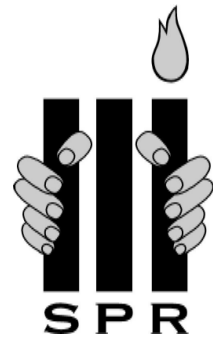


Stop Prisoner Rape: A Brief Background

Stop Prisoner Rape (SPR), an international human rights organization, seeks to end sexual abuse in all forms of detention. SPR has three core goals: to ensure government accountability for prisoner rape; to transform negative stereotypes about inmates and their right to be free from sexual abuse; and to promote access to resources for those who have survived this form of violence.

SPR was instrumental in securing passage of the Prison Rape Elimination Act (PREA), the first federal legislation addressing sexual violence in detention. Since PREA was signed into law in 2003, SPR has led the call for its meaningful implementation. SPR provides expert analysis, survivor accounts, training, and technical assistance to federal agencies with mandates under the law, and to policymakers and corrections officials at the federal, state, and county levels.

SPR's work takes place within the framework of international human rights law and norms. The sexual assault of prisoners, whether perpetrated by corrections officials or by inmates with the acquiescence of staff, is a crime and is recognized internationally as a form of torture.



Texas Update

by Stop Prisoner Rape

Texas State Prisons Plagued by Sexual Abuse

Of the more than 900 letters Stop Prisoner Rape (SPR) has received from survivors of sexual abuse in detention nationwide in recent years, an alarming 20 percent have come from inmates at prisons run by the Texas Department of Criminal Justice (TDCJ). In their letters, inmates speak of shocking abuses. Each story is unique; all are devastating. When read together, they lay bare serious systemic failures of the TDCJ to uphold its absolute responsibility to protect the safety of its inmates.

Against the backdrop of those survivor letters, it was not surprising that the Bureau of Justice Statistics (BJS), in its first-ever inmate survey on sexual abuse (see sidebar on page 2) found that five out of the ten prisons with the highest reported levels of sexual abuse are run by the TDCJ.

At each of the five TDCJ facilities, between 9.3 and 15.7 percent of inmates reported that they had been sexually abused in the previous 12 months alone; the national average was 4.5 percent. The facility with

the highest prevalence of sexual assault in the country was the Estelle Unit in Huntsville, followed by the Clements Unit in Amarillo. The other three Texas facilities were the Allred Unit in Iowa Park, the Coffield Unit in Tennessee Colony, and the Mountain View Unit in Gatesville—a women's prison.

The BJS inmate survey tracks staff-on-inmate and inmate-on-inmate abuses separately. Alarmingly, TDCJ inmates at the five worst facilities reported significantly higher rates of sexual abuse by staff than did those surveyed elsewhere. Nearly 12 percent of inmates at the Clements Unit reported abuse by staff, as did nearly 8 percent of inmates at the Estelle Unit, and more than 5 percent at both the Coffield and Allred Units.

Numerous prisoners who have written to SPR from TDCJ facilities describe inmate classification policies and practices that fail to ensure the physical safety of vulnerable inmates. Many have also highlighted homophobic and dismissive staff attitudes, which effectively set vulnerable inmates up to be



Photo by: Phil Morley

(Abuse, cont'd. on Page 2)

BJS Surveys Prisoners About Sexual Abuse

The Prison Rape Elimination Act (PREA) charges the Bureau of Justice Statistics (BJS) with examining the prevalence of sexual violence in detention. As part of that mandate, the BJS has begun conducting annual nationwide confidential surveys directly with inmates.

In December 2007, the BJS released the results of its first such survey, in “Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007.” This report confirmed the pervasive nature of sexual abuse in detention: 4.5 percent of inmates held in state and federal prisons reported having been sexually abused during the previous 12 months alone.

As a follow-up to the annual BJS inmate surveys, the federal Review Panel on Prison Rape is responsible for holding hearings with the facilities with the highest and the lowest levels of sexual violence. The Review Panel is scheduled to hold one such hearing in Houston, Texas, on March 27-28, 2008, highlighting the five Texas facilities that were among the ten prisons with the highest rates of reported abuse nationwide. SPR prepared this *Texas Update* in anticipation of that hearing.

