

The North Carolina Approach

Creating and Navigating New Relationships
to Better Serve Incarcerated Survivors of
Sexual Assault

Guidance for Rape Crisis Centers in Assisting Local Jails in
Approaching PREA Compliance through Building
Relationships and Developing Coordinated Responses to
Sexual Abuse in Confinement

A collaborative project by:

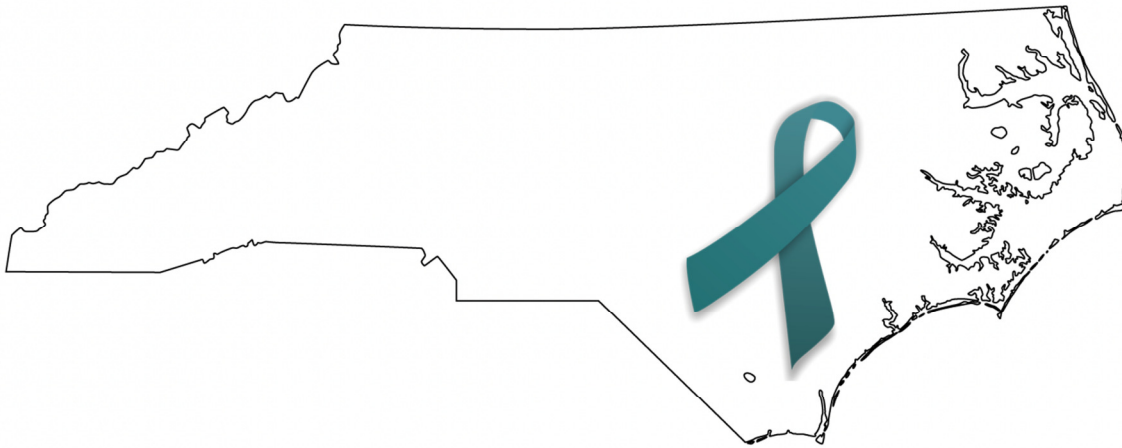
North Carolina Coalition Against Sexual Assault



Victims • Outreach • Intervention • Counseling • Education

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Creating and Navigating New Relationships to Better
Serve Incarcerated Survivors of Sexual Assault



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North Carolina Coalition Against Sexual Assault



NCCASA

The North Carolina Coalition Against Sexual Assault is an inclusive, statewide alliance working to end sexual violence through education, advocacy, and legislation. Since it began in 1986, NCCASA has become a leading statewide non-profit organization that works on a local and state level. The organization provides information, support, advocacy, and education opportunities for North Carolina's rape crisis centers, universities and colleges, organizations, and individual members. NCCASA is an active agent for legislative change that affects all of its members and survivors of sexual violence (**NCCASA, 2010**).



Our VOICE

Our VOICE, Inc. is a non-profit crisis intervention and prevention agency which serves victims of sexual violence, age 13 through adult, in Buncombe County. The agency was founded in 1974 as an all-volunteer grassroots organization. The agency remained underground until August 1983 when they received their 501(c)(3) status as a non-profit agency and the first employee was hired. Now, 40 years and considerable growth later, Our VOICE employs 20 paid staff and over 50 volunteers, working both to support the healing of survivors of sexual violence and to prevent future acts of sexual violence.

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Manual Objectives

This manual aims to assist rape crisis centers in aiding jail administrators and its employees to better serve victims of sexual assault in their local facilities. This manual should be used in conjunction with ***Implementing The Prison Rape Elimination Act: A Toolkit for Jails***, a publication sponsored by the National Institute of Corrections, www.prearesourcecenter.org.

Throughout this manual, the language used is consistent with the terminology found in the National Standards to Prevent, Detect, and Respond to Prison Rape; Final Rule (**28 CFR §115, 2012**).

Through the use of the information provided in this manual and the resources referenced, the participant will be able to:

Compare the Anti-Sexual Violence Movement to the Prison Rape Elimination Act (PREA).

Define sexual abuse and sexual harassment of inmates.

Understand the intentions of the Prison Rape Elimination Act (PREA) Standards and specifically describe the standards that require the involvement of both the rape crisis center (RCC) and the jail.

Discuss the roles of both the rape crisis center (RCC) and the jail in providing access to outside confidential support services

Describe approaches to relationship building and the obligations of the jail to commit to sexual safety.

Create a memorandum of understanding (MOU) or similar contractual agreement.

Explain the importance of revisiting, reviewing, and revising services committed to the sexual safety of the facility.

Address challenging situations and concerns utilizing the reference tools and resources cited.

Opening Statement

“For too long, incidents of sexual abuse against incarcerated persons have not been taken as seriously as sexual abuse outside prison walls. In popular culture, prison rape is often the subject of jokes; in public discourse, it has been at times dismissed by some as an inevitable—or even deserved—consequence of criminality. But sexual abuse is never a laughing matter, nor is it punishment for a crime. Rather, it is a crime, and it is no more tolerable when its victims have committed crimes of their own. Prison rape can have severe consequences for victims, for the security of correctional facilities, and for the safety and wellbeing of the communities to which nearly all incarcerated persons will eventually return.” (Executive Summary: 28 CFR §115).

Foundational Knowledge

In order to approach this work of building relationships and creating coordinated responses between local jails and rape crisis centers, we must build a foundation of common knowledge. This section will level the playing field and provide history, terminology, and perspectives for both sides; rape crisis center and jails. As we move forward, be open to learning more about the ins and outs of each other’s work; be open to asking questions to gain a deeper understanding of your partner agencies.

The Anti-Sexual Violence Movement

From the Suffrage Movement into the late 1960s, feminist theory and activism spread across the United States in an effort for civil rights and ending violence toward women. Nationwide, communities organized around the feminist tenant that *all men and women have the right to make their own choices and develop themselves in their own way, unbound by legal, social, or cultural restrictions*. In response to the prevalence of sexual and domestic violence, communities created rape crisis centers to support and to serve victims. Rape crisis centers provide crisis intervention, counseling, support, and personal advocacy to victims of sexual violence with a survivor-centered approach that reflects the feminist movement during which many centers were founded. The survivor-centered approach strives to empower survivors and stresses personal strengths, self-realization, and autonomy. This approach was revolutionary, even radical, for the 1970s. The focus on personal control was upheld by the mental health professionals as a best practice for working with anyone in a crisis situation. Between the feminist movement and the validation of the mental health field, the *trauma-informed approach* as the best approach for serving victims of sexual violence. (NCCASA, 2010).

From this point on in the manual, the term *sexual violence* is substituted for *sexual abuse and sexual harassment* to reflect the language of the Prison Rape Elimination Act (PREA).

Victim versus Survivor

Use of the term *victim* is controversial in the Rape Crisis Movement, as some individuals consider the term disempowering. Therefore, some individuals impacted by experiences of sexual violence prefer the term *survivor*. This manual utilizes the term *victim* to remain consistent with the Prison Rape Elimination Act (PREA) and North Carolina General Statutes. Nonetheless, it is important to reflect the preferred language of individuals whenever possible. If an inmate uses the term *survivor*, it is best practice to reflect that language and use the same terminology.

Impacts of Sexual Abuse and Sexual Harassment

Victims experience stress responses after many types of traumatic events including war, disaster, motor vehicle accidents, and violence, including sexual abuse. As described in the Diagnostic and Statistical Manual of Mental Disorders Edition 5, victims of trauma may experience a variety of physical and emotional reactions. Such reactions include:

- Experiencing hopelessness,
- Feeling detached from others,
- Having trouble concentrating or making decisions,
- Getting startled or feeling jumpy—hypersensitivity,
- Feeling on guard and constantly alert—hyperawareness, and
- Disturbing dreams or flashbacks (**American Psychiatric Association, 2013**).

At times and to varying degrees, victims of all types of crimes face issues related to their experience that may cause a change in their quality of life. Victims of crimes frequently must navigate government systems and networks of service providers in order to get their needs met. However, life in confinement poses unique and challenging obstacles for victims of sexual assault and sexual harassment. Confinement environments, by nature, create barriers to information, transportation, and autonomy. Sexual abuse and sexual harassment are violations of individual autonomy, an important quality to restore after a traumatic experience.

Due to the acute impacts of trauma, service providers should understand how best to support victims and support healing. This manual offers suggestions on creating a coordinated response, between local jails and rape crisis centers, utilizing existing efforts from both agencies to meet the needs and to support the healing process of victims in confinement.

