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**PREA 115.21: Focus on
Collaborations
Webinar**

November 21, 2019
2:00 – 3:30 PM ET

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Welcome and Introductions



Michelle Duhart
Senior Project Manager

The National Prison Rape Elimination
Act Resource Center (PRC)

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The National PREA Resource Center

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents and services to victims and their families.

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The International Association of Forensic Nurses

- IAFN supports the work of forensic nurses who provide specialized healthcare for patient's impacted by violence and trauma.
- Victims of violence can have acute, short- and long-term health consequences.
- Forensic nurses have the knowledge and expertise to improve patient outcomes and lower healthcare costs.




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Logistics

Technical Support

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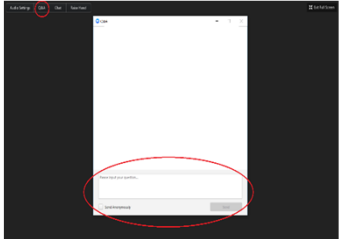

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Submitting Questions

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

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Objectives

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

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Presenters




Monica DiGiandomenico
Senior Program Specialist

The National Prison Rape Elimination Act Resource Center

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Presenters




Susan Chasson, MSN, JD, SANE-A
Statewide SANE Program Manager, Utah Coalition Against Sexual Assault

President, International Association of Forensic Nurses


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Presenters



Kim Day, RN, SANE-A
Forensic Nursing Director
International Association of Forensic Nurses



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POLL QUESTIONS





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Poll Question 1

Where do you work?

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






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Poll Question 2

Use the chat box to tell us:


What motivated you to join the webinar today?

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Some Notes About Language


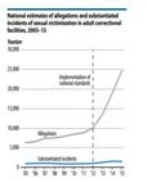
- 'Confinement settings,' and 'corrections facilities,' reference a broad range of corrections facilities
- 'Correctional staff' refer to a broad range of people who work in such settings
- 'Victim,' 'survivor,' and 'patient' refer to people who have been sexually abused or sexually harassed




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Sexual Victimization in Correctional Facilities

- Correctional administrators reported 24,661 allegations of sexual victimization in prisons, jails, and other adult correctional facilities in 2015.
- An estimated 1,473 allegations were substantiated.
- More than half (58%) of substantiated incidents of sexual victimization in 2015 were perpetrated by inmates, while 42% were perpetrated by staff members.

Source: Bureau of Justice Statistics (2018), "Sexual Victimization in Correctional Facilities, 2012-2015"




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Prison Rape Elimination Act of 2003

Purpose: This rulemaking is to prevent, detect, respond, deter, and monitor sexual abuse in confinement facilities.

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




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Key Principles

PREA Standards Apply To:

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

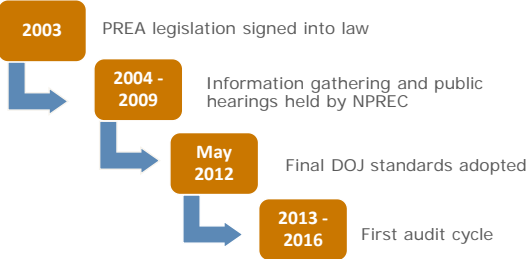


PREA standards are the floor but facilities are encouraged to do more.

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Key PREA Milestones



2003 PREA legislation signed into law

2004 - 2009 Information gathering and public hearings held by NPREC

May 2012 Final DOJ standards adopted

2013 - 2016 First audit cycle

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Overview of the PREA Standards

§115.5 General Definitions

Confined Individuals are:

- Inmates in prisons and jails
- Detainees in lockups
- Residents of juvenile or community confinement facilities

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Overview of the PREA Standards Continued

Standard 115.6 includes definitions related to sexual abuse

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

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PREA Standards

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

**The standards are numbered to help differentiate the correctional settings to which they apply*

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Evidence Protocol and Forensic Medical Examinations (§115.21)

Purpose

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



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Coordinated Response

Recognize that sexual abuse is a critical incident:

Requires a multidisciplinary team

- Staff first responders
- Medical and Mental Health practitioners
- Agency/Facility Investigators
- Law Enforcement Agency
- Facility leadership
- Community Advocate Partnerships
- Sexual Assault Rape Team (SART)
- Certified Medical Forensic Examiners



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Applying the PREA Standards

Uniform Evidence Protocol

- To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- Protocol should be based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication. "A National Protocol for Sexual Assault Medical Forensic Examinations, for Adults/Adolescents."
- If this national protocols is not used a similarly comprehensive and authoritative protocols developed after 2011 can be used.



