

WELCOME

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**Accompanying Incarcerated
Survivors at Forensic Exams**

**June 25, 2019
Webconference**




Introduction



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Just Detention International

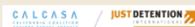


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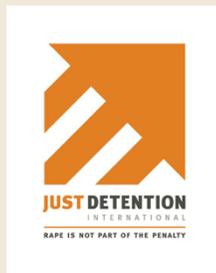

CALCASA's Mission

The California Coalition Against Sexual Assault (CALCASA) is committed to ending sexual violence through a multifaceted approach of prevention, intervention, education, research, advocacy and public policy.



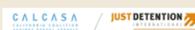
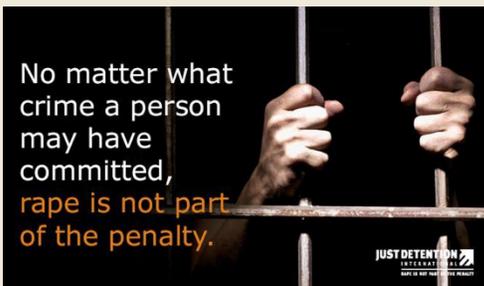
JDI's Mission

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



JDI's Core Belief

No matter what crime a person may have committed, **rape is not part of the penalty.**



CA Advancing PREA Overview

CALCASA and JDI offer support and guidance to all CA rape crisis centers on how to:

- Build strong relationships with California Department of Corrections and Rehabilitation (CDCR) staff.
- Create sustainable agreements and protocols for the provision of victim services to survivors.



Workshop Agenda

- PREA and Forensic Exams
- Best Practices
- ROIs and Follow-up Services

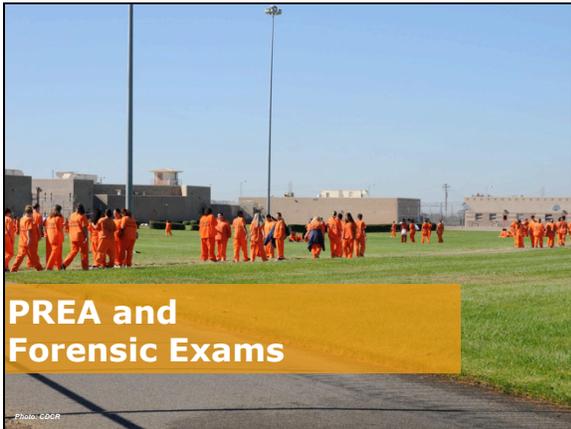


Photo: Just Detention International



Practice Self Care

-  Take a moment to pause and savor your beverage.
-  Move around for 10 minutes. You may also try stretching in the mornings and between sessions.
-  Find a space: a room, a lounge, somewhere outside in the quiet, or somewhere with a noise level that comforts you. Concentrate on yourself, where you are and where you want to be, emotionally, mentally and so on. If you are new to meditation try breathing exercises. You may find that as you do this there may be thoughts in your head, do not engage with them; simply view them as clouds passing by.
-  Grab a coloring page, pick some colors to take with you, try coloring on spare time or while listening during a workshop.



PREA and Forensic Exams

Photo: CDCR

Identifying the Gaps

One of the goals of PREA is to ensure that survivors who are incarcerated receive a level of care that is as close as possible to what is available to those in the outside community.

This includes accompaniment by an advocate during forensic exams following an assault.



§ 115.21 Evidence protocol and forensic medical examinations

(d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based agency, or a qualified agency staff member.



§ 115.21 Evidence protocol and forensic medical examinations

(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.





Best Practices

Photo: CDCR

Voices of Advocates

“Even if you can’t do anything tangible for a survivor during a forensic exam, just being there and treating that person as a human being will make a huge difference”

-Matty, a rape crisis victim advocate



Survivor art, 2012



Before the exam

- Review your facilities' coordinated response plan
 - Where are exams done?
 - How are survivors transported?
 - How are you contacted?
- Make sure your advocates understand this process



CDCR Exam Sites

- California Correctional Institution (CCI)
- California City Correctional Facility (CAC)
- California State Prison, Los Angeles County (LAC)
- California Medical Facility (CMF)



Training

- Who will respond to a request for a forensic exam?
 - Do they have a clear understanding on procedural differences?
 - Do they have basic knowledge on the reporting process and investigation?
- What training is your agency providing?



istock



Arriving for a Forensic Exam

- Two officers are generally present
- Survivor will be in waist chains
- To the extent possible, create a sense of privacy



istock



Explaining why you are there

- Explain your role
- Describe what your agency does
- Give the survivor control



California Department of Corrections and Rehabilitation



They get to decide what they want to do

- A survivor should never be forced to do any piece of the exam they are not comfortable with
- Be prepared to advocate for survivors who decline any piece of the exam



