

ACTION UPDATE

DECEMBER 2008



Lovisa Stannow interviewing inmates at the Manila City Jail in the Philippines.

WELCOME TO OUR redesigned Action Update. On September 4, 2008, Stop Prisoner Rape became Just Detention International (JDI). While our name is new, our mission remains the same – to end sexual abuse in all forms of detention.

The name Just Detention International highlights the basic principles that inspire our work. Simply put, incarceration must be just; rape and other forms of sexual abuse must never be part of the penalty. Our new name also makes clear that we defend the rights of all detainees, whether in prisons, jails, immigration detention, juvenile facilities, or police lock-ups.

Just Detention International is the only organization in the U.S. working exclusively to end sexual abuse behind bars. We will continue to focus much of our attention on American facilities. But recognizing that sexual violence is a global problem, we are also expanding beyond the U.S., to work with partner organizations in South Africa, Mexico, and the Philippines.

Thank you so much for helping us put an end to the abomination that is sexual violence in detention.

Lovisa Stannow
Executive Director

Happy Birthday, Prison Rape Elimination Act!

First-Ever Federal Civil Law Addressing Sexual Abuse in Detention Turns Five

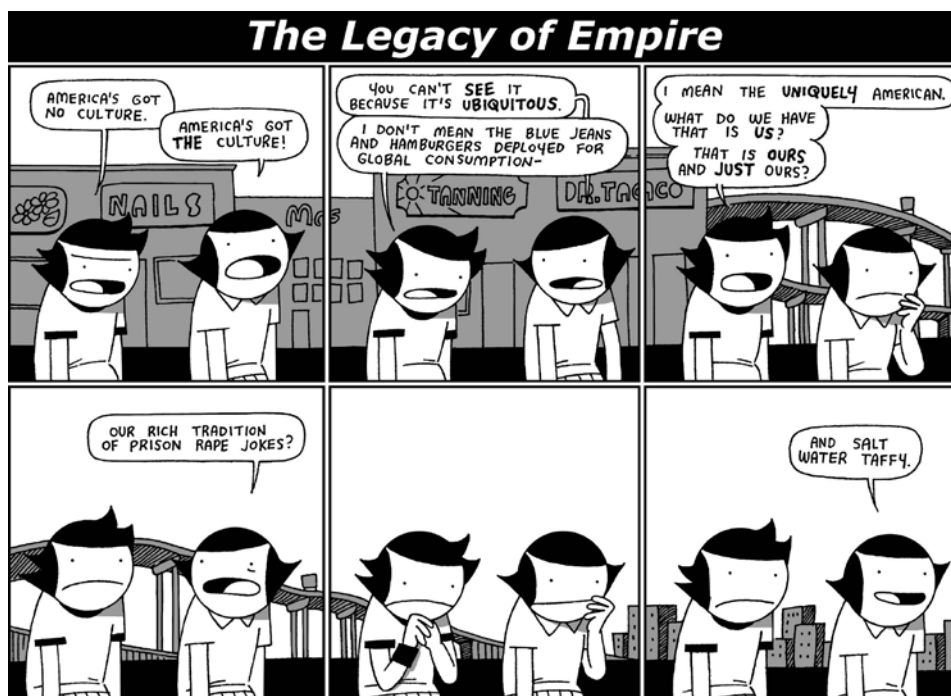
THE DATE FOR Just Detention International's name change was not a random one. On the contrary, September 4, 2008, marked the fifth anniversary of the Prison Rape Elimination Act (PREA) – a federal law that JDI helped to create. PREA has had an enormous impact on the effort to end sexual abuse of U.S. inmates.

Before the passage of PREA, conventional wisdom held that rape was an unavoidable part of prison life, something that “bad people” do to each other. Others claimed that these abuses were aberrations, not worthy of serious attention.

Today, some of the most outspoken early critics of PREA, including several top-ranking corrections administrators, are partners in the effort to implement the law. Working side-by-side with JDI and other human rights advocates, they are developing training curricula, examining facility policies, and establishing national standards addressing sexual abuse in detention.