Note on survivor quotes: The quotes that appear in this *Texas Update* are drawn from letters SPR has received between 2004 and 2008 from inmates held at Texas state prisons. The words of the survivors have been preserved, including grammatical mistakes and spelling errors. Where necessary for reader comprehension, SPR has added words within square brackets. In order to protect the confidentiality of the survivors, identifying information has been removed.

(Abuse, cont'd. from Page 1)

victimized. In addition, survivors regularly emphasize the failure of TDCJ prison officials to respond swiftly and fully in the aftermath of a sexual assault, leading investigations to fail and rendering victims unable to access even basic healthcare services.

Classification and Housing

“I am now 20 years old. Right now I am in TDCJ and I am trying to get put in safekeeping. I have been being sexually harassed on every unit I’ve been on I am on Allred Unit on Life Endangerment cause I was sexually assaulted. It ain’t the first time either but TDCJ keeps putting me in [general population] where I keep getting assaulted sexually... TDCJ will not help me so could you help me some way somehow in getting put in safekeeping.”

One of the most important tools for preventing sexual abuse in detention is an inmate classification system that ensures that prisoners who are vulnerable to sexual abuse and inmates who are predatory are housed separately. In order to protect vulnerable inmates, classification policies must take into account—from the moment an inmate enters prison for the first time—basic factors that are known to increase the risk for sexual abuse. Such factors include whether someone is young, nonviolent, small, transgender, gay, or perceived to be gay. Housing decisions must also be revisited as soon as an inmate reports sexual violence, or threats of abuse.

A number of survivors in TDCJ facilities have told SPR that their cellmates sexually assaulted them. In several of these cases, the victims had expressed fears for their safety to prison officials before the assaults took place, to no avail. An inmate at the Hughes Unit told SPR that it took officials two weeks to transfer a cellmate who was manipulating him into having sex. A prisoner at the Michael Unit writes that he was left with predatory cellmates despite making it known to prison staff that he was being threatened:

“I told the rank that I was being threaten by Crip gang members but they still place me in a cell with 2 of them... they force me to have anal sex then put there hands on me... this happen twice by gang members Crips.”

The stark failure of the TDCJ to keep its vulnerable inmates safe from sexual abuse is particularly disturbing considering the existence of its Safe Prisons Program, which expressly aims to protect such inmates from sexual victimization. At the order of the Texas Legislature, the TDCJ began implementing the Safe Prisons Program in 2003, and it has since become one of the TDCJ’s flagship initiatives.

As part of the Safe Prisons Program and related classification policies aimed at protecting vulnerable prisoners, the TDCJ must provide safe housing alternatives, such as single cells or special non-punitive units, to inmates whom staff are unable to keep safe in general population. Through this program, the TDCJ has created a “Safekeeping” classification category for,

(Abuse, cont'd. on Page 3)

(Abuse, cont'd. from Page 2)

“offenders identified as being more vulnerable than the average general population offender.” Under the Safe Prisons Program, these inmates are to be housed separately but allowed to access the same programming and privileges as the general population.

Unfortunately, since the creation of the program, SPR has received numerous letters from rape survivors who were not placed in single cells and who were denied access to safekeeping yards, despite their obvious vulnerability to sexual abuse. Worse still, several inmates who succeeded in securing a bed in a safekeeping unit have reported being victimized while there.

SPR believes that the Safe Prisons Program is an important initiative that has the potential to become an effective tool for preventing and addressing sexual abuse, and the organization has agreed to serve on the TDCJ’s Safe Prisons Program Advisory

(Abuse, cont'd. on Page 4)



Photo by: Eliza Snow

A Nationwide Human Rights Crisis

The U.S. incarcerates a larger proportion of its population than any other country in the world, holding almost 2.4 million people—or well over 1 in 100 adults—in custody. Of these inmates, a staggering number experience sexual abuse.

According to the best available research, one in five men experiences sexual abuse at some point during his incarceration. At women’s facilities, the levels of victimization vary considerably, with one in four women suffering sexual abuse at the worst ones. A recent nationwide inmate survey, conducted by the federal Bureau of Justice Statistics, found that 4.5 percent of inmates held at state and federal prisons had been victimized in the previous 12 months alone.