Victim Advocacy

Victim advocates are trained professionals to support and provide services for victims of crimes. North Carolina General Statute §8-53.12 mandates victim advocates to complete minimum training requirements. This training includes best practices for a trauma-informed approach that empowers individuals and returns the power of decision making back to the victim. A truly trauma-informed system or agency must apply the framework of trauma-informed response to every aspect of victim services and support. This framework is rooted in a strength-based approach and incorporates awareness building around stress-reduction or coping skills. Every individual possesses unique strengths. Part of the healing process for victims is uncovering those strengths from beneath the traumatic stress. Connections with victim advocates, who are trained in trauma-informed responses, offer invaluable support for the healing process ahead.

Jail facilities shall provide inmates with access to outside confidential support services for emotional support related to sexual abuse. Rape crisis organizations are included as one of the entities. (**28 CFR §115.53, 2012**). These agencies provide advocacy services to support the healing process of victims through sharing information regarding victims' rights and sharing resources to support the healing process. Victim advocates are available to listen to victims' stories and provide emotional support. These professionals are incredible resources for jails when responding to incidents of sexual abuse. One of the roles of victim advocates is providing information about reporting options, which increases the probability that victims will report to law enforcement. The understanding of options and available continuous services builds a foundation of trust vital to victims' likelihood to cooperate in investigations as well as their chances for healing from the trauma.

The Prison Rape Elimination Act (PREA)

“The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot...be directly mandated by rule.” (28 C.F.R. 115, 2012)

The Prison Rape Elimination Act, unanimously passed in 2003, is considered a landmark law that recognized the vast impacts of sexual abuse on people in confinement. The purposes of the act are to:

- Establish a zero-tolerance standard for the incidence of sexual abuse in confinement;
- Develop and implement national standards;
- Standardize the definitions used for collecting data on the incidence of sexual abuse in confinement
- Increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
- Protect the Eighth Amendment rights of Federal, State, and local prisoners
- Increase the efficiency and effectiveness of grant programs dealing with health care, mental health care, disease prevention, crime prevention, race relations poverty, homelessness, and many others; and
- Reduce the costs that sexual abuse imposes on interstate commerce.

The Prison Rape Elimination Act formed the National Prison Rape Elimination Commission (NPREC) tasked to study the issues of sexual abuse in detention facilities across the country and to develop standards to address these issues. In the years to follow, the NPREC issued final standards which the Attorney General signed into law and are binding to all forms of confinement.

The Department of Justice issued the final ruling on PREA in 2012 which established the National Standards for Preventing, Detecting, and Responding to Prison Rape. The PREA standards, as often referred, cover the following:

- Prevention and Response Planning
- Training and Education
- Screening for Risk
- Reporting Requirements
- Investigations
- Discipline
- Medical and Mental Health Care
- Data Collection and Auditing

Very few of the PREA Standards require the creation of specific policy, thus this law is more about practice and culture than it is about policy.

Sexual Abuse and Sexual Harassment in Local Jails

“THEREFORE BE IT RESOLVED THAT the American Jail Association recognizes the importance of PREA, supports the implementation of the nationally recommended standards, and encourages U.S. jails to participate in PREA standards compliance.”

Adopted on May 3, 2008, by the AJA Board of Directors in Sacramento, California.
Revised and approved on January 13, 2017 by the AJA Board of Directors.

Sexual abuse and sexual harassment are more pervasive among populations in detention than in populations on the outside. The Bureau of Justice Statistics reports that:

- 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months.
- 1.6% of jail inmates (11,900) reported an incident with another inmate,
- 1.8% (13,200) reported an incident with staff, and
- 0.2% (2,400) reported both an incident by another inmate and staff.

The above jail prevalence estimates are based on 52,926 interviews in 358 jails in 2011-2012. The same report estimates that 1 in 5 male inmates who report sexual abuse by another inmate and 1 in 3 male inmates who report sexual abuse by a staff member were abused within the first 24 hours of confinement (**NCJ 241399, 2013**).

Any individual can be targeted for sexual abuse and sexual harassment in a jail and there are certain populations at higher risk than others. Based on inmate self-reported data, female inmates are more than twice as likely to be abused by another inmate than male inmates, biracial or multiracial inmates are more than twice as likely to be targeted than individuals identifying as a single race, and inmates with a college degree or higher experienced nearly double the rates of those with high school diplomas. Regarding inmates who identify as lesbian, gay, bisexual, and “other” sexual orientation experience nearly 7 times the rate of inmate-on-inmate abuse and about 2 times the rate of staff-on-inmate abuse than inmates who identify as heterosexual (**NCJ 241399, 2013**).

While jails do not face financial penalties for non-compliance, the PREA Standards are exemplary tools for upholding the United States Constitutional Amendment 8, which upholds the right to be free from cruel and unusual punishment. Jails that hold contracts with Immigration Customs, the United States Marshal Service, or house state inmates are at risk of losing those revenue-generating contracts if not compliant with or seeking compliance with PREA.

Definitions related to sexual abuse (28 CFR §115.6)

For purposes of this part, the term—

Sexual abuse includes—

- (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva, or anus;
- (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- (8) Voyeurism by a staff member, contractor, or volunteer.

Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

Sexual harassment includes—

- (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; and
- (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.

Note: Sexual harassment is defined by its impact, not its intent. Based on the defined nature of sexual harassment RCCs should carefully consider its capacity, before agreeing to provide sexual harassment services.

The Role of Rape Crisis Centers

Rape crisis centers (RCCs) are private, non-profit organizations dedicated to supporting all members of the community they serve. North Carolina rape crisis centers provide free, confidential referrals and services for sexual assault victims and survivors. Services are also made available to secondary-survivors (close family and friends) impacted by the experiences of their loved ones.

Rape crisis centers coordinate a crisis hotline, available 24-hours a day and 365 days a year, to provide emotional support and information related to sexual assault. Communications with an employee, agent or volunteer, under the direct supervision of a center supervisor, of a rape crisis center who has completed a minimum of 20 hours of training as required by the center, are considered privileged by North Carolina law **(N.C. Gen. Stat. §8-53.12)**. In addition to crisis hotlines, RCCs provide counseling services, support groups, medical accompaniment, court accompaniment, and case management to victims of sexual assault.

Providing incarcerated victims' access to outside confidential supportive services begins with making a connection with your local agencies that provide services to victims of sexual assault. Some counties in North Carolina have standalone rape crisis centers while some are dual support for sexual violence and domestic violence, and some others are under a family services umbrella. PREA standards are in response to sexual abuse and not domestic violence or other family violence. There are wide variations in the programmatic models utilized by these centers. Majority of centers, as stated above, refer to the victims they serve as primary or secondary victims rather than a specific client definition. They do not request evidence or corroboration of sexual assault. Some state or assert to be the case that all are to be believed by staff and volunteers. Generally no RCC puts limitations on service related to timing or type of sexual assault. Survivors do not need to seek services within a certain window to be eligible. RCCs are clear about serving adults who have been sexually assaulted, but there is a wide fluctuation in service provision to victims under that age of 18, specifically children between the ages of 13-16. Establishing relationships with Child Advocacy Centers are encouraged.

In addition to the core individual services listed above, RCCs, provide the following community services:

- Prevention Education
- Community Awareness
- Professional Training
- Relationships with institutions/institutional advocacy (commonly referred to as systems advocacy)

The above provide a presence in the community and are considered an agreed-upon core service, whether it is through community education or institutional relationships. Subsequently, RCCs are well suited to aid jails in a myriad of ways in PREA compliance.

Please refer to page 35 for a list of agencies by county.

The Role of Local Jails

To better understand the role of jails within the context of the Prison Rape Elimination Act, it is important to gain a deeper understanding of local jails. First, local jails and prisons are quite different. Typically, individuals in jail will not remain at the same facility for very long, they may be awaiting trial or serving short sentences for misdemeanors or low felony offenses. Adult prisons may operate multiple facilities, while jails usually operate only one facility. Adult prisons house only sentenced inmates, while jails house pretrial, sentenced, and individuals without criminal charges (ex. individuals who are inebriated, in cases of owed child support, etc.). Nationally among jails, approximately 63% of the population was not convicted. Prison security levels vary from minimum to maximum security, while jails house inmates at all security levels. On average, an estimated 721,300 inmates were confined in county and city jails across the United States in 2015. Over 85% of jail populations nationwide are male, nearly 50% being White (47.4%, 2014), about 35% of the population is Black/African American, and 14-15% are Hispanic/Latino. While local jails house a majority of pretrial inmates, many do house sentenced inmates and contracted federal inmates **(NCJ 241399, 2013)**.

