PREA 115.21: Focus on Collaborations Webinar

November 21, 2019
2:00 – 3:30 PM ET
Welcome and Introductions

Michelle Duhart
Senior Project Manager

The National Prison Rape Elimination Act Resource Center (PRC)
The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents and services to victims and their families.
The International Association of Forensic Nurses

- IAFN supports the work of forensic nurses who provide specialized healthcare for patient’s impacted by violence and trauma.

- Victims of violence can have acute, short- and long-term health consequences.

- Forensic nurses have the knowledge and expertise to improve patient outcomes and lower healthcare costs.
Technical Support

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Logistics

Submitting Questions
To submit a question during the Webinar, use the Q&A feature at the top of your Webinar screen, as seen below.

Presenters will address the questions at the end of the presentation.
Objectives

• Provide a brief history of the Prison Rape Elimination Act
• Discuss the intent and purpose of PREA Standard 115.21
• Discuss victim services within the context of the PREA standards
• Identify which professionals provide medical forensic examinations and the location for examinations
• Discuss the role of the Sexual Assault Nurse Examiner
• Describe collaboration options to ensure exam and advocacy access
• Troubleshoot common collaboration challenges
Presenters

Monica DiGiandomenico-Crews
Senior Program Specialist

The National Prison Rape Elimination Act Resource Center
Susan Chasson, MSN, JD, SANE-A
Statewide SANE Program
Manager, Utah Coalition Against Sexual Assault

President, International Association of Forensic Nurses
Presenters

Kim Day, RN, SANE-A
Forensic Nursing Director
International Association of Forensic Nurses
POLL QUESTIONS
Poll Question 1

Where do you work?

- Hospital Emergency Department
- Hospital based SANE Program
- Prison
- Jail
- Tribal detention center
- Community based SANE Program
- Mobile SANE program
Poll Question 2

Use the chat box to tell us:

What motivated you to join the webinar today?
Some Notes About Language

• ‘Confinement settings,’ and ‘corrections facilities,’ reference a broad range of corrections facilities

• ‘Correctional staff’ refer to a broad range of people who work in such settings

• ‘Victim,’ ‘survivor,’ and ‘patient’ refer to people who have been sexually abused or sexually harassed
Sexual Victimization in Correctional Facilities

- Correctional administrators reported 24,661 allegations of sexual victimization in prisons, jails, and other adult correctional facilities in 2015.

- An estimated 1,473 allegations were substantiated.

- More than half (58%) of substantiated incidents of sexual victimization in 2015 were perpetrated by inmates, while 42% were perpetrated by staff members.
Prison Rape Elimination Act of 2003

**Purpose:** To prevent, detect, respond, deter, and monitor sexual abuse in confinement facilities.

**Goal:** Establish zero tolerance for prison rape in the U.S. and prioritize prevention of sexual abuse and sexual harassment in confinement.
PREA Standards Apply To:

- Adult prisons and jails
- Lockups
- Community confinement
- Juvenile facilities
- Public and private facilities

*PREA standards are the floor but facilities are encouraged to do more.*
Key PREA Milestones

2003: PREA legislation signed into law

2004 - 2009: Information gathering and public hearings held by NPREC

May 2012: Final DOJ standards adopted

2013 - 2016: First audit cycle
Overview of the PREA Standards

§115.5 General Definitions

Confined Individuals are:

- Inmates in prisons and jails
- Detainees in lockups
- Residents of juvenile or community confinement facilities
Standard 115.6 includes definitions related to sexual abuse

- **Sexual abuse** includes a range of non-consensual sexual behaviors of an inmate, detainee, or resident by another inmate, detainee, or resident or by a staff member, contractor, or volunteer.
PREA Standards

• Evidence protocol and forensic medical examinations
  ✓ 115.21/.121/.221/.321

*The standards are numbered to help differentiate the correctional settings to which they apply*
Evidence Protocol and Forensic Medical Examinations (§115.21)

**Purpose**

- Agency follows uniform evidence protocol
- Protocol is developmentally appropriate for youth, where applicable
- Ensures that agencies are responding to sexual abuse of inmates
- Developing coordinated response
- Approach is victim-centered
Coordinated Response