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Applying the PREA Standards

Implementation

- The agency **shall offer** all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility
- **Without** financial cost to the victim
- Examinations **shall** be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible



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Evidence Protocol and Forensic Medical Examinations (§115.21)

Implementation

- Agencies **must offer** victims access to an advocate for support during the examination process **and** any investigatory interviews
- Facilities **shall attempt** to make available a victim advocate from a rape crisis center to provide confidential support services



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Providing a Victim Advocate

- If a rape crisis center is not available to provide victim advocate services,
- The agency **shall** make available to provide these services with a qualified staff member from a community-based organization **or** a qualified agency staff member from the facility.



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Who Is Qualified?

- A qualified agency staff member **or** a qualified community-based staff member **shall** be an individual who **has been screened for appropriateness** to serve in this role and **has received education** concerning sexual assault and forensic examination issues in general.
- The staff member must be trained on support, crisis intervention, information and referrals, interpretation or translation, and advocacy to ensure those victims' interests are represented, their wishes respected, and their rights upheld.

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Core Components of 115.21

Documentation

- The agency **shall document** its efforts to provide forensic examinations.
- Agencies **shall document** efforts to secure services from rape crisis centers.

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Examples of Documentation

- Documentations should demonstrate the agencies efforts to secure services from community-based advocates.
- Documentation related to access to forensic exams, which may include reviewing an agreement with a hospital that has a SAFE or SANE program or other documentation showing attempts to identify and engage a SAFE or SANE program.
- If no SAFE or SANE program exists in the area or if the facility has been unsuccessful in engaging the local program, an alternative plan should be devised by the facility to ensure access to forensic exams.

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PREA Standards: Community Relationships & Partnerships

- Inmate/resident access to outside confidential support services
✓ 115.53/.253/.353
- Coordinated Response
✓ 115.65/.165/.265/.365
- Inmate/resident/detainee access to emergency medical services
✓ 115.82/.182/.282/.382
- Inmate/resident/ detainee ongoing medical and mental health care for sexual abuse victims and abusers
✓ 115.83/.283/.383

**The standards are numbered to help differentiate the correctional settings to which they apply*



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§115.21 Compliance

The best way to ensure adherence to this standard is:

- ✓ Keeping up with national standards regarding the collection and timeframes for collecting various types of evidence is important;
- ✓ Developing a coordinated response and victim centered approach;
- ✓ Partnering with local service providers, and advocacy groups, who can help develop and tailor your sexual assault response to a correctional setting
- ✓ Documentation of services (as well as attempts)



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Collaborating Efforts





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Foundations/Goals: Being Victim-Centered

Victims/Patients should have:

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

Source: Recommendations for Administrators of Prisons, Jails and Community Confinement Facilities for Adapting the U.S. DOJ National SAFE Protocol, 2013



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Foundations/Goals: Being Victim-Centered

Institutions should have:

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

Source: Recommendations for Administrators of Prisons, Jails and Community Confinement Facilities for Adapting the U.S. DOJ National SAFE Protocol, 2013






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§115.21- A Uniform Protocol

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



- Follow a uniform evidence protocol
- Maximize potential evidence

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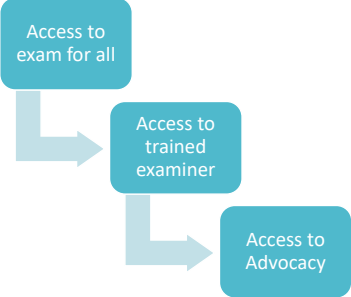


§115.21- Following National Protocols

(b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.



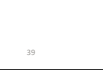

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Standard 115.21(c)

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Exam Access- Where can the exam be done?



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Poll Question 3: If you are Corrections Staff...

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

WHERE?

Please respond via chat



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Poll Question 4: If you are a SANE program...

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

WHERE?

Please respond via chat

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Finding Exam Sites: www.iafn.org



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Search SANE Program Listing

Country:

State:

Program Name:

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Poll Question 5: Everyone...

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

Please respond via chat

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State & Territory Sexual Assault Coalitions

Home > Find Resources > Advocates & Educators > Directory of Organizations

Directory of Organizations

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

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

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**Who should be doing the exam?
§115.21(c)**

- SANE: Sexual Assault Nurse Examiner
- SAFE: Sexual Assault Forensic Examiner

- FNE: Forensic Nurse Examiner
- SAE: Sexual Assault Examiner
- SAMFE: Sexual Assault Medical Forensic Examiner

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What is a SANE?

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

SANE Program Development and Operation Guide
<https://www.ovcttac.gov/saneguide/introduction/what-is-a-sane/>



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The Role of the SANE

- Health care **professionals** responsible for the care of the patient
- The **bridge** between the criminal justice system and the health care system
- We **advocate** for the patient's health care needs – physical and psychological



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What Does the SANE/SAFE Provide?



