

ACTION UPDATE

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People often ask me how I can spend day after day – indeed, year after year – dealing with an issue as dark as prisoner rape. ‘Isn’t it depressing?’ they wonder.



organization devoted to ending such terrible abuses.

On the contrary, our work is full of hope. At JDI, we draft legislation, improve prison policies, educate corrections staff and inmates, and make sure that rape in detention is taken seriously in the public debate. And we touch the lives of the many prisoner rape survivors who reach out to us every day, like Nicole Garza:

JDI makes me feel whole and gives me the confidence to help others. Thank you for being a part of my life and for trusting me to do you proud.

The reason JDI continues this fight is simple: prisoner rape is wrong. It is a perversion of justice and an affront to our society’s most essential values. It ruins the lives of countless people in detention every year, and it hurts the rest of us as well.

If we as a society want to put an end to prisoner rape, we can. And because we can, we must.

Lovisa Stannow
Executive Director

Lack of Prison Oversight = Sexual Abuse and Impunity

Just Detention International Launches Prison Oversight Initiative

WHEN THE government removes someone’s liberty, it takes on the absolute responsibility to protect that person’s safety. With more than 2.3 million people behind bars in the U.S. at any given time, keeping each inmate safe is a formidable task.

Today, corrections facilities across the U.S. are failing at that task. Their failure stems, in large part, from the unparalleled secrecy of U.S. corrections facilities, which has led

to a culture of violence, impunity, and retaliation that pervades U.S. prisons and jails.

Only a handful of states have independent agencies empowered to audit corrections facilities. In the worst prisons, officials facilitate or participate in sexual violence, respond to inmates’ cries for help with derision, and grant perpetrators impunity. Many corrections grievance systems lack mechanisms for serious investigation or redress, and impose complex procedural requirements on inmates who wish to report sexual abuse – requirements

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Sexual abuse and other forms of violence thrive when prisons are closed off to outside scrutiny. Just Detention International has initiated a project to improve the external monitoring of U.S. detention facilities. Photo: AP

Landmark Transgender Policy for Washington, D.C. Jails

Improved Housing Options for Transgender Women

In the U.S., transgender women are usually housed in accordance with their ‘birth gender.’ In other words, they are held in men’s prisons and jails – even if they self-identify as women and are perceived as such by others. While behind bars, a majority of transgender women are subjected to sexual abuse, by other inmates or by staff. In early 2009, JDI helped to secure a groundbreaking policy within the District of Columbia Department of Corrections that creates the option of housing transgender inmates based on their gender identity, rather than their birth gender.

“Transgender women are in acute need of protection from rape,” explains Darby Hickey, JDI’s Policy Associate. “In order to keep these women safe, corrections officials must begin using a more nuanced analysis than simply looking at whether they were born male.”

JDI Secures Crisis Counseling for Prisoner Rape Survivors in California

California state prisoners who have been raped are finally able to access the crisis intervention services that all rape survivors so desperately need. Working closely with the California Department of Corrections and Rehabilitation (CDCR) and with rape crisis centers throughout the state, JDI has created a network of counseling services for inmates. Each prison, its local rape crisis center, and JDI have signed a three-way memorandum of understanding (MOU), formalizing their collaboration. By agreeing to post placards inside its prisons, the CDCR has also made sure that inmates know how to contact both the participating rape crisis center and JDI.

“This project has brought a new awareness to the CDCR,” says Sergeant Robert Patterson of the California Institution for Women (CIW) of its partnership with the Riverside

The new policy establishes a committee that will interview transgender inmates and recommend where to house them, taking into consideration the inmate’s own perception of vulnerability. The committee will include a transgender advocate from the community. The policy also prohibits the strip searching of transgender inmates in front of other inmates and non-critical staff – an important change from past practices.

“The new policy is an important step forward for the D.C. jails and can become a model for other jurisdictions,” says Hickey.

In recognition of its key role in securing the new policy, JDI was a co-recipient (with the D.C. Trans Coalition and the Washington Lawyers’ Committee for Civil Rights and Urban Affairs) of the Distinguished Service Award of the D.C.-based Gay and Lesbian Activists Alliance.

Area Rape Crisis Center. “Rape crisis counselors are the experts in the area of sexual abuse, and they are only a phone call away, 24-hours a day. In the past, we didn’t even know that.”

An impressive 31 of California’s 33 adult state prisons have signed MOUs. While seeking to secure the two final MOUs (with San Quentin and Pelican Bay), JDI will also begin expanding this initiative to California’s youth detention facilities.

