

TEN YEARS AGO, we made history together. On September 4, 2003, the Prison Rape Elimination Act (PREA) – one of the most significant human rights victories of our time – was signed into law. This landmark law recognizes that the government has a duty to end sexual abuse behind bars.



In this *Action Update*, we salute the people behind this remarkable piece of U.S. legislation. These pages contain many inspiring stories of activists, politicians, and corrections officials – the men and women who

spoke out against prisoner rape at a time when few others would. Above all, this *Action Update* celebrates prisoner rape survivors. Without their courage to come forward and boldly speak the truth, PREA would not exist.

There's another group that deserves praise on PREA's tenth anniversary, and that's you, JDI's supporters. For more than a decade, you have formed the backbone of this powerful, survivor-led movement. The passage of such an amazing law – and its implementation since – is proof that compassion can make a difference in the lives of prisoners.

PREA is a historic achievement, but the law alone has not, and will not, eradicate the crisis of prisoner rape. It remains up to all of us to finish that task. With supporters like you, we know we can do it.

Lovisa Stannow
Executive Director

A Testament to the Courage of Prisoner Rape Survivors

Celebrating ten years of the Prison Rape Elimination Act

IN JUNE 2003, Tom Cahill traveled to Washington, D.C., to tell the nation's leaders to pass a law to stop prisoner rape. At a historic briefing on Capitol Hill, Tom told the story of how his life was ripped apart after his brutal gang rape years earlier in a Texas jail. Tom was not only a survivor of this abuse; he was a longtime advocate who, at the time, was JDI's President. He ended his speech by calling on lawmakers to support a bill before Congress that, if adopted, would "put an end to this barbarism."

Three months later, on September 4, 2003, Tom watched from the Oval Office as President George W. Bush signed the Prison Rape Elimination Act (PREA)

into law. Today, one decade since PREA's passage, the law stands as one of the great human rights triumphs in modern U.S. history. Thanks to PREA, the crisis of prisoner rape is no longer hidden or ignored. PREA has provided a road map to eliminating this abuse completely – and it never would have happened without Tom Cahill and the survivor-led movement he helped create.

Tom's journey began long before his trip to Washington, D.C. In 1968, at a peaceful anti-war protest in Texas, Tom was arrested. Before putting Tom in the San Antonio jail, a staff member yelled out "fresh meat" – setting up Tom for 24 hours of rapes and beatings at the hands of his cellmates. The horror of the abuse remains with him to this day.

See The Courage of Survivors, continued on page 2



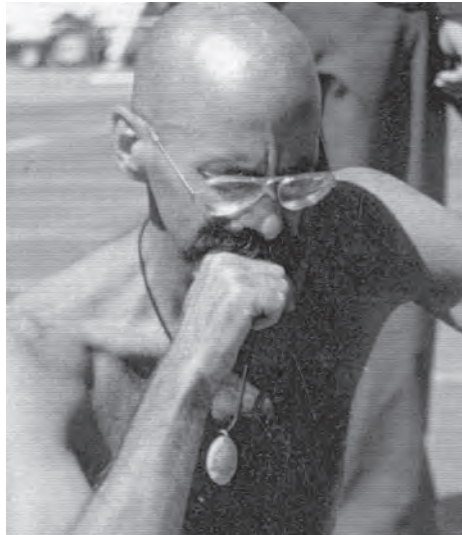
Tom Cahill (right), with the late Senator Ted Kennedy (center) and President George W. Bush, in the Oval Office; in the background is Pat Nolan, another leading PREA advocate

The PREA Standards: A Human Rights Tool

FINALIZED IN MAY 2012, the PREA standards are a powerful human rights tool. JDI led the push for robust standards with commonsense, enforceable provisions to protect inmates. As a result, the final standards contain many of the lifesaving reforms long championed by advocates, including:

- **Zero tolerance for sexual abuse.** Every detention facility is required to develop a written policy affirming its zero tolerance for all forms of sexual abuse and harassment.
- **Inmate education.** Inmates must be informed about their absolute right to be free from sexual abuse, how to report abuse, and how to get help.
- **Partnerships with local organizations.** Facilities must work with outside victim services agencies, ensuring that prisoners get the help they need after an assault.
- **Training for corrections staff.** Staff have to be trained in PREA, sexual abuse prevention, and how to respond professionally and sensitively to inmates who report victimization.
- **Safe housing for inmates.** Intake staff must assess each inmate's risk for being abused – or likelihood of being abusive – before making housing decisions.
- **Protections for transgender inmates.** Facilities must make case-by-case decisions about how best to ensure transgender inmates' health and safety, rather than housing transgender people solely based on their genital status.
- **Independent audits.** Facilities have to undergo independent, external audits every three years to measure their compliance with all of the provisions in the standards.

