

ACTION UPDATE

APRIL 2010

WHEN THE GOVERNMENT takes away someone's freedom, it must protect that person's safety. When the detainee is a child, that obligation becomes especially urgent.



Sadly, a recent government study found that almost one in eight detained youth in the U.S. had been sexually abused in the preceding year alone — more than 80 percent of them by staff. Instead of helping troubled kids turn their lives around, an appalling number of officers have done the very opposite, abusing the children in their care.

You might expect corrections officials to express horror at such findings, and to seek serious change. Some have done exactly that — but many others, including some of the most influential corrections leaders in the country, are instead blocking reform.

Last June, a bipartisan government commission released national standards aimed specifically at ending prisoner rape. These standards are now bogged down in a Department of Justice review. The reason: prison officials claim that it will be too expensive to implement the standards — too *expensive* to prevent staff from raping detainees.

Now we need your help. Until May 10, the Department of Justice is accepting public comments on the standards. Please sign and mail the postcard included in this *Action Update*, urging the Attorney General to finalize the standards — swiftly and fully.

Lovisa Stannow
Executive Director

A Historic Opportunity to End Prisoner Rape

Attorney General Reviewing Proposed National Standards

IT HAS BEEN MORE than nine months since the National Prison Rape Elimination Commission released its Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Detention. These standards have the potential to become the most important tool so far in the effort to end prisoner rape in the United States.

By law, Attorney General Eric Holder has until June 2010 to review the standards and formalize them into federal regulations, making them binding on detention facilities nationwide. Disappointingly, the Department of Justice's review of the standards is moving slowly. It is now clear that Holder will miss his deadline — perhaps by as much as a year.

See STANDARDS REVIEW, continued on page 2

"CRIMES WHICH WOULD DISGRACE A RACE OF SAVAGES"

"GO WHERE YOU MAY, SEARCH WHERE YOU WILL, ROAM
THROUGH ALL THE MONARCHIES
AND DESPOTISMS OF THE OLD WORLD, TRAVEL
THROUGH SOUTH AMERICA, SEARCH OUT
EVERY ABUSE, AND WHEN YOU HAVE FOUND
THE LAST, LAY YOUR FACTS BY THE SIDE OF
THE EVERYDAY PRACTICES OF THIS NATION, AND
YOU WILL SAY WITH ME, THAT, FOR REVOLTING
BARBARITY AND SHAMELESS HYPOCRISY,
AMERICA REIGNS WITHOUT A RIVAL...."

FREDERICK DOUGLASS, 1852



Attorney General Weighing Cost, Definitions, Compliance Factors

In addition to soliciting public comments on the National Prison Rape Elimination Commission's recommended standards (see page 1), the Department of Justice is requesting input on three specific questions. These questions stem from objections to the standards by some key prison administrators, who wish to limit the scope of these measures.

What would be the implications of referring to "sexual abuse" as opposed to "rape" in the final standards?

JDI's Response: Based on the definition of "prison rape" provided in the Prison Rape Elimination Act (PREA), some critics have argued that sexual harassment, staff-on-inmate voyeurism, and indecent exposure by staff should not be covered by the standards. Yet, these are often precursors to other forms of sexual abuse, and responding to them constitutes vitally important preventive action. Any serious effort to address the problem of prisoner rape must confront the full spectrum of coercive sexual activity and staff sexual misconduct.

Would any of the Commission's proposed standards violate PREA by imposing "substantial additional costs compared to the costs presently expended by Federal, State, and local prison authorities"?

JDI's Response: Relative to the billions of dollars spent on corrections every year,

implementing the Commission's standards will be comparatively inexpensive. U.S. detention facilities are constitutionally required to protect the safety of inmates, regardless of PREA. If they are meeting such basic obligations, complying with the standards will cost little. Moreover, any assessment of the price of protecting inmates from sexual abuse must be understood in light of the dramatic benefits of doing so. Prisoner rape is expensive — to the corrections agency, the individual, and society at large — and the costs are not only financial, but moral.

Should the Department consider varying compliance requirements according to facilities' size, personnel or resource limitations, or other factors?

JDI's Response: Sexual abuse in detention is a crime and a human rights violation, and unacceptable in any setting, whether a large prison or a small jail. The standards represent the bare minimum needed for any facility to meet its constitutional obligation to protect inmates from abuse. Varying the expectations of compliance based on factors such as the size and resources of a facility will undermine the goal of the standards and will add confusion to their otherwise straightforward expectations.

