic Medical Examination

Sexual Assault Nurse Examiner

A Sexual Assault Nurse Examiner is a Registered Nurse who has been specially trained to provide comprehensive care to sexual abuse patients; who demonstrates competency in conducting a medical forensic examination; and has the ability to be an expert witness.

Forensic Medical Examination

A sexual assault medical forensic examination is performed by specially trained medical professionals for the purpose of:

- Evaluation and treatment of trauma
- Collection of evidence following a report of sexual abuse by a victim
- Treatment of possible exposure to sexually transmitted infections
- Referral to counseling and follow-up medical care

Medical Examination for Sexual Abuse Victim

If reported within 96 hours:

- a medical examination of the victim of the sexual abuse for use in the investigation or prosecution of the offense may be requested

Dual Purpose of the Forensic Exam

Provide victim-centered care


Address the needs of inmate(s) /residents who report sexual abuse

Investigations

Gather evidence to assist the criminal justice process

The medical well-being of the patient is the primary objective of the SANE at all times during the examination.

Restraints should not restrict!



Recommended guidelines for retrieval of evidence on incarcerated survivors are NO different from the national protocol for sexual abuse victims.

Victim Adaptations

- Age
- Gender/gender identity
- Disabilities
- Culture, ethnicity, religion
- Sexual orientation
- Victimization history
- Abuse by an authority figure
- Coping – support available
- Consent/assent for exam

What does a sexual assault forensic medical examination entail?

- Collect medical forensic history from the patient
- Head-to-toe examination to look for signs of trauma
- Detailed Ano-Genital Exam to assess for trauma
- Collection of forensic evidence

First Steps

Step 1:
Affidavit – Giving Consent
Patient Information

Step 2a:
History of Assault

Step 2b:
Medical History

Step 3: Clothing Collection



Step 4: Debris Collection

STEP 4 DEBRIS COLLECTION

PATIENT'S NAME: _____

DATE COLLECTED: _____ TIME: _____ AM _____ PM

COLLECTED BY: _____

CHECK APPROPRIATE BOXES:

