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NCCD | National Council on
Crime & Delinquency

It Starts With You:
Victim Advocates and the
New Federal Standards to
Stop Prisoner Rape

September 27, 2012
1:00 PM – 2:30 PM, EST

Moderator



Cynthia Totten, Esq.

Senior Program Director
Just Detention International

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Introduction and Welcome



is a nonprofit health and human rights organization that seeks to end sexual violence in all forms of detention.

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Agenda

- I. Introduction and Logistics
- II. A Call to Serve
- III. A Survivor's Voice
- IV. Corrections and Community Partnerships
- V. Prevalence, Impact, and Ways to Get Involved
- VI. A Conversation With a Survivor
- VII. Available Resources
- VIII. Question & Answer

Logistics

Webinar Information

- Raise your hand if you need assistance
- Send an instant message to Derek Murray
- You can email questions to Derek at dmurray@justdetention.org
- An archive of this webinar will be posted on the PREA Resource Center website at www.prearesourcecenter.org

Guest Speaker



Bea Hanson

Acting Director

United States Department of
Justice, Office on
Violence Against Women (OVW)

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A Survivor's Voice



Jan Lastocy

Survivor of Sexual Abuse in
Detention

Jan Lastocy



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Jan Lastocy



Partner Conversation



Linda McFarlane, MSW, LCSW

Deputy Executive Director
Just Detention International

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Partner Conversation



Tim Ryan

Director

Miami-Dade Department of
Corrections and Rehabilitation

Key PREA Standards

Key PREA Standards* for Victim Advocates (Prisons and Jails)

§115.21 Evidence protocol and forensic medical examinations

- Agencies must facilitate inmate accompaniment by victim advocate, where possible.

§115.53 Inmate access to outside confidential support services

- Agencies must enter into MOUs with outside victim advocates; provide inmates with phone and mail access to rape crisis and/or other victim advocates.

Key PREA Standards (cont.)

§115.82 Access to emergency medical and mental health services

- Agencies must provide timely, unimpeded access to crisis intervention services.

§115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Agencies must provide victimized inmates follow-up services, treatment plans, and referrals for continued care.

*Access to the standards in their entirety is available at www.prearesourcecenter.org

Click on the link “national PREA standards” in the right-hand column. The PREA Standards for adult prisons and jails begins on page 196.

Integrated Response

Sexual violence in detention requires an integrated response involving:

- Corrections/Law Enforcement
- Prosecutors/Judiciary
- Health Care Providers
- Sexual Assault Service Providers
- Community Advocates



Challenges

Common Challenges for Corrections and Community Partnerships

- Different cultures and priorities of partner organizations
- Concerns about working with survivors in custody
- Lack of resources and funding
- Complications regarding confidentiality and consent
- Multiple definitions of “sexual abuse”

Statistics, Impact, and Networking



Gwyn Smith-Downes

Senior Program Director
Just Detention International

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Prevalence

Sexual Violence in Adult Prisons and Jails and Juvenile Facilities

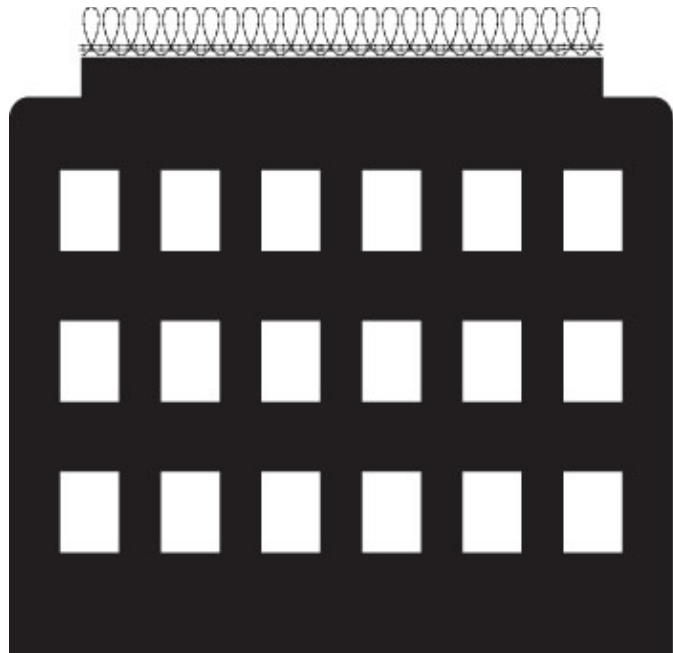


Estimated numbers of inmates victimized in 2008: *

• Adult Prisons	89,688
• Adult Jails	109,181
• Youth Facilities	10,533
• TOTAL	209,422

