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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/12/12/women-solitary-confinement-sent-solitary-reporting-sexual-assault/>

Campaign and Advocacy

close

Search

close

close

by [Victoria Law](#) | December 12, 2013

It seems absurd that a person who has been sexually assaulted would be punished for speaking up, especially since prison policy prohibits sexual contact between staff and the people whom they guard. Yet, in many womens prisons, those who report rape and other forms of sexual assault by prison personnel are often sent to solitary confinement.

After enduring over a year of repeated sexual assaults by a guard, Stacy Barker became one of 31 women incarcerated in Michigan who filed *Nunn v MDOC*, a 1996 lawsuit against the Department of Corrections for the widespread sexual abuse by prison guards. The following year, Barker was repeatedly sexually assaulted by an officer, who was also a defendant in *Nunn*. After a month of silence, she reported the assaults to a prison psychiatrist. Barker was immediately placed in segregation and then transferred to Huron Valley Center, which was then a psychiatric hospital for prisoners. There, she reported that hospital attendants verbally harassed her.

In October 1997, Barker attempted suicide. Barker did not receive counseling or psychiatric evaluation. Instead, three male guards stripped her naked, placed her in five-point restraints (a procedure in which a prisoner is placed on her back in a spread-eagle position with her hands, feet and chest secured by straps) on a bed with no blanket for nine hours. She was then placed on suicide watch. She [reported that one of the staff who monitored her](#) repeatedly told her he would bring her down a few rungs.

Placing women in solitary confinement for reporting staff sexual harassment or abuse is far from rare. In 1996, [Human Rights Watch](#) found that, in Michigan, incarcerated women who report staff sexual misconduct are placed in segregation pending the institutions investigation of their cases. The placement is allegedly for the womans own protection. The five other states investigated also had similar practices of placing women in segregation after they reported abuse.

Not much has changed in the thirteen years since Human Rights Watch chronicled the pervasive and persistent sexual abuse and use of retaliatory segregation in eleven womens prisons. [Former staff at Ohios Reformatory for Women](#) have stated that women who reported sexual abuse are subjected to lengthy periods of time in solitary confinement where cells often had feces and blood smeared on the wall. In Kentucky, a woman who saved evidence from her sexual assault was [placed in segregation for fifty days](#). In Illinois, a [prison administrator threatened to add a year onto the sentence](#) of a woman who attempted to report repeated sexual assaults. She was then placed in solitary confinement.

In 2003, the Prison Rape Elimination Act (PREA) became law, ostensibly to address the widespread sexual abuse in the nations jails and prisons. Among its recommendations was the timely and comprehensive investigation of staff sexual misconduct involving rape or other sexual assault on inmates. However, this has not stopped the widespread practice of utilizing solitary to punish those who speak out. An [investigation into sexual abuse at Alabamas Tutwiler Prison for Women](#) found that women who report sexual abuse are routinely placed in segregation by the warden. Some prison systems have also created new rules to continue discouraging reports of staff sexual assault. At Denver Womens Correctional Facility, a woman reported that prison officials responded to PREA by creating a rule called False Reporting to Authorities.

A lot of us do not report *any* kind of staff misconduct because history has proven that any kind of reports *true* or false are found [by the administration] to be false, she stated. When it was found to be false, the people were immediately found guilty and sent to administrative segregation. In some cases, a woman may not even file an official complaint, but may only be speaking within earshot of another staff member.

I didnt want to believe it but then I experienced it first hand with a close acquaintance of mine. She had conversations with a guard and he asked sexually explicit questions about what she would be able to do in bed because of her disability and it went on for a while. She came to me and said she didnt want to be around him and she told an office worker about him and he ended up writing a report on her, before she could do it to him and she was eventually questioned. I was questioned and I told the investigator that I believed her and that the officer was a pervert and flirted openly with any girl who was desperate for a mans attention. I told him I felt like he was a predator and shouldnt be working at a womens prison. I later found out she went to the hole and was going to be ad. segd just like the others but she left on her mandatory parole to go back to court and was re-sentenced and brought back. Luckily they didnt ad. seg her when she came back. Im not sure why they dropped it but maybe it was because she was gone for a while.

Under PREA, those accused of sexual assault are sent to solitary confinement even before the charges are proven. In California, [Amy Preasmyer](#) was placed in solitary confinement after being accused of sexual assault by another woman. I was abruptly removed from my bed late in the evening to face an extended wait and then a transfer to Ad-Seg, she reported. Upon entering my newly assigned chambers at 3 a.m., I found the toilet was backed up and a DD3 (EOP)[person with a disability] had urinated everywhere prior to me, leaving extremely unsanitary conditions and aromas. She was not allowed to access supplies that would allow her to clean or disinfect her cell. Although she was eventually cleared of all charges, being in Ad Seg forced her to miss her final examinations for college. During that time, she also lost the privilege to shop, walk outside or even call home.

Preasmyer reflected on the double standard between prison staff and prisoners accused under PREA: Had this woman falsely accused an officer, would that officer have been arrested and forced to relinquish rights pending results of the investigation into the accusation? Would the employee suffer a wage loss? Would disciplinary action and consequences be rendered to the accuser once charges turned out to be baseless?