North Carolina Jails

In the state of North Carolina, there are ninety-six jails within one hundred counties. Four out of ninety-six jails in North Carolina have bed ratings over one thousand, while the average capacity is 254 beds. The capacity ranges from eight beds in Graham County to over 2,500 beds in Mecklenburg County. An estimated 19,250 inmates were under North Carolina jail supervision in the last Bureau of Justice Statistics Census of Jails in 2013 which included inmates in jail custody, non-confined persons, and inmates serving weekend sentences. Non-confined persons include electronic monitoring, home detention, day reporting, community service, treatment programs, and other pretrial supervision and work programs. However, non-confined persons do not include individuals supervised by a probation or parole agency **(NCJ 241399, 2013)**.

The ninety-six jails across the state of North Carolina vary significantly in size, structure, and population. From city jails to rural jails, high-rise structures to linear structures, pod style housing to dorm or open-bay housing, with each style posing unique obstacles and opportunities to every day function. The supervision type of each facility is dependent on the structure of the facility. For example, linear structure buildings will likely employ linear style supervision and pod-style housing units may utilize direct or indirect supervision. Each structure and supervision style are focused on maintaining the safety and security of the facility, staff, and inmates alike. When responding to victims in confinement, a key tool for safety planning with the victim is understanding the structure and supervision style of the facility.

The North Carolina General Statute states that, *“the sheriff shall have the care and custody of the jail in his county; and shall be, or appoint, the keeper thereof. No law-enforcement officer or jailer who shall have the care and custody of any jail shall receive any portion of any jail fee or charge paid by or for any person confined in such jail, nor shall the compensation or remuneration of such officer be affected to any extent by the costs of goods or services furnished to any person confined in such jail.”* This general statute appoints each county sheriff as keeper of his/her county jail **(N.C. Gen. Stat. §162-22)**. Therefore, it is the sheriff’s responsibility to oversee and support the facility’s compliance with the PREA Standards and all other applicable local laws.

PREA and Jails

When it comes to PREA compliance, local jails are clearly referenced. The federal statute defines “prison” as “any confinement facility” (**42 USC §15609(7)**). The standards define “agency” to include “State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates.” And further states a Jail as “a confinement facility... whose primary use is to hold persons pending adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility” (**28 CFR §115.5**). With those definitions in place, PREA and the standards aligned for Adult Prisons and Jails, apply to all local jails, however, the true complication falls to enforcing the requirements.

Unlike state agencies, local jails did not face a five percent decrease in federal grant funding. Although both levels are required to meet this unfunded mandate, jails did not face any reductions in grant funding as state’s have. States, like North Carolina, submitted assurances of meeting compliance in order to continue the federal grant funding while limiting the utilization of that five percent to directly apply towards reaching PREA compliance. The unique situation of jail enforcement falls to three main categories: accreditation, contracts, and civil liability.

The enforcement of the PREA standards on local jail facilities falls mainly to accreditation, contracts, and lawsuits. The standards require all accreditation organizations receiving federal grant funding to adopt PREA requirements. This means any local organization that wishes to become or continue its accrediting will also be required to meet the PREA standards. The second category of enforcement falls to contracting. Any “public agency that contracts for the confinement of its inmates...shall include in any new contract or contract renewal the entity’s obligation to adopt and comply with the PREA standards” (**28 CFR §115.12(a)**). Many North Carolina jails do house inmates for federal agencies and/or the state. With both entities maintaining compliance, any jail housing such inmates must also comply with the standards or face losing that contract.

Finally, civil claims hold enforcement incentive over local jails. The 2nd District Federal Court of Appeals already cited, within *Crawford v. Cuomo*, the PREA standards to explain that any instance of prisoner sexual abuse arises to the level of an Eighth Amendment violation. This type of precedence maintains the federal PREA standards as the minimal requirements to create a standard of care within a sexually safe facility. This level of safety might fuel the decisions of local counties that are not in compliance with the standards to pay out significant sums of money to settle lawsuits regarding sexual abuse and sexual harassment of inmates (**Crawford v. Cuomo, 2015**).

Preventing Sexual Abuse and Sexual Harassment

“To assist agencies in their compliance efforts, the Department has funded the National Resource Center for the Elimination of Prison Rape to serve as a national source for online and direct support, training, technical assistance, and research to assist adult and juvenile corrections, detention, and law enforcement professionals in combating sexual abuse in confinement. Focusing on areas such as prevention strategies, improved reporting and detection, investigation, prosecution, and victim-centered responses.” (**28 CFR §115**)

With an understanding that prevention efforts in confinement settings improves the reporting rates and trauma-informed responses of many facilities, the Bureau of Justice Assistance funded the National PREA Resource Center to provide training, technical assistance, and resources for all those in the field working

toward compliance with the federal standards. Prevention efforts are highlighted in the PREA standards from zero-tolerance policies to appointing an individual staff member as PREA coordinator. These preventative measures are imperative to combating sexual abuse in detention facilities and are often beneficial to efforts relating to other standards.

Zero-Tolerance of Sexual Abuse and Sexual Harassment

Jails should have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment of inmates. The policy should outline the agency's approach to preventing, detecting, and responding to such conduct (**28 CFR §115.11(a)**). On-line templates for zero-tolerance policy are available through Just Detention International (JDI). In addition, the PREA Advocacy and Advisory Board (PAAB) through the North Carolina Coalition Against Sexual Assault (NCCASA) will review draft policies for agencies developing new policies or revising the current policy.

Having a PREA Coordinator

Jails must designate a PREA coordinator. The PREA Standards offer insight to how and by whom this role should be fulfilled. For example, the PREA coordinator should have, *"sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities"* (**28 CFR §115.11 (b)**). In other words, the PREA coordinator should have time, authority, and support from leadership to fulfill the role. This role may vary depending on the needs of the agency. The amount of time dedicated to working on compliance will be different at eight-bed facilities than at facilities housing several hundred inmates.

Supervision & Monitoring

Facilities shall utilize staffing and video monitoring, where appropriate, to maintain the sexual safety of inmates and staff. To ensure adequate staffing and effective supervision, jails must develop a staffing plan that considers the sexual safety of the facility (**28 CFR §115.13**). Further guidance for developing and implementing a PREA-compliant staffing plan is available through the PREA Resource Center website.

Training

Facility-wide training is an important tool in building staff confidence and competence in preventing, detecting, and responding to sexual abuse and sexual harassment. Employees, volunteers, contractors, and inmates shall all have access to information regarding the facility's policies and procedures related to sexual abuse and sexual harassment. All individuals shall receive training that includes the agency's zero-tolerance policy and reporting procedures.

Employee training specifics are outlined in the PREA standards §115.31. Further standards regarding specialized employee training are provided in §115.34-115.35.

Volunteer and contractor training requirements are outlined in the PREA standard §115.32.

Inmate education standards are outlined in §115.33.

Reporting

The PREA Standards are clear that jails must provide multiple internal reporting options, as well as a minimum of one external reporting option, for inmates to report:

- sexual abuse and sexual harassment,
- retaliation by inmates and staff regarding a report of or participating in an investigation of sexual abuse or sexual harassment, and

- incidences of staff neglect that contributed to an incident or retaliation.

The agency shall accept “*all reports made verbally, in writing, anonymously, and from third parties.*” Following verbal reports, staff should promptly document the report and follow the agency’s reporting protocol (**28 CFR §115.51**). Where reporting is concerned, victim advocates remain confidential resources for victims of sexual abuse and sexual harassment. Therefore, victim advocates are not required to report information shared with them by an individual in confinement unless pertaining to abuse or neglect of a child or disabled adult as required by law (**N.C. Gen. Stat. §8-53.12(c)**). See Just Detention International’s *Untangling the PREA Standards: Outside Reporting, Confidential Support, and Third-Parting Reporting Fact Sheet*, located www.prearesourcecenter.org/sites/default/files/content/reporting_and_support_services_fact_sheet_-_final.pdf

Access to Confidential Support Services

In accordance with PREA Standards, facilities must provide inmates with access to outside victim advocates for confidential support services (**28 CFR §115.53**). Victim Advocates of rape crisis centers are trained professionals who provide emotional support services to victims of sexual abuse. Services provided may vary among rape crisis center, however, standard services include toll-free crisis hotlines, written correspondence, and referral information. Jail staff should encourage communication between inmates and victim advocates where inmates are open to the referral because advocates can provide important resources to support the victim’s healing process.

Prior to granting inmates access to telephone and written communication, facilities must inform inmates of the extent to which such communications will be monitored, and the implications of mandatory reporting laws as required by North Carolina General Statute §8-53.12(c).