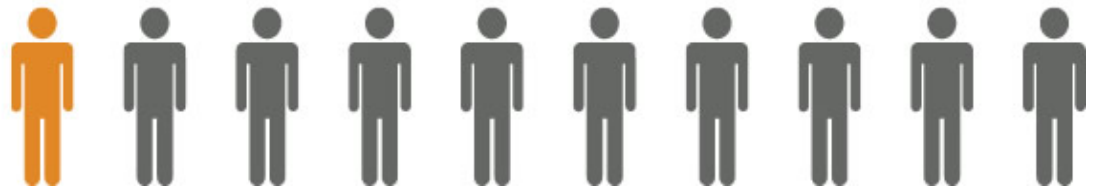
*Source: Bureau of Justice Statistics Surveys of Sexual Violence, as reported in "DOJ PREA Notice of Proposed Rule Making," released January 24, 2011.

Prevalence



1 IN 10

FORMER ADULT STATE INMATES REPORTED
BEING SEXUALLY ABUSED WHILE IN DETENTION

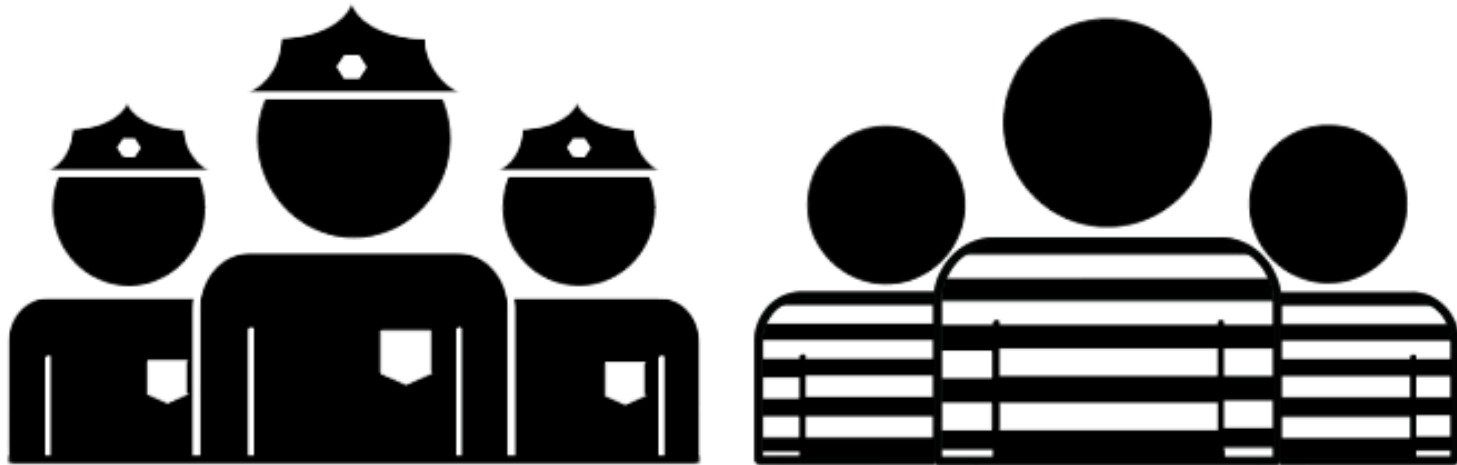


Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012. (Approximately 9.6% of former state prisoners reported one or more incidents of sexual abuse during the most recent period of incarceration in a jail, prison, or post-release community-treatment facility.)

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Prevalence

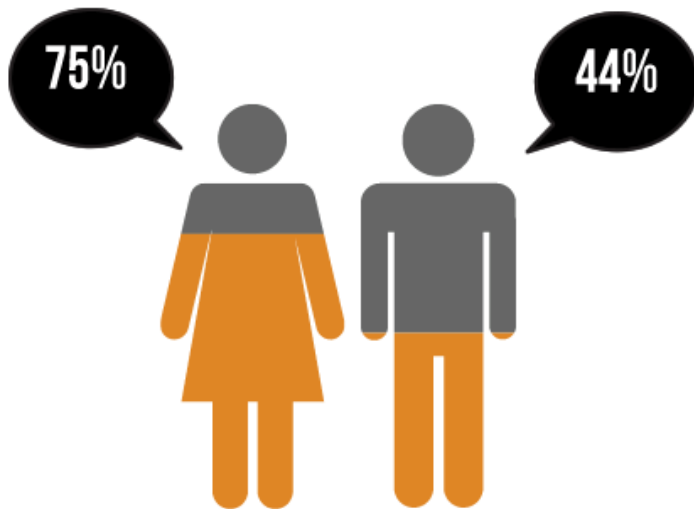
HALF OF ALL PERPETRATORS ARE STAFF



Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.

