

## ACTION UPDATE

NOVEMBER 2009

**S**O FAR IN 2009, JDI has received nearly 1,000 letters from survivors of sexual violence in U.S. prisons and jails. Inmates write of the unconscionable abuses they have suffered from guards and other detainees, of their pain, of their hopes for better times ahead, and of their determination to help put an end to prisoner rape.

JDI takes all survivor accounts seriously. Research shows clearly that the first responses rape survivors receive when disclosing their abuse have the most profound impact on their healing. Many who write JDI have never told *anyone* else about the violence they have endured — not their families, not other inmates, and not prison officials.

Every survivor receives a personalized packet of information, including a list of local rape crisis centers that have agreed to assist inmates, self-help publications, and a letter of hope from a fellow survivor. These simple materials have helped countless prisoners turn their lives around. After receiving his packet, Phillip, who was raped by another inmate, wrote:

*You have been my anchor to sanity through this entire ordeal. If there is anything, at any time, I can do for you and your organization, if it is within my power to do it, it will be done without question. I can only hope that someday I will be afforded the opportunity to reach out to a complete stranger, as you have done, and offer an ounce of assistance. Thank you, JDI, from the bottom of my heart.*

This *Action Update* is about the people who have survived sexual abuse behind bars, and who have refused to be silenced by their anguish. They are the reason we do the work we do.



Lovisa Stannow  
Executive Director

## We Are Survivors, Not Silent Victims

### *Prisoner Rape Survivors Key Players in JDI's Work*

**P**RISONER RAPE survivors are more than just the faces of a human rights crisis; they are also an essential part of the solution to the sexual violence that plagues prisons and jails. Through its Survivor Council and Survivor Speakers List, JDI makes sure that men and women who were sexually assaulted while in detention play

vital roles in the effort to end prisoner rape. In recent years, JDI survivor advocates have offered public testimony before federal and state commissions and legislatures, spoken with journalists, trained corrections officials, and participated in the crafting of new national standards addressing prisoner rape. Survivors of prisoner rape also serve on JDI's Board of Directors.



Photos: James Stenson

*Clockwise from left: Garrett Cunningham, Esmeralda Soto, and Joseph Galloway.*

**"As a prisoner rape survivor, I know first-hand that ignorance and indifference are devastating obstacles to change. To this day, many Americans consider inmates to be 'disposable'... I used to feel shame and humiliation about what happened to me in that Texas jail. Eventually, I came to realize that it was not my shame — it was my country's shame." — Tom Cahill**

# Bryson Martel: When Prisoner Rape Means AIDS



*Bryson Martel*

**W**HEN I WENT TO PRISON, I was 28 years old, I weighed 123 pounds, and I was scared to death.

I was right to be afraid. I am bisexual, but that doesn't mean I want to have sex with just anyone. As soon as I got there, inmates started acting like they were my friends so they could take advantage of me. I told them I wasn't going to put up with that. But they jumped on me. They beat me. Within two weeks, I was raped at knifepoint.

I reported the rape, and was sent into protective custody. But I wasn't safe there either. They put all kinds of people in protective custody, including sexual predators. I was put in a cell with a rapist who had AIDS. Within two days, he raped me. I yelled for the guard, but it was so loud in there, no one came to help me.

Because I was raped, I got labeled as a "faggot." Everywhere I walked, everyone looked at me like I was a target. It opened the door for a lot of other predators. Even the administrators thought it was okay for a "faggot" to be raped. They said, "Oh, you

must like it." I'm here to tell you that no one wants to be raped. No one likes being violently attacked.

I documented the abuse, I filed grievances, I followed all of the procedures to report what was happening to me, but no one cared. I went through nine months of torture – nine months of hell. Everything that happened to me could have been avoided if the prison was accountable for inmates' safety.

I started bleeding from the rectum. I didn't want to go to the infirmary because I was still so ashamed about what had happened to me, but I had to. They gave me a test, and that's when I got the devastating news. I was HIV-positive.

I felt suicidal. I felt like my world had come to an end. I cried and cried. I felt ashamed, embarrassed, degraded, and humiliated. I haven't forgotten those feelings. You never forget. You never heal emotionally. There isn't a day that goes by that I don't think about this.

Eventually, I was interviewed by an investigator from the State Police, and I made a report of every assault I survived in prison. I had to list all the inmates who sexually assaulted me, and I came up with 27 names. Sometimes just one inmate assaulted me, and sometimes they attacked me in groups. It went on almost every day for the nine months I spent in that facility.