With little or no institutional protection, victims of sexual abuse are left beaten and bloodied, are impregnated against their will, contract HIV, and suffer severe psychological harm. Survivors of sexual violence are frequently marked as targets for further attacks. Treated like

the property of perpetrators, many are forced into prostitution arrangements with other prisoners.

In most women’s facilities, male officials are allowed to watch female inmates when they dress, shower, and use the toilet. Some engage in verbal degradation of prisoners under their supervision, while others abuse their authority by offering privileges for sexual favors, coercing vulnerable inmates into having sex, or raping prisoners whose safety they are charged with protecting.

While anyone can become a victim of sexual abuse in detention, some inmates are at especially high risk. Male victims are typically nonviolent, small, shy or gender non-conforming, and often in prison for the first time. Among women, mentally ill inmates and those new to prison life are particularly vulnerable. Youth are at high risk for abuse, especially when incarcerated with adults. Gay and transgender inmates, or those who are perceived to be gay, are also disproportionately victimized.

(Abuse, cont'd. from Page 3)

Council, which monitors the implementation of the program. Based on inmate accounts, however, SPR believes that the TDCJ must redouble its efforts to classify inmates appropriately upon entry into its prisons and to grant vulnerable inmates swift transfers into the protective housing that they need. In addition, the TDCJ must continue to monitor the safety of these inmates throughout their incarceration, ensuring that the Safe Prisons Program does not set vulnerable prisoners up for precisely the kind of abuse from which they purportedly are being protected.

Staff Attitudes

"I've been made to feel that as an openly gay male, I somehow brought this on myself."

Rape is not an inevitable part of prison life. On the contrary, when effective policies

are in place and fully implemented, sexual violence can be prevented. Unfortunately, SPR regularly receives reports from inmates nationwide describing an engrained staff acceptance of predatory behavior by inmates, paired with a powerful 'code of silence' in the face of staff sexual misconduct. Such attitudes on the part of prison officials contribute significantly to an environment in which sexual abuse thrives.

Within TDCJ facilities, vulnerable inmates report being set up for sexual violence by staff who treat reports of abuse—or threats thereof—with derision or callousness. In particular, LGBT (lesbian, gay, bisexual, and transgender) prisoners describe being treated dismissively by staff. According to numerous survivor letters, TDCJ officials tend to conflate homosexuality and transgender status with consent to rape, and as a result fail to take appropriate action when these inmates request assistance. A prisoner at the Telford Unit describes being
(Abuse, cont'd. on Page 5)

"Calvin," an inmate who has been raped in several Texas prisons, including the Clements Unit, writes:

"The first two times I did not [file a grievance], I did not know what a grievance was and at the time I could not read or write. The 3th time I was raped I did and I was ship off the unit. The 4th time I was raped I was not ship. I was put right back in my housing area and I was attack by the same man and almost raped again. The trouble I have had is not being taken serious...I was put in Safekeeping only to be raped 2 more times. It's like the officials put me in Safekeeping and I should accept being raped, and they do not want to hear about it anymore.

TDCJ need to know that what they're doing is not working...The Safe Prisons Program is not being used to protect inmates, it's being used as a tool by the officers and other inmates to harass and retaliate against inmates. The inmates that are raping other inmates are not being prosecuted. In my case, I have been raped 4 times and no one has been prosecuted."

(Abuse, cont'd. from Page 4)

told, when asking for protection, *“You’re an admitted homosexual, you can’t be raped. We’re denying you. You learn how to defend yourself.”*

Another inmate, who was raped at the Connally Unit, writes that, after repeatedly requesting protection, he was told:

“If you file one more life endangerment, we will physically put you in a cell with someone who will beat your ass...” The inmate goes on to say, *“I was told by [another] lieutenant that I needed to find someone to hang out with who could protect me. He was telling me I had to ride [enter into a coercive relationship with a stronger inmate].”*

In addition to the TDCJ’s failure to take seriously reports of sexual abuse by other prisoners, SPR regularly receives letters from survivors who have been assaulted by TDCJ staff. Most of these inmates did not file formal complaints reporting the abuse, for fear of retaliation or shame, or because they simply did not expect such reports to be taken seriously by staff—who, as survivors often describe them, were likely to be colleagues of the perpetrator. SPR considers the staff ‘code of silence’ described by TDCJ survivors alarming, leaving inmates who have been subjected to staff sexual misconduct with nowhere to turn.