Prevalence

INMATE-ON-INMATE SEXUAL ABUSE WAS
3X HIGHER FOR WOMEN
THAN FOR MEN



OF THOSE REPORTING
SEXUAL ABUSE WERE
VICTIMIZED IN THE FIRST
FACILITY THEY ENTERED

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Impact



Portraits of Courage, courtesy of James Stenson

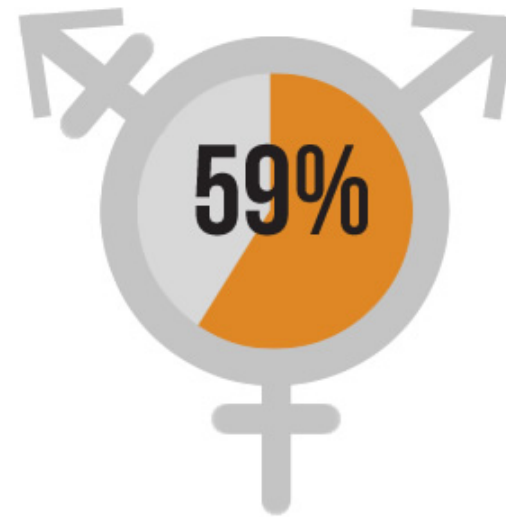
Vulnerable Inmates

MORE THAN **1 IN 3**
GAY AND BISEXUAL MEN
WERE SEXUALLY ABUSED
WHILE IN CUSTODY



Source: Bureau of Justice Statistics, "Sexual Victimization Reported By Former State Prisoners, 2008," May 12, 2012.

In California state prisons:



OF TRANSGENDER INMATES
REPORTED SEXUAL ABUSE

compared to 4% of other inmates

Source: Jenness, Valerie, Cheryl Maxson, Kristy Matsuda, and Jennifer Sumner. "Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault," 2007.

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Ways to Get Involved

- Get to know your local correctional agencies and facilities
- Seek common ground
- Respect each other's roles and every survivor's dignity
- Access and share all available resources
- Communicate effectively about sensitive issues and to resolve conflicts

A Survivor's Voice



Troy Isaac

Survivor of Sexual Abuse in
Detention

Troy Isaac



Troy Isaac



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Available Resources

National PREA Resource Center

- Cooperative agreement between the Bureau of Justice Assistance and the National Council on Crime and Delinquency
- Central repository for research and best practice information, including extensive website library
- Cooperative effort of a broad coalition with established partnerships to provide training and technical assistance around the country
- Supports implementation of the PREA standards, including development of the auditing tools

Guest Speaker



Marnie Shiels

Attorney Advisor

US Department of Justice
Office on Violence Against
Women (OVW)

PREA and VOCA Funding Implications

Victims of Crime Act (VOCA) Guidelines

- Current VOCA assistance guidelines do not allow VOCA funding to be used for incarcerated individuals.
- However, there is no federal prohibition against the use of non-VOCA funding to assist victims who are sexually assaulted while incarcerated.
- States are allowed to place additional requirements and restrictions beyond those in VOCA to both VOCA and non-VOCA funds.
- Thus, service providers and other entities within a state seeking to implement PREA and provide assistance to victims of sexual assault who are incarcerated should speak with their State Victim Assistance Administration to determine whether their specific state has additional restrictions on assistance funding.

PREA and VOCA Funding Implications

VOCA Guidelines (cont.)

- Current VOCA compensation guidelines do not prohibit states from compensating incarcerated victims, and some states do in fact provide such compensation.
- However, states cannot compensate a convicted federal offender while that “person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense.” See 42 U.S.C. 10602(b)(8).
- Moreover, state laws may create additional barriers to compensation of incarcerated persons.
- Thus, service providers and other entities should speak with their State Victim Compensation Administration to determine whether their specific state has additional restrictions on compensation funding.

Services, Training, Officers, and Prosecutors (STOP)

Highlights:

- Largest formula funding.
- Can be used to assist victims in correctional settings if services specifically address sexual assault victimization.
- Must target adult or youth (ages 13–18) female victims.

Sexual Assault Services Program (SASP)

Highlights:

- Formula funding specific to sexual assault services.
- Can target men and all ages.
- Discretionary programs.

For more information on OVW funding please visit www.ovw.usdoj.gov

Discussion



Gary Dennis, PhD

Senior Policy Advisor for
Corrections, Bureau of Justice
Assistance

For More Information

For more information about the National PREA Resource Center, and additional resources visit www.prearesourcecenter.org

Direct questions to info@prearesourcecenter.org

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Thank you for joining us today!

Evaluation

We would like to ask you to please complete a brief evaluation. It will take just three minutes of your time and your feedback will help us to better assist you in the future!

Here is a link to the evaluation; we will also email it to you shortly.
<http://www.justdetention.org/en/it-starts-with-you-evaluation.aspx>
Please forward it to others who may have joined you.

THANK YOU!