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**NCCD** | National Council on  
Crime & Delinquency



# The Big Picture: Victim Services in Prisons

## Session 1 of 2

### November 5, 2012

# Introduction and Welcome



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

# Today's Moderator



**Cynthia Totten, Esq.**  
Senior Program Director,  
Just Detention International

# Webinar Agenda

- I. Call to Action
- II. Prevalence, Dynamics, and Impact of Sexual Abuse of Inmates
- III. The Core Components of a Victim Services Program
- IV. Victim Services: Policy in Practice Scenarios
- V. Question and Answer

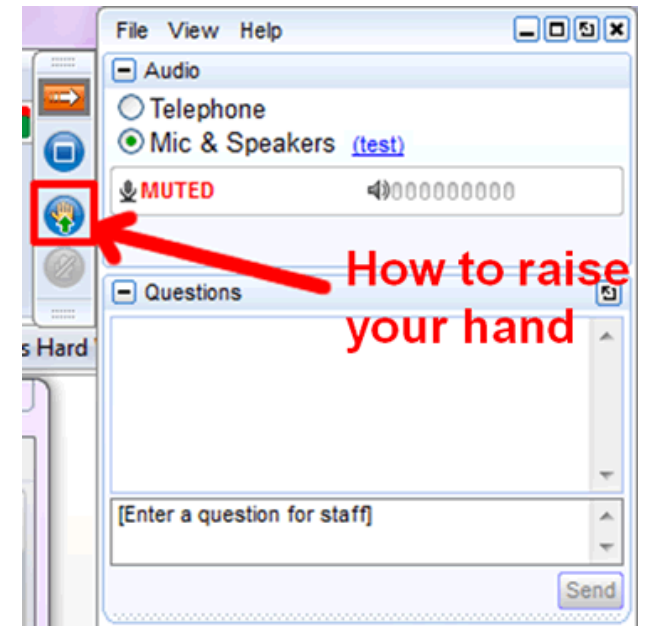


*Bryson, survivor of sexual abuse behind bars. Photo: James Stenson*

# Logistics

## Webinar Information

- Raise your hand if you need assistance
- Use the Questions function to ask a question
- You can email questions to Derek at [dmurray@justdetention.org](mailto:dmurray@justdetention.org)
- An archive of this webinar will be posted on the PREA Resource Center website: [www.prearesourcecenter.org](http://www.prearesourcecenter.org)



# A Call to Action with Bob Dumond



**Bob Dumond**  
Corrections Consultant  
Licensed Clinical Mental Health  
Counselor

# A Call to Action with Bob Dumond



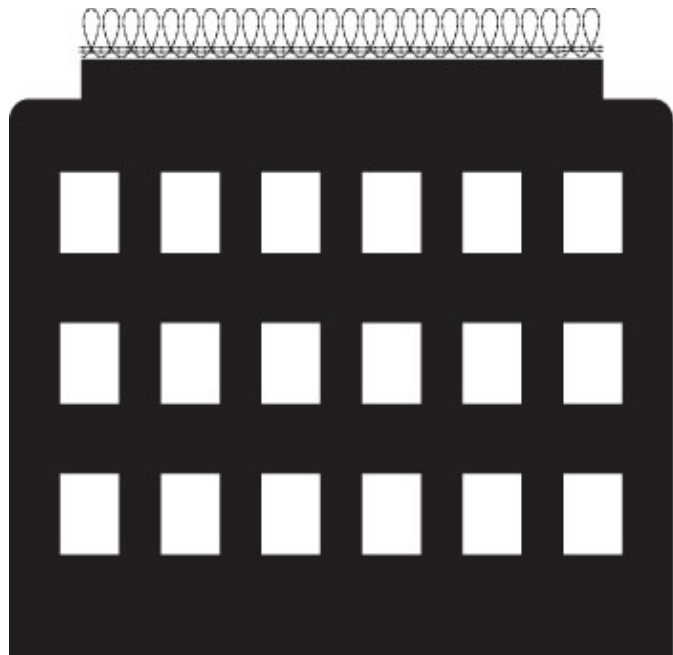
# Prevalence of Sexual Abuse in Detention



**Gwyn Smith-Downes**  
Senior Program Director,  
Just Detention International

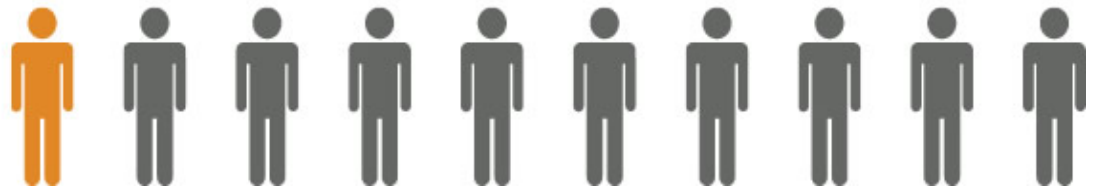


# Prevalence



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.)

