

## ACTION UPDATE

OCTOBER 2010

**P**RISONER RAPE is a nationwide human rights crisis: a preventable form of abuse and human suffering that is heartbreakingly common. As you'll see in the adjacent article, the most recent Bureau of Justice Statistics study found that at least 88,500 U.S. inmates had been victimized at their current prison or jail in a one-year period — most of them by corrections staff.

Every week, JDI receives some 40 letters from survivors of sexual abuse in detention — men and women stuck behind bars, unable to get away from their assailants, often forced to suffer through the aftermath of their abuse in silence and ongoing fear.

Recently, Tom wrote from Nevada, "What do I do? Risk an attempt on my life and initiate an investigation, or keep quiet and endure?"

Natasha, who was abused by an officer in Virginia, wrote that, "I feel passed over like roadkill. I feel as if my pleas for help are being shuffled within an internal cesspool of corruption and that I will not be helped."

James, a prisoner in Michigan who has been raped repeatedly, asked, "Do you know what it's like to see their faces each day? Knowing that they smile and laugh...."

We need binding national standards to end this horror. Such standards already exist, and by law U.S. Attorney General Eric Holder was supposed to finalize them no later than June 23, 2010. But he missed that deadline, and no new date has been set.

Prisoner rape is a stain on our society. Good corrections officers are doing what they can, but they are desperate for the support that national standards would give them.

It is time for Mr. Holder to act.



Lovisa Stannow  
Executive Director

## New Federal Report: Rape Behind Bars Still Rampant

*Bureau of Justice Statistics study confirms epidemic of sexual abuse in U.S. prisons and jails*

**A** government report released on August 26, 2010 confirmed that sexual abuse in U.S. detention remains widespread throughout the nation. According to the Bureau of Justice Statistics (BJS), at least 88,500 prison and jail inmates were abused in a single year. The report, "Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09," was based on direct surveys with inmates

in federal and state prisons and county jails throughout the country.

Of prison inmates, 4.4 percent had been sexually abused by other inmates or staff at their current facility in the preceding 12 months. In jails, the figure was 3.1 percent. Some were victimized once, others again and again. On average, victims were abused three to five times apiece over the course of the year.

*See FEDERAL REPORT, continued on page 2*



Lovisa Stannow, JDI's Executive Director, Pat Nolan, Vice President of Prison Fellowship, and prisoner rape survivor Marilyn Shirley (right to left) urged the U.S. Attorney General to take action against prisoner rape at a press conference in Washington, DC on August 17, 2010.

## Federal Report

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These statistics represent a snapshot, as the BJS survey includes only inmates present at a prison or jail on a particular day. The annual number of admissions to county jails is many times higher than the average daily jail population, meaning that only a fraction of detainees were surveyed. Together with what already is known about the prevalence of rape in juvenile facilities, this means that the true number of people sexually abused in detention every year is much higher than 88,500.

While any inmate can be raped, the study found that those with a history of sexual abuse and those who identify as gay or transgender were most commonly targeted. Strikingly, the new BJS study confirms again that men and women in both prisons and jails were more likely to be abused by corrections staff than by other inmates. Staff perpetrators were predominantly of the opposite sex to the victim.

Not surprisingly, some agencies fared consistently worse than others. The new data show clearly that corrections systems lacking committed leadership, strong policies, and

sound practices run prisons and jails where sexual abuse flourishes.

As mandated by the Prison Rape Elimination Act of 2003, the BJS report identified facilities with the highest and the lowest rates of sexual abuse. The Fluvanna Correctional Center, a women's prison in Virginia, was the only facility to rank among those with the highest rates of both inmate-on-inmate abuse and staff sexual misconduct.

Three of the five male prisons with the highest rates of inmate-on-inmate abuse were run by the Texas Department of Criminal Justice, while the four jails with the worst rates were in Orleans Parish (LA), Madison County (AL), Miami-Dade (FL), and Houston County (AL). Facilities run by the New York State Department of Correctional Services had the highest rates of staff sexual abuse for both men's and women's prisons. The list of jails with high rates of staff sexual misconduct was topped by Caroline County Jail (MD), Eastern Shore Regional Jail (VA), and Clallam County Correctional Facility (WA).

## A Unified Voice Against Sexual Abuse

*New Coalition Advocates for Binding National Standards*

**S**EXUAL ABUSE in detention is a preventable human rights violation. It is a crime. It is also an affront to our society's most essential values. As such, the problem of prisoner rape is not a left-right issue. Indeed, when the Prison Rape Elimination Act (PREA) was passed in 2003, it was by a unanimous Congress. The law was backed by an enormously diverse group of non-governmental organizations.