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



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The Role of the Advocate

- Provide patient support, intervention and related assistance during the exam process
- May be community-based rape crisis center OR in some cases may be system based
- If a rape crisis center is not available, a 'qualified staff person' from a community-based organization may be designated in this role



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Confidentiality

"Privilege"





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Collaboration

- Team members should be identified
- Roles of team members need to be delineated and understood by everyone
- Protocols should be developed with the input of all team members





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Exam Access, Examiners, Advocates

Who do you collaborate with?

Please respond via chat



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Stumbling Blocks

the only difference between stumbling blocks and stepping stones is the way we use them








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Overcoming Stumbling Blocks

- Provide sufficient orientation
- Create a process for handling conflict or challenges up front
- Review, Respond, and Revise



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For more information on the National SAFE Protocols, or for questions/help with the medical forensic exam or creating a protocol

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PRC Resources

- **Frequently Asked Questions** (FAQs) on the PREA Resource Center (PRC) Website
<https://www.prearesourcecenter.org/frequently-asked-questions>
- **National Standards To Prevent, Detect, and Respond to Prison Rape; Final Rule**
<https://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>
- **PREA Standards in Focus**
<https://www.prearesourcecenter.org/sites/default/files/library/115.21.pdf>
- **Examples of Memoranda of Understanding between community sexual assault advocates and correctional facilities**
<https://www.prearesourcecenter.org/library/search?keys=MOU&cat=All>
- **Making Connections: Linking Community Confinement with Sexual Assault Response Teams Webinar**
<https://www.prearesourcecenter.org/training-and-technical-assistance/webinars/5531/making-connections-linking-community-confinement>

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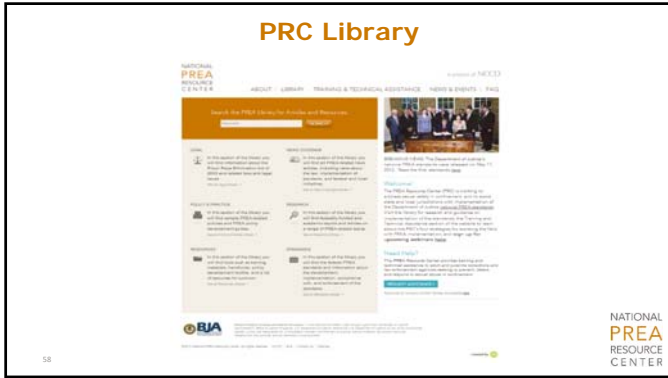
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PRC Resources

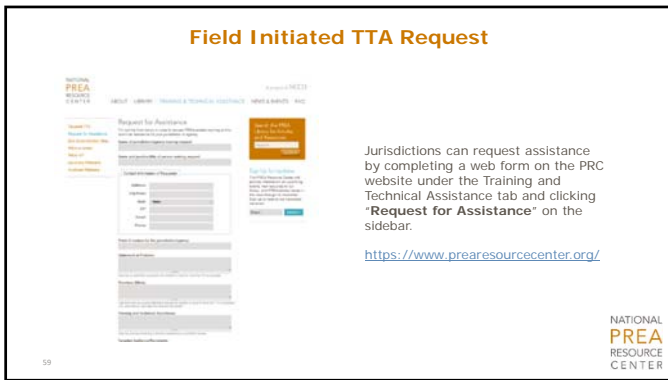
- **The Resource Guide for Survivors of Sexual Abuse Behind Bars** (web-based resource guide), Just Detention International
<https://justdetention.org/service/>
- **National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach**, National Institute of Justice
<https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>
- **A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents, Second Edition**, U.S. Department of Justice, Office on Violence Against Women
<https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>
- **No One Left Behind: Building a Victim Services Program for Incarcerated Survivors of Sexual Abuse**, Just Detention International
<https://justdetention.org/wp-content/uploads/2017/10/jdi-nooneleftbehind-.pdf>

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To ask a question, please visit our [Contact Us](#) page.

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Acknowledgement and Disclosures

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2015-RP-BX-K001 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.

This webinar was also made possible in part by funding provided by an award from the Office on Violence Against Women, U.S. Department of Justice, Grant No. 2016-TA-AX-K008.

The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice or grant-making component.

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Continuing Nursing Education

- The International Association of Forensic Nurses is accredited as a provider of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation.
- The planners, presenters and content reviewers of this presentation disclose no conflicts of interest.
- Upon attending the course in its entirety and completing the course evaluation, nurses will receive a certificate that documents 1.5 hours of nursing continuing education