I'm not able to work. I collect disability. Fighting for my life is my full-time job. They took my life, but they didn't take my ability to live my life.

I know I had to pay the price for what I did, but I've paid double price. Every day I wake up and I'm just grateful that I'm still here. 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.

*Bryson Martel lives in Michigan.*

# Garrett Cunningham: Justice Comes in Many Shapes and Forms

**M**Y LIFE CHANGED forever when I was 29 years old. I was serving time at the Luther Unit, a men's prison in Texas.

I was working in the facility laundry, supervised by a prison officer. After spending just a few weeks with this officer, he began to harass me sexually — touching me and making crude comments.

At first, I was afraid to tell anyone about what was going on. It got so bad, though, that I spoke with the unit psychologist, and then prison administrators, including the assistant warden. First they told me to stay away from him. Then they told me I was exaggerating. The last time I tried to get help from prison staff, I was told to keep my mouth shut.

One day soon after that, after I had finished my work for the day and was heading for the shower, the officer slammed me from behind, knocking the wind out of me. He handcuffed me, shoving my face into a pile of laundry. I can still remember the feeling of struggling to breathe. I screamed and fought to get him off of me, but he was twice my size. Then he raped me.

As he took the handcuffs off, he told me that if I snitched, I'd end up dead. None of the officers would do anything to help me anyway, he said, because they were all his friends. For years, I was plagued by thoughts about what I could have done differently. After plenty of soul-searching, I realized that the assault was not my fault, and I was able to start healing, to move on to a healthy and productive life. Today, I have a beautiful family.

Justice comes in many shapes and forms. In my case, the officer got away with his crime. But I decided I was not going to let him ruin my life. I had to seek a different kind of justice, by speaking the truth and doing everything I can to prevent the rape of others.

*Garrett Cunningham is a member of JDI's Board of Directors. He lives in Texas.*

# Loretta Mitchell: I've Only Recently Learned to Cope

**I** WAS SEXUALLY ASSAULTED by Officer Zacofsky at Rappahannock Regional Jail in Virginia over a period of months. He was stationed inside the female housing pod and began to approach me with unwanted attention. Later, due to complaints, he was removed from our housing unit. He started sending me messages through other inmates and began stalking me when I went to visitation, classes, or to the medical department. I got 'promoted' to become a trustee in the Officer's Lounge and that day would later become the beginning of something that will haunt me the rest of my life.

While I was preparing food for the staff members, Officer Zacofsky would stare at me, telling me how beautiful he thought I was. Later, he would approach me and state specific personal information about my child, my home, my vehicles, and my dogs, only to threaten that if I reported any of his actions he'd go back to my home.

I tried telling my family and friends during phone conversations, but I'd be approached about the conversations by Officer Zacofsky and threatened more. I attempted to alert my husband during visitation, only to be blocked in and cornered by the officer later. Other inmates and staff noticed his behavior. Staff joked and encouraged him. I was trapped and scared. I didn't know what to do or where to turn. I documented everything.

In October 2007, Officer Zacofsky pushed me against the wall and forcibly kissed me. I was so scared. He then threatened physical harm to myself and to my family. It only got worse. From November 2007 through January 2008, Officer Zacofsky forced me to perform oral sodomy and raped me. I was helpless. I had no one inside or out that was safe for me to go to.

On February 15, 2008, I was suspended from my trustee job because the jail officials finally decided to investigate the complaints. I was transferred to another jail. I was questioned over a series of weeks by Internal Affairs and investigators. Not once was I asked if I was

okay. I was forced to give recorded interviews without an attorney present, even though I requested one, and I was not allowed to speak with a woman counselor. I was not offered any medical care or mental health counseling. Both jails were extremely concerned about the possibility of a pregnancy, so I was later given a pregnancy test. I have not been tested for all STDs.

On March 4, 2008, a detective with the Stafford County Sheriff's Office visited me for the last time. He informed me that all of my statements had been verified and that Officer Zacofsky had confessed and would be arrested. He was charged with two felonies: carnal knowledge of an inmate and sodomy by force, threat, or intimidation. In October 2008, Officer Zacofsky pleaded guilty in Stafford Circuit Court to a single felony count of carnal knowledge of an inmate. As part of a plea agreement, he was sentenced to two years in prison, all of which was suspended.

I felt completely left out of the process and was never called to court to testify. My attorneys and I were never informed of the plea agreement, and it was a shock when we read in the paper that the prosecutor had dropped the sodomy charge.