Recognize that sexual abuse is a critical incident:

**Requires a multidisciplinary team**
- Staff first responders
- Medical and Mental Health practitioners
- Agency/Facility Investigators
- Law Enforcement Agency
- Facility leadership
- Community Advocate Partnerships
- Sexual Assault Rape Team (SART)
- Certified Medical Forensic Examiners
Uniform Evidence Protocol

• To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

• Protocol should be based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication. “A National Protocol for Sexual Assault Medical Forensic Examinations, for Adults/Adolescents”.

• If this national protocols is not used a similarly comprehensive and authoritative protocols developed after 2011 can be used.
Applying the PREA Standards

Implementation

• The agency **shall offer** all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility

• **Without** financial cost to the victim

• Examinations **shall** be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible
Evidence Protocol and Forensic Medical Examinations (§115.21)

Implementation

• Agencies **must offer** victims access to an advocate for support during the examination process **and** any investigatory interviews

• Facilities **shall attempt** to make available a victim advocate from a rape crisis center to provide confidential support services
Providing a Victim Advocate

• If a rape crisis center is not available to provide victim advocate services,

• The agency **shall** make available to provide these services with a qualified staff member from a community-based organization **or** a qualified agency staff member from the facility.
Who Is Qualified?

- A qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

- The staff member must be trained on support, crisis intervention, information and referrals, interpretation or translation, and advocacy to ensure those victims’ interests are represented, their wishes respected, and their rights upheld.
Core Components of 115.21

Documentation

• The agency shall document its efforts to provide forensic examinations.

• Agencies shall document efforts to secure services from rape crisis centers.
Examples of Documentation

• Documentations should demonstrate the agencies efforts to secure services from community-based advocates.

• Documentation related to access to forensic exams, which may include reviewing an agreement with a hospital that has a SAFE or SANE program or other documentation showing attempts to identify and engage a SAFE or SANE program.

• If no SAFE or SANE program exists in the area or if the facility has been unsuccessful in engaging the local program, an alternative plan should be devised by the facility to ensure access to forensic exams.
PREA Standards: Community Relationships & Partnerships

- Inmate/resident access to outside confidential support services
  ✓ 115.53/.253/.353

- Coordinated Response
  ✓ 115.65/.165/.265/.365

- Inmate/resident/detainee access to emergency medical services
  ✓ 115.82/.182/.282/.382

- Inmate/resident/detainee ongoing medical and mental health care for sexual abuse victims and abusers
  ✓ 115.83/.283/.383

*The standards are numbered to help differentiate the correctional settings to which they apply
The best way to ensure adherence to this standard is:

- Keeping up with national standards regarding the collection and timeframes for collecting various types of evidence is important;

- Developing a coordinated response and victim centered approach;

- Partnering with local service providers, and advocacy groups, who can help develop and tailor your sexual assault response to a correctional setting;

- Documentation of services (as well as attempts)
Collaborating Efforts

- Exam Location
- Law Enforcement Agencies
- Evidence Protocols
- Facility
- Hospital
- Agency
- Advocacy Center
- Facility Clinic

Forensic Patient
Foundations/Goals: Being Victim-Centered

Victims/Patients should have:

- Access to specialized services
- Their safety as a priority
- Patient privacy while maintaining security
- Advocacy post assault
- Trained examiners to provide the exam
- The option for the medical forensic exam
- Shackles/restraints only if necessary, for security
- Access to personal support
- Information and resources post sexual assault

Foundations/Goals: Being Victim-Centered

Institutions should have:

• An **internal** mechanism for support and information for victims
• Policies and practices that address victim’s concerns about reporting

(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
(b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.
Standard 115.21(c)

Access to exam for all

Access to trained examiner

Access to Advocacy
Exam Access- Where can the exam be done?
Poll Question 3: If you are Corrections Staff...

Where can you (or did you) find the location of medical forensic exam sites?

Please respond via chat
Poll Question 4: If you are a SANE program...