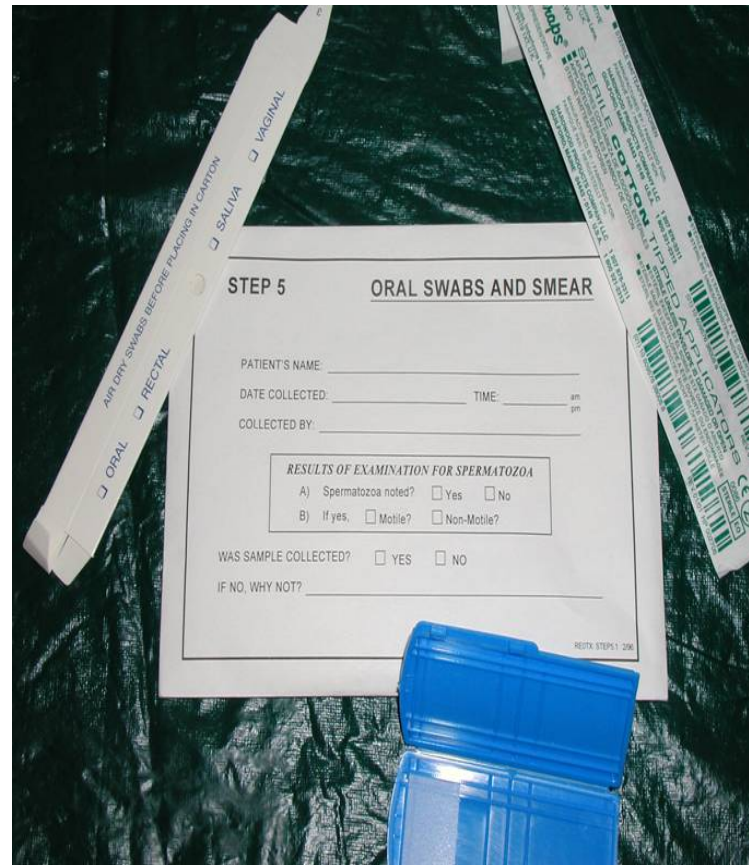
- DEBRIS
- DRIED SECRECTIONS
- FINGERNAIL SCRAPINGS

WAS SAMPLE COLLECTED? YES NO

IF NO, WHY NOT? _____

STERILE COTTON TIPPED APPLICATORS

Step 5: Oral Swabs & Smears



Step 6A: Vaginal Swabs & Smears

Step 6B: Penile Swabs & Smears

ORAL RECTAL SALIVA VAGINAL

ORAL RECTAL SALIVA VAGINAL

STEP 6 **A) VAGINAL SWABS AND SMEAR**
B) PENILE SWABS AND SMEAR

PATIENT'S NAME: _____

DATE COLLECTED: _____ TIME: _____ am
pm

COLLECTED BY: _____

RESULTS OF EXAMINATION FOR SPERMATOZOA

A) Spermatozoa noted? Yes No

B) If yes, Motile? Non-Motile?

IS SAMPLE COLLECTED? YES NO

IF NO, WHY NOT? _____

Par-Uhrops®
APPLICADOR CON CAJEZA DE ALGODÓN ESTÉRIL
APPLICATOR WITH STERILE COTTON CASE
STERILE COTTON TIPPED APPLICATOR
MANUFACTURED BY PAR-UMPS COMPANY LLC
1 207 676-3311
1 800 321-2313
0443-0149 U.S.A.

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1 207 676-3311
1 800 321-2313
0443-0149 U.S.A.

Step 7: Rectal Swab & Smear

AIR DRY SWABS BEFORE PLACING IN CARTON

ORAL RECTAL SALIVA VAGINAL

STEP 7 RECTAL SWABS AND SMEAR

PATIENT'S NAME: _____

DATE COLLECTED: _____ TIME: _____ am
pm

COLLECTED BY: _____

RESULTS OF EXAMINATION FOR SPERMATOZOA

A) Spermatozoa noted? Yes No

B) If yes, Motile? Non-Motile?