But while some attitudes and regulations are starting to change, the problem is far from solved. Many officials continue to minimize the extent of sexual violence in their facilities, refuse to modify dangerous policies, and

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Oregon Takes the Lead in Ending Sexual Abuse in Prisons

First State to Adopt New National PREA Standards



Mary was sexually harassed by a prison official in Oregon. By calling a sexual abuse hotline she thought she would reach an outside agency. Instead, she ended up reporting the abuse to a colleague of the perpetrator.

She had been sexually harassed by the prison guard watching her unit. Trying to make sure the abuse wouldn't escalate, she reported the incident through the Prison Rape Elimination Act (PREA) hotline, thinking that an outside agency would respond. Mary (not her real name) was shocked when a lieutenant at the facility, a colleague of the offending officer, came to interview her about what had happened. Fearful of the repercussions of being labeled a 'snitch,' she refused to speak with him.

Mary is incarcerated at Coffee Creek Correctional Facility in Oregon. She shared her story with JDI as part of an inmate focus group about sexual violence in detention. Her experience, she said, had made other women at Coffee Creek afraid to call the PREA hotline to report abuse.

Mary's story highlights one of the most

powerful reasons that survivors of sexual violence in prison decide to keep quiet – fear of retaliation. However, the fact that she was able to speak openly with JDI is the result of a unique commitment at the Oregon Department of Corrections (ODOC) to protect the safety of all inmates in its 14 state prisons.

Recognizing that sexual abuse in detention causes terrible harm to survivors and creates unsafe prisons for staff and inmates alike, the ODOC has entered into a partnership with JDI. Working together, the ODOC and JDI are making the Oregon state prison system an 'early adopter' of the binding national standards currently being developed under PREA. These crucial standards, which exist in draft form, will be published in the spring of 2009. They consist of five categories covering aspects of the problem of sexual violence behind bars: institutional leadership, prevention, detection, response, and monitoring.

Once finalized, the national standards will be submitted by the National Prison Rape Elimination Commission to the U.S. Attorney General, who is required to issue a rule promulgating the standards within one year. Governors will then have one year to confirm in writing that their states are in compliance with the standards. Those who fail to do so will lose a portion of their federal funding. By becoming an early adopter of the standards, the ODOC has placed itself at the forefront of the fight against rape and sexual abuse in prison.

"Oregon's commitment to ending rape in prison is laudable, and has the potential to improve the way prisons are run nationwide," explained Linda McFarlane, JDI's Deputy Executive Director. "Our goal is to create a model in Oregon, which corrections officials across the country can replicate as they begin to implement these national standards."

After hearing Mary's story about the failures of Oregon's hotline, Lt. Garry Russell of the ODOC made a commitment that, in the future, the hotline will be answered from the state Attorney General's office.

PREA Turns Five

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punish the survivors of rape instead of the perpetrators.

In a recent inmate survey, the Bureau of Justice Statistics (BJS) found that 60,500 inmates had been sexually victimized in state and federal prisons in the previous year alone. Many inmates were assaulted multiple times, with the BJS documenting a total of 165,000 incidents. Yet even those shocking numbers do not include the tens of thousands of detainees who were sexually abused in jails, police lock-ups, juvenile facilities, or immigration detention centers. Nor does it include all those in prison who didn't dare tell the BJS surveyors the truth for fear of retaliation.

Unfortunately, prisoner rape jokes remain commonplace, on late night television, talk radio, and in movies. These wisecracks trivialize the devastating experiences of thousands of survivors. By tacitly suggesting that sexual abuse is somehow acceptable, they also serve as major obstacles to ending this type of violence.

The problem of sexual abuse in detention is deeply rooted and will not go away without a fight. However, it is a battle worth waging. That is what Congress properly recognized five years ago when it voted unanimously in favor of the Prison Rape Elimination Act. In the coming years, JDI will continue to lead the effort to implement fully this pivotal federal law.