For the PREA standards, visit www.justdetention.org/en/FPREA.aspx.



Portraits of courage: Tom Cabill (left), on a hunger strike to call attention to prisoner rape, and Stephen "Donny" Donaldson (1946–1996), one of JDI's early leaders

The Courage of Survivors

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Tom desperately tried to bring attention to the abuse he suffered behind bars – and to the suffering of countless others who were still locked up. Despite his efforts, including a 60-day hunger strike outside of San Quentin, no one seemed to care. But Tom never quit. He reached out to other survivors, and together they built JDI – known then as Stop Prisoner Rape – to demand that the government recognize prisoner rape as a human rights crisis and act decisively to end it.

JDI fought to bring the stories of survivors out of the shadows and into the nation's consciousness. Tom and his colleagues – including the late Stephen "Donny" Donaldson, another prisoner rape survivor who refused to be silenced – churned out press releases, penned op-eds, and wrote to elected officials, whatever was needed to tell the truth about life behind bars. These dogged efforts paid off when one of Tom's impassioned letters, sent to Representative Frank Wolf (R-VA), became the seed for PREA. Congressman Wolf, inspired by Tom's story and himself a champion for inmates' rights, went on to develop the law and help steer it through Congress.

PREA has sparked a dramatic transformation. Ten years since the law's passage, many

of the myths and ill-informed views surrounding prisoner rape have been shattered. A series of unprecedented – and PREA-mandated – government reports on the issue have proven that prisoner rape is, in fact, both pervasive and preventable. Corrections officials across the country are working with advocates and rape crisis counselors to institute reforms that would have been unimaginable a decade ago.

The law's signature accomplishment is the creation of strong national standards to stop prisoner rape. The final PREA standards – released by the Department of Justice in May 2012 – are very strong, but not perfect. Still, they are a vital human rights tool that lays out concrete steps for detention facilities to end sexual abuse.

On its tenth anniversary, PREA remains a testament to the courage and dedication of survivors like Tom. After PREA's passage, Tom retired as JDI's President, though he remains on its Survivor Council. On his retirement, Tom received a letter from another PREA champion, the late Senator Ted Kennedy (D-MA). He told Tom, "The nation owes you a huge debt of gratitude for this impressive reform. You've certainly proved the truth of President Kennedy's famous words, 'Each of us can make a difference.'"

Not Just a Witness to History: How I Helped Make PREA Happen

By Hope Hernandez

ON SEPTEMBER 4, 2003, I stood in the Oval Office and watched as President Bush signed the Prison Rape Elimination Act (PREA), a law that has the potential to change fundamentally the way this country treats people behind bars. Yet I was more than just a witness to this historic moment; along with fellow survivors of prisoner rape, I helped make it happen.

The story of how I came to be at the White House – and, indeed, how PREA got there, too – begins with JDI. I heard about JDI from my therapist, who was helping me heal from the trauma of being sexually abused while I was in custody. He suggested that working with other survivors to stop this abuse might be a way for me to channel my pain into something positive.

My assaults had happened some months earlier, in the drug treatment wing of a jail in Washington, D.C. The experience was devastating. It left me feeling humiliated, depressed, and angry. When I got involved with JDI, it became clear to me that I

wasn't alone. Many other people were going through exactly what I was going through – and they were demanding to be heard.

We refused to be called victims. We were survivors, people who were as deserving of our rights and our dignity as anyone else. It was this basic idea, mixed with a bit of stubborn determination, that spurred people like Tom Cahill – JDI's President at the time, and a fellow survivor, who was with me in the Oval Office for PREA's signing – to start putting pressure on our political leaders. Eventually, a few of them began to listen. Then a few more did, until pretty soon everyone in Congress agreed with what we'd been saying for years: that rape is never part of the penalty.

