

Responding to Inmate on Inmate Sexual Violence

Staff and Agency Responses to Inmate Sexual Violence

Melissa Buttice and Tim Thrasher

NIC/WCL Project on Addressing Prison Rape
March 11-16, 2007

Objectives

- Identify facility and staff responses to inmates sexual violence
- Identify the members of and define how best to utilize SARTs
- Identify protocols and issues for first responders

Appropriate Responses to Inmate Sexual Violence

- Sexual Assault Response Teams (SART)
- Identification of protocols for first responders
- Effective management of inmates
 - Separation
 - Care
 - Safety

Facility Response

Offender Sexual Assault Response and Containment Checklist

Sexual Assault Preservation

Location:	Date:
Incident Commander:	Time:

Required Actions:

	Time	Initial	N/A
1. Notify Intelligence and Investigations Office of allegations.			
2. Notify local Law Enforcement agency that an alleged sexual assault has occurred.			
3. Secure location(s) where it is believed that the sexual assault occurred: <ul style="list-style-type: none"> Post an individual at the scene(s) if the area cannot be completely sealed and secured. 			
4. Collect ALL clothing that the complainant and alleged victim are wearing. <ul style="list-style-type: none"> Use trace evidence collection sheet. Require each offender involved to stand on sheet while removing clothing. Place each piece of clothing in a separate brown paper bag (no plastic bags). Document offender's name, date, time, total number of bags and item enclosed. Place bags in a secure location. Ensure chain-of-evidence is maintained on evidence card. 			
5. Take digital pictures/video of injuries to victim and suspect offenders immediately to record discolor and severity.			
6. Transport offenders separately to Infirmary for a preliminary medical examination.			

Facility Response

Offender Sexual Assault Response and Containment Checklist

	Time	Initial	N/A
<p>7. If 96 hours or less, transport offender to the local hospital for evidence collection and possible medical examination.</p> <p>If more than 96 hours, if Law Enforcement requests evidence collection, complainant will be transported to the local hospital.</p> <ul style="list-style-type: none"> • Hospital staff make final determination if Rape Kit will be completed or not. 			
8. Ask Law Enforcement if the suspect should be transported to local hospital for evidence collection (e.g., penis swab, fingernail check, etc.).			
9. Place alleged suspect in Segregation/IMU pending an investigation.			
10. Notify Mental Health staff so complainant has support available.			
<p>11. Ensure the following are correctly completed and secured in evidence lockers:</p> <ul style="list-style-type: none"> • Administrative Segregation paperwork, • Tele-incident reports, • Incident reports, • Staff memos, • Videotapes of crime scene, • Pictures of crime scene and injuries, and • Additional evidence. 			

Facility Response

- Isolation, Containment and Examination are Key.
- SART
- Containment Checklists
 - Ensure this is followed and each step occurs.
- Staff response protocol
 - Needs to be developed and followed
- Reporting structure and notification

Sexual Assault Response Teams (SART)

- Consist of:
 - Law Enforcement
 - Investigators
 - Rape Crisis Advocates/Victim Services
 - Prosecutors
 - Emergency/Medical Personnel

Sexual Assault Response Teams (SART)

- Identify Sexual Assault Nurse Examiners (SANE) throughout state
 - Good idea to attach list to Departmental Policy and Response Checklist.
- Ensure that inmate victims continue to receive victim services
 - While still in the facility
 - Upon release from facilities into the community.

Barriers to SART Establishment



- Geography
- Lack of support from outside agencies
- Key positions that do not exist in area
 - Rape Crisis
 - SANE

Overcoming Barriers

- Ensure that each facility has individuals identified to fill the roll of each necessary component
- Meet with stakeholders internally and externally to ensure they are available to respond to incidents when they occur

Who is a First Responder?

- ANYONE can be a first responder
 - A first responder is the first person an inmate tells s/he was victimized

Critical Issues for First Responders

- Crime Scene
- Notification
 - Chain of command
 - Medical and Mental Health
- Clean Up
- Handling of inmate who reports
- What questions do you ask
 - Information v. Interview

What First Responders Need to Know

- Initial documentation
- Reporting requirements
- Who are proper people to share information with
- Specificity of initial report documentation
- Securing the area
- Preservation of crime scenes
- Confidentiality
- Culture
- Defining what is consent
- Examples and definitions of what to look for

Responding to Incidents

- Procedure if an assault happened 6 months ago v. 5 minutes ago
 - Responsibility of first responder is the same
 - Investigation is identical

.....BUT.....

- No longer have a crime scene
- Medical and mental health needs may be different

Inmate Management

- Separation
- Ongoing mental health care
 - Mental health interventions



What Effective Responses Mean