On September 4, 2003, President Bush signed the Prison Rape Elimination Act into law. JDI's then-President, Tom Cahill (fourth from the left) and prisoner rape survivor Hope Hernandez (fifth from the left) were present at the Oval Office signing ceremony. For the past five years, JDI has led the effort to implement PREA.

Sexual Violence Behind Bars – A Global Crisis

Just Detention International Expands Its Work to the Philippines, South Africa, and Mexico

Around the world, every day, prisoners are raped and abused – at the hands of other inmates or the very corrections officials whose job it is to keep detention facilities safe. The dynamics of sexual violence vary from one country to another, from one prison or jail to another.

Regardless of where these assaults occur, however, they shatter human dignity, derail justice, and pose serious risks to public health. After almost three decades of addressing prisoner rape in the United States, JDI is bringing its unique expertise to the Philippines, South Africa, and Mexico.

“Sexual abuse in detention is a crime. It is the ultimate human rights violation, and it is preventable. Increasingly, corrections officials and advocates abroad are reaching out to JDI, asking for our help in protecting prisoners from the devastation of rape and abuse,” said Lova Stannow, JDI’s Executive Director.



Mexican prisons are notorious for their violence and poor living conditions. While inmate advocates and prison ombudspersons agree that sexual abuse is common, few inmates dare to speak openly about the problem.



Prisons and jails in the Philippines are severely overcrowded, as seen in this women’s dormitory at the Manila City Jail. Detainees sleep three to a bed, or on the floor.

IN THE PHILIPPINES, Congress is considering a bill modeled after the U.S. Prison Rape Elimination Act (PREA). In November 2008, JDI visited Manila and met with members of Congress, advocates, and corrections officials, and interviewed inmates at prisons and jails. At the request of both the Senate and the House, JDI is providing suggestions for how to strengthen the Filipino initiative – drawing on lessons learned from implementing PREA in the U.S. In 2009, JDI will return to the Philippines to testify before Congress and to conduct sexual violence awareness training with prison ombudspersons and corrections staff.

South African prisons are notoriously overcrowded and dangerous. Here, eliminating sexual abuse is a matter of life and death, due to the exceptionally high HIV prevalence rates among prisoners. More than 90 percent of inmate deaths in South Africa are HIV/AIDS-related. Since 2006, JDI has trained hundreds of prison ombudspersons throughout South Africa on the detection and prevention of sexual abuse. In 2008, officials at Pollsmoor prison in Cape Town asked JDI to conduct a ‘master training’ on sexual violence. As a result, each of Pollsmoor’s five facilities now has its own core group of staff who know how to address the problem.

Few Mexican inmates come forward with

complaints about sexual abuse, but that does not mean that detention facilities are safe. On the contrary, inmates, corrections officials, prison ombudspersons, and human rights advocates in Mexico agree that it is fear, shame, and a belief among inmates that no help is available that prevents survivors of sexual abuse from speaking out. JDI is working to bring prisoner rape out of the shadows by training prison ombudspersons from the Mexico City Human Rights Commission on how to detect such abuses, and by leading workshops with Mexican inmates.

UPHOLD ARTICLE FIVE NOW

On December 10, 2008, as the world celebrated the 60th anniversary of the Universal Declaration of Human Rights, JDI urged American policymakers and corrections officials to put an end to sexual violence in U.S. detention facilities.

Prisoner rape is recognized internationally as a form of torture. As such, it is a violation of Article 5 of the Universal Declaration, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 5 is the guiding principle of JDI’s work. Regardless of what crime someone has committed, rape must never be part of the penalty.

Welcome, Survivor Council!

JDI is proud to introduce its Survivor Council, a new advisory board. Some of the Council members are seasoned activists, while others are new to human rights advocacy. All of them, however, were sexually abused while behind bars, in a U.S. prison, jail, immigration detention facility, or police lock-up.

No lawyer, academic, policymaker or pundit will ever be able to grasp the raw devastation experienced by survivors of rape in detention, nor the life-changing empowerment felt by those who do decide to speak out about the abuses they endured.