I don't want to live in a world where people are raped in detention. I don't want that kind of world for my children either. That's why I fought so hard and for so long for PREA – to make sure that prisoner rape ended with me. My kids are proud of me for what I helped accomplish. I am proud of it, too.



“When I was first locked up, there was no Prison Rape Elimination Act. Staff did whatever they wanted to inmates – that was just part of life behind bars. PREA changed everything. With JDI’s help, inmates like me had a way to stand up for our rights. PREA gave us back our dignity.”

– Boa Smith,
JDI Survivor Council member



“I was first put in juvenile hall in 1985, so PREA came too late to help me. But I want to make sure that no one else ever has to suffer like I did. I’m grateful for PREA, because it’s helping to make that goal a reality.”

– Troy Isaac,
JDI Survivor Council member



Hope Hernandez, JDI Survivor Council member

Photo: Tamecia Kemp

ON THE ROAD TO JUSTICE

10 YEARS OF THE PRISON RAPE ELIMINATION ACT

SEPTEMBER 2002

After years of pressure from JDI and other advocates, the Prison Rape Reduction Act, a bipartisan bill to end sexual abuse behind bars, is introduced in Congress.



SEPTEMBER 4, 2003

At a ceremony in the Oval Office, attended by former JDI President and prisoner rape survivor Tom Cahill (right), President George W. Bush signs PREA into law.

The first federal civil law to address sexual abuse behind bars, PREA affirms that such abuse constitutes a crisis, and that government officials have a responsibility to stop it. The groundbreaking law mandates nationwide inmate surveys, federal funding to help make facilities safer, and binding national standards.

JUNE 2003

At a pivotal Congressional briefing organized by JDI, a group of prisoner rape survivors gather in Washington, D.C., to tell their stories of abuse and urge lawmakers to pass the bill.

JULY 2003

The bill, now called the Prison Rape Elimination Act (PREA), passes Congress unanimously.



JUNE 2005

JDI staff and prisoner rape survivors, including the late Bryson Martel (above), testify at the National Prison Rape Elimination Commission's first public hearing.



OCTOBER 2005

In an unprecedented JDI initiative, two California state prisons agree to allow rape crisis centers to provide confidential counseling on site for incarcerated survivors.

DECEMBER 2007

The Bureau of Justice Statistics releases its first nationwide survey of inmates, clearly showing that sexual abuse is widespread in U.S. prisons.

JUNE 2009

The National Prison Rape Elimination Commission's draft national standards, which draw heavily on the expertise of JDI and survivors, are submitted to the Department of Justice.



JANUARY – MARCH 2010

Editorials in the *Washington Post* and the *New York Times* urge Attorney General Eric Holder to finalize the standards; JDI publishes the first of a series of articles on prisoner rape in *The New York Review of Books*.

Misformed and flippant attitudes about prisoner rape are a key barrier to addressing this violence. Since PREA's passage, a series of myth-busting government studies has led to a profound shift in the debate. This research proves that sexual abuse behind bars is rampant, and that it is absolutely preventable. Survivors are also changing public opinion by telling the truth about what really happens behind bars.

APRIL 2011

JDI and hundreds of other organizations, as well as dozens of prisoners, submit public comments in response to the Department of Justice's draft standards, released in February 2011.



MAY 2012

The Department of Justice — finally — issues its national PREA standards to end sexual abuse in prisons, jails, youth detention facilities, police lockups, and community corrections.

The final standards are a testament to the efforts of a JDI-led coalition of advocates and survivors, who pressured the Department of Justice to fix its unacceptably weak draft from 2011. Advocates scored another victory when President Barack Obama, on the day of the PREA standards' release, issued a memorandum stating that all federal agencies with confinement facilities were bound by PREA. The President's landmark memo confirms the government's absolute duty to protect all people in its custody.

AUGUST 2013

The national standards become binding on state and local agencies, prompting the first-ever round of independent PREA audits of U.S. detention facilities.