Seven years after the passage of PREA, JDI has launched a large and diverse new alliance, the Raising the Bar for Justice and Safety Coalition, to defend the intent of PREA and urge Attorney General Eric Holder swiftly to ratify national standards to end prisoner rape. These standards have been on his desk since June 2009.

If there were ever doubts about the importance of the standards, such misgivings should have been resolved through the 60-day public comment period held by the Justice Department in the spring of 2010. The Raising the Bar Coalition mobilized organizations and individuals to submit public comments. At the close of the comment period, the Justice Department had heard from 140 groups supporting the standards (or, in many cases, a stronger version of them).

More than 100 prisoner rape survivors also wrote to Attorney General Holder, many of them making clear how requirements in the standards could have prevented their rapes. Some 10,600 individuals signed a JDI petition urging Holder to take prompt action.

The Raising the Bar Coalition now has more than 50 members and a website ([www.raisingthebarcoalition.org](http://www.raisingthebarcoalition.org)). The founding members are: California Coalition Against Sexual Assault, Just Detention International, National Association of Evangelicals, National Gay and Lesbian Task Force, Peace Over Violence, Prison Fellowship Ministries, and the United Methodist Church General Board of Church and Society.

## A Courageous Advocate for Justice

**O**n June 19, one of JDI's strongest survivor advocates, Bryson Martel, passed away. While imprisoned in Arkansas for check fraud, Bryson was repeatedly beaten and raped. "Because I was raped, I got labeled as a 'faggot,'" Bryson said. "Everywhere I walked, everyone looked at me like I was a target." As a result of the attacks, Bryson contracted HIV. "I know I had to pay the price for what I did, but I've paid double price. That check I wrote cost me my life."



Photo: James Stenson

*Bryson Martel,  
1963-2010*

Bryson first contacted JDI in 2006 and in the years since he has been featured in JDI publications and on our website. Bryson had the courage to speak publicly about his experiences behind bars, including in testimony before the National Prison Rape Elimination Commission.

He never wavered in his commitment to protecting inmates from abuse. Despite living in poverty and battling AIDS and leukemia, he was determined to continue speaking out against sexual violence in detention, explaining: "I've already accepted that I'm going to die, but before I do, I want to see justice in the prison system. The only way to help me now is to put an end to rape in prison."

## Inmate Peer Educators Fight Sexual Abuse

**C**orrections officials have an absolute responsibility to make sure that all inmates in their care are safe from sexual abuse. That is a basic, essential part of their job. In the fight against prisoner rape, however, inmates can and must also play key roles in making prisons and jails safer.

JDI has helped launch a ground-breaking inmate peer education program at the California Correctional Institution (CCI). A large, troubled, and overcrowded prison, CCI has made the unusual decision to allow JDI and local rape crisis counselors into the facility to work directly with staff and inmates. The inmate peer educators are carefully chosen and trained prisoners who are able to speak with fellow inmates about sexual abuse and what to do in case of an assault.

Three peer educators began working inside CCI earlier this year. In the month of August alone they held workshops with a total of 400 CCI inmates. The participants' evaluations made clear the importance of these training sessions: "I feel safer." "This class needs to be a part of each inmate's intake from day one." "The presentation was concise, in-depth, and very well delivered, covering all aspects

of sexual abuse and giving important contact information for those in need of help. I commend PREA and its program presenters on a job very, very well done."

Linda McFarlane, JDI's Deputy Executive Director, explained: "Many inmates are terrified of talking to staff about sexual violence. As a result, survivors suffer alone, and prison officials don't know when someone is being abused. Through the peer education project, we are trying to break the silence — a silence that allows sexual abuse to flourish behind bars."

The peer education program is taking place on one of CCI's "sensitive needs yards," which houses more than 1,200 inmates, all of whom officials feel would be in danger in the general prison population. They include transgender women, openly gay men, previously victimized inmates, ex-gang members, inmates with disabilities, and state witnesses.

"This program is helping to change the culture of the yard," said Jodi Ramirez, Health Program Specialist at CCI and staff sponsor of the pilot project. "I am proud to be part of such a pioneering effort."

## JDI Helps Review U.S. Human Rights Record

**A**t its core, the fight to end sexual abuse in detention is about safeguarding basic human rights. Prisoner rape, whether committed by corrections staff or by inmates, is not only a crime, it is recognized by international law as a form of torture. Therefore, JDI carefully monitors U.S. compliance with international human rights treaties that prohibit torture.

This fall, the U.N. Human Rights Council will assess the human rights record of the U.S. as part of a new process, the Universal Periodic Review (UPR). JDI has taken advantage of this opportunity to press the government to end the widespread sexual abuse of U.S. prisoners.

In a "civil society consultation" with the State Department, JDI urged the Obama Administration to sign the Optional Protocol

to the Convention Against Torture and to finalize national standards aimed at ending sexual abuse in detention, which were developed by the National Prison Rape Elimination Commission and are currently under review by Attorney General Eric Holder. JDI also provided a written report directly to the U.N. Human Rights Council.