Tell the Obama Administration—Stop the Rape of Prisoners Now

The Department of Justice is soliciting public comments on the national standards addressing sexual abuse behind bars — standards that have the potential to save tens of thousands of inmates the devastation of rape every year. JDI urges all its supporters to take advantage of this public comment period and send a message to the Attorney General urging him to adopt the standards currently before him, which were developed by the National Prison Rape Elimination Commission. Please sign and mail the postcard included in this *Action Update*, or visit JDI's website (www.justdetention.org), to submit your comments in support of the standards. The public comment period ends on May 10, 2010.



Standards Review

continued from page 1

Some corrections leaders are pressuring the Department to weaken the standards, arguing that they will be too expensive. In response, the Attorney General has commissioned a cost projection study of standards implementation. This study is not a cost-benefit analysis; it is based on estimated expenses provided by corrections administrators. Officials who oppose the standards, or who are seeking to bolster corrections appropriations, have an obvious incentive to inflate their estimates. Beyond the questionable utility and accuracy of such a study, it dangerously encourages a focus on cost without regard for safety or human rights.

On March 10, the Department of Justice opened a 60-day public comment period, soliciting input on the Commission's final recommendations and posing specific questions related to cost, the definition of rape, and whether the standards' requirements should vary at different types of facilities.

JDI has mobilized a new coalition to demonstrate the strong support for the standards that exists across U.S. society — including among corrections officials, who recognize the urgency of ending prisoner rape and understand the importance of the standards. The Raising the Bar for Justice and Safety Coalition is submitting comments urging the Attorney General to enact the standards fully and quickly.

The fiscal benefits of the standards will be substantial, as the costs of sexual abuse in detention are enormous. States lose millions of dollars every year in prisoner abuse lawsuits alone. Based on JDI's work with corrections officials who are already adopting the measures, we know that the expense need not be significant.

Most importantly, stopping prisoner rape is the right thing to do. That is why Attorney General Holder should act swiftly to adopt the standards as binding federal regulations, without watering them down. Anything less will signify acceptance of the status quo — the continued sexual abuse of more than 100,000 adults and children each year.

“Paths to Recovery Opened Our Minds”

Pilot project changes prison staff views on sexual abuse in detention

GOOD AND DEDICATED corrections officials know that sexual abuse in detention is a terrible problem for its immediate victims — and for staff as well. These are people who take pride in their jobs and their profession and nothing could be more contrary to their mission than allowing those in their care to be raped.

Sgt. Charles Contreras is an investigative sergeant at California Correctional Institution (CCI), one of the state’s largest men’s prisons. He is a champion of one of JDI’s pilot programs for addressing sexual assault behind bars. The project, Paths to Recovery, puts many of the National Prison Rape Elimination Commission’s recommended standards into practice at CCI. Working with JDI and a local rape crisis center, Women’s Center – High Desert, CCI has created a Sexual Assault Response Team (SART), trained staff and inmates, and begun allowing outside counselors to provide confidential crisis counseling to survivors of sexual abuse.

Sgt. Contreras talked with JDI about the importance of Paths to Recovery, which he credits with changing the culture of the institution for the better.

Why is Paths to Recovery important for CCI?

First and foremost, it’s important to recognize that an inmate who has been abused is a sexual assault victim. He needs medical treatment and he needs staff to be sensitive during the investigative process. We must make it clear to the inmate that he can trust everyone on the SART. The follow-up counseling and referrals that victims receive through JDI and Women’s Center – High Desert are also important. Inmates get this aftercare whether the case is substantiated or not. Victims need to heal. Sexual abuse worsens and weakens the facility — makes it less safe. Having a SART has helped us respond better, for the good of the entire facility.

What changes have you seen at the prison?

Through time and training, staff have learned to take sexual abuse allegations seriously.



Sgt. Charles Contreras

Staff have come to realize that sexual abuse is an issue within the institution that we are responsible for addressing. Training the investigative staff on the dynamics of sexual assault and how to respond to incidents made us more efficient in the way we handle sexual assault allegations. Simply put, thanks to Paths to Recovery, as staff we are now better able to do our jobs.

For inmates, Paths to Recovery has made it easier to file a report. That’s a good thing. As staff, we want those who have been sexually abused to tell us what has happened. Inmates who wish to file a report but who do not want to tell us directly have the option of calling the Office of Internal Affairs sexual assault hotline. Or they can write a note to our medical staff, or talk directly with the JDI staff and the rape crisis counselors.

What lessons can other corrections facilities learn from your experience?

One of the most important lessons is that outside groups are there to assist us. They can let us know what a victim might be going through. A lot of times we get caught up in

tunnel vision — wanting the facts, but forgetting that the victim has needs. Paths to Recovery has opened our minds to addressing the victims’ needs.