2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013

A Lifeline for Prisoner Rape Survivors Still Behind Bars

THE WOMEN'S CENTER HIGH DESERT (WCHD), a rape crisis center in Kern County, California, is a lifeline for survivors in the community. WCHD's services are available for free to anyone in the area – including, uniquely, the thousands of inmates at California Correctional Institution (CCI), a nearby prison.

Since 2006, WCHD has been providing counseling to CCI inmates as part of *Paths to Recovery*, a JDI initiative. This trailblazing program is founded on the simple notion that incarcerated sexual abuse survivors should have access to the same quality of services that is available to people on the outside. “The inmates at CCI are part of our community,” explained Karin Stone, WCHD's Director of Client Services. “Denying services to them would run counter to our mission, which is to help all people heal from trauma, period.”

“This is making me stronger. Since the rape, I couldn't focus on the future and now I can.”

Today, some of the program's biggest champions are members of the CCI staff. They recognize that inmates are more likely to report abuse when they can speak confidentially to a counselor first. “Initially, our staff and the staff at CCI didn't always see eye to eye,” said Karin. “But now, there's mutual trust and respect.”

WCHD isn't the only rape crisis agency that has had a transformative impact on

a prison. At the California Institution for Women (CIW), just east of Los Angeles, any inmate who needs crisis counseling can get it through the Riverside Area Rape Crisis Center. “Working inside a prison definitely presents some challenges,” said Debora Heaps, the Director of Programs at the Riverside agency, which is also a *Paths to Recovery* partner. “But the importance of providing survivors with compassionate support doesn't change simply because your client is a prisoner.”

For many survivors, seeing a trained crisis counselor is a life-changing experience. One participant in the program, a CIW inmate named Tamara said, “The best part is that this is just for me. When I first started coming to counseling, I was so angry and I didn't know I could feel different. But I started noticing that I was feeling something I had never felt before, and that was peace.” A number of survivors have said that the counseling opened the door for them to address prior trauma. “I got to work on past stuff, issues from childhood as well as what happened in prison,” explained an inmate. “This is making me stronger. Since the rape, I couldn't focus on the future and now I can. I've released the guilt about what happened both in prison and as a child.”

The services offered at CCI and CIW represent one of the success stories of the Prison Rape Elimination Act (PREA). “Bringing outside counselors into prisons was simply unheard of before PREA,” said JDI's Deputy Executive Director Linda McFarlane.

Paths to Recovery has had an impact far beyond the walls of any one corrections facility. Thanks in part to the program's accomplishments, the final PREA standards, released in May 2012, called for prisons and jails across the country to reach out to rape crisis centers for support in assisting survivors.

From PREA Opponent to National Champion of Prisoners' Rights

TEN YEARS AGO, when Congress passed PREA, many corrections leaders were angry. They did not like the legislation, did not think it was needed, and did not appreciate the federal government telling them what to do.



Dr. Reginald Wilkinson

One of the most outspoken opponents of PREA was Dr. Reginald “Reggie” Wilkinson, then Director of the Ohio Department of Corrections and Rehabilitation and President of the Association of

State Correctional Administrators. In a letter to the *Cincinnati Enquirer*, Wilkinson wrote: “Correctional jurisdictions don't need this law to prove what we already know; sexual assault in prison is highly exaggerated.”

The story could have ended there, but it didn't. In an impressive transformation, Wilkinson is now a champion in the fight against rape in detention. As Chairman of the Department of Justice's Review Panel on Prison Rape, created by PREA, he leads tough public hearings with corrections systems. Traveling the country, he trains fellow corrections officials on the importance of addressing sexual victimization.

“I always took sexual abuse seriously, as did my colleagues, but I didn't think PREA was necessary,” said Wilkinson. “But my views changed. I came to recognize that PREA provides an important structure for running safe institutions. If you get into compliance with PREA, you'll run a better prison. The next ten years will be the most important. That's when we'll have to make measurable improvements to inmate safety.”

Inmate Surveys Expose Ongoing, Systemic Crisis of Prisoner Rape in U.S. Detention Facilities

New studies by the Bureau of Justice Statistics find that sexual violence is rampant in adult and youth facilities – but some are preventing this abuse

WHEN KRYSTAL WAS sentenced to juvenile detention, she was just 12 years old – and scared. What she saw happening in her dorm only increased her fears. “The kids had staff bring them drugs and money, and were even having sex with the officers,” Krystal said. “I was scared to sleep at night because I never knew if I was going to wake up in the morning.”