One of the most important roles of victim advocates is providing emotional support to inmates struggling with the impacts of sexual abuse or sexual harassment. Due to the professional nature of advocate roles, communications with agents of rape crisis centers and domestic violence programs are defined as privileged by North Carolina General Statute §8-53.12, where services may include, but is not limited to: crisis hotlines; assessment and intake; individual counseling; support in medical, administrative, and judicial systems; and crisis intervention. Due to privileged communications, victim advocates cannot be third party reporters of inmate-on-inmate or staff-on-inmate sexual abuse and sexual harassment.

Providing Services to Victims in Confinement

The Victim Advocacy brochure published by the North Carolina Coalition Against Sexual Assault is a great resource to provide information to inmates about victim advocacy (see Resources). This brochure includes the rights of victims, services provided by victim advocates, limitations of victim advocates, and a space for local contact information to be included. Every rape crisis center should provide this brochure with their contact information to the local jail. The same techniques used to support victims on the outside may need to be tailored to be effective for victims in confinement. Inmates have no control over their environment and have limited access to services available due to scheduled phone usage and limit to letter writing resource including financial resources.

Provide Contact Information to Inmates

Many facilities provide information about victim advocacy and victim services by posting brochures or single-page flyers on bulletin boards and listing information on electronic kiosks. Brochures should also be made available to inmates through library bins, mental health providers, and during intake. The information listed should include:

- name of the agency,
- description of services,
- mailing address, and
- phone number (if applicable) and hours of service.

Emotional Support, Advocacy, and Follow-up

Communications with victims in confinement can be logistically challenging, but emotional support and victims' advocacy are impactful tools for the healing process. Written correspondence is often the simplest form of contact to establish as the mailing address for local rape crisis centers should be provided to inmates in the form of brochures or flyers on bulletins. Telecommunications and in-person support will require a collaborative effort between jail and rape crisis center staff to coordinate, however, these person-to-person connections are often more impactful and supportive for victims. When providing services to victims in confinement, whether written or verbal, be sure to:

Express Empathy

This is particularly important when supporting victims of sexual abuse and sexual harassment whose experiences were traumatizing and dehumanizing. Empathy drives connection between individuals. One of the most common reactions to difficult conversations with another person is trying to make the situation better, even if we are not the ones in that situation. It is natural to try to put a silver lining around another person's problems or attempt to offer suggestions. However, for a response to be truly trauma-informed, the approach must be from a place of empathy. **Empathy is the practice of the following:**

Perspective Taking--understanding the perspectives of others and recognizing their perspective as their truth. Validate the experiences of the victim. Remind the victim that he/she/they did nothing wrong and they are not at fault for violence being perpetrated against them. No one deserves to be sexually abused or sexually harassed.

Staying Out of Judgement--which is not easy when we live in a world that blames victims so frequently with language like, "*what were you wearing*" or, "*did you do anything to provoke the perpetrator.*" This also means refraining from making suggestions or choices for the victim. A truly trauma-informed approach aims to empower victims to make choices for themselves and to return control to the victim whose power was taken through an act of violence. This also includes labeling an inmate based on criminal history, just as we would not want to pass judgement regarding victimization based on the appearance or attire of an individual.

Recognizing Emotions in Others--listen and observe the emotions the victim is expressing about their experience and their situation.

Communicating the Understanding of Emotions in Others--reflecting what you have heard the victim is feeling serves as validation to the victim that you are listening (Wiseman, T. 1996).

Normalize Reactions to Sexual Abuse and Sexual Harassment

Victims may express shame, guilt, anger, or any number of emotions related to the trauma. All reactions to sexual abuse and sexual harassment are valid responses, healthy or harmful, productive or unproductive. Normalizing reactions reminds the victim that the brain and the body are responding to an abnormal experience, therefore the emotions experienced thereafter may feel uncomfortable or unsettling. Victim advocates can provide supportive counseling, grounding techniques, and other tools to help the victim cope with their emotions.

Provide Information

At some point during communications with victims, provide them with information about their rights and services available to them. Never assume that someone else has already provided the victim with this information. Repetition is better than not providing the important information at all. In fact, many victims who have experienced recent trauma will likely be experiencing the normal reaction of memory loss and issues with concentration. This is where it is important for the rape crisis center to understand the unique services provided in the local jail and their responsibility in the coordinated response.

Explain Confidentiality and the Privileged Communications Clause

When communicating with victims in-person or over the phone, keep a written version of the confidentiality statement on hand as reference to read to the victim. When writing letters, include the confidentiality statement at the bottom of each letter.

Mail Services: Written Correspondence

Written correspondence is a low-cost way to provide inmates with advocacy support, especially for advocates who have never worked with incarcerated populations. Individuals in local jails do not stay as long as inmates in prison, which can pose a challenge to written correspondence. A template letter can be found on page 31. In letters to victims in confinement, be sure to follow the supportive guidelines above.

Phone Services: Telecommunication

Rape crisis centers operate hotlines to provide emotional support and information to victims of sexual abuse and sexual harassment. To better serve individuals living in confinement, agencies should extend this service to inmates and provide hotline information to the local jails. Victim advocates, staff, and volunteers will need training around the needs of victims in confinement, the services available, limitations of services, and appropriate referrals. Coordinate with the PREA Coordinator at the local jail to establish this service and coordinate communications to inmates regarding this service.

Keep in mind that phone services may pose limitations to confidentiality. During a tour of your local jail, take note of where the phones are located and ask jail staff about the phone contractor's monitoring system. Further information regarding touring the local jail is provided in sections to follow.

In-person Support

In order to establish in-person services, the rape crisis center and jail must work together to create a plan, to agree upon logistics and limitations, and to reflect the established agreement in a Memorandum of Understanding. During a tour of your local jail, be aware of limitations to providing in-person support including facility structure, confidential meeting spaces, etc.

Develop a Coordinated Response

“The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.” (28 CFR §115.65)

Jails are required to develop a coordinated response to reports of sexual abuse and sexual harassment within the facility. The Sexual Assault Response Team (SART) model is recognized as best practice among victims’ service providers as the model focuses on a trauma-informed response. This model aims to improve coordination among first-responders, including the victim and secondary survivors (close family and friends), law enforcement, victim advocates, and Sexual Assault Nurse Examiners (SANEs) or Sexual Assault Forensic Examiners (SAFEs) (28 CFR §115.86). Required incidence reviews offer opportunities to revise processes for improving investigations, strengthen prosecutions, and reduce the impact of trauma on victims (28 CFR §115.86).

Assemble the Team

The PREA standards state, *“the review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners”* (28 CFR §115.86 (c)).

When creating a coordinated response team, members might include:

- Jail Administrator or upper level management officials
- Agency PREA Coordinator and/or facility PREA Compliance Manager
- PREA Liaison or PREA Information Specialist, the state of North Carolina Department of Corrections defines this role as PREA Support Person
 - This is a jail staff person who provides the victim with information on the coordinated response process and the victim’s rights throughout the process.
- Jail medical and mental health providers
 - These staff members may be under contract from private agencies
- Jail investigators, if applicable
- Investigating law enforcement agency or agencies, such as the sheriff’s office, police department, or judicial district investigators
- Rape crisis victim advocate or victim services provider
- Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE)
- Representatives from the district attorney’s office or judicial district office, such as the SART Coordinator or Victim Witness Coordinator

Develop the Response Plan

Following assembly, the team shall develop a coordinated response to sexual abuse and sexual harassment utilizing the skills and services of all team members. Allow team members to communicate their agency’s needs, policies, and roles with regard to services available to inmates reporting sexual abuse and sexual harassment. Every reported incident poses unique challenges for response teams to consider. For example, response timelines vary depending on the time passed since the incident occurred and if an inmate is in imminent danger. Therefore, case reviews should occur regularly to revise the response plan as needed.

General Tips for Providing Services to Victims in Confinement

Build trust through consistency of service, communication of limitations, and commitment to confidentiality and safety. Establish a rapport with the individual by demonstrating empathy.

Use accessible language when communicating with incarcerated victims of sexual abuse and sexual harassment. While education levels among inmates vary, most inmates reported educational levels “less than high school”. The Bureau of Justice Statistics reports that inmates with higher education levels are more likely to be victimized than inmates with lower education levels (NCJ 241399, 2013). Education is not the only factor to consider when choosing accessible language. Victims service information provided should be understandable and easy to navigate. Avoid complicated language, legal jargon, and complex terminology wherever possible. This will ensure that all individuals can utilize the information and access services.