Where can you find the correctional facilities in your area? Or that may bring inmates to you?

Please respond via chat
Finding Exam Sites: www.iafn.org
Poll Question 5: Everyone...

Where can you (or did you) find victim advocates?

Please respond via chat
State & Territory Sexual Assault Coalitions

Directory of Organizations

If you do not find what you are looking for in this Directory, please contact us for assistance. To add or update a Directory listing, please follow this link.

Organization Type  State / US Territory
State and Territory Sexual Ass  - Any -

Update Results

Showing 1 – 10 of 58
Who should be doing the exam?

§115.21(c)

- SANE: Sexual Assault Nurse Examiner
- SAFE: Sexual Assault Forensic Examiner
- FNE: Forensic Nurse Examiner
- SAE: Sexual Assault Examiner
- SAMFE: Sexual Assault Medical Forensic Examiner
A Sexual Assault Nurse Examiner is a registered nurse who completed additional education and training to provide comprehensive health care to survivors of sexual assault. In some communities, SANEs are called Forensic Nurse Examiners. Other categories of providers, such as physicians or physician assistants, may use the title Sexual Assault Forensic Examiner, Sexual Assault Examiner (Indian Health Services), or Sexual Assault Medical Forensic Examiner (military). For this Guide, the term SANE will encompass all similar providers.

SANE Program Development and Operation Guide
https://www.ovcttac.gov/saneguide/introduction/what-is-a-sane/
Health care professionals responsible for the care of the patient

The bridge between the criminal justice system and the health care system

We advocate for the patient’s health care needs – physical and psychological
What Does the SANE/SAFE Provide?

- Informed consent and ongoing consent throughout the exam process
- Trauma-informed care
- Evidence-Based care
- Prevention medicines for STD, Pregnancy and HIV
The Role of the Advocate

• Provide patient support, intervention and related assistance during the exam process

• May be community-based rape crisis center OR in some cases may be system based

• If a rape crisis center is not available, a ‘qualified staff person’ from a community-based organization may be designated in this role
Confidentiality

“Privilege”

- Priest
- Physician
- Advocate
Collaboration

• Team members should be identified

• Roles of team members need to be delineated and understood by everyone

• Protocols should be developed with the input of all team members
Exam Access, Examiners, Advocates

Who do you collaborate with?

Please respond via chat
the only difference between stumbling blocks and stepping stones is the way we use them
Overcoming Stumbling Blocks

- Provide sufficient orientation
- Create a process for handling conflict or challenges up front
- Review, Respond, and Revise
For more information on the National SAFE Protocols, or for questions/help with the medical forensic exam or creating a protocol

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International Association of Forensic Nurses  
www.forensicnurses.org  
www.safeta.org
• **Frequently Asked Questions** (FAQs) on the PREA Resource Center (PRC) Website
  https://www.prearesourcecenter.org/frequently-asked-questions

• **National Standards To Prevent, Detect, and Respond to Prison Rape; Final Rule**

• **PREA Standards in Focus**

• **Examples of Memoranda of Understanding between community sexual assault advocates and correctional facilities**
  https://www.prearesourcecenter.org/library/search?keys=MOU&cat=All

• **Making Connections: Linking Community Confinement with Sexual Assault Response Teams Webinar**
PRC Resources

• The Resource Guide for Survivors of Sexual Abuse Behind Bars (web-based resource guide), Just Detention International
  https://justdetention.org/service/


• A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents, Second Edition, U.S. Department of Justice, Office on Violence Against Women
  https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf

• No One Left Behind: Building a Victim Services Program for Incarcerated Survivors of Sexual Abuse, Just Detention International
Field Initiated TTA Request

Jurisdictions can request assistance by completing a web form on the PRC website under the Training and Technical Assistance tab and clicking “Request for Assistance” on the sidebar.

https://www.prearesourcecenter.org/
Questions & Answers
For more information about the National PREA Resource Center, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org).

To ask a question, please visit our [Contact Us](http://example.com) page.

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Thank you!

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Sign up for our mailing list to be the first to hear about PREA updates, conferences, and new resources being dispersed to the field.
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