Before long, Krystal was sexually abused by a staff member. But like many other survivors of prisoner rape, she figured that this abuse was just part of life behind bars.

Krystal’s experience is heartbreakingly common, according to a Bureau of Justice Statistics (BJS) survey, released in June 2013. While the overall rate of sexual abuse of U.S. youth detainees has gone down, the BJS found that a mind-numbing 81 percent of all

young people who reported abuse had been victimized by staff – the very people whose job it is to help troubled kids rebuild their lives. While shocking, this statistic is consistent with prior BJS findings – showing that what happened to Krystal has been happening for years.

In its latest youth survey, the BJS researchers asked kids several questions about their interactions with staff, shedding light on profoundly disturbing patterns. Most victimized youth reported that abusive staff members gave them special gifts, treated them as a favorite, or shared information about their personal lives.

“Given such blatant lack of professionalism and basic ethics, it is no surprise that sexual abuse rates are so high in youth detention facilities,” said Lovisa Stannow, JDI’s Executive Director.

In addition to its new youth survey, in May 2013 the BJS released a new study on sexual abuse in adult prisons and jails, confirming that prisoner rape remains a nationwide crisis. As past studies have shown, lesbian, gay, bisexual, and transgender inmates as well as survivors of prior sexual abuse are disproportionately targeted – a dynamic that, depressingly, is mirrored in youth detention.

The adult inmate study examined the connection between mental illness and sexual assault. People with mental illness are drastically overrepresented in U.S. prisons and jails. Making matters worse, once behind bars this population is especially likely to suffer life-shattering abuse. The BJS report revealed that prisoners showing symptoms of severe mental illness were nine times more likely than those showing no such symptoms to be sexually assaulted.

Despite these devastating statistics, there is also hopeful news in the new surveys. The BJS highlighted adult and youth facilities with the highest and lowest rates of sexual abuse. While some are plagued by this violence – in one Georgia juvenile facility, nearly one in three youth reported abuse – others have all but eliminated it. Indeed, youth in Delaware, New York, and Massachusetts reported no cases of sexual abuse. These states, along with a handful of prisons and jails nationwide, are proving what JDI has asserted for years: prisoner rape is preventable.

The new BJS reports are: *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, available at <http://1.usa.gov/11vfUDR>.

Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12, available at <http://1.usa.gov/10ZKReO>.

KEY FINDINGS FROM THE REPORTS

- In 2011-12, 4% of prison inmates, 3.2% of jail inmates, and 9.5% of youth detainees were sexually abused at their current facility in the preceeding year.
- Roughly 200,000 adult inmates and youth detainees were sexually abused behind bars in a single year.
- Nationwide, LGBT adult prisoners were ten times more likely to be sexually abused by another inmate than heterosexual prisoners.
- Adult prisoners with a history of sexual abuse were 20 times more likely to be sexually abused by another inmate than those without such a history.
- More than half of all youth who had been abused at a prior facility suffered yet more abuse at their current one.
- A young person aged 16 to 17 was about twice as likely to be sexually abused in a juvenile facility than in an adult prison or jail.

Miami-Dade’s Commitment: We Will End Prisoner Rape

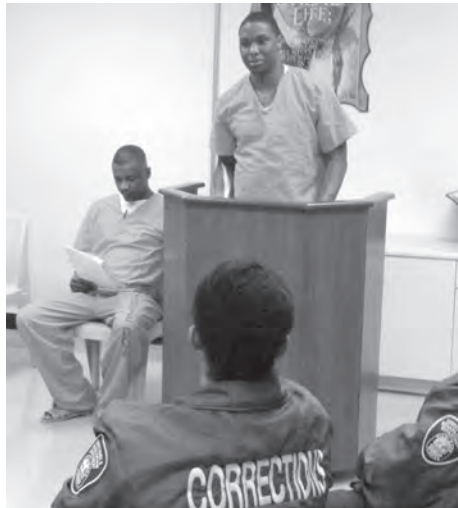
ON AUGUST 26, 2010, the Miami-Dade County Corrections and Rehabilitation Department (MDCR) found itself on the list of U.S. jails with the highest rates of sexual abuse in the country. Today, three years later, staff at the jail still talk about the shock they felt when they heard the news – not to mention their embarrassment. “I couldn’t believe it. We were on Dr. Beck’s hit list!” exclaimed Captain John Johnson, whose job it is to ensure compliance with the PREA standards.