WAS SAMPLE COLLECTED? YES NO

IF NO, WHY NOT? _____

RECTX STEP 7.1 2/96

Step 8: Head Hair Combing



Step 9: Pulled Head Hairs

STEP 9 **PULLED HEAD HAIRS**

PATIENT'S NAME: _____

DATE COLLECTED: _____ TIME: _____ am
pm

COLLECTED BY: _____

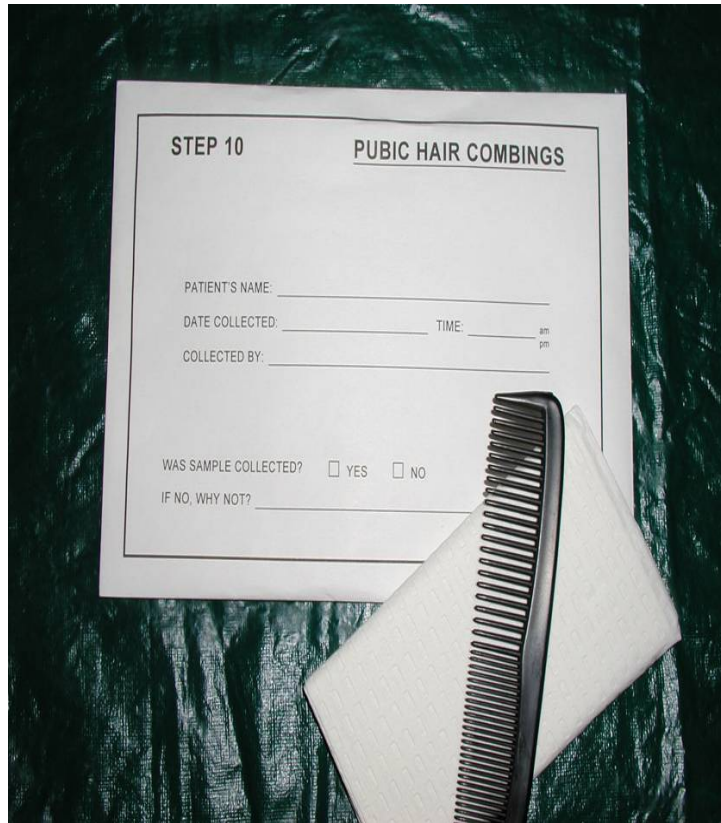
WAS SAMPLE COLLECTED? YES NO

IF NO, WHY NOT? _____

OTX: STEP9.1 2/06

Step 10: Pubic Hair Combing

Step 11: Pulled Pubic Hair



STEP 10 PUBIC HAIR COMBINGS

PATIENT'S NAME: _____

DATE COLLECTED: _____ TIME: _____ am
pm

COLLECTED BY: _____

WAS SAMPLE COLLECTED? YES NO

IF NO, WHY NOT? _____

A comb and a white envelope are placed over the bottom right portion of the form.