# Prevalence

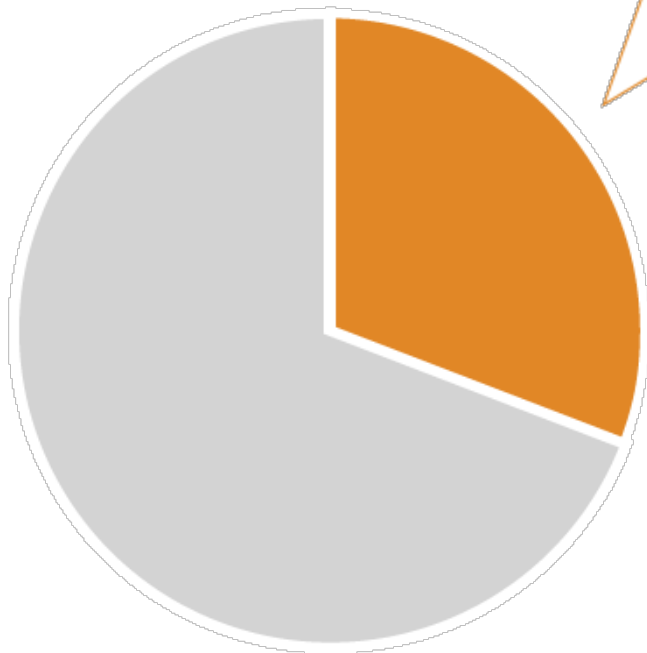
STUDY SHOWS NEARLY EQUIVALENT RATES  
OF ABUSE BY STAFF AND OTHER INMATES



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.)

# Prevalence

**31%** OF INMATES REPORTING ABUSE WERE  
VICTIMIZED **THREE OR MORE TIMES**



# Dynamics and Definitions



**Linda McFarlane, MSW, LCSW**  
Deputy Executive Director,  
Just Detention International

# Dynamics of Sexual Abuse Behind Bars



## Definitions Related to Sexual Abuse (§115.6)

*Sexual abuse of an inmate **by another inmate** includes any of the following acts, if the victim **does not consent**:*

1. Contact between the penis and vulva or penis and anus
2. Contact between mouth and penis, vulva, or anus
3. Penetration
4. Intentional Touching

# Definitions Related to Sexual Abuse (§115.6)

*Sexual abuse of an inmate **by a staff member** includes any of the following acts, **with or without consent**:*

1. Contact between the penis and the vulva or the penis and the anus
2. Contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire
3. Penetration
4. Contact intended to abuse, arouse, or gratify sexual desire
5. Display of genitals, buttocks or breasts in presence of inmate
6. Voyeurism

# Definitions Related to Sexual Abuse (§115.6)

## Sexual Harassment

- 1. Repeated and unwelcome** sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature **by one inmate**, detainee, or resident directed **toward another**.
- 2. Repeated** verbal comments or gestures of a sexual nature to an inmate, detainee, or resident **by a staff member, contractor, or volunteer**, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.