It has certainly been a big adventure, allowing outsiders like JDI and Women’s Center – High Desert into the prison, and learning about the new standards. Sometimes, it’s been a challenge, but I think it’s a positive challenge.

VOCA Funding Rules to Change, Allowing Services for Inmates

JDI applauds the Department of Justice for its March 10, 2010 announcement that the Attorney General is seeking to eliminate a regulation that bars the use of Victims of Crime Act funds — the life blood of community rape crisis centers — to assist incarcerated prisoner rape victims. JDI has advocated for the removal of that misguided policy for years. It is significant that the Department of Justice recognizes that victims of sexual abuse behind bars should be able to receive the same crisis intervention services that are available to victims in the community.

FOLLOW JDI ON TWITTER!

Just Detention International has joined Twitter, the social networking website.

Via our “tweets,” we share with supporters, prisoner rape survivors, journalists, and others the most up-to-date information about our work.

To find JDI on Twitter, visit <http://twitter.com/JustDetention> and become a follower.

A large Twitter following will help increase awareness of the problem of sexual abuse in detention.

Rampant Sexual Abuse in Juvenile Detention Facilities

IN JANUARY, A LONG-AWAITED study from the Department of Justice's Bureau of Justice Statistics (BJS) revealed that youth in juvenile corrections facilities are sexually abused at alarming rates.

A shocking 12.1 percent — almost one in eight — of the detained youth who participated in the survey reported being sexually abused at their current facility during the previous year alone. In the worst places, more than 30 percent of young detainees were victimized.

All survivors of sexual violence in detention face obstacles to reporting abuse, including fear of stigma and further assaults. Young survivors lack experience in corrections settings and often fear adult authority figures. The BJS survey found that the vast majority of perpetrators in youth facilities were staff members, whose very job it is to keep youth safe. When corrections

officials so blatantly abuse their power, it is no wonder that most youth do not believe reporting is a good option.

According to the study, youth with histories of victimization are more than twice as likely as other detainees to be abused while incarcerated. Predators disproportionately target teens who are lesbian, gay, bisexual, transgender or gender non-conforming.

For anyone who has doubted the need for the national standards currently under review by the Attorney General (and described elsewhere in this *Action Update*) this BJS survey should serve as a wake-up call. When troubled children are being raped by the very government employees who are charged with keeping them safe — not occasionally, but regularly, and across the country — then our systems are failing us.

Media Spotlight on Prisoner Rape

THE NATIONAL EPIDEMIC of sexual violence behind bars has finally begun receiving the media attention it deserves. Significantly, in early 2010, *The Washington Post* and *The New York Times* published strong editorials urging Attorney General Eric Holder to codify national standards addressing sexual abuse in detention. JDI staff and members of its Survivor Speakers List have also been featured prominently in dozens of press reports.

The Bureau of Justice Statistics' groundbreaking report revealing widespread sexual abuse of detained youth generated nationwide coverage. In the last few months, JDI staff and survivor advocates have appeared on CNN and National Public Radio, and in dozens of printed stories, including in *USA Today*, *The Economist*, and *Associated Press*. During the same period, JDI has published op-ed pieces in numerous newspapers across

the country as well as a two-part series in *The New York Review of Books*.

"Prisoner rape remains a neglected crisis, and a misunderstood one," explains Lovisa Stannow, Executive Director of JDI. "Any media coverage that describes sexual abuse in detention as the crime and human rights violation that it is brings us one step closer to finally ending this type of violence."



Survivors Offer Insights to the Justice Department

PRISONER RAPE survivors are central to the effort to end sexual violence behind bars. In January, JDI brought five members of its Survivor Speakers List — Garrett Cunningham, Hope Hernandez, Scott Howard-Smith, Troy Erik Isaac, and Kimberly Yates — to address the Department of Justice PREA Working Group. Speaking about the devastating sexual violence they had endured, each of the survivors highlighted the importance of the national standards currently under review by the Justice Department.

"With better policies and practices, I would never have been assaulted," said Yates, who was raped by an officer while in federal custody, after prison officials had ignored prior reports of the officer's attacks.

"The standards are about accountability — corrections officials must be accountable for abuse committed on their watch," insisted Howard-Smith, a survivor of repeated sexual assaults by other inmates in a Colorado prison. "I want the Attorney General to institute strong standards that will make sure such violence doesn't happen to anyone else."

JUST DETENTION INTERNATIONAL

3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010
Tel: (213) 384-1400
Fax: (213) 384-1411

East Coast Office
1025 Vermont Ave., NW, Third Floor
Washington, DC 20005
Tel: (202) 580-6971
Fax: (202) 638-6056

info@justdetention.org
www.justdetention.org