When survivors do report sexual misconduct by prison staff, they often face retaliation, are transferred to punitive conditions in a segregated housing unit, or are simply ignored. An inmate who was sexually assaulted by an officer at the Stiles Unit explains what happened to him after he reported the incident:

“Since this has happened, I have been literally laughed at by a captain on the staff about the situation. Some officers and inmates have ridiculed me and even say I’m snitching...It’s hard to believe that after all



Photo by: Andrew Johnson

this, the only step the administration has taken is to place this officer in [a different part of the unit].”

While SPR recognizes that the majority of TDCJ staff take seriously their duty to protect the safety of inmates under their supervision, the organization is deeply concerned by the dismissive staff attitudes described by prisoner rape survivors, especially toward inmates whom officials appear to consider less worthy of protection, such as LGBT prisoners.

SPR believes that the TDCJ must make an explicit effort, as a matter of urgency, to shift staff attitudes toward greater recognition of every human being’s inherent and inalienable right to be free from sexual abuse. In-depth sexual violence awareness training is an essential tool for fostering such a shift, especially if paired with regular testing of policy awareness, performance reviews, and the tying of staff responses to incidents of sexual abuse to promotions and salary increases.

(Abuse, cont'd. on Page 7)

“Crystal” is a small-framed transgender woman held at one of the five Texas prisons with the highest reported prevalence of sexual victimization. She describes the abuse she has endured:

“This is my first time in real prison. I have been in the TDCJ for almost two years now and I have found it extremely difficult to live in general population. Here in Texas there is something called safekeeping which is a set-up for inmates that are vulnerable because they are gay, weak, scared, ex-gang members, or some other reason. I found out about safekeeping after I had already run across many safety issues. Once I did find out that there was a place where I could feel safer, I repeatedly requested a transfer, but my attempts to get into safekeeping have been ignored. I believe that it is evident to the officers that I am having major problems in my current unit, but still they refuse to classify me into safekeeping.

Because officers are not doing anything to protect me, I get into trouble so that I can be placed in solitary confinement where I don't have to deal with the general population inmates. In general population, I have been extorted, I have been forced to ride with a gang in order to be protected from another, more violent gang, and I have had to do sexual favors for gang members. I have also had to do other favors such as hold contraband, transfer contraband to other inmates, and wash laundry, clean, and cook for gang members. I am an artist so in order to pay for my protection I have drawn and sold portraits. I am tired of being scared and of having to do things against my will because I am scared. I just can't seem to get help from anyone. I did spend two months in safekeeping at a different unit, and I felt much safer, but then I was transferred and once again placed in general population where the cycle of extortion and sexual assault continues.

I'm tired and I'm scared and I no longer want to be anybody's property or have to pay money so that I won't be hurt. I have written to several offices of the TDCJ, including the Office of the Inspector General and the State Classification Committee, but I have not received a response or any information. It is as if my safety doesn't matter to anybody and that's why I do whatever these inmates tell me to do. I don't want to contract HIV or any other STD, but I'm worried that if things don't change I will eventually be infected with something.”



Photo by: Jonathan Parry

(Abuse, cont'd. from Page 5)

Responses to Abuse

“Getting raped destroys you from the inside out, and it takes a part of you and puts it where you can’t reach it.”

The horror of prisoner rape does not end with the assault. Faced with few options, incarcerated survivors of sexual abuse tend to suffer in silence, unable to access basic mental health counseling and medical care. In the short term, survivors often experience shock, disbelief, panic, and fear. Long-term psychological problems include post-traumatic stress disorder (PTSD), anxiety, depression, exacerbation of pre-existing psychiatric disorders, drug and alcohol addictions, and suicidal feelings. To make matters worse, most inmates choose not to file formal complaints after being sexually abused, for fear of retaliation or because they are unable to navigate the prison grievance system.