I've only recently learned to cope with my situation. The reason I've stood up is because of JDI and your support. I'd lay my life down to fight with JDI against prison rape. The prison system took my life and the only reason I finally have it back is because of you. Words can never explain my appreciation for all of you. I'm driven by a determination and hope that JDI has embedded deep in my soul and I'm going to fight for anyone and everyone who's ever suffered at the hands of corrections officials.

*Loretta Mitchell is currently incarcerated at a Virginia state prison.*



*Loretta Mitchell*

## SURVIVOR FACES AND VOICES

Most of the photos in this *Action Update* were taken by photographer James Stenson. He is working with JDI to take portraits and at-home pictures of prisoner rape survivors who have decided to speak out about the abuses they have endured. JDI is also in the process of documenting the stories of survivors in audio recordings. Additional photos by Stenson, as well as survivor interviews, are available on JDI's website, at [http://www.justdetention.org/en/survivor\\_testimony.aspx](http://www.justdetention.org/en/survivor_testimony.aspx).

If you are a survivor of sexual abuse in detention and you would like to participate in this documentation project, please feel free to contact Darby Hickey, JDI's Senior Communications Associate, at [dhickey@justdetention.org](mailto:dhickey@justdetention.org) or 202-580-6935. You can also write JDI at: 3325 Wilshire Blvd., Suite 340, Los Angeles, CA 90010.



## “Thank You JDI!!!”

**M**ANY OF THE LETTERS JDI receives from prisoner rape survivors describe appalling acts of cruelty. As professionals working to end sexual abuse in detention, JDI staff expect such accounts, and are prepared to handle them. Indeed, the wisdom and experiences that individual survivors share with the organization are key reasons why JDI has been so successful in fighting sexual abuse in detention. Nevertheless, staff agree that it is deeply moving to open a survivor letter — expecting another tragedy — and find an unprompted note of gratitude.

### *Johanna, raped by prison staff*

“If I worked the rest of my life, I could never repay JDI for what you’ve done for me and so many people like me. When JDI came into my life, I was able to give my feelings a voice. You literally saved my life. I am one of the lucky ones. I had a place I could turn to when I was lost. So many lose themselves.”

### *Jairo, sexually assaulted by prison staff*

“JDI has helped me to grow strong and move on! It’s been rough, but with JDI I’ve stepped over some stepping stones to pursue happiness and rehabilitation. Thank you JDI!!! May God bless all victims of this type of tragedy!!!”



*Frank Mendoza*



*Michelle Branch*

### *Gregory, raped by prison staff*

“You have proven to me that I am not alone and that there are people who actually care. It is a grand thing to know that someone will listen.”

### *David, raped by cellmate*

“I was just sitting here thinking about all the love and caring you’ve shown me in your kind letters. You’ve given me hope for tomorrow. I appreciate your letters more than words can say.”

### *Beverly, subjected to abusive pat searches by an officer*

“I really would like to express my gratitude and appreciation because your organization has opened my eyes to so much and made me know there are people who care. You did not consider my cry for help a small, insignificant situation. I feel you truly understood that even though I was never raped in the same way some are, I was violated all the same, and the humiliation, anger, and degrading feelings of helplessness are the same.”

### *Lori, raped by prison staff*

“As I read through JDI’s information, it gave me hope. I don’t feel alone anymore. Even though I’m an inmate, I realize now that I still have rights. I can’t stress enough how important the information from JDI is to me. It gives me encouragement. Thank you!”

## About Just Detention International (JDI)

**J**ust Detention International (JDI) is a human rights organization that seeks to end sexual abuse in all forms of detention.

All of JDI’s work takes place within the framework of international human rights laws and norms. The sexual assault of detainees, whether committed by corrections staff or by inmates, is a crime and is recognized internationally as a form of torture.

JDI has three core goals for its work: to ensure government accountability for prisoner rape; to transform ill-informed public attitudes about sexual violence in detention; and to promote access to resources for those who have survived this form of abuse.

JDI is concerned about the safety and well-being of all detainees. They include those held in adult prisons and jails, juvenile facilities, immigration detention centers, and police lock-ups, whether run by government agencies or by private corporations on behalf of the government.

When the government takes away someone’s freedom, it incurs a responsibility to protect that person’s safety. All inmates have the right be treated with dignity. No matter what crime someone has committed, sexual violence must never be part of the penalty.

### 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](mailto:info@justdetention.org)  
[www.justdetention.org](http://www.justdetention.org)