

ACTION UPDATE

SEPTEMBER 2012

WE DID IT! For almost a decade, JDI has been advocating for national standards to end prisoner rape. Now, thanks to your efforts — signing petitions, submitting public comments, donating your time and money — these life-saving regulations are, at last, a reality.



On the day the Department of Justice's standards were released, I called Tom Cahill to congratulate him. Tom, one of JDI's former presidents and one of our Survivor Council members, has spent the better

part of the past four decades fighting to end sexual abuse in detention.

As Tom recounts in this *Action Update*, JDI was formed at a time when the crisis of rape behind bars barely registered in the national consciousness. In a sign of just how much our culture has shifted since then, President Obama himself, in a memo released with the standards, called sexual violence against any victim "an affront to American values."

Our fight is not yet over, of course. Now we have to make sure that the standards are used to transform detention facilities nationwide. Right now, though, I hope you will join us in celebrating this triumph and everything that you did to help make it happen. On behalf of everyone at JDI, and the countless survivors who have led this fight, thank you.

Lovisa Stannow
Executive Director

Finally! National Standards to Stop Prisoner Rape in the U.S.

New Federal Regulations Have the Potential to End the Crisis of Sexual Abuse Behind Bars

AFTER A DECADE-LONG STRUGGLE, the effort to stop prisoner rape reached a historic milestone on May 17, 2012, when the Department of Justice released the first-ever national standards aimed at ending sexual abuse in detention. These new regulations, mandated by the Prison Rape Elimination Act (PREA) of 2003, pave the way for ending one of the worst human rights crises of our time.

Binding on prisons, jails, youth detention facilities, police lock-ups, and halfway houses nationwide, the standards incorporate many, though not all, of the reforms championed by JDI since its founding by

a prisoner rape survivor in 1980. "We have fought long and hard for the PREA standards," said Lovisa Stannow, JDI's Executive Director. "If implemented fully, they will spare hundreds of thousands of adults and children the devastation of sexual assault."

Among many groundbreaking measures, the standards require much-needed protections for vulnerable inmates, including lesbian, gay, bisexual, and transgender people, as well as youth, who can no longer be placed in the same housing units as adults. They also call for stronger procedures for detecting and preventing sexual assaults by staff, who commit at least half of all such abuse. Crucially,

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Jan Lastocy, JDI Survivor Council member, celebrates the release of landmark national standards with her husband, John.

New Government Study:

One in Ten Former State Prisoners Report Sexual Abuse

A RECENT DEPARTMENT OF JUSTICE study provides the most dramatic evidence yet of a nationwide crisis of sexual victimization in U.S. detention facilities. The study — published on May 17, 2012, the same day that the new Prison Rape Elimination Act (PREA) standards were finalized — found that almost one in ten (9.6 percent) former state prisoners had been sexually abused during their most recent period of incarceration. Gay, lesbian, and bisexual prisoners were disproportionately targeted in both men's and women's prisons, according to "Sexual Victimization Reported by Former State Prisoners, 2008."

The study confirms the systemic problem of staff retaliation against inmates who report abuse. Shockingly, almost half (46.3 percent) of prisoners who reported to a corrections officer that they had been abused by a staff member were themselves written up for an infraction. Inmates reporting sexual abuse at the hands of other inmates were just as likely to be punished themselves (28.5 percent) as to get to speak with an investigator (28.3 percent). More than a third (37 percent) of

prisoners who filed a complaint after being abused by another inmate said that facility staff did not respond at all.

"With such blatant retaliation for reporting abuse, it's no wonder the vast majority of prisoner rape survivors choose to remain silent," said JDI's Executive Director Lovisa Stannow.

About half of all prisoners reporting abuse were victimized by corrections staff. Contrary to common stereotypes, female staff were by far the most likely perpetrators. Among survivors of staff sexual misconduct, 79 percent were males reporting sexual abuse by female staff. Additionally, female inmates were sexually assaulted by other inmates at a rate three times higher than male inmates (13.7 percent versus 4.2 percent).

"This study shows clearly the need for a massive culture change, and an end to impunity, inside our prisons and jails," said Stannow. "The new PREA standards, by requiring greater accountability and oversight, have the potential to achieve just that."