In letters to SPR, TDCJ inmates describe the intense sense of isolation they experience

after being sexually assaulted, especially when their requests for assistance have been ignored or trivialized. One inmate who wrote to SPR nine months after being raped at the Coffield Unit says: *“I’ve been trying to get counseling here on my prison unit but I have not gotten any responses from the mental health staff.”* Another prisoner, a young man who was transferred to the Estelle Unit after being raped at another facility, describes his emotional condition in the aftermath of a sexual assault:

“I have tried to receive help from the Psychiatric Department [of the Estelle Unit] for my depression and stress. But they won’t help me. [A family member] has tried several times to get them to. I need medication at the very least. I am unable to even function some days. I now suffer from frequent panic attacks that I have never had before. I need to be able to let this out somehow. I have kept it all bottled-up inside for too long.”

Other survivors report that, when they are offered the opportunity to see a counselor, the meeting is neither confidential nor safe. *(Abuse, cont'd. on Page 8)*

“Derek” has been raped repeatedly during his time at a TDCJ facility. He writes:

“I am an inmate here in a Texas prison...and I am a known homosexual and target of rape and extortion that officials are aware of, yet [they] refuse to allow me the privilege to do my sentence [with other homosexual inmates]. I am repeatedly placed in harm’s way, and set upon by gang members and thug guards before the unit will even attempt to help me. TDCJ refuses to help me.

I have been repeatedly raped, extorted, and jumped on and placed back in the same housing location, at least ten different times from unit to unit! Never once allowing me to reach the safekeeping that TDCJ preaches to the public they have. I have never been given this chance at safety and I fear for my life and well-being as I awake everyday in general population.”

(Abuse, cont'd. from Page 7)

On the contrary, counseling sessions often occur in view or within earshot of corrections officials and other inmates, who may have participated in the assault. Even worse, some inmates describe a shocking lack of professionalism and expertise regarding the issue of sexual violence among TDCJ counselors. A survivor who suffers from severe PTSD reports that a counselor said to him, *"This is prison, stuff like that happens here."*

In addition to the lack of basic healthcare services in the aftermath of a sexual assault, many TDCJ inmates who did wish to make formal complaints have described having difficulty navigating the prison grievance process. A survivor of rape at the Hughes Unit wrote to the Office of the Inspector General for the TDCJ that, *"I am being restricted in my access to the grievance procedure by not being able to obtain grievance forms and to access of information concerning TDCJ rules and policy."*

When formal complaints of sexual violence are not met with appropriate responses, survivors become less likely to report their abuse. This trend is evidenced not only in the volume of letters SPR receives from survivors who never filed official reports, but also by comparing administrative reports of sexual violence to the levels of abuse reported confidentially in the Bureau of Justice Statistics 2007 national inmate survey. Rates of abuse reported by TDCJ inmates in the national survey were 13 times higher than what TDCJ correctional authorities officially reported in the year 2006.

In recent years, TDCJ officials have emphasized the importance of filing formal reports in the aftermath of sexual abuse, enabling

the system to protect victims and to hold perpetrators accountable. However, inmates describe to SPR a disjuncture between this zero-tolerance policy and the reality faced by survivors, whose reports of abuse are often ignored. An inmate who was sexually assaulted by an officer at the Estelle Unit explains:

"We are constantly told to report any attempts at sexual assault...but when we do, the reports are ignored...Even when we demand polygraph tests to shore up our allegations, we are still ignored...There is so much sexual violence in this system; it's a wonder someone hasn't spoken up sooner... Something has to be done."

Each case of sexual assault in prison constitutes a failure on the part of the facility at which it occurs. Survivors who are treated with professionalism and respect following sexual abuse describe to SPR how such treatment has helped them begin their healing process.

However, at many TDCJ prisons, the devastation of sexual violence is further aggravated by the poor responses to this type of violence on the part of officials. By leaving victims to suffer in isolation, and by allowing impunity for sexual abuse to thrive, the TDCJ has created a vicious circle.

SPR urges the TDCJ to ensure that all survivors of sexual abuse are offered confidential rape crisis counseling, preferably by an outside counselor, and medical care comparable to that available in the community. In addition, SPR believes that the TDCