Tools for Advocates Working with Incarcerated Victims of Sexual Violence in Wisconsin

Wisconsin Coalition Against Sexual Assault
The Wisconsin Coalition Against Sexual Assault (WCASA) is a statewide non-profit organization created in 1985 to support the work of Wisconsin’s community-based sexual assault service providers (SASPs) and other programs providing intervention and working to end sexual violence. WCASA works in collaboration with communities throughout the state to support existing services to victims/survivors of sexual violence, to plan for the development of new services, to create and support community prevention efforts, and to stimulate community ownership of the issue of sexual violence. WCASA is the state’s central clearinghouse on the issue of sexual violence and related topics, working statewide to address all facets of sexual violence, from public attitudes and awareness, to effective intervention, to public policy. Our mission is to create the social change necessary to end sexual violence.
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Introduction

Advocates have all heard the stereotypes. People provoke a sexual assault by the way they dress or flirt. People who are intoxicated or under the influence have no one to blame but themselves if they are sexually assaulted. A husband or wife cannot be sexually assaulted by their spouse. A gay man enjoys sexual contact with other men regardless of whether it’s consensual or not. And that is just the tip of the iceberg of myths surrounding sexual assault.

Advocates educate their families, friends, colleagues, and communities about power and control dynamics, grooming, victim blaming, and the impact of trauma. They use every opportunity to reinforce that sexual assault is never acceptable under any circumstance.

While advocates have made some progress dispelling these harmful misconceptions, there is a sexual assault myth that has embedded itself so deep into today’s culture that it is accepted as a mainstream joke. “Don’t drop the soap” can be heard on TV shows, in movies, in stand-up comedy routines, and online social media outlets on a regular basis. People laugh because it’s funny…right? Perpetuating the myth that sexual assault in correctional institutions is an inevitable consequence of incarceration is perceived as humorous. Inmates should expect it. Besides, they’re criminals…who cares?

Sexual assault is never acceptable under any circumstance. It is not a laughing matter, nor is it punishment for a crime. Sexual assault is a crime, and it is no more tolerable when its victims have committed crimes of their own. Working with incarcerated victims comes with its own unique challenges; it takes an experienced advocate with a lot of support and a good relationship with correctional institution staff to work with this specialized population.

The first half of this tool is intended to provide knowledge on the background, prevalence, and dynamics of sexual assault, sexual harassment, and staff sexual misconduct in correctional institutions, as well as incarcerated victim responses. The second half of this tool is designed to provide best practice guidelines for advocates who are providing services to incarcerated victims of sexual violence within correctional institutions.

Background

The Prison Rape Elimination Act of 2003 (PREA) is a federal law that was created to eliminate sexual assault in correctional institutions. In addition to providing federal funding for research, programs, training, and technical assistance to address the issue, the legislation mandated the development of national standards. “The Act applies to all correctional and detention facilities, including prisons, jails, juvenile facilities, military and Indian country facilities and Immigration and Customs...
The National Prison Rape Elimination Commission developed national standards for reducing sexual assault in correctional institutions. The final standards became effective on June 20, 2012, when they were published by the U.S. Department of Justice (DOJ) in the Federal Register. More recently, the U.S. Department of Homeland Security (DHS) released proposed standards for DHS correctional institutions.

The PREA Standards are a valuable tool in creating a zero tolerance environment by preventing, detecting, and responding to sexual assault in correctional institutions. For too long, incidents of sexual assault against incarcerated persons have not been taken as seriously as sexual assaults in the outside community. This can have severe consequences for victims, for correctional institutions, and for the safety and well-being of the communities to which nearly all incarcerated persons will eventually return.

Inmates have the right to be free from sexual assault, sexual harassment, and staff sexual misconduct.

Just like responding to a sexual assault in the community, advocates play a vital role in responding to sexual assault in correctional institutions. Section §115.53a of the PREA Standards calls for correctional institutions to allow incarcerated victims to seek confidential support services related to sexual assault by giving inmates mailing addresses and telephone numbers...of local, state or national victim advocacy or rape crisis organizations. In addition, section §115.51b of the PREA Standards requires correctional institutions to allow “inmates to report abuse or harassment to a public or private entity or office that is not part of the agency.”

To help match correctional institutions with community-based advocacy programs, a map of the State of Wisconsin Adult Correctional Institutions is located in Appendix I and a Sexual Assault Service Providers (SASPs) in Wisconsin map can be found in Appendix II.

