

Standard in Focus

Reporting**§115.53, 115.153, 115.253, 115.353 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.
- 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.
- 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.

Purpose

To provide inmates with access to emotional support services from outside the facility to help inmates heal from trauma. Access to outside support is important because inmates may be reluctant to seek emotional support from within a facility, and some facilities may lack resources to provide counseling services. A victim will most benefit from a trained support person who can provide a safe environment for discussing issues related to abuse confidentially. Although external emotional support service providers are different than the external reporting entity required by 115.51(b), they can assist an inmate to decide how and whether to report abuse to a facility, and to understand what to expect in an investigation. These providers can also help an inmate to become emotionally ready to make a report, which can enhance safety overall in a facility. Note that the 115.53 external support provider is intended to deal exclusively with the inmate and should not be expected to forward abuse reports to a facility.

Implementation

- The facility must determine which existing rape crisis centers may be available to provide emotional support services to incarcerated survivors of sexual abuse. Facilities should start with local service providers, particularly rape crisis centers. If local providers either do not exist or do not have capacity to provide services, the facility should look to the state or national level for emotional service providers.
 - The facility and the service provider should discuss and agree upon the type of services that will be available and how they will be provided. At a minimum, the service provider should be able to provide emotional support services for survivors of sexual abuse by phone and mail.

Implementation Cont'd

- Telephone or in-person services are preferable to mail services, because they allow a survivor to have in-depth conversations with a counselor who can address the survivor's specific needs. Telephone services can also provide immediate crisis intervention.
- The facility must notify all inmates about how they can access support services by providing: 1) mailing addresses, and 2) regular and toll-free telephone numbers, as available. Facilities may include this information in orientation materials or inmate handbooks and should ensure that the information is readily available on housing units and other areas of the facility where inmates have access to telephones.
 - In addition, the facility must notify any persons detained solely for civil immigration purposes about how they can access immigrant services agencies and provide mailing addresses and regular and toll-free telephone numbers, as available.
 - The facility must ensure that all required information and services are accessible to inmates with disabilities and who are limited English proficient. For more information about agency/facility requirements related to inmates with disabilities and who are limited English proficient, please see the PREA Standard in Focus that covers PREA Standards 115.16, 115.116, 115.216, and 115.316.
- The facility must provide information and access to all inmates, not solely inmates who have reported sexual abuse or who have asked for access.
- The facility must ensure that inmates in restricted housing have access to emotional support services. Consider how inmates in restricted housing are provided with access to lawyers and determine whether those practices could be used or modified to provide access to emotional support services.
- Confidentiality is a fundamental principle at the core of victim services. Sexual abuse victims benefit from the ability to freely discuss their experiences and reactions without worrying that others will find out what they said. When assured of confidentiality, survivors will be less afraid of being humiliated, blamed, or rejected, and they will be more willing to access services and to disclose the true nature of any abuse. This, in turn, promotes effective safety planning and responses by emotional support service providers that directly address the needs of victims.
- The facility must allow inmates to communicate with outside emotional support “in as confidential a manner as possible.” Letters or other mailings between inmates and emotional support service providers should receive the same deference to confidentiality as does legal mail. Telephone calls should be permitted on phones to which inmates have regular access. Facilities should allow inmates to access confidential support services on telephones that are unmonitored or that may provide more privacy; for example, in a medical or mental health unit.
 - However, limits may exist regarding the confidentiality of these communications, and the facility must inform inmates of any exceptions or limits to confidentiality, *before* inmates access external support services. This will allow inmates to make informed decisions about whether or what to disclose to support service providers.
 - Inmates must know that emotional support service providers may be required to report certain past or threatened future actions to authorities. These mandatory reporting laws vary from state to state. Facilities can turn to the emotional support service providers and facility mental health staff to identify and comply with applicable laws.

Implementation Cont'd

- To formalize any agreements and to ensure that roles and expectations are clear, the agency must attempt to enter into, and maintain, all memoranda of understanding and/or other agreements with outside emotional support service providers that are able to provide inmates with confidential services related to sexual abuse.
 - If the agency has not been able to enter into an agreement with an outside emotional support service provider, the agency must maintain documentation of their attempts to enter into an agreement. Documentation could include emails or other written communications between the agency and potential service providers, or internal memos documenting phone calls and other discussions with providers which explored the possibility of an agreement to carry out the requirements of PREA Standard 115.53.