Set and maintain boundaries to ensure safety, it is vital that advocates set and maintain clear boundaries about their abilities and limitations of support services. Victims of sexual abuse and sexual harassment who contact the rape crisis center may seek support with issues outside of the agency’s scope of work. In these cases, it is important to respect the agency’s limitations and recognize the need for a referral to either another agency or another advocate. Keep a list of boundaries on hand, similar to the list below, to assist advocates in communicating and maintaining clear boundaries.

Victim advocates can:

- Listen to victim stories and support individuals.
- Give victims information about options to make the best choices for themselves.
- Inform victims of their rights.
- Inform victims of resources and services available to them.

Victim advocates cannot:

- Provide legal advice.
- Make decisions for the victim.
- Tell victims whether or not to report sexual abuse and sexual harassment.
- Investigate a crime.
- Demand the facility changes rules or housing assignments.
- Contact the victim’s family or friends.
- Provide therapy or mental health treatment services.

Victim advocates may (adapt for services provided):

- Talk with victims over the phone or through written correspondence.
- Help victims with ways to cope with past or present sexual abuse and sexual harassment.
- Discuss safety and help victims create safety plans for time in confinement.
- Explain PREA reporting options and resources available.
- Inform victims of the facility’s PREA investigation process.
- Support victims during an investigation process.
- Advocate for victim to receive mental health services for ongoing mental health needs related to sexual abuse and sexual harassment.

(What is Victim Advocacy? NCCASA)

Approaching PREA Compliance Work

The Starting Line

Make a commitment

The first steps we can take to moving in the right direction include committing to this much-needed human rights work. In this case, consider the right direction is PREA compliance and is building relationships between jail staff and rape crisis centers. A daily commitment to creating a culture of safety through daily practices and procedures that prioritize the sexual safety of inmates and staff alike.

Leadership Support

“The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, of course, be directly mandated by rule. Yet implementation of the standards will help foster a change in culture by institutionalizing policies and practices that bring these concerns to the fore.” (28 CFR §115, 2012)

With leadership support, the work of the team can be effective and meaningful. PREA compliance supports a facility’s reputation in the community and among professionals in the field. A few ways that jail leadership can support PREA work include:

- Making a commitment,
- Appointing and supporting the PREA Coordinator,
- Developing a PREA Team or support the PC to create a team, and
- Supporting a self-assessment of the jail,
- Making a connection

Utilize the reference list of rape crisis centers and jails by county, provided in the resources section, to contact agencies in your area. Further contact information for local jails can be found through the North Carolina Jail Administrators’ Association (NCJAA) Facility Directory, found on the NCJAA website. Information for rape crisis centers can be through the North Carolina Coalition Against Sexual Assault (NCCASA) website.

Be diligent about getting in touch with partner agencies to set up an initial meeting and tour of their facility or office. Consider inviting the jail or rape crisis center out for lunch or coffee for an initial meeting. Maintaining relationships is often a great opportunity to work beyond the walls of offices. Take the opportunity to get out into the community and build stronger working relationships. Consider attending a rape crisis center or a jail event to make contact with partner agencies and extend an invitation to meet before or after such events; for example: a training, a community outreach event, or a fundraiser.

Team Support

A few ways team members can assist progress in PREA compliance include:

- Ask for an appointment with leadership to sit down and talk about PREA.
- Prepare for your meeting with leadership with concrete and concise information. Your preparation saves leadership time and effort when information is presented to them. Prepare information that highlights the importance of PREA referencing North Carolina General Statutes, the PREA standards, and other applicable mandates.

- Identify needs for PREA compliance including policy, equipment, and training. Develop possible solutions on how to achieve those needs and present a plan to leadership. This saves leadership time and effort from assessing needs and creating a preliminary plan. Refer to the PRC Webinar: Taking Your First PREA Steps Guidance for Jail PREA Coordinator and Compliance Manager for more details. A plan should include:
 - List of needs such as: additional cameras, privacy screens, and computer software.
 - An estimate of material costs in a budget.
 - Assessment of staffing implications such as more staff, different staff, and training for investigators.
- Identify community partners such as rape crisis centers who can offer support. Create a contact list of community support:
 - Rape crisis center or victim support service agency
 - Sexual Assault Nurse Examiners or Sexual Assault Forensic Examiners
 - District Attorney’s office staff
- Utilize the MOU template to adapt for your agency (page 28).

Touring Local Facilities

Annual tours of local facilities help maintain in-person contact with partner agencies. These tours are perfect opportunities to ask questions, think collaboratively about solutions to issues that arise, and demonstrate interest in the work of others involved. Develop a rapport of trust through consistent communication and regular in-person meetings.

Touring the Local Jails

Touring the local jail offers insight to the daily work of jail staff and the daily lives of individuals in confinement. Each jail poses unique challenges and opportunities for the staff and inmates, thus service providers should be aware of characteristics such as supervision style, facility type, and populations housed in the local facility. Providing services to inmates at an eight-bed jail is significantly different than providing services to inmates at a district jail that houses several hundred inmates from multiple counties.

During a tour, take note of the locations of phones, the location of posted information for inmates, and the location of classroom areas or inmate programs. Rape crisis centers can propose and facilitate programs within the jail such as support groups and coping skills classes. These types of programs reinforce the continued relationship and develop a rapport with the inmate population.

Prepare questions ahead of time for jail staff about the logistics of providing information and services to inmates. Also, consider preparing questions that demonstrate a desire to understand the roles of jail staff including their daily responsibilities and the challenges they face. A critical piece of relationship building is mutual understanding.

Questions and Considerations for your Jail Tour

Determine the structure of the facility.

What is the average daily population (ADP) of the facility? What is the bed capacity?

Does the agency operate more than one building or facilities?

Where do attorneys or clergy already visit inmates?

Consider limitations to meeting spaces and be aware of any safety and security concerns that might hinder confidentiality of support services. Jails are required to provide confidential spaces for attorneys or clergy to meet with inmates. Due to the nature of attorney and clergy privilege communications, consider this location for victim advocates to meet with victims and provide confidential support services. Remember, PREA standards §115.53 and N.C. Gen. Stat. §8-53.12(c) require victim advocacy services to also be confidential within jails.

What can victim advocates send in the mail? How many pieces of paper, etc.?

How does the facility handle legal mail?

Consider a facility may not allow staples, paper clips, etc. for safety and security reasons.

Does the location of the phones in the jail allow for confidential services? When are inmates allowed to use the phones? Does the phone vendor allow for anonymous, free, and unmonitored phone calls?

Ask the jail about the classification system used for housing inmates. Are they able to provide any protective custody for inmates who might feel in danger? How do they house inmates that identify as transgender?

Who is the mental health provider at the facility? How can the RCC provide information to and contact the mental health provider? How can the RCC support the work of the mental health provider in regard to serving victims of sexual abuse and sexual harassment?

Ask if the facility has a training program for volunteers or program facilitators. Request information on how to attend the training program.

Touring the Rape Crisis Center

Touring the local rape crisis center, or a similar victim services agency, is a great opportunity to understand the RCCs existing victim response strategy and the services offered to victims. Rape crisis services are created locally, therefore their competency, capacity, and resources are different. However, their major purpose is providing victim advocacy and support services to sexual violence survivors. They may be attached to a domestic violence shelter or other social service agency, and they may provide more services than the core, but their focus is on supporting survivors and eradicating sexual violence.

Questions and Considerations for your RCC Tour

What types of services does the agency provide to victims of sexual assault? Are you a dual-agency providing services for both domestic violence and sexual assault victims? Are there any age limitations to services provided at the facility?

Do you currently have MOUs with a Sexual Assault Nurse Examiner or Sexual Assault Forensic Examiner?

Do you currently have a community Sexual Assault Response Team (SART)?

Could the PREA Coordinator from the jail join the SART?

Do you currently have MOUs with any other confinement facilities or are you providing services to inmates? What services do you provide for custodial facilities? Are there any reservations or concerns regarding providing services to inmates?

Inquire about possible reservations advocates may have to serving victims in confinement.

How does the agency provide medical accompaniment to forensic exams? Does the agency provide informational publications to the victims during medical exams? Would you identify specific advocates to provide accompaniment services?

What training is required of volunteers and new staff? Does the current training include PREA information? If not, would you be willing to include information regarding PREA in the training? Request information on how to attend the training required for victim advocates.

Would your agency provide additional training such as professional interactions with lesbian, gay, bisexual, transgender, and intersex individuals?