Prevalence

It is important to understand the scope of sexual violence within correctional institutions to be able to provide high quality advocacy services. The Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12 report highlights the following statistics:

- An estimated 4.0% of state and federal prison inmates and 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.
- About 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.
- Among state and federal prison inmates, 2.0% (or an estimated 29,300 prisoners) reported an incident involving another inmate, 2.4%

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3 ibid
4 ibid
(34,100) reported an incident involving facility staff, and 0.4% (5,500) reported both an incident by another inmate and staff. 5

These may seem like small percentages, but any number above zero is unacceptable. In addition:

- Inmates with serious psychological distress reported high rates of inmate-on-inmate and staff sexual victimization.
- Inmates who reported their sexual orientation as gay, lesbian, bisexual, or other were among those with the highest rates of sexual victimization.
- Inmates held for violent sexual offenses reported higher rates of inmate-on-inmate sexual victimization than inmates held for other offenses. 6

The rate of inmate-on-inmate sexual assault is four times higher in women’s correctional institutions than in men’s. 7 Conversely, male inmates are more likely to experience sexual assault by a corrections staff member. 8

Dynamics

Sexual assault violates a person’s trust, autonomy, and feeling of safety. It occurs any time a person is forced, coerced, and/or manipulated into any unwanted sexual activity. Sexual assault can take the form of nonconsensual or coerced sexual contact, sexual exploitation, sexual harassment, human trafficking, and voyeurism. Sexual assault is a crime. It is motivated by the need to control, humiliate, and harm. Perpetrators use sex as a weapon to dominate and hurt others.

Sexual assaults within correctional institutions can pose unique characteristics and challenges. The name Prison Rape Elimination Act itself may lead people to believe that it only relates to a violent, forced act of penetration, when in actuality the action/behavior applies to any form of sexual assault, sexual harassment, or staff sexual misconduct. In correctional institutions, the following behaviors may be present in both inmate-on-inmate and staff-on-inmate sexual assaults:

- Power and control may be exerted by using a position of authority, dominating behaviors, intimidating behaviors, denying privileges.
- Manipulation and coercion may manifest as quid pro quo demands, offering favors, threatening consequences, bartering, and using sex as a commodity.
- Grooming may be exhibited by horseplay, showing preference, offering favors or special privileges, protective pairing.

Protective pairing may be a new concept for community-based professionals, but it is important to understand. Just Detention International reports that in an adult protective pairing arrangement an older, more experienced, more dominant inmate will partner with a younger, less experienced, submissive inmate. The dominant partner agrees to provide complete protection for his/her partner from further sexual assaults, violence, theft, and other forms of disrespect. The submissive partner has to give up independence and control over his/her own body to his partner for

6 ibid
8 ibid
the price of this protection.9

Protective pairing is never totally voluntary for the submissive partner; it is often coercive, the alternatives are frightful, and it is motivated above all by the need to survive in a place where the submissive partner has been marked as a perpetual target for gang-rape and other forms of assault. While anybody can be a victim of sexual assault in correctional institutions, there are certain factors that may make an inmate more vulnerable. Just Detention International highlights the following inmates as targets for sexual assault:

- Youth inmates
- Lesbian, Gay, Bisexual, Transgendered or Intersex (LGBTI) inmates
- Inmates with a prior history of sexual victimization
- Inmates who are likely to yield to perpetrators’ demands
- Inmates with mental illness10

Inmate perpetrators often possess characteristics contrary to the vulnerability factors listed above. They often have experience in custodial settings, are larger in physical stature, and have a violent criminal history.11

Staff perpetrators may be from any profession or classification, including: correctional officers, teachers, social workers, food service workers, etc. The Bureau of Justice Statistics (BJS) reports that the majority of staff sexual misconduct incidents were perpetrated by females, while the majority of staff sexual harassment incidents were perpetrated by males.12

**Incarcerated Victim Response**

As with a sexual assault victim in the community, there is no such thing as a “typical response” from an incarcerated victim. They will likely experience the same wide range of emotions other victims may feel, including: guilt, shame, denial, fear, anger, anxiety, embarrassment, and frustration. As with other victims, the complex nature of consent can lead to self-blame. Incarcerated victims may comply with unwanted behavior due to sexual coercion, fear of future physical harm, and/or negative consequences such as loss of recreation privileges or denial of family phone calls or visits.

Living in a correctional institution may exacerbate a victim’s response to a sexual assault. Trauma from their victimization may give them feelings of disorientation, confusion, and anxiety, which may make an incarcerated victim unable to follow rules. The lack of control over the environment, including their movement, their personal effects, and their personal space may intensify these feelings. It is also important to recognize that sharing or talking about their feelings may not be safe for them in correctional institutions.