Challenges

- Locating community emotional support providers. Some jurisdictions may not have such providers in the community, or an available provider may not have capacity to provide services to inmates.
- Ensuring that support providers and facilities understand each other's roles and expectations, and bridging any cultural gaps, including understanding how a provider's expectation of confidentiality can be met within the facility's focus on security.
- Allowing inmates to access services in as confidential a manner as possible. Survivors benefit from speaking openly with a trusted service provider, and lack of confidentiality can hinder open communication.
- Understanding the differences between:
 - an external emotional support service provider (PREA Standard 115.53);
 - an external entity that can receive reports of sexual abuse and forward the reports to agency officials (PREA Standard 115.51(b)); and
 - a victim advocate from a rape crisis center who is available to an inmate who has reported sexual abuse (PREA Standard 115.21(d)).
- Providing clear training and direction to correctional staff and outside emotional support service providers.

Best Practices

- For help finding local emotional support service providers, refer to the [National Sexual Assault Resource Center's listing of state and territory sexual assault coalitions](#). These coalitions can help to identify rape crisis centers near correctional facilities, and they can help with other ways to access victim advocates.

Best Practices Cont'd

- Emphasize the common goals of promoting safety and providing necessary services for victims of sexual abuse in correctional facilities, when conducting outreach to emotional support service providers. Ask providers for their help to identify options for offering support services in correctional facilities. Inquire about their capacity, expertise, and any questions and concerns they have about working with incarcerated victims.
- Clarify the specific services that are needed, and make sure that important terms are defined; for example: victim, sexual assault/sexual abuse, confidentiality, monitoring, report, third party, anonymous, confidential, alleged, suspected, transgender, and intersex. Similarly, clarify any acronyms, such as SART, SANE, and SHU.
- Engage in in-person cross-training with support service providers and agency/facility staff to understand the cultures of the corrections, law enforcement, and victim advocacy fields. For example, for victim advocates, confidentiality is likely to be as important to them as facility security is to professionals who work in jails and prisons. Partnerships between those who work in jails and prisons, and those who provide emotional support services to victims are more likely to be successful when each party understands why the other may be concerned about certain issues.
- Invite support service provider staff to tour the facility, and to learn about and experience first-hand its environment. Such visits present an excellent opportunity for prison or jail staff members to explain the security issues that are a primary concern. Facility staff can also visit the service provider, meet with the staff who will be interacting with inmates, and learn more about why confidentiality is a high priority for such providers.
- Identify specific points of contact at the facility and with the support services provider, to promote regular communications among the involved parties, and to ensure that they can quickly and easily address any questions or concerns that may arise. Ongoing communication between prison or jail staff members, and support service providers is a critical ingredient in successful partnerships that result in compliance with PREA Standard 115.53.
- Provide the highest degree of confidentiality possible for communications between inmates and support service providers for all forms of access. Allow written communications the same degree of confidentiality as legal mail. Consider using a default telephone access code for calls to a support service provider, so that an inmate does not have to enter a personal access number.
- Make it as easy as possible for inmates to access the services. For example, prison and jail staff can make phone numbers easily visible near telephones. It is also important for staff to consider whether posters and other information that is provided to inmates about the services that are available will encourage or discourage them from accessing the services. For example, a poster in a men's facility listing support services from an entity named "A Woman's Place" should clarify that the entity serves all people who have experienced sexual abuse, and that inmates in the facility are encouraged to access their services, if needed. It is also very important to clarify that emotional support services are available to any inmate who has experienced any type of sexual abuse, in custody and/or in the community, and that the services are available even if the inmate has never reported the abuse, and regardless of whether the inmate ever decides to report the abuse. In other words, inmates should understand that they can access emotional support services related to being a victim of sexual abuse or sexual harassment without being required to formally report the abuse or harassment to anyone.

Best Practices Cont'd

- Allow and encourage, if possible, the provision of in-person emotional support services, which can facilitate a therapeutic relationship and more fully address trauma.