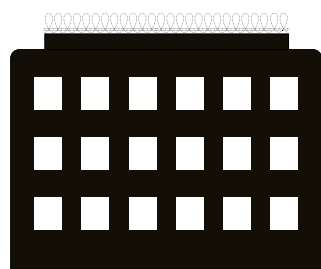
Time to Stop the Overuse of Solitary Confinement

SOLITARY CONFINEMENT can cause any inmate significant emotional distress. For prisoner rape survivors, who are traumatized and often in dire need of medical care and counseling, the dangers posed by this practice are particularly acute. Yet survivors are routinely placed in extreme isolation, ostensibly for their own protection — and frequently against their will.

On June 19, 2012, the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights — chaired by Senator Dick Durbin (D-IL) — held the first-ever Congressional hearing on solitary confinement. In its statement to the subcommittee, JDI highlighted the plight of survivors who were subjected to such punitive conditions. One survivor who was raped in a Colorado facility wrote to JDI, "I was treated like the perpetrator. I was thrown in segregation. I felt so humiliated."

Many survivors, out of fear of "the hole," keep quiet about their abuse. "Reporting sexual abuse is difficult enough for survivors, who so often face retaliation or punishment if they speak out," said Linda McFarlane, Deputy Executive Director at JDI. "The prospect of being isolated in a cramped cell, sometimes for months at a time, adds yet another obstacle."

JDI believes that involuntary solitary confinement should be used only as a last resort — a view echoed by Senator Durbin at the hearing. Unfortunately, the new standards developed under the Prison Rape Elimination Act allow facilities to hold survivors in involuntary solitary confinement for up to 30 days, a dangerously long period of time. JDI will continue to press for reforms to limit the use of this abusive practice.



1 IN 10

FORMER STATE INMATES REPORTED BEING SEXUALLY ABUSED WHILE IN DETENTION



1 3

OF INMATES REPORTED STAFF SEXUAL HARASSMENT such as during showers, searches, or while undressing



Source: Bureau of Justice Statistics, *Sexual Victimization Reported by Former State Prisoners, 2008*, May 2012



Photo: Aapo Haapanen



Photo: Tamela Kemp

Kimberly Yates (left) and Troy Isaac, JDI Survivor Council members and leaders in the fight for the PREA standards.

National Standards

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the standards remove unreasonable time limits for traumatized survivors to report abuse, while ensuring that they can speak to trained counselors. To strengthen oversight, the standards mandate that facilities undergo independent audits every three years and that each audit report be made public.

JDI was instrumental in securing the finalization of strong standards. In the years after the passage of PREA, JDI worked closely with the National Prison Rape Elimination Commission on developing proposed standards for the Department of Justice. After the Department released significantly weaker draft regulations, in February 2011, JDI mobilized a coalition of supporters, survivors, and allied organizations to demand more robust reforms. It is largely due to these efforts — in particular the submission of numerous public comments on the Department’s draft — that the final standards include life-saving, unprecedented reforms.

Ultimately, the most significant contribution was made by prisoner rape survivors themselves. Throughout the struggle to end sexual

violence behind bars, these men and women did more than just put a human face to this crisis; they served as advocates, spokespeople, and policy experts, helping to shed light on a problem that for too long was neglected or ignored. One such survivor is Frank Mendoza, a member of JDI’s Survivor Council who in 2011 testified at a Congressional briefing on the need for strong standards. Reflecting on their passage, Mendoza said: “Prisoner rape is not just a statistic for those of us who have lived through it — it is a life-shattering experience. The violence has to stop. The standards have filled me with the hope that no one ever will have to experience what I went through.”

In the coming months, JDI will shift its attention toward ensuring that the standards are meaningfully implemented. “The passage of such strong standards — and they are strong — is a cause for celebration,” said Stannow. “But rules alone won’t end this crisis. Working together, advocates and corrections officials must ensure that all detention facilities use this tool to eliminate, finally, prisoner rape.”