Female victims of sexual assault in correctional institutions may find it especially difficult to adjust to a coercive, invasive, and restrictive environment. The lack of privacy, room

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10 ibid

11 ibid

searches, and body searches may replicate past sexual assault(s). The very nature of the environment may provide constant triggers, which can be any sensory reminder of the trauma (people, sounds, smells, touch, etc.)

Male victims of sexual assault in correctional institutions may feel, or actually may be, unheard and unrecognized as victims. Being acutely aware of the inmate code and their ranking within the walls, they may guard their feelings to mask vulnerability. For male victims whose perpetrator was also male, the victim may fear that if they come forward they will be seen as gay which may increase vulnerability and risk for further victimization.

Important Information to Remember:

- Incarcerated victims experience trauma in the same way a person in the community would. However, traditional options for healing may be limited.
- Incarcerated victims have very little control over their lives, choices, and environment. When in a correctional institution, they are directed when to eat, sleep, and exercise. It is important to give incarcerated victims a feeling of some control where possible.
- Incarcerated victims may be in close proximity to their offender.
- Incarcerated victims may refuse advocacy services.
- Inmates typically do not trust authority figures.
- Some correctional institutions may use segregation or a form of protective custody for weeks or months during sexual misconduct investigations. This can be to protect the incarcerated victim from retaliation.
- Incarcerated victims often feel that if they come forward they will not be believed, especially if the allegation is against a staff person.
- Incarcerated victims may feel reluctant to report for fear that being identified as a victim may make them a future “target” for further victimization due to perceived weakness or vulnerability.
Advocacy in Practice

To deliver high quality advocacy services to incarcerated individuals who have experienced sexual assault, it is important to understand the key disciplines involved and their respective priorities. As advocates, a victim-centered approach is the top priority, while for correctional staff, safety takes precedence. These two mindsets, victim-centered and safety-first, are equally important and can sometimes be in direct conflict with one another.

It is highly recommended that advocates build strong working relationships with correctional staff to provide effective services. This section will provide strategies for building those relationships. Also included in this section are tips specific for working with incarcerated victims, including responding to correctional institutions, answering crisis calls, and Sexual Assault Nurse Examiner (SANE) advocacy.

Building Relationships with Correctional Staff

One of the most vital components of providing quality services to incarcerated victims is building a professional relationship with correctional institution staff. Advocates are highly encouraged to meet with correctional staff for a tour of the facility and guidance on the dynamics of the correctional institution’s environment. Ideally this should happen before services are needed. Creating a Memorandum of Understanding (MOU) is also advised, as this will give a clear outline of the protocol, reporting procedures, expectations, and responsibilities of each participating agency. Confidentiality, privilege, and informed consent should also be clearly defined. Advocates are encouraged to review the MOU and become familiar with the role of the advocate in responding.

It is important to be aware of the distinct roles advocates and correctional staff fulfill and to discuss the reason for the differences. For example, an advocate’s role is to provide services that include: trusting the experience reported by the incarcerated victim, empowering them in their healing, and supporting their self-determined decisions. On the other hand, the primary focus of correctional staff is to maintain the secure care and custody of the inmate, as well as the safety of every person in that correctional institution, including the advocate. These roles and responsibilities may conflict with each other at times. Establishing cooperation and mutual respect with correctional staff from the beginning of the collaboration will greatly enhance advocates’ work with incarcerated victims.

If advocacy services are requested, the correctional institution’s victim services coordinator will most likely be the main point of contact and will assist in arranging for the initial visit with the incarcerated victim. The coordinator will facilitate entry into the correctional institution by handling the
completion of a background check (advocates are encouraged to have this completed in advance if possible), issuing a visitor authorization memo, and scheduling a room to meet in. The advocate should ask whether the room will be a private room or a no-contact booth beforehand.