The reference to “Dr. Beck’s hit list” says a lot about the power of outside scrutiny and hard data. The report that listed one of the MDCR facilities as especially troubled, “Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09,” was produced by Dr. Allen J. Beck, senior statistician at the Bureau of Justice Statistics (BJS). Dr. Beck is the man behind all of the BJS’s game-changing inmate surveys on sexual abuse in U.S. detention, surveys that were mandated by PREA.

What set MDCR apart from many other corrections systems that have been listed in the BJS’s reports was that it acknowledged that it had a problem, and committed to fixing it. “As captain of the jail named in the report, I knew I had to do everything I possibly could to make sure that the next list we’d be on would be of jails with the lowest rates of abuse,” said Johnson. His superiors – including MDCR Director Tim Ryan – agreed. “Director Ryan said that we shouldn’t just do this work, we should do it extremely well. He wanted us to be the tip of the spear.”

That’s where JDI entered into the picture.

Since 2011, JDI and MDCR have been partners in the *Miami-Dade Inmate Safety Project*, a multi-year program supported through a cooperative agreement with the Department of Justice’s Office for Victims of Crime. The program aims to prevent and respond to sexual violence in each of MDCR’s five facilities – and its impact has been profound. “We have done things no one had tried before,” explained Johnson. “We



PREA inmate peer educators presenting to Miami-Dade County jail staff

launched the first-ever PREA inmate peer education program in a jail setting, we are establishing multi-disciplinary sexual assault response teams, we are soon going to offer inmates confidential rape crisis counseling with outside counselors.”

Stimulating change within an environment as hierarchical and closed off to the outside world as a large jail can be an arduous task. At times, JDI staff have been met with overt hostility by jail officers. “It hasn’t been all roses,” confirmed Johnson. “Some staff still aren’t happy with all the change. But it’s getting better; we are winning that war.”

The specific goal of the *Miami-Dade Inmate Safety Project* is to end sexual abuse. In the past two years, however, staff and inmates alike have seen a positive shift that reaches far beyond the problem of sexual violence. “Sexual abuse is about dominance. Contraband too is about enhancing your power, about controlling the cell. In the end, it’s all linked. If we solve the problem of sexual abuse, we’ll have much healthier, safer jails,” said Johnson. “Before, the wall between staff and inmates was so thick we didn’t always know what was happening in our own jails. Now inmates know that we care about protecting them. The difference is amazing. It’s culture change.”

PREA: A Law for Rights and Decency

THE LATE SENATOR TED KENNEDY once said that prisoner rape “is not a liberal or a conservative issue. It is an issue of basic decency and human rights.” On the law’s tenth anniversary, two of PREA’s biggest champions in Congress celebrate its importance:

“When I joined my friend and colleague from Virginia, Congressman Frank Wolf, in sponsoring PREA, our intent was to bring prisoner rape out of the shadows and pave the way for its eradication. I congratulate the advocates, survivors, and my allies in Congress who worked so hard to ensure PREA’s passage, and today continue the fight to end, at last, this hideous crime.”

– Rep. Robert C. “Bobby” Scott (D-VA)

“PREA was a monumental achievement, and its passage ranks as one of my proudest moments as a member of Congress. But the law’s most important task remains unfinished: putting an end to prisoner rape. It is this final step that, ultimately, will be PREA’s greatest legacy.”

– Rep. Frank Wolf (R-VA)

JUST DETENTION INTERNATIONAL
3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010
Tel: (213) 384-1400
Fax: (213) 384-1411

East Coast Office
1900 L Street NW, Suite 601
Washington, DC 20036
Tel: (202) 506-3333
Fax: (202) 506-7971

info@justdetention.org
www.justdetention.org