STEP 11 PULLED PUBIC HAIRS

PATIENT'S NAME: _____

DATE COLLECTED: _____ TIME: _____ am
pm

COLLECTED BY: _____

WAS SAMPLE COLLECTED? YES NO

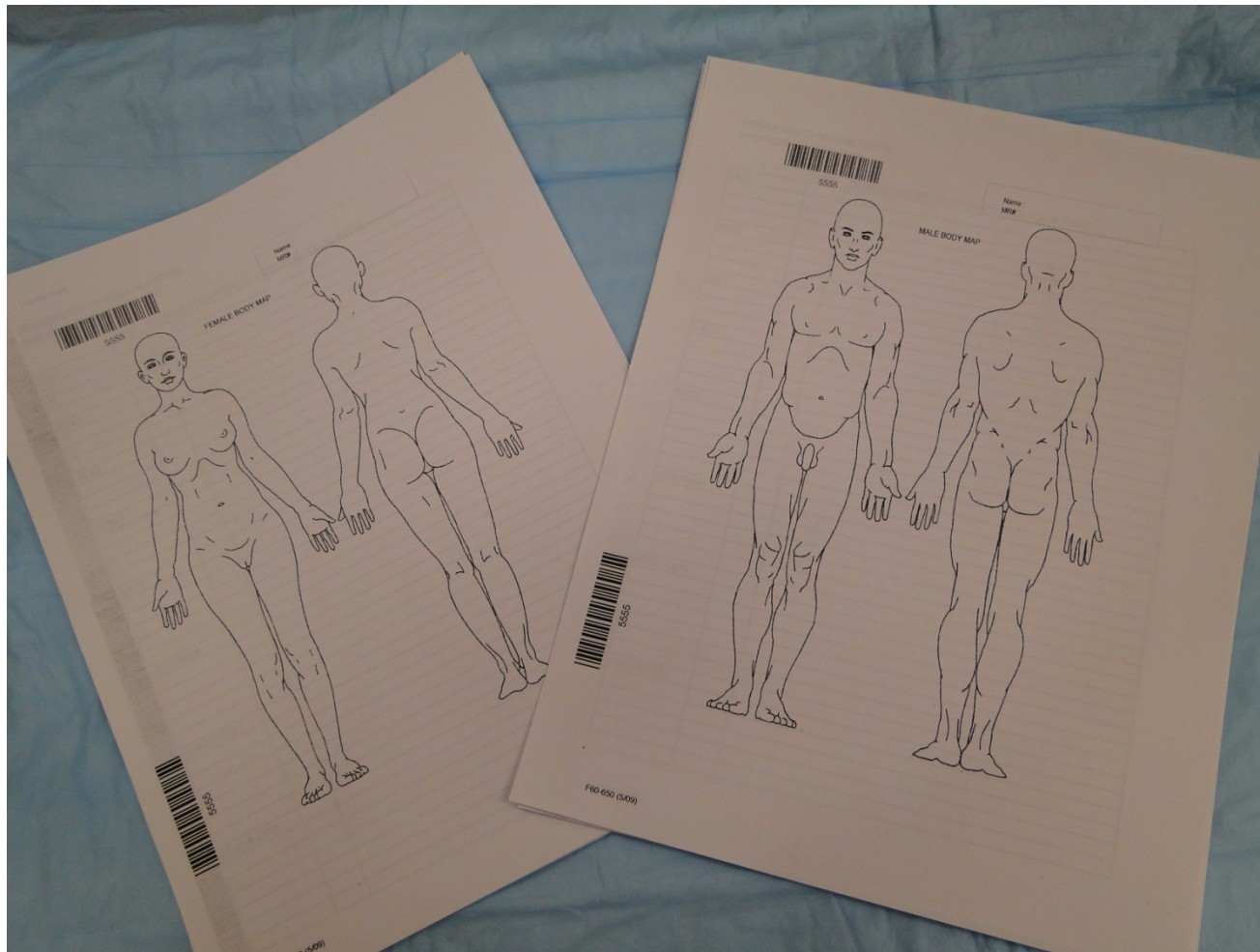
IF NO, WHY NOT? _____

A white envelope is placed over the bottom right portion of the form.

Final Steps

- Police evidence seals are affixed where indicated, dated & initialed by examiner.
- ALL requested information if filled out.
- Offer prophylaxis for sexually transmitted infections and pregnancy, if necessary
- Provide discharge instructions and referrals

Documentation



Remember!

It is important to always remember that the absence of injuries does not mean that sex was consensual or that the sexual abuse did not occur.

Access to Victim Advocates

- Survivors need and deserve access to rape crisis services.
- PREA standards require agencies to attempt to make a victim advocate available to survivors.
- Access to advocates may also be required by federal and state laws.



Members of JDI's Survivor Council in Washington, DC

The Rape Crisis Model

- Survivor-centered
- Goal is empowerment
- Focus on managing immediate trauma symptoms and assisting the survivor to regain control and to heal
- A problem-solving, non-directive approach

The Role of the Victim Advocate

A victim advocate can:

- Accompany survivors through the response process, including the forensic exam and investigation
- Provide survivors with crisis intervention and ongoing support
- Serve as a source of information about the process



Associate Warden, Victim Advocate, and former Investigative Lieutenant (Left to Right) at California Correctional Institution, Tehachapi.

Importance of Victim Advocates

- Sole focus is on survivors' safety and well-being
- Can maintain confidentiality
- Available at any time - typically 24 hours/day



JDI Survivor Council member Frank Mendoza talking with an advocate.

Rape Crisis Services

Acute Care	Follow-Up Care	Longer-Term Care
Crisis Intervention	Short-Term Counseling	Counseling Referrals
Hospital Accompaniment	Legal Advocacy	Groups
Psycho-Educational Approach	Safety Planning	Opportunities for Activism

Role of the Advocate During the Forensic Exam

- Accompany survivors during the exam process.
- Provide emotional support and information.
- Advocate a survivor's comfort and privacy during the exam.
- Inform the survivor of his or her rights regarding the medical forensic exam.

Role of the Advocate in Investigative Interviews

- Accompany survivors during interviews.
- Provide emotional support and information regarding the investigative process.
- Will not participate in the interview or serve as a translator.
- Assist the survivor to address his or her needs during the interview, such as taking a break, when needed.

Role of the Advocate in Providing Ongoing Care

- May be able to provide follow-up services via phone, by mail, or in-person
- Can assist survivors' in their healing to manage the long-term impact of trauma and to participate in the investigative process
- Services are usually free and confidential

Victim Advocates and Confidentiality

- In some states, advocates are legally required to keep client information confidential.
- They may be bound by professional ethics and legal standards of licensing bodies.
- Advocates cannot disclose information, including names of perpetrators to the facility.
- Advocates give survivors the tools they need to make their own decisions.

The Benefits of Advocates

Advocates reduce survivors' trauma and improve investigations in the following ways:

- Advocates increase survivors' wellness and help them to cope with the trauma of the sexual abuse.
- Survivors are likely to feel more comfortable with the investigation if they have an advocate.
- Survivors who feel comfortable and supported are more likely to participate in the investigative process, which increases the likelihood of a successful investigation.