Cross-Training

Victim Advocate Training

Similar to detention officer certification requirements, North Carolina state law requires victim advocates to complete a minimum amount of training (**N.C. Gen. Stat. §8-53.12**). Many rape crisis centers hold multiple trainings throughout the year to train new volunteers and new staff. These trainings generally cover topics such as crisis intervention, crisis response, and impacts of sexual trauma. Victim advocate trainings are perfect opportunities to cross-train jail staff on the existing response of the rape crisis center and general information about sexual abuse and sexual harassment. Training sections specific to advocacy involving incarcerated victims could easily be implemented to advocate trainings or continuing education trainings.

Participation from both perspective advocates and current detention officers lends to a more coordinated response toward any sexual abuse or sexual harassment within the custodial setting. Introducing a PREA block into training would allow the participation of corrections officials and continue building relationships between the agencies.

Following training, invite feedback from all training participants about their cross-training experience. It is especially important to gather feedback, either verbal or written, from the jail staff and others in attendance to understand where knowledge increased, where there are gaps, and what can be improved in the future.

Jail Contractor and Volunteer Training

Under PREA, jails shall train contractors, vendors, and volunteers of the facility on the zero-tolerance policy, mandatory reporting, and reporting procedures relating to sexual abuse and sexual harassment reports (**28 CFR 115.32, 2012**). Contractor and Volunteer Training is a great starting-point to cross-train a rape crisis center staff and advocates on the existing response to sexual abuse and sexual harassment in the jail.

Following training, invite feedback from all training participants about their cross-training experience. It is especially important to gather feedback, either verbal or written, from the victim advocates attending the training to understand where training can be improved for the future. An available resource for contractor and volunteer training is the PREA Volunteer and Contractor Training through Just Detention International on the PREA Resource: Tools webpage.

Build Relationships with Leadership

“The success of the PREA standards in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse. Effective leadership and culture cannot, of course, be directly mandated by rule. Yet implementation of the standards will help foster a change in culture by institutionalizing policies and practices that bring these concerns to the fore” (28 C.F.R. 115, 2012).

As stated above in the PREA Standards, leadership support is critical. Building relationships with partner agencies must extend beyond the staff coordinating services and reach the leadership level. Supportive involvement of leadership contributes to effective systems and processes. To establish a relationship that involves agency leadership, there are a few suggestions to keep in mind.

- Be diligent. Leadership staff at rape crisis centers and jail administration are often very busy. If your contact is not answering emails, try calling. If phone calls are not working, try visiting their office. Bring them a cup of coffee when you go.
- Along with the items you want to discuss with leadership, point out the responsibilities of each agency to victims of sexual abuse and sexual harassment. Ask how your agency can help meet the needs of their facility.
- Bring solutions to the table and multiple methods to achieve the solution.

Memorandum of Understanding

Approaching PREA compliance will require energy and resources. If jails and rape crisis centers work together to assess needs, inventory existing responses, and identify some areas that already meet PREA standards, then the team should be able to identify some areas that are being covered. When establishing a new memorandum of understanding (MOU) with a local jail or a rape crisis center, there are a few suggestions to keep in mind. Template MOUs are provided in the resources section.

Start small with the MOU. Highlight ways to meet PREA standards and the agency’s needs by utilizing the existing work of rape crisis centers and jails. For instance, the rape crisis centers already provide victims advocacy and hospital accompaniment to forensic medical exams. These existing services should be extended to victims in confinement.

Be specific about roles. Define roles and delegate responsibilities between agencies (*rape crisis center will..., detention center will...*). Decide the type of information and to what detail the rape crisis center is willing to release to the jail and vice versa.

Train all jail staff and rape crisis center staff on reporting and resource-access. Remember to emphasize cross-training throughout the relationship.

Revisit, Revise, Review. Most importantly, regarding MOUs, allow for the MOU to be reviewed and revised. The most effective MOUs do not remain stagnant. This is particularly important to assess the progress of new

MOUs, but review is relevant to all MOUs. Establish a practice between the agencies of reviewing and revising on an annual basis. Due to the high-rate of turn-over in jails and rape crisis centers, reviewing current contracts remains a priority. To maintain effective, PREA compliant practices agencies must ensure the systems are running smoothly and must be able adjust the agreements as needed.

MOUs with Rape Crisis Centers

With respect to the PREA requirements, there is guidance on agreements with confidential support services. The rape crisis center and jail shall create an MOU include, at minimum, mail correspondence between victim advocates and inmates. Additional services should include telecommunications, in-person support services, counseling services, accompaniment during medical exams and throughout investigations (**28 CFR §115.53**).

To maintain assessment of current MOUs, on-going correspondence and communication between the PREA coordinator and a designee within rape crisis center is critical. As an assessment of services provided, the rape crisis center should share information such as how many individuals utilized services within the past year, the number of letters written to inmates, how many letters requested services within bounds of services and how many without. Due to confidentiality, the extent to which rape crisis centers share information regarding services used will be extremely limited. However, an anonymous monitoring of services informs both sides as to the needs of victims in the local jail.

MOUs with Other Partner Agencies

This manual prioritizes the relationship between the local jail and rape crisis center, however we recognize the support services in the PREA standards extend to other community partnerships. Addition to providing confidential support services, jails are also required to provide inmates:

- Access to emergency medical and mental health services (§115.82),
- Evidence protocol and forensic medical exams (§115.21),
- Ongoing medical and mental health care for victims and abusers (§115.83) and,
- Policies to ensure referrals of allegations for investigations (§115.22).

Establishing MOUs with other partner agencies varies in practice. Local rape crisis centers will likely not be able to provide guidance on establishing MOUs with other partner agencies. Finally, all MOUs created may be submitted to the PREA Resources Center and to the PREA Advocacy and Advisory Board (PAAB) of NCCASA to ensure that the agreement meets PREA standards.

FAQs

Am I safe in jail?

Victim advocates should understand that safety and security within a jail are prioritized for all individuals entering the facility. Please keep in mind that jails are completely controlled environments including the designated mental health and medical service areas. Responding to victims in the jail, while at the jail, is significantly more secure than transporting the inmate to a hospital and providing services at the hospital. Touring the local facility is an important step to demystifying the belief that jails are unsafe for victim advocates.

Hey, they are just volunteers. Why should I work with them?

Both agencies are required by general statutes to be qualified for their professional roles. It is imperative that we recognize that both jail staff and victim advocates have minimal requirements, such as training requirements, to be professional entities. The understanding of each role will benefit the mutual prioritization of preventing, detecting, and responding to sexual abuse and sexual harassment in jails.

What if an inmate misuses services?

Misuse of services occurs when working with victims outside of jails and inside of jails. Training for victim advocates, specify on limitations of services and communicating boundaries, will prepare individual for such a scenario. If misuse of service occurs, victim advocates should address the issue, explain the scope of services, and maintain that boundary throughout the duration of contact with the victim. If an individual continues to misuse services all advocates have the right to end communications whether written, phone, or in-person.

Can rape crisis centers be used as outside reporting agencies §115.54?

Victim advocates are covered by North Carolina General Statute §8-53.12(c). This requires a release of information which is not quickly attainable and is not attainable without explicit release from the inmate. Such a release would also hinder investigative processes.

What about audits?

In order to be in full compliance with the PREA standards, an agency must complete an audit (**28 CFR §115.401**). Questions regarding audits should be discussed with the National PREA Resource Center, which is a resource for any other question your agency might have about PREA.

Glossary

General definitions in 28 CFR §115.5

For purposes of this part, the term—

Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.

Agency head means the principal official of an agency.

Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.

Detainee means any person detained in a lockup, regardless of adjudication status.

Direct staff supervision means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

Employee means a person who works directly for the agency or facility.

Exigent circumstances means any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals.

Facility head means the principal official of a facility.

Full compliance means compliance with all material requirements of each standard except for *de minimis* violations, or discrete and temporary violations during otherwise sustained periods of compliance.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

Inmate means any person incarcerated or detained in a prison or jail.

Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.

Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.

Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.

Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.

Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified medical practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A “qualified mental health practitioner” refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.

Prison means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.

Resident means any person confined or detained in a juvenile facility or in a community confinement facility.

Secure juvenile facility means a juvenile facility in which the movements and activities of individual residents may be restricted or subject to control through the use of physical barriers or intensive staff supervision. A facility that allows residents access to the community to achieve treatment or correctional objectives, such as through educational or employment programs, typically will not be considered to be a secure juvenile facility.

Security staff means employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Staff means employees.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

Youthful inmate means any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

Youthful detainee means any person under the age of 18 who is under adult court supervision and detained in a lockup.