California Department of Corrections and Rehabilitation



A note about confidentiality

- Create as a confidential a space as possible
- Be clear about what is confidential and what is not
- Be prepared to enforce boundaries if officers ask questions



California Department of Corrections and Rehabilitation



Starting the exam

- Introduce yourself
- Use Survivor's preferred name
- Be mindful of your body language and where you sit



California Department of Corrections and Rehabilitation



During the exam

- Clarify the process of the exam
- Explain the process of reporting
- Provide emotional support



.JDI



Difficult conversations

- Doctors, nurses, and officers may use problematic language
- Determine what advocacy is needed, remembering that the exam is not the time for in-depth education
- Provide follow-up training at a later time



Bill Selak



ROIs and Follow-up Services



Release of Information (ROI)

- ROIs allow you to advocate on behalf of your client with facility staff
- Set realistic expectations and discuss safety
- ROIs can enable you to refer your client's case to another RCC



Best Practices for ROIs

- Allow space for your client to name specific individuals that they give permission to discuss their situation with
- Allow for your client to grant you permission to refer them to other RCCs in event of transfer
- Be aware of language and accessibility barriers
- Offer to read the ROI aloud, and briefly explain its purpose



Materials for a survivor

- Find out what survivors can and cannot have at a facility
- Make sure all content provided is in fact relevant for a detention setting
- Remember that survivors may be cautious about bringing heavily branded RCC materials back into a facility where they live



Medical and Investigative Follow Up

- Educate the survivor about the medical care they are entitled to under PREA after an assault
- Connect the survivor to care available at the facility
- Offer and provide accompaniment during investigatory interviews



Getty Images



Voices of Survivors

"I did not want to go to the infirmary because I was still so ashamed about what happened to me, but I had to. They gave me a test and that's when I got the devastating news...

I was HIV-positive. Fighting for my life now is a full-time job. They took my life, but they didn't take the ability to live my life...

Every day I wake up and I'm so grateful that I'm still here."

-Kendall, a survivor of prisoner rape



RCC Follow Up

• The goal is to provide continual care via:

- Hotline
- Confidential mail
- In-person services (if applicable)



Survivor Art, Just Detention International



Scenario

You receive a call from the Watch Commander of a detention facility to provide forensic accompaniment at a hospital to a prisoner who has been raped.

When you arrive at the hospital, you see the survivor is wearing only waist-chains and a paper gown, and appears to be shivering in the cold exam room. The forensic nurse is preparing to begin the exam. Two armed officers are present in the exam room, standing by. One of the officers tells the survivor to "Be respectful and cooperate, Inmate. This advocate drove from the other side of the county for you."



Scenario

A blanket is brought in for the survivor. One of the officers agrees to withdraw into the hallway, with the other taking their post a few feet back from the survivor.

You give your name, pronouns, and the name of your agency to the survivor. "Thanks for the blanket. You can call me Jay. I use he/him pronouns", the survivor says.

The officer at the door snorts, and says, "He's already lying to you. This is the famous Inmate Josh Marcus. You probably read about his crimes in the paper."



Scenario

The officer agrees to allow you to have an uninterrupted conversation, and the forensic nurse begins the exam as you sit at Jay's shoulder. Jay tells you that two days ago he was forced to eat some food by fellow inmates, which was spiked with a sedative. While drugged, he was assaulted multiple times by a fellow inmate who had previously threatened him. Following the assault, the perpetrator forced him to shower.

He does not feel safe giving the names of the people who assaulted him, but states that both are gang members.

The forensic nurse interrupts to demand that Jay disclose the names of the perpetrators, saying that Jay "has to" tell her.



Scenario

"No, Jay, you don't have to disclose information that you don't feel safe sharing," you say, noting the nurse's name to follow up with them and their supervisor at a later time.

"Thank you," Jay says. "This isn't my first assault. I've spent most of my adult life in CDCR prisons. Seems I have a mark on my back. I'm likely to be shipped out again, after this."

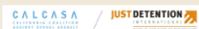
"That makes sense and it's really scary that that's not in your control," you say. "With your permission, I can follow up with you in the days ahead, and refer you to other agencies like mine, if you are transferred."

"I'll sign any paper that lets me get help," says Jay.



Additional Resources

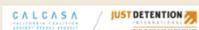
- California Coalition Against Sexual Assault
calcasa.org
- Just Detention International
justdetention.org
- PREA Resource Center
prearesourcecenter.org



Relevant Trainings

- An Introduction to Serving Incarcerated Survivors
- Written Correspondence for Incarcerated Survivors
- Preparing to Receive Hotline Calls from Incarcerated Survivors





Evaluations

CALCASA
COMMUNITY ACCOUNTABILITY
LAW CENTER / JUST DETENTION
ADVOCACY CENTER
WALK IS NOT PART OF THE PENALTY

Advancing PREA Contact Info

We are here to support you:

advocate@justdetention.org
or
prea@calcasa.org

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