Audit Issues

- Auditors must request and review any agreements with emotional support service providers and contact and interview the identified provider(s). If the facility does not have an agreement, auditors must request documentation of attempts made to enter into an agreement. The auditor must attempt to contact and interview any identified potential provider(s), to confirm efforts by the agency/facility to enter into memoranda of understanding or other agreements with providers that are able to provide inmates with confidential emotional support services related to sexual abuse.
- Auditors must determine compliance by touring the facility and observing any signs; reviewing any documents, such as inmate handbooks, that inform inmates about access to support services; and ensuring that inmates know about any limits to confidentiality before accessing the services.
- Auditors must ensure that all inmates have access to emotional support services, regardless of whether they have reported any sexual abuse.
- Auditors must assess whether inmates on all housing units, including restrictive or segregated housing units, can access support services.
- Auditors must ensure that all required information and services are accessible to inmates with disabilities and who are limited English proficient.
- Auditors must interview staff and inmates to assess their awareness of available services, and their knowledge of how to access these services.
- If access to support services is provided by phone, the auditor must call the service provider in the same manner that an inmate would be expected to call the service provider, to ensure that the phone number works and that the service provider is prepared to offer services to callers from the facility.
- Auditors must evaluate the confidentiality of mail and phone communications with service providers, review mail screening procedures, and evaluate telephone placement.
- Auditors must inquire about state mandatory reporting requirements and how inmates are informed about the requirements, and what the implications of these requirements are on the facility's efforts to comply with PREA Standard 115.53.

Standard Variations

The following variations in standards are noted for **Lockups**, **Community Confinement Facilities**, and **Juvenile Facilities**. The variations are discussed in summary fashion below and the reader should consult the full text of the specific set of standards to ensure complete understanding of the differences.

- **Lockups:** This standard does not apply to lockups.
- **Community Confinement Facilities:** The only difference between the Community Confinement standard and the Prisons and Jails standard is that the Community Confinement standard does not address people detained solely for civil immigration purposes. Therefore, there is no requirement in the Community Confinement standard related to providing access to immigrant services agencies.
- **Juvenile Facilities:** The following differences are noted:
 - Requires facilities to provide access to outside victim advocates for emotional support services related to sexual abuse “by *providing, posting, or otherwise making accessible* mailing addresses and telephone numbers,” instead of simply “by giving inmates mailing addresses and telephone numbers,” as required by the Prisons and Jails standard.
 - Unlike the Prisons and Jails standard, the Juvenile Facilities standard contains an additional subpart, 115.353(d), which states: “The facility shall also provide residents with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.”

Resources

- [PREA Essentials on the National PREA Resource Center Webpage](#)
- **Articles and Curricula on the PRC Website**
 - [Building Partnerships Between Rape Crisis Centers and Correctional Facilities to Implement the PREA Victim Services Standards](#)
 - [Making Connections: Linking Community Confinement and Sexual Assault Response Teams](#)
 - *PREA Refreshers* are a customizable training tool that facilities can use to enhance the existing staff knowledge of the PREA standards and implementation
 - [P&J PREA Refresher #6 - Inmate Support Services](#)
 - Training curriculum on victim services in correctional facilities
 - [Victim Services](#)

Resources Cont'd

➤ Archived Webinars on the PRC Website

- Oct 29, 2015. [Making PREA and Victim Services Accessible for People With Disabilities](#)
- April 16, 2015. [Untangling the PREA Standards: Outside Reporting, Confidential Support, and Third-Party Reporting](#)
- November 13, 2013. [Developing Partnerships with Community-Based Service Providers – Part I](#)
- December 4, 2013. [Developing Partnerships with Community-Based Service Providers – Part II](#)

➤ Additional Training Resources

- [National Sexual Violence Resource Center](#)
- [The National Association of Victim Service Professionals in Corrections](#)
- [National Institute of Corrections \(NIC\)](#)
- [End Silence: The Project on Addressing Prison Rape](#)

Note: Standards in Focus (SIFs) are **not** intended for use by the Department of Justice (DOJ) PREA auditors to evaluate PREA compliance. SIFs are a tool designed to help agencies and facilities implement, educate, and become familiar with the PREA standards and some related best practices, but are **not a compliance checklist**. They contain guidance about implementation best practices that may not be required and thus it would not be appropriate for auditors to audit against the SIF. SIFs also do not exhaust implementation guidance for every requirement in every standard.

Notice of Federal Funding and Federal Disclaimer – *This project was supported by Grant No. 2019-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component.*