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Nightmare of prison rape

The well-being of our prisoners isn't a topic that often garners much sympathy. Perhaps that is why few Americans know that rapes and sexual assaults of U.S. inmates have reached epidemic proportions.

The Bureau of Justice Statistics confirmed this human rights crisis last month. It says that nearly one in 10 prisoners report having been raped or sexually assaulted by other inmates, staff or both.

That's why the release of a separate report by the National Prison Rape Elimination Commission, which was created by Congress in 2003, is so important. It challenges our society to take seriously a problem that has ruined many lives.

The website of the health and human rights organization Just Detention International (JDI) tells some of the inmates' troubling stories.

"While I was in an Arkansas state prison, I was raped by at least 27 different inmates over a nine-month period," said Bryson Martel Spruce, a bisexual former inmate. "I don't have to tell you that it was the worst nine months of my life."

Spruce contracted HIV as a result of the attacks. "Standards are needed to protect people like me," he said before he died in

2010.

Spruce's story is a disturbing example of the particular challenge lesbian, gay, bisexual and transgender people face when incarcerated. "I knew him well," Lovisa Stannow, JDI's executive director, said of Spruce. "He spoke often about how he was targeted because of his sexual orientation."

More than one-third of gay and bisexual male inmates said that they were victimized by another inmate, according to the Bureau of Justice Statistics report. By comparison, only 3.5 percent of straight male inmates reported being sexually assaulted by other inmates. Bisexual female inmates also were targeted for sexual assaults more than their fellow inmates.

Of course, gender and sexual orientation are not the main issue. No inmate in our prisons should have to endure rapes or sexual assaults, whether committed by other inmates or staff.

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Bryan Stevenson, executive director of the Equal Justice Initiative (EJI), a private, non-profit organization, traces the vulnerability of prisoners to sexual assaults back to three pieces of legislation passed during the Clinton administration. The Prison Litigation and Reform Act made it more difficult for prisoners to sue for abuse of power or dangerous treatment. The Antiterrorism and Effective Death Penalty Act essentially guaranteed that inmates who have suffered wrongful convictions will have a tougher time challenging them. And by making convicts ineligible for food stamps or public housing, the infamous Personal Responsibility and Work Opportunity Reconciliation Act of 1996, better known as welfare reform, virtually ensured higher recidivism rates. Together, these laws have not only robbed more vulnerable inmates of just opportunities to gain and maintain freedom, they also have guaranteed that some will be targeted for prison rapes while trapped inside.

“All of that, I think, would have been shocking even to a Republican legislator in the 1960s or early 1970s,” Stevenson said.

The commission’s new prison rape elimination standards, blessed by the Justice Department, include requirements for adequate prison staffing, sexual abuse prevention training for staff, creating more ways for inmates to report sexual abuse privately, no cross-gender searches of female inmates by male staff, publishing sexual abuse statistics annually and audits every three years. State prisons that don’t comply will lose federal funding.

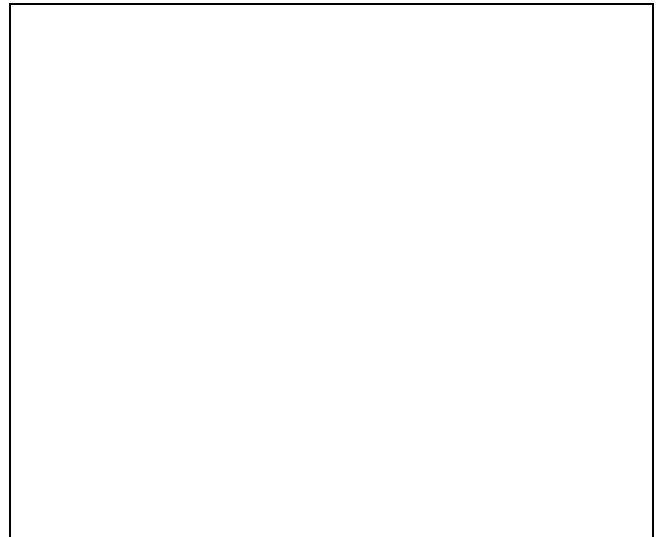
The new standards will add heft to current complaints, such as the one filed by EJI against the Alabama Department of Corrections that is now under investigation by the Justice Department. EJI alleges that inmates of the Julia Tutwiler Prison for Women in Wetumpka, Ala., have suffered “widespread sexual abuse” by male guards, including acts of sexual violence that have culminated in pregnancies.

“When the government takes away someone’s freedom, it takes on the responsibility of keeping that person safe,” Stevenson said.

No state can credibly claim to be committed to law and order if its response to sexual assaults in prison is passive at best. But this is not just about justice for inmates. The commission’s report includes the story of Air Force veteran Tom Cahill, who was beaten and gang-raped by inmates while spending one night in a San Antonio jail.

“I’ve been hospitalized more times than I

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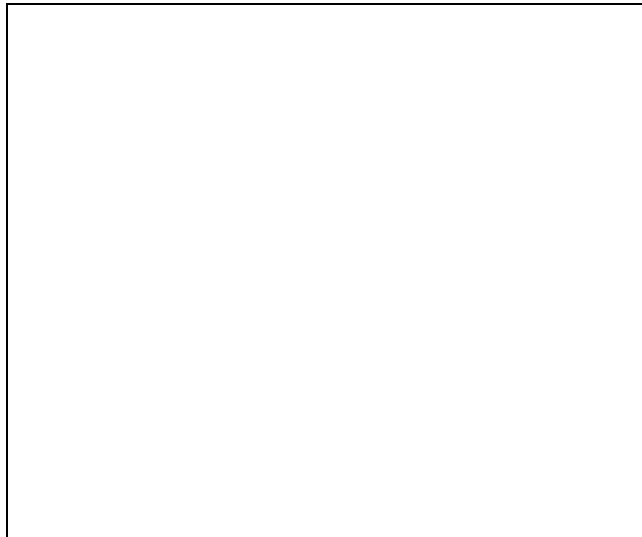
can count,” Cahill told the commission. “For the past two decades, I’ve received a non-service connected security pension from the (Department of Veterans Affairs) at the cost of about \$200,000 in connection with the only major trauma I’ve ever suffered, the rape.”

Cahill’s horrific experience happened in just one night spent in jail. For those spending years in prison, their nightmare can be never ending, until the new standards are not only implemented but also enforced to protect vulnerable prisoners.

Sure, these inmates are paying for their crimes, but rape is not part of their sentence.

David Person, a member of USA TODAY’s Board of Contributors, is directing the forthcoming television documentary Not Our Bodies, an examination of rape, sexual assaults and race.

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