# The Basics of Sexual Abuse

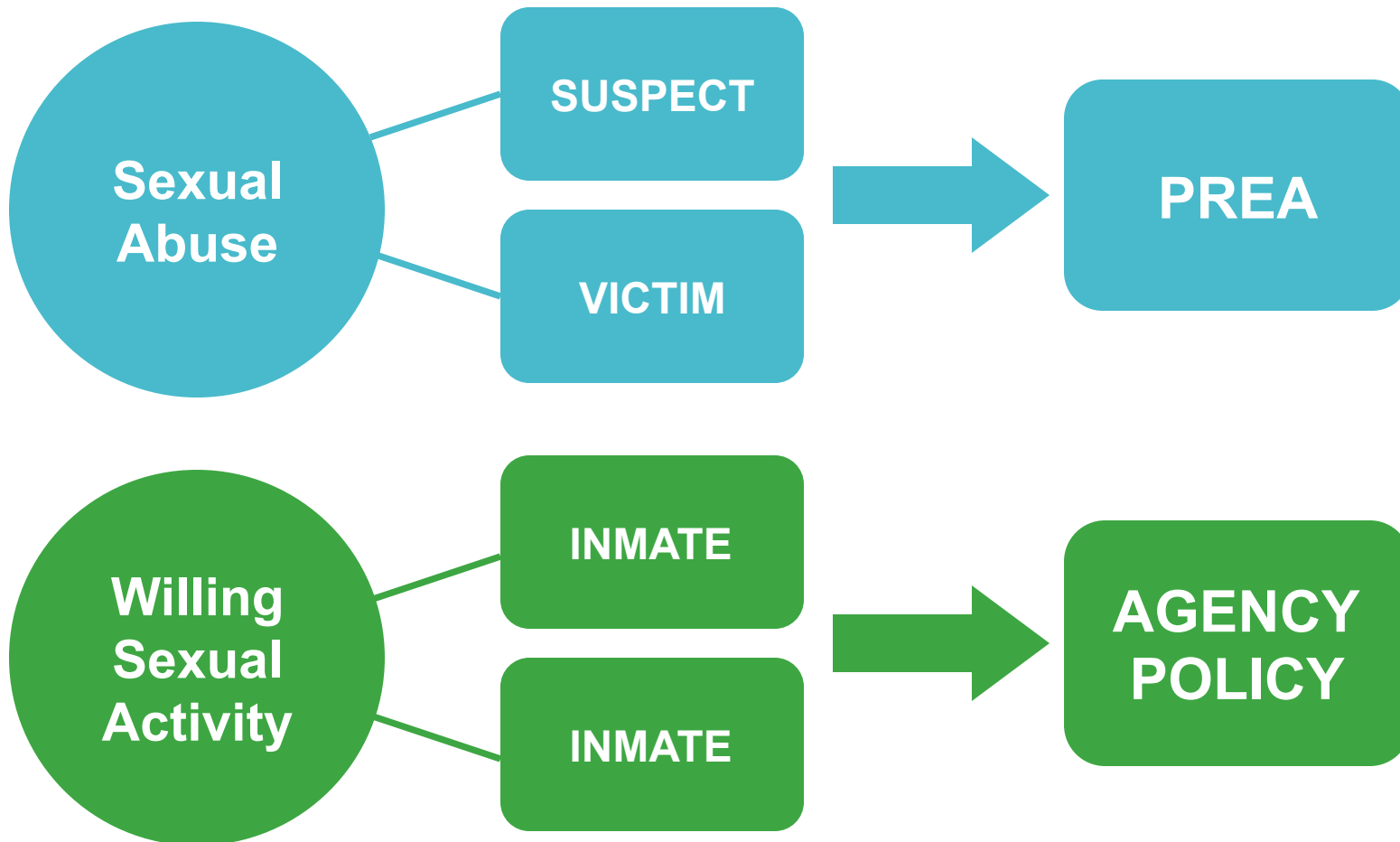
**Sexual abuse is any form of unwanted sexual behavior.**

This includes where the victim is unable to meaningfully consent to sexual contact.

Sexual abuse is used to establish power and control and maintain hierarchies.



# Sexual Abuse vs. Willing Sexual Activity



# Vulnerable Inmates



**Derek Murray, MPA**  
Senior Program Officer,  
Just Detention International

# Vulnerable Inmates

**What groups are most likely  
to be targeted for sexual abuse?**

*Please submit your answers  
in the questions field.*

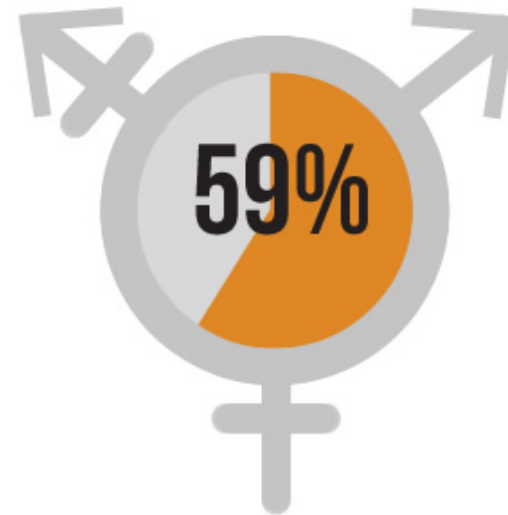
# Lesbian, Gay, Bisexual, and Transgender (LGBT)