Almost three decades ago, JDI was founded by a survivor who called for corrections reform and respect for the dignity of inmates when few others had the courage to do so. Since then, survivors have continued

to play key roles in the organization's governance and programs.

The Council met for the first time in June 2008 in Washington, D.C., participating in a roundtable discussion with the National Prison Rape Elimination Commission.

"In creating the Survivor Council, JDI did not merely seek to add a human face to its work. We are here to provide expertise, to offer policy advice, to help make American prisons safe," explained Cecilia Chung, one of the Council members.

The Council is appointed by JDI's Board of Directors. The current members are: Michelle Branch, Tom Cahill, Cecilia Chung, Garrett Cunningham, Keith DeBlasio, Nicole Garza, Erica Hejnar, Johanna Hudnall, Bamby Salcedo, Marilyn Shirley, and Esmeralda Soto.

California Offers Condoms to Prisoners

JDI IS WORKING WITH the California Department of Corrections and Rehabilitation (CDCR) to implement a pilot condom distribution program at Solano State Prison. The pilot program was stipulated by Governor Schwarzenegger, as he vetoed a California bill that would have approved distribution of condoms in all state prisons.

JDI believes that the provision of condoms in detention is an important public health measure. In the U.S. and around the

world, survivors of prisoner rape are at great risk of contracting HIV and other sexually transmitted diseases. Many survivors have told JDI that they could have convinced their assailants to use a condom, especially in cases of 'protective pairing,' where a vulnerable inmate is forced to seek protection from a stronger one in exchange for sex.

Condom machines were installed in discreet locations at Solano State Prison in November 2008. The pilot project will last for one year.

Survivor Succeeds in Court

A CALIFORNIA COURT recently affirmed that prison officials have a duty to protect the safety of inmates in their charge. The First Appellate District Court held that Alexis Giraldo, a male-to-female transgender person, can sue the California Department of Corrections and Rehabilitation (CDCR) for negligence that resulted in her being beaten and raped repeatedly by her cellmate at Folsom State Prison.

Because of her transgender status, Ms. Giraldo was recommended for housing at one of the two California prisons with high concentrations of transgender inmates: California Medical Facility or California Men's Colony. Instead, she was sent to Folsom

State Prison, where she was abused by male cellmates almost daily. Ms. Giraldo's pleas for a transfer and complaints about the abuse were ignored for months. Ms. Giraldo's claims against the CDCR were initially dismissed by a trial court, which held that the CDCR had no duty to protect her from other inmates.

JDI filed an amicus brief in the appeal to the First Appellate District Court, highlighting the responsibility of officials under the U.S. Prison Rape Elimination Act and California's Sexual Abuse in Detention Elimination Act. Because of the court's decision, a jury will now consider Ms. Giraldo's claims against the CDCR and its officials.

Public Hearing on Risks Facing Gay and Transgender Prisoners

ON DECEMBER 11, 2008, JDI co-sponsored a public hearing before the California Senate Committee on Public Safety, about the extreme dangers facing lesbian, gay, bisexual, and transgender (LGBT) inmates in California's state prisons. Chaired by Sen. Gloria Romero (D-East Los Angeles), the hearing focused on sexual harassment and abuse, unequal access to healthcare, and the difficulties LGBT inmates experience once released.

LGBT prisoners are at disproportionately high risk of sexual assault, severe harassment, and other abuse. Professor Val Jenness of UC Irvine found in a study funded by the California Department of Corrections and Rehabilitation (CDCR) that LGBT inmates are 15 times more likely to be sexually assaulted than other prisoners. At the hearing, she disclosed that a follow-up study – in which she interviewed 95 percent of transgender inmates held at California's state prisons – found that a shocking zero percent considered CDCR officials to be allies in the fight against sexual abuse.



Survivor Bamby Salcedo and JDI's Deputy Executive Director Linda McFarlane testified at the hearing before the California Senate Committee on Public Safety.

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