“Rape is devastating regardless of where it occurs. Survivors in prison are not able to leave the environment where the assault occurred – indeed, many are forced to continue living with the perpetrator,” explains Linda McFarlane, JDI’s Deputy Executive Director. “Thanks to the CDCR’s willingness to collaborate with JDI and local counselors, survivors can now get basic support to begin healing.”

Oversight

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that many inmates are unable to meet. To make matters worse, incarcerated rape survivors rarely have adequate options for reporting their abuse.

Garrett Cunningham, a prisoner rape survivor from Texas and a member of JDI’s Board of Directors, explains: “After being raped by a prison guard, I was devastated and terrified. I felt sure that filing a formal complaint with the perpetrator’s colleagues would only have made my situation worse.”

The lack of external oversight of U.S. prisons has drawn international attention. In its most recent review of U.S. compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, the U.N. Committee Against Torture expressed concern about the reliable reports it had received about sexual assault of detainees, noting “the lack of prompt and independent investigation of such acts” and highlighting that “appropriate measures to combat these abuses have not been implemented.”

In early 2009, JDI launched a new detention oversight initiative, mobilizing human rights, criminal justice, immigration rights, and disability rights organizations from across the U.S. to take on the urgent need for independent monitoring of all U.S. detention facilities. The first-ever binding national standards addressing sexual abuse in detention – which will be released in late June 2009 by the National Prison Rape Elimination Commission – will be a pivotal tool in this effort. A draft version of the standards stipulated that all U.S. corrections systems must undergo independent audits certifying their compliance with the standards. Those who fail to do so will lose a portion of their federal funding.

“Corrections officials who are committed to ending sexual abuse tend to agree that independent audits are an opportunity to identify, and remedy, weaknesses,” says Lovisa Stannow, Executive Director of JDI. “Officials who automatically object to external monitoring often run unsafe facilities. Openness, not secrecy, is the foundation of healthy prisons.”

Survivor Profile: Toni Bunton

Michigan Prisoner Rape Survivor Speaks about her Abuse, and about Life on the Outside

Toni Bunton was incarcerated in Michigan for second-degree murder, armed robbery, and assault with intent to murder, for driving her cousin's friends to a gas station where one of them shot two men during a botched drug deal. She had no prior arrests.

In September 2008, Bunton's sentence was commuted by Governor Jennifer Granholm. During her 16-year incarceration at Scott Correctional Facility, Bunton endured multiple sexual assaults at the hands of corrections officers. In May 2009, she spoke with JDI's Survivor Outreach Associate, Christine Kregg.



Photo: Regina H. Boone / Detroit Free Press

Can you tell me about the sexual abuse you experienced while incarcerated?

I had just turned 18 when I went to prison. It was a highly sexualized environment. We went through cross-gender pat downs every day. They were creepy, but after a while I became numb to them. The first officer who sexually abused me would give me pat downs and follow me around. One day, he took me into a bathroom and raped me while another officer stood watch. After the rape, I felt like I didn't have a choice but to be silent. I didn't want to be harassed. I knew about cases where prisoners reported abuse, the investigations were unsubstantiated, and the survivors ultimately were charged with making false reports. I didn't want that to happen to me.

How did you get through the aftermath of the abuse?

I talked briefly to a counselor because I was depressed. But, there are so many people in prison with extreme mental illness, so prison counselors don't have the time to focus on people like me. To them, I was doing well. In the end, I found strength I didn't know I had. I thought, "I'm going to survive and get out of here." But it's still hard for me to talk about the rape with people who don't understand the power and control of these officers. People think rape is rape only when someone has a gun to your head. Prison

officials don't need a gun; they already have full control over you.

You ended up winning a lawsuit last year. Can you tell me about that?

My attorneys filed a class-action lawsuit in 1996 for discrimination and sexual abuse of female prisoners in Michigan. The state appealed the case for 12 years, but it finally went to trial in January 2008. I testified along with ten other women. We were the first group to go to trial out of 500 plaintiffs. No one believed we could win, but our attorneys submitted overwhelming evidence that the state knew about the sexual abuse and tried to cover it up. The jury agreed and found that the state was liable. The jury even apologized to us on behalf of the state of Michigan! For the first time in my life, I felt like I mattered to the legal system.

What is your life like now that you have been released?

Life is very good. I am a graduate student at the University of Michigan, getting my Masters in Women's Studies. I work for a non-profit organization that offers GED classes and after-school programs for girls in the Detroit community. I love being with my family. Now, when the holidays come I can be there. It's a beautiful, beautiful thing. The downside is that I'm still scared. The other day, a siren went off and I had an anxiety attack because

it reminded me of prison. Sometimes I believe they will come and take me back.

Is there anything you want other survivors to know?

I wish I had known more about my rights. I want women who have been abused, or those who are being abused, to know that it's not their fault. You're not dirty; you're not the one who caused the abuse.