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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# Impact of Sexual Abuse



**Christine Gregg**  
Senior Program Officer,  
Just Detention International

# Impact of Sexual Abuse



*Cecilia, survivor of sexual abuse in detention. Photo: James Stenson*

- Rape Trauma Syndrome (RTS)
- Post-Traumatic Stress Disorder (PTSD)
- HIV and other sexually transmitted infections
- Suicidal thoughts
- Symptoms of mental illness

# Impact of Incarceration on Survivors

- Lack of control
- Punishment for reaction to crisis
- Retaliation and revictimization
- Limited access to services





# Developing a Victim Services Plan



# Core Components of a Victim Services Plan

## **A victim services plan includes:**

1. Uniform Evidence Protocol (§115.21)
2. Institutional coordinated response plan (§115.65)
3. Formal agreement with victim advocates and other service providers (§115.21 and §115.53)

# Role of Victim Advocates

- Provides emotional support, crisis intervention, information, and referrals
- Accompanies survivors through forensic exam process and investigation
- Typically on-call 24 hours



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

# *Policy in Practice*

## Scenario 1: Emergency Response



# Staff First Responder Duties

**A written institutional response plan is key to responding to incidents of abuse.**

## **First Responder Duties (§115.64):**

1. Immediately separate Jose from suspect(s)
2. Preserve the crime scene
3. Request Jose not take any action that could destroy evidence
4. Disclose information on “need-to-know” basis

# Access to Emergency Medical and Mental Health Services

- Access to ER medical care and crisis intervention services (§115.82)
- Victim not required to cooperate in investigation or name perpetrator(s) (§115.82)
- Care is free of charge (§115.82)
- Access to victim advocate (§115.21)



# What Happens at the Hospital

- Forensic evidence collection (§115.21)
- Investigatory interviews (§115.21)
- Treatment of injuries (§115.82)
- HIV and STI care (§115.82)
- Crisis counseling (§115.82)



Photo: JB Clark/NEMS Daily Journal



## Scenario 2: Access to Ongoing Medical and Mental Health Care





# Access to Ongoing Care Consistent with the Community Standard

## **Tanya must be provided access to:**

- Mental health evaluation and treatment (§115.83(c))
  - follow-up services
  - treatment plan
  - referrals
- Pregnancy testing, and lawful related medical services (§115.83(d)-(e))
- STI testing (§115.83(f))

# Access to Outside Confidential Support Services

## **Additionally:**

- Tanya can contact outside support services by mail or phone (§115.53(a))
  - Receives in-person session with victim advocate
- Facility informs her whether such communications are monitored and to what degree they are confidential (§115.53(b))
- Advocate follows professional guidelines and state law around confidentiality and mandatory reporting (§115.53)

## Scenario 3: Prevention and Early Intervention



# Response = Prevention

- Follow-up session with a medical or mental health practitioner within 14 days (§115.81(a))
- Access to outside support services (§115.53)
  - In-person session with victim advocate
- Review of Alexis' classification and housing (§115.42(d))

# Upcoming Regional Training

## **Victim-Centered Responses to Sexual Abuse in Detention Settings**

**Extended Registration Deadline:** Friday, November 9, 2012

**Event Date:** December 6, 2012

**Event Location:** James N. Robey Public Safety Training Center,  
Marriottsville, MD

**Host:** Just Detention International

**Register now at:** <http://bit.ly/PJxErW>

**For More information:** <http://bit.ly/VeM8RW>

# Questions and Answers



# Survivor Portraits



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# For More Information

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to [info@prearesourcecenter.org](mailto:info@prearesourcecenter.org)

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For more information about **Just Detention International**, visit [www.justdetention.org](http://www.justdetention.org). Direct questions to [info@justdetention.org](mailto:info@justdetention.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/the-big-picture-evaluation.aspx>

Please forward it to others who may have joined you.

**THANK YOU!**