All Detainees Deserve Protection, Says President Obama

NO MATTER WHERE or why a person is detained, the right to be free from sexual abuse is absolute. This fundamental principle was affirmed by President Obama in a landmark Presidential Memorandum issued on May 17, alongside the Department of Justice’s national standards to stop prisoner rape.

The memo confirms that all federal agencies with confinement facilities — not just the Department of Justice — are bound by PREA and must create their own standards within one year. This step will mean better protections for people held in immigration detention facilities — facilities that, despite being plagued by sexual abuse, were exempted from the Department of Justice’s standards.

The Department of Homeland Security, which detains more than 400,000 immigrants annually, has already announced that it will issue draft standards for public comment. Other agencies that must also develop their own standards include the Bureau of Indian Affairs, the Department of Health and Human Services, and the Department of Defense.

JDI led the push to have the federal standards apply to immigration detention facilities, in keeping with the explicit intent of Congress when it passed PREA. Now, JDI will work to ensure that the Department of Homeland Security, and other federal agencies, adopt standards that are at least as strong as the Department of Justice’s.

VOICES FOR JUSTICE

In a new short film by JDI, prisoner rape survivors reflect on the significance of the PREA standards — and on their role in getting them passed.

Watch online:

www.justdetention.org/en/FPREA.aspx

JDI and PREA: A Personal History

By Tom Cahill

KNOW FIRST-HAND the devastating impact prisoner rape can have on a human being. In 1968, following my arrest for civil disobedience, I was gang-raped in a San Antonio jail over a period of 24 hours. Before placing me in an overcrowded cell, my jailers set me up by spreading a false rumor that I was a child molester. After I was released, the assaults haunted me, causing flashbacks, nightmares, and an overwhelming feeling of shame.

Back then no one seemed to care about the countless people who were being brutalized in this way, every year. Sexual abuse in detention was a hidden crisis, dismissed as irrelevant by the press and ignored by the government. By the early 1980s, even as incarceration rates were skyrocketing, prisoner rape remained the ugliest secret in America.

It was against this backdrop that a small group of us — all survivors of prisoner rape — set out to build a movement to end this heinous crime. Our organization, Stop Prisoner Rape, had no permanent home — our early “offices” included a camper van and a barn — and operated on a shoe-string



JDI's first “office,” 1983–1987.

budget. But we had a devoted team and a dynamic president in Stephen Donaldson (aka Donny), who, through the force of his writing and strength of his leadership, helped elevate the issue of prisoner rape onto the national stage. By the mid 1990s, we had a website and had placed our first op-ed in the *New York Times*. In 2001, we moved into our first office. In 2008, we changed our name to Just Detention International.

As our influence grew, a few elected leaders began to take notice of our cause. One such politician was the late Senator Edward Kennedy. In 2003, Senator Kennedy, along with Senator Jeff Sessions and Representatives Frank Wolf and Bobby Scott, sponsored and helped push the Prison Rape Elimination Act (PREA) through Congress. In September of that year, I found myself standing beside President George W. Bush as he signed the bill, which called for “national standards for the detection, prevention, reduction, and punishment of prison rape.” Nine years later, following a shameful series of delays and missed deadlines, the standards promised by PREA were finalized and became the law of the land.

Lately I've been thinking a lot about Donny, who died of AIDS in 1996, having contracted HIV from being raped repeatedly while in jail. Although he wasn't alive when PREA passed, the law and the new standards are his legacy, as is the vibrant movement that fought for them. To honor that legacy, we will continue to fight for, and win, the human rights of all inmates.



Photo: James Steinson

Tom Cahill, prisoner rape survivor and former JDI President.

“I have dreamed of this day for years. The PREA standards aren't perfect, but they are an amazing tool for making prisons safer. Now we need to use the standards and stop prisoner rape once and for all.”

— Jan Lastocy
JDI Survivor Council member

“If strong national standards had been in place when I was in prison, my abuse may have never happened. Now that the standards have been released, we can make sure it never happens again.”

— Garrett Cunningham
JDI Survivor Council member

“We finally did it. It took many years of hard work, but, at long last, we have strong standards to protect people behind bars. There's still work left to be done, but I'm celebrating because I know that my government is committed to stopping prisoner rape.”

— Troy Isaac
JDI Survivor Council member

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