HOPE FOR HEALING IN SPANISH

Incarcerated rape survivors have access to scant resources, and those available are generally provided only in English. Recognizing the urgent need for assistance in the aftermath of a sexual assault, JDI developed *Hope for Healing*, a self-help manual offering incarcerated survivors the information they would receive in the first few sessions of rape crisis

counseling in the community. JDI is pleased to announce the publication of a Spanish version of this sought-after manual, *Esperanza en la Recuperación*, now available on JDI's website, at <http://www.justdetention.org/pdf/Esperanza%20en%20la%20Recuperacion.pdf>.



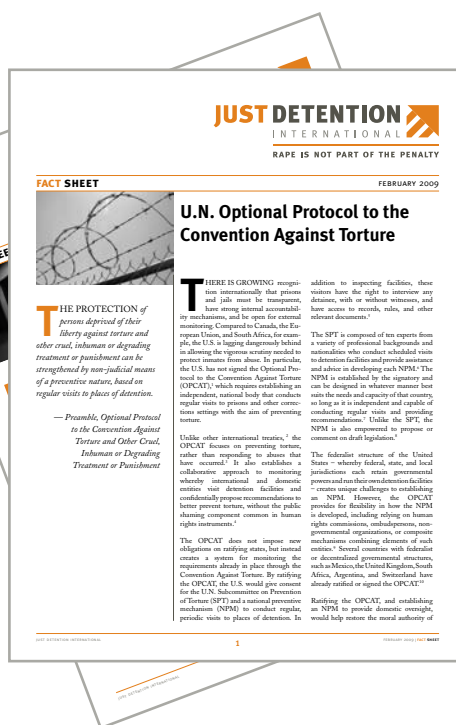
Easy-to-Access Fact Sheets on Prisoner Rape

The problem of sexual abuse in detention remains neglected and widespread, in the United States and beyond. In an effort to shed light on various dimensions of this human rights crisis, JDI has created more than a dozen fact sheets, which are now available on its website at http://www.justdetention.org/en/fact_sheets.aspx.

- The Basics About Sexual Abuse in U.S. Detention
- Truths About Sexual Abuse in U.S. Detention Facilities
- The Prison Rape Elimination Act
- LGBTQ Detainees Chief Targets for Sexual Abuse in Detention
- Mental Health Consequences of Sexual Abuse in Detention
- Sexual Abuse in Detention is a Public Health Issue
- The Prison Litigation Reform Act Obstructs Justice for Survivors of Sexual Abuse in Detention
- Sexual Abuse in U.S. Immigration Detention
- U.N. Optional Protocol to the Convention Against Torture
- Prisoner Rape is Torture Under International Law

- The Need for Prison Oversight
- Sexual Violence in South African Detention Facilities
- Sexual Abuse in Philippine Detention

Please contact JDI at info@justdetention.org with any feedback on these brief documents, including suggestions for additional topics that deserve to be highlighted in a JDI fact sheet.



Focus on Sexual Abuse in the Philippines

JDI WORKS TO SHED LIGHT on the sexual abuse that occurs in Philippine prisons and jails. JDI prepared a shadow report about prisoner rape in the Philippines, which was considered during the second periodic review by the United Nations Committee Against Torture of the Philippines' compliance with the Convention Against Torture. The report, *An Emerging Human Rights Crisis: Sexual Violence in Philippine Detention Facilities*, details the Philippine government's failings in meeting its legal obligations to address prisoner rape and provides recommendations for bringing an end to this form of torture. The report is available on JDI's website, at <http://www.justdetention.org/pdf/PhilippinesShadow.pdf>.

JDI also responded to Congressional requests for input on a pending bill, modeled on the U.S. Prison Rape Elimination Act (PREA) of 2003. JDI proposed several revisions, highlighting the need to establish an independent corrections oversight entity and to develop national standards addressing sexual violence in detention. A new version of the Philippine PREA will be introduced in Congress later this year.



A glimpse from inside the Manila City Jail.

JDI on Facebook – Become a Fan!

Just Detention International has joined the ranks of human rights organizations on Facebook, the social networking website linking millions of individuals across the world.

On its Facebook page, JDI shares with supporters, prisoner rape survivors, journalists, and others the most up-to-date information about its work, including photos, program updates, and contact information. In addition, JDI is listed in the popular "Causes"

application, an outlet for users to donate to non-profit organizations of their choice.

If you are on Facebook, please help spread the word by sharing JDI's page with your friends. A large Facebook fan pool has the potential to translate into much needed attention to the problem of sexual abuse in detention.

To visit JDI on Facebook, simply search for Just Detention International and become a fan. Thank you for your support.

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