After reading Preasmyers article in her segregation cell in Indiana, Sarah Jo Pender, who has spent five years in solitary confinement after an officer helped her escape, agreed. She noted that, although the officer who helped her escape had had sex with her and seven other women in the prison, he evaded a sexual misconduct charge as part of a plea bargain. He was sentenced to seven years in prison and released after two years. As far as Pender knows, he spent no time in solitary confinement. On the other hand, the superintendent at the Indiana Womens Prison has told her that she will remain in segregation so long as she is incarcerated so that he knows where she is at any given time.

We might know more about the prevalence of isolating those who report sexual abuse if that threat didnt hang over their heads. But it does, bullying who-knows-how-many into silence. As one woman in Texas reported, When officers and inmates are found to be involved, the common court of action here is to move her to another facility. If she consented in any way, she will be placed in Ad Seg. Being moved with the jacket of a prior officer relationship can make time very difficult. And, if they found any reason to write the inmate a major case, it also costs her at least a one-year parole set-off. Being moved, time in isolation, a label and a set-off? Those are powerful motivations to keep a girl quiet.

This is the second article in a two-part series on women in solitary confinement. Read the first article [here](#).

Victoria Law is a freelance journalist and author focused on incarceration. Her books include Resistance Behind Bars, Prison By Any Other Name, and "Prisons Make Us Safer" and 20 Other Myths About Mass Incarceration. She tweets @LVikiml.

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September 29, 2022

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A 16 year old commits murder. But her wrong doesnt give them the right to abuse her.

The Supreme court recently ruled that inmates who were given life sentences or life without parole as a teenager will be eligible to be re-sentenced. So Amy will probably get out when she is about 50 years old or sooner which is still a lot better than the guy she set up to be murdered when he was 21.

Amen. She can rot in Ad Seg.

Nobody cares, Amy. What we do care about is the innocent man you killed. You are a scumbag killer and maybe if you hadnt taken a life, you wouldnt be in the predicament you are in now. So funny, you want sympathy, but you have none for the man you killed

Amy wouldnt have to worry about solitary confinement if she hadnt broken the law and been sent to prison. She has no one to blame but herself. I have absolutely no sympathy for this creature (human is too good a term for her) whatsoever.

Amy, sociopaths should not have any rights.
ROT.

I couldnt be agree more. Amy, how does it feel you horrible, manipulative, awful murderess. What did Ricky ever do to you except love you, feed you, give you a wonderful place to stay, and you repay him by shooting him in the head theres no place to go but where you are for the rest of your stupid pathetic life. Quit complaining Im sure Ricky would much rather be in your situation, than be dead.

Wait, why are we supposed to feel sorry for Amy? Do you guys even KNOW why shes doing life in prison in the first place? Something about, oh, lets just say, having a hitman murder her boyfriend (and the father of her unborn child too) in cold blood. Yeah, thatll do it.

How about this story then?

<http://www.texasmonthly.com/story/fugitive?fullpage=1>

For the next thirty minutes, Deborah told one story after another about the sexual abuse she had endured from at least three guards or male staffers who had worked at the prison or the state hospital. She said one guard took her to an empty floor upstairs in the prison and forced himself on her. Another guard, escorting her to her job at the laundry, suddenly dragged her behind some trees, grabbed her shirt, and pulled her forward so fast that my head snapped back. One employee told her that if she didnt meet him in an empty office, he would inform the warden that he had caught her violating some serious prison rule, which would get her sent to the hole, or solitary confinement.

A few weeks after the abuse began; Deborah tried to hang herself by throwing a sheet over a pipe that was connected to the ceiling in her dormitory. Someone pulled her down before she stopped breathing, and she was taken to a psychiatric ward in a different building, which I actually liked, sitting with all the insane people, she said, because it was the only place where those men couldnt get to me. A month or so later, when she was told that she was being moved back to the main prison, she made another suicide attempt, this time hanging herself in a bathroom with a shower curtain. When that failed, she decided to escape.

in January 1973, Deborah attempted her second escape, once again with another inmate, busting open a window in the main prison building and leaping out. The two were caught four months later in New Orleans when they were pulled over by police for speeding. When she returned to Georgia, she was indicted on felony escape charges, and a judge added seven months to her seven-year sentence. She was put in solitary confinement, she told me, and given Valium so that she would stay docile and not escape again.

Robert Cullen, an Atlanta attorney who in 1984 filed a now famous class-action lawsuit, Cason v. Seckinger, charging the Georgia Department of Corrections with cruel and unusual punishment. In 1992 the lawsuit was amended to include allegations that female inmates were being sexually abused by guards and staffers, and Cullen gathered more than seventy written statements from women prisoners whose stories were remarkably similar to Deborahs: They were raped in empty offices or while they were on work detail, and if they fought back, they were thrown into solitary confinement or forced into straitjackets. (As a result of the lawsuit, more than thirty prison employees were eventually fired, suspended, or transferred for alleged sexual contact with inmates, and at least fourteen of those were indicted for sex crimes.) Although Cullens case documented a culture of abuse at the womens prison that went back for years, it didnt specifically mention Deborah Gavin. But he told me that when he was interviewing inmates, several of them mentioned her and the abuse she had been forced to endure.

Deborahs final escape came on July 23, 1974, when she was twenty years old. A male guard who had just arrived at the prison had learned what was happening to her, and one night he left a back door open. He told me to get out and to get out good, she said. He said theyd figure out a way to kill me if I was caught one more time.

Victoria please forgive me if Im not moved.especially by poor little Amys story. Nothing personnel intended but people like Preasmyer think they are entitled to nothing when you murderespecially special treatment.

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

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