The victim services coordinator will help coordinate the victim’s future access to an advocate, determine frequency of contact, and continually reevaluate the victim’s needs. It is highly recommended that advocates meet with the victim services coordinator prior to responding to a correctional institution. This will allow advocates the opportunity to tour the facility and learn more about the security procedures of the correctional institution. The advocate may want to ask the victim services coordinator to explain the following:

- If an advocate responds to provide services when the victim services coordinator is not on the grounds, who is the point of contact?
- What are the different security classifications for inmates at the correctional institution and how will those impact the logistics of the visit? Will the inmate be in restraints? Will the inmate be accompanied by a correctional officer? Will the advocate be allowed to meet with the inmate face-to-face?
- Does the correctional institution offer trainings for volunteers/contractors that are available for the advocate to learn more about safety, security, and correctional institution protocols?
- What, if any, items can the advocate bring into the facility? What is a realistic amount of time that an advocate will be at a correctional institution? What is the best time to come? How long will it take to get through security? What happens during correctional institution inmate count? What happens if the facility goes on lock down?

Providing Advocacy to Incarcerated Victims

The advocate’s primary responsibility is to offer victim-centered support. Best practice guidelines as documented in the *Wisconsin Adult Sexual Assault Response Team Protocol* suggest that “advocates do not encourage or discourage victims from reporting or participating in the criminal justice system. An advocate assists victims in making informed choices. The victims’ choices and needs determine how the advocate proceeds.”

It is important to know that the role of the advocate is to provide immediate, crisis intervention services following an assault, not to introduce a long-standing therapeutic relationship.

When working directly with incarcerated victims in a correctional institution, advocates need to be aware of the security restrictions. Some helpful suggestions on what an advocate can and cannot do within a correctional institution setting are described below.

What an Advocate Can Do:

- Teach grounding skills such as deep breathing, journaling (remember to caution that others may have access to what is written), or physical exercise.
- Listen and validate their experiences.
- Help to prepare for court hearings as appropriate.
- Make internal referrals as necessary, perhaps to the victim services coordinator, psychological services, chaplain, health

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services, or social worker.

- Provide outside reference materials (if pre-approved).
- Remind the inmate, if speaking over the phone, that the conversation may be recorded and overheard. This may impact the confidentiality of the information.
- Confer with other advocates responding to correctional institutions to find other ways to reach out and support victims.
- Be aware that inmates can receive services whether or not they file a report.

**What an Advocate Cannot Do:**

- Fraternize or collude with any inmates or staff. It is important to set boundaries and limitations early in the process of advocating for an inmate; this includes physical contact of any kind, as well as sharing any personal information.
- Contact others or deliver messages on behalf of the incarcerated victim, including family and friends. No-contact restrictions may be in place that the advocate is not aware of.
- Bring in any food, toiletries, or materials not approved by the point of contact for the inmate.
- Accept items from inmates (i.e. gifts, letters to mail out).

**Important Information to Remember:**

- Advocates are encouraged to debrief with a colleague at their agency.
- An advocate supports the victim regardless of the victim’s reason for incarceration.
- Advocates are not a part of the investigation.
- Advocates are bound by the privilege statute. Under Wisconsin Statute §905.045 community-based advocates have privilege and their communications with victims are confidential. The presence of a correctional officer or other third party during the advocate’s interaction with an incarcerated victim may impact the confidentiality of the information shared. As a result, that information may not be privileged, and an advocate could be compelled to share what was discussed in court. For more information, please review the WCASA Information Sheet, *Confidentiality of Communications Between an Advocate and a Victim.*
- Facility operations will supersede advocacy services or any other external appointments.

**Tips for Responding to a Correctional Institution**

Individual correctional institutions have specific protocols and procedures that visitors must follow. The victim services coordinator should advise the advocate on the protocols and procedures for their correctional institutions. An advocate can expect the following when responding to correctional institutions:

- Advocates need to have a criminal background check performed by the correctional institution prior to providing services.
- Advocates should call the correctional institution the day of the visit to confirm the visit will proceed as scheduled and to see if the facility is on lock down.
- All visitors are required to provide valid photo identification prior to visiting.
- Visitors will be hand stamped prior to entrance to the correctional institution.
- Wallets, purses, keys, and pagers are not permitted into the correctional institution. Lockers are available to store these items if needed. Cell phones are not allowed in the facility at all.
- Visitors are not permitted to bring smoking materials into the correctional institution.

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• All visitors must clear a metal detector before being permitted to enter the correctional institution. Wire in undergarments and metal in shoes will not clear the metal detector and should not be worn, if possible. Visitors requiring special accommodations concerning the use of a metal detector due to medical issues must have documents sent directly from their physician to the correctional institution’s security department before being allowed to visit. Any concerns about passing through the metal detector should be discussed with security ahead of time.

• Jewelry other than a wedding band or single ring, watch, single strand necklace, and single pair of earrings is not allowed. Any piercing of the body should be removed, if possible. It is also best to avoid wearing a lot of other metal, such as belt buckles and buttons on a coat.