The U.S. review will take place at the Human Rights Council's session in Geneva on November 5, 2010, taking into account the government's own report as well as "shadow reports" submitted by JDI and others.

"Freedom from torture is a basic human right," said Cynthia Totten, Program Director at JDI. "Until prisoner rape is recognized as a breach of human rights standards that the U.S. has committed to uphold, there will be no outcry to stop this violence."



*Prisoner rape survivor Frank Mendoza at the 2010 National Sexual Assault Conference.*

## Listening to the Wisdom of Prisoner Rape Survivors

**F**rank Mendoza cried as he told his story. So did many in the audience. It was the first time he had spoken publicly about the sexual abuse he suffered at a Los Angeles County jail — about the pain and powerlessness he felt as a Deputy Sheriff assaulted him. Now, sharing these experiences, he was finally able to turn his ordeal into something positive: an opportunity to raise awareness about the horror of rape in detention, and to stimulate much needed corrections reform.

At the September 2010 National Sexual Assault Conference in Los Angeles, which JDI co-sponsored with the California Coalition Against Sexual Assault and the Pennsylvania Coalition Against Rape, Frank and other survivors captivated the audience like no other speakers could. They put faces on the problem of prisoner rape. More importantly, they suggested concrete ways that prisons and jails can prevent and respond to sexual abuse.

Staff members from the California Correctional Institution (CCI), one of California's large men's prisons, were there to participate, listen, and learn. In that one room, human rights advocates, service providers, prisoner rape survivors, and corrections officials heard the hard truths and discussed solutions. If such moments, and such connections, could be created across the country, the battle against sexual abuse in detention would soon be won.



# 30 Years of Fighting Prisoner Rape

*JDI's Success a Testament to the Courage of Survivors*

**D**ESPITE EVERYTHING that happened to me, I am hopeful," said Troy Erik Isaac, testifying at a Congressional briefing in June 2010. Troy endured horrific sexual violence behind bars — starting at the age of 12, while in a juvenile facility. After spending more than two decades locked up in California prisons, Troy is now speaking out about his abuse and what needs to be done to protect adults and children from sexual violence.

Along with countless other prisoner rape survivors, Troy has turned his painful experiences into an opportunity to become a powerful human rights advocate. And corrections officials, legislators, and policymakers are listening.

Things have changed dramatically since the early days of JDI — founded in 1980 as People Organized to Stop the Rape of Imprisoned Persons — when, as JDI founder Russell D. Smith put it, "Nobody was even thinking about the subject, much less speaking out against it."

Tom Cahill, JDI's former President, became so frustrated with the silence surrounding sexual abuse in prison that, in 1984, he parked his camper outside San Quentin State Prison and went on a two-month hunger strike to draw attention to the suffering of incarcerated survivors. Sixteen years earlier, Tom had been beaten and gang-raped in a Texas jail cell, after being locked up for civil disobedience.



Photo: James Stenson

*Former JDI President Tom Cahill.*

In the years since, the courage and activism of prisoner rape survivors who insisted on telling the brutal truth about their experiences behind bars brought to light a neglected domestic human rights crisis. Today, the battle against prisoner rape is no longer about proving that the problem exists, but about developing real solutions — and survivors continue to be at the forefront of the movement.

Now in its 30<sup>th</sup> year, JDI is proud to continue working with Tom, Troy, and thousands of others, demanding protection for the safety and dignity of all people behind bars.

*For the past 30 years, prisoner rape survivors like Cecilia Chung (left) have played a vitally important role in the work of Just Detention International, including by serving on its Board of Directors; Barrilee Bannister (right) is one of many survivors who began speaking out while still behind bars, despite serious risks of retaliation. Since her release, Barrilee has continued to advocate for an end to prisoner rape. Both Cecilia and Barrilee are members of JDI's Survivor Speakers List.*



Photos: James Stenson

*"The memory of the assaults will never go away. Just like other survivors, I have felt scared and mistrustful, or blamed myself for what happened. But we never asked to be raped and I know now that it is not our fault. I am here today to try my best to keep sexual abuse from happening to anyone else."*

— Kimberly Yates, testifying at a Congressional briefing on June 25, 2010

## Justice Department Misses Deadline for National Standards

**O**n June 23, 2010, U.S. Attorney General Eric Holder missed his statutory deadline to finalize national standards aimed at ending sexual abuse in detention, as mandated by the Prison Rape Elimination Act (PREA) of 2003. These standards, developed by the bipartisan National Prison Rape Elimination Commission in collaboration with JDI and many other organizations, have the potential to become the most effective tool so far in the effort to end prisoner rape. Sadly, the Justice Department has set no new completion date for its internal review.

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