Resources

North Carolina Coalition Against Sexual Assault (NCCASA)

Since 2013 NCCASA PREA Team has maintained and updated a PREA Resource Page <http://www.nccasa.org/cms/resources/prison-rape-elimination-act-prea>. The page includes its vision of a systematic sustainable approach to PREA advocacy services.

NCCASA PREA Webinars

Over a dozen webinars regarding PREA are published on the [NCCASA website](#). Webinars cover topics such as inmate information brochures, training advocates, providing services behind bars, and understanding the culture of North Carolina jails. New webinars are added several times a year and topics maintain relevance to issues being discussed statewide.

National Sexual Assault Coalition Resource Sharing Project

The Resource Sharing Project is part of a national movement of sexual violence-related services and resources. Work to end sexual violence and support survivors happens at the local, state and national level in the U.S. <http://www.resourcesharingproject.org/>

Just Detention International

Just Detention International (JDI) is a health and human rights organization that seeks to end sexual abuse in all forms of detention. JDI offers a wealth of [PREA resources](#). JDI supports corrections officials in protecting the human rights of inmates by providing resources to assist their facilities in combating sexual abuse and sexual harassment. JDI has developed educational videos, webinar trainings, sexual assault response team (SART) toolkits, and other tools designed to help corrections agencies comply with the Prison Rape Elimination Act (PREA) standards and keep inmates safe.

The National PREA Resource Center

The PRC serves as a central repository for the best research in the field on trends, prevention, and response strategies, and best practices in corrections. Technical assistance and resources are available through the PRC's coordinated efforts with its federal partners, and the PRC will take the lead in helping the corrections field to implement the Department of Justice's national PREA standards. The PRC is a cooperative effort with a broad coalition of organizations with expertise and resources in the fields of corrections, law enforcement, victims' services, and sexual abuse prevention and response. <https://www.prearesourcecenter.org/>

Helpful websites

[North Carolina Jail Administrators' Association](#)

[Bureau of Justice Statistics, https://www.bjs.gov](https://www.bjs.gov)

[National Institute of Corrections, https://nicic.gov](https://nicic.gov)

[National Resource Center on Violence, VAWNet, https://vawnet.org/search?search=prison](https://vawnet.org/search?search=prison)

[National Sexual Violence Resource Center, https://nsvrc.org/](https://nsvrc.org/)

PREA Advocacy & Advisory Board

Robin Colbert, NCCASA
Brynn Fann, NCCASA
Kristen Howe, NCCASA

NC Council for Women & Youth Involvement
NC Department of Public Safety PREA Office

Region A (Western)

Ashe County Partnership for Children /A Safe Home for Everyone (ASHE)
Our Voice, Inc.
Buncombe County Detention Facility
Macon County Sheriff's Office
Safe, Inc. of Transylvania County

Region B (Northwestern)

Orange County Rape Crisis Center
Crossroads SA Response & Resource Center

Region C (Southwestern)

Safe Alliance
Mecklenburg County Sheriff's Office
Esther's House

Region D (Central)

Durham Crisis Response Center
Interact

Region E (Southeastern)

Families First, Inc.
Promise Place
Carteret County Rape Crisis Program
Rape Crisis Center of Coastal Horizons Center, Inc.

Region F (Northeastern)

REAL Crisis Intervention, Inc.
My Sister's House

PREA Advocacy & Advisory Board Responsibilities

Purpose: In Collaboration with NCCASA, Develop the Partnership, Process, and Preparation needed for PREA Implementation & Victim Advocacy Services

Members: Local Rape Crisis Centers, Correction Officials, Allied Professionals

Responsibilities: Program Development and Training Consultation

- Provide guidance to RCCs, Correction Officials, Allied Professionals and to Community Organizations.
- Assist in educational & training needs that include but not limited to, workshops, roundtables, seminars, trainings & presentations
- Create samples of standardized forms, letters, and other resource documents
- Collect and provide NCCASA with local and region information for the purposes of determining needs and work collaboratively with NCCASA to advocate for change.
- Engage in systems advocacy as needed for individuals and groups.
- Remain current on local, regional, state, and federal resources.

Template MOU for Small Jails and Victim Service Providers

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the “Agreement”) is entered into this _____ day of MONTH, YEAR by and between the JAIL NAME and VICTIM SERVICE AGENCY. This document establishes guidelines for the provision of victim services to inmates in the custody of JAIL NAME who have been sexually abused or harassed.

I. UNDERSTANDING, AGREEMENTS, SUPPORT AND RESOURCE REQUIREMENTS:

A. The JAIL NAME agrees to:

- 1) Make involvement of certified rape crisis counselors a component of the standard response to a report of sexual assault and/or a request for help from a survivor of sexual assault;
- 2) Offer survivors the opportunity to speak with an advocate following a report of sexual abuse or sexual harassment, or at the inmate’s request;
- 3) Allow survivors to speak with an advocate confidentially in person or by phone;
- 4) Contact VICTIM SERVICE AGENCY with any questions related to sexual violence or for consultation about a specific, non-acute case;
- 5) Allow an advocate to be present during the forensic examination and investigative interviews if desired by the survivor.
- 6) Understand and respect the nature of privileged communication between the advocate and survivor. No information regarding client/advocacy communication shall be shared with JAIL NAME staff without informed, written, time-limited consent from the survivor;
- 7) Facilitate follow-up, whenever possible, between the survivor and the advocate;
- 8) Ensure that VICTIM SERVICE AGENCY advocates and staff are cleared to enter the facility for meetings, training sessions, or other program activities;
- 9) Provide cross training for VICTIM SERVICE AGENCY staff;
- 10) Communicate any questions or concerns to NAME at VICTIM SERVICE AGENCY;
- 11) Facilitate the placement of informational placards regarding the availability of VICTIM SERVICE AGENCY services in areas visible to inmates.

B. VICTIM SERVICE AGENCY agrees to provide the following service free of charge to survivors of sexual abuse or sexual harassment at JAIL NAME:

- 1) Provide immediate advocacy, support, and crisis intervention to inmate survivors via the hotline;

- 2) Respond in person to the jail, whenever possible, to provide additional advocacy, emotional support, and information to survivors;
- 3) Provide follow-up services and continued individual advocacy and support to survivors of sexual assault at the JAIL NAME, as resources allow;
- 4) Inform the survivor of the right to have a victim advocate to present during the medical forensic exam, investigative interviews and any possible court hearings and provide said accompaniment if desired by the survivor;
- 5) Answer survivors' questions about the medical forensic exam and investigative process and accompany the survivor during the medical forensic exam, if desired;
- 6) Provide information about follow-up services to the inmate survivor, including referrals to appropriate entities for additional information;
- 7) Communicate any questions or concerns to STAFF MEMBER at JAIL NAME.

II. TERM OF MOU:

This Agreement shall become effective on the date that it is executed by all parties, and shall expire X NUMBER OF YEARS after the date of execution.

III. RENEWAL OF MOU:

This Agreement may be renewed with the agreement of all parties named herein upon the same terms and conditions.

IV. MOU TERMINATION:

This Agreement may be terminated by either party, with or without cause, upon no less than thirty (30) calendar days' written notice, without cause.

V. SIGNATURES: The signatures below attest to this mutual agreement:

JAIL NAME:

By : _____
 TITLE
 JAIL NAME

VICTIM SERVICE AGENCY:

By: _____
 TITLE
 VICTIM SERVICE AGENCY

Template developed by Just Detention International. This project was supported by Grant No. 2012-RP-BX-0001 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. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. For sample MOUs, contact Just Detention International at info@justdetention.org or by phone at (213) 384-1400.

Letter Template

Dear Survivor:

Thank you for contacting the *(AGENCY NAME)*, *(AGENCY MISSION)*. I am sorry to hear you have been sexually abused in *(PRISON/JAIL)*. Please know that it was not your fault. I hope the information that I have enclosed will be helpful to you.

In your letter, you wrote about how you feel. I am sorry to hear that you are going through so much. I hope it might comfort you to know that these are very common trauma reactions and you are not alone in feeling this way. Many survivors have similar feelings after a sexual assault, particularly if they face more abuse or are denied the care they need. The enclosed brochure/handbook has more information on common reactions to sexual abuse and how you can cope with your feelings.

In the meantime, you can make an appointment for telecounseling* with *[RAPE CRISIS CENTER]*. Please know that it is possible to heal, your feelings matter, and you don't have to go through this process alone. You are an important part of the right to end sexual abuse and have already helped just by having the courage to share your story.