• Many correctional institutions are quite large and a lot of walking is often required, so it is advised to wear comfortable shoes that are easy to remove if they need to be inspected.

• Use professional judgment when determining wardrobe options, but consider dressing somewhat conservatively. The following is among apparel that is considered inappropriate and will result in denial of visiting privileges:
  • Shorts that are shorter than fingertip length with the arms placed naturally down the side of the body with fingers extended
  • Skirts or dresses shorter than fingertip length plus three inches
  • Skirts with any type of slits (front, back or side) extending past fingertip level
  • Strapless, tubes, or halter tops
  • Tops which expose the midriff or bust line
  • Camouflage clothing of any type
  • Transparent clothing of any type

• Advocates can ask the victim services coordinator what informational materials or resources, if any, are allowed to be distributed to the incarcerated victim. The victim services coordinator can also advise on what can be brought in for use during the visit (i.e. water, writing materials).

• When distributing information, be sure it is paper-only (i.e. no paper clips, staples, fasteners).

• Advocates should make sure that all items are with them when they leave, including writing instruments.

Tips for Answering Crisis Calls

It is possible that community-based programs may get hotline calls from an inmate in a correctional institutional setting. The advocate should handle the call as they would any other call received at their program, practicing the following:

• Remain calm
• Ask for the caller’s first name and how they wish to be addressed
• Use active listening skills
• Reflect back what the caller is saying
• Ask how support can best be offered
• Help the caller make a plan

Advocates should be aware of some key differences in calls coming from correctional institutions and jails. Calls coming from institutions are routinely monitored and recorded. Advocates should always ask the caller if there are others in the room or the near vicinity. Finally, inmates should be aware of the limits of confidentiality.

An additional tip for responding to potential crisis calls from an inmate is to check with the correctional institution to see if their program’s phone number can be put on non-monitored calls. This could be part of the MOU with the correctional institution.
Tips for Sexual Assault Nurse Examiner (SANE) Advocacy

The PREA Standards require that an incarcerated victim be offered the option of having an advocate present during the exam. Providing advocacy to an incarcerated victim during a SANE exam is different from advocacy provided in the community in some ways. Some differences include:

- Incarcerated victims will likely be in a correctional institution uniform and handcuffed or otherwise restrained.
- Advocates may not be allowed to touch the incarcerated victim.
- Correctional officers will often be present during the exam to maintain the custody of the incarcerated victim as well as the safety of the medical personnel and the advocate.
- The advocate’s role is to inform the incarcerated victim of their rights, such as the ability to decline any part of the exam, as well as to offer emotional support.

While there are some noted differences in providing advocacy during a SANE exam to an incarcerated victim in comparison to a community-based victim, there are many similarities too, including:

- Ask the victim how they wish to be addressed (i.e. first name)
- Ensure the victim is as comfortable as possible
- Provide non-judgmental support and encouragement
- Remain uninvolved in the evidence collection and do not hold things for the SANE nurse
- Ask the SANE nurse questions for the purposes of clarification if it is believed that the victim does not understand a piece of the exam
- After the exam, ensure the victim understands what will happen next

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Conclusion

Advocates play a vital role in empowering survivors of sexual violence. This tool is designed to outline best practices for advocates as they respond to cases of sexual assault within correctional institution settings.

No one deserves to be sexually assaulted. Incarcerated persons will inevitably return to communities. If incarcerated victims are provided with appropriate services prior to release, they are equipped with strategies and coping skills necessary to heal from the trauma. Community-based advocates are uniquely poised to provide such services.

Building strong working relationships with correctional staff is critical to providing comprehensive, victim-centered services. MOUs are strongly advised, and advocates should familiarize themselves with their contents.

The role of advocacy in correctional institutions can be challenging. It is imperative for advocates to be aware of their own personal bias when delivering victim-centered services to incarcerated victims of sexual assault. Advocates are encouraged to expand their knowledge of prison culture, dynamics and prevalence of sexual violence within correctional institution settings, and the PREA Standards.

An advocate’s understanding of the challenges present in a correctional setting will better assist in supporting an inmate victim to make informed choices and to empower healing.
Tools for Advocates Working with Incarcerated Victims

Appendix 1:

Map: State of Wisconsin Adult Correctional Institutions

(WI Department of Corrections, 2014)
Appendix 2:
Map: Sexual Assault Service Providers (SASPs) in Wisconsin
(Wisconsin Coalition Against Sexual Assault, 2014)