Sexual abuse in detention, whether committed by staff or by another inmate, violates international human rights law, the U.S. Constitution, and state law. Abuse can take many forms and involve any type of sexual harm or exploitation, threats of sexual violence, attempted rape, sexual abuse, sexual slavery, sex in exchange for protection, and other forms of coerced or unwanted sexual contact. It can occur anytime whether someone is in custody, on probation or parole or in a prison, jail, halfway house, juvenile facility, immigration detention center, or police lockup.

No matter what crime you may have committed, rape is not part of the penalty. You have the right to be free from sexual abuse.

In accordance with NC Privilege Communication Statute §8-53.12, the information you share with *[RAPE CRISIS CENTER]* is confidential unless you waive the privilege conferred. We will not share anything you tell us with anyone else without your informed written consent. However, limitations to your confidentiality are records subject to court order legal subpoena, abuse or neglect of a child, or if you inform us that you intend to harm yourself or someone else.

Please let me know if you have any questions or if you would like additional information.

I wish you all the best.

Signature

*only include if applicable

North Carolina Rape Crisis Centers and Jails by County

*notes agencies serving multiple counties

County	Rape Crisis Center	Jail
Alamance	Crossroads SA Response & Resource Center	Alamance County Detention Center
Alexander	Shelter Home of Caldwell County, Inc.*	Alexander County Detention Center
Alleghany	Alleghany Partnership for Children D.A.N.A	Alleghany County Detention Center
Anson	Anson County DV Coalition, Inc.	Anson County Jail
Ashe	A Safe Home for Everyone (ASHE)	Ashe County Detention Center
Avery	OASIS, Inc.*	Avery County Jail
Beaufort	REAL Crisis Intervention, Inc.*	Beaufort County Detention Center
Bertie	Roanoke-Chowan S.A.F.E*	Bertie-Martin Regional Jail*
Bladen	Families First*	Bladen County Jail
Brunswick	Rape Crisis Center of Coastal Horizons Center, Inc.*	Brunswick County Detention Center
Buncombe	Our VOICE, Inc.	Buncombe County Detention Center
Burke	Options, Inc.	Burke-Catawba District Confinement Facility*
	Options, Inc.	Burke County Jail
Cabarrus	Esther House*	Cabarrus County Detention Center
Caldwell	Shelter Home of Caldwell County, Inc.*	Caldwell County Detention Facility
Camden	Albemarle Hopeline, Inc.*	N/A
Carteret	Carteret County Rape Crisis Program	Carteret County Detention Center
Caswell	Crossroads SA Response & Resource Center, Inc.	Caswell County Detention Center
Catawba	Family Guidance Counseling Services	Burke-Catawba District Confinement Facility*
	Family Guidance Counseling Services	Catawba County Detention Facility
Chatham	Family Violence and Rape Crisis Center	Chatham County Detention Center
Cherokee	REACH of Cherokee County	Cherokee County Detention Center
Chowan	Albemarle Hopeline, Inc.*	Chowan County Detention Facility
Clay	REACH of Clay County	Clay County Detention
Cleveland	Cleveland County Abuse Prevention Council, Inc.	Cleveland County Detention Center
	Cleveland County Abuse Prevention Council, Inc.	Cleveland County Jail Annex
Columbus	Families First*	Columbus County Detention Center
Craven	Promise Place*	Craven County Jail
Cumberland	Rape Crisis Volunteers of Cumberland County	Cumberland County Jail & Detention
Currituck	Albemarle Hopeline*	Currituck County Detention Center
Dare	Outer Banks Hotline	Dare County Detention Center
Davidson	Family Services of Davidson County, Inc.	Davidson County Detention Facility
Davie	Davie DV Services and Rape Crisis Center	Davie County Detention Center
Duplin	S.A.F.E in Lenoir County*	Duplin County Jail
Durham	Durham Crisis Response Center	Durham County Detention Facility
Edgecombe	My Sister's House*	Edgecombe County Detention Center

Forsyth	Family Services, Inc.	Forsyth County Detention Center
Franklin	Safe Space	Franklin County Detention Center
Gaston	Phoenix Counseling Center*	Gaston County Detention Center
Gates	Roanoke-Chowan S.A.F.E.*	N/A
Graham	Center closed at time of publication	Graham County Jail
Granville	Families Living Violence Free	Granville County Jail
Greene	S.A.F.E in Lenoir County*	Greene County Detention Center
Guilford	Family Services of the Piedmont	Guilford County Sheriff's Department
Halifax	Hannah's Place	Halifax County Jail
Harnett	S.A.F.E of Harnett County, Inc.	Harnett County Detention Center
Haywood	REACH of Haywood County	Haywood County Detention Center
Henderson	Safelight, Inc.	Henderson County Detention Center
Hertford	Roanoke-Chowan S.A.F.E.*	Hertford County Detention Center
Hoke	Hoke County DV and SA Center, Inc.	Hoke County Detention Facility
Hyde	Hyde County Hotline	Hyde County Jail
Iredell	My Sister's House*	Iredell County Detention Center
Jackson	REACH of Macon County*	Jackson County Detention Center
Johnston	Harbor, Inc.	Johnston County Jail
Jones	Promise Place*	Jones County Jail
Lee	HAVEN in Lee County	Lee County Jail
Lenoir	S.A.F.E in Lenoir County	Lenoir County Jail
Lincoln	Phoenix Counseling Center*	Lincoln County Detention Center
Macon	REACH of Macon County	Macon County Detention Center
Madison	My Sister's Place	Madison County Jail
Martin	REAL Crisis Intervention, Inc.*	Bertie-Martin Regional Jail*
McDowell	Family Services of McDowell County	McDowell County Sheriff's Office
Mecklenburg	Safe Alliance, Inc.	Mecklenburg County Sheriff's Office
Mitchell	Mitchell County Safe Place, Inc.	N/A
Montgomery	Randolph County Family Crisis Center*	Montgomery County Detention Center
Moore	Friend to Friend	Moore County Detention Center
Nash	My Sister's House*	Nash County Detention Facility
New Hanover	Rape Crisis Center of Coastal Horizons Center, Inc.*	New Hanover County Detention Center
Northampton	Roanoke-Chowan S.A.F.E.*	Northampton County Detention Center
Onslow	Onslow Women's Center, Inc.	Onslow County Detention Center
Orange	Orange County Rape Crisis Center	Orange County Jail
Pamlico	Promise Place*	Pamlico County Jail
Pasquotank	Albemarle Hopeline, Inc.*	Albemarle District Jail*
Pender	Rape Crisis Center of Coastal Horizons Center, Inc.*	Pender County Jail
Perquimans	Albemarle Hopeline, Inc.*	Albemarle District Jail*
Person	Safe Haven of Person County	Person County Detention Center
Pitt	REAL Crisis Intervention, Inc.*	Pitt County Detention Center

Polk	Steps to HOPE	Polk County Sheriff's Office / Jail
Randolph	Randolph County Family Crisis Center	Randolph County Jail
Richmond	New Horizons Life & Family Services	Richmond County Jail
Robeson	Rape Crisis Center of Robeson County	Robeson County Detention Center
Rockingham	Help, Inc. Center Against Violence	Rockingham County Jail
Rowan	Family Crisis Council of Rowan	Rowan County Detention Center
Rutherford	Family Resources of Rutherford County	Rutherford County Detention Center
Sampson	U Care, Inc.	Sampson County Detention Center
Scotland	DV & Rape Crisis Center of Scotland County	Scotland County Jail
Stanly	Esther House	Stanly County Jail
Stokes	Stokes County Domestic Violence and Sexual Assault	Stokes County Jail
Surry	Surry County Domestic Violence and Sexual Assault	Surry County Detention Center
Swain	Swain/Qualla SAFE	Swain County Jail
Transylvania	SAFE, Inc. of Transylvania County	Transylvania County Detention Center
Tyrell	Tyrell County Inner Banks Hotline	Tyrell County Sheriff's Office
Union	Turning Point, Inc.	Union County Jail
Vance	Infinite Possibilities*	Vance County Detention Center
Wake	InterAct	Wake County Detention Division
Warren	Infinite Possibilities*	Warren County Detention Facility
Washington	REAL Crisis Intervention, Inc.*	Washington County Jail
Watauga	OASIS, Inc.*	Watauga County Detention Center
Wayne	Wayne Uplift DV Program	Wayne County Detention Center
Wilkes	SAFE of Wilkes County	Wilkes County Jail
Wilson	Wesley Shelter, Inc.	Wilson County Detention Center
Yadkin	Yadkin County Domestic Violence and Sexual Assault	Yadkin County Jail
Yancey	Family Violence Coalition of Yancey County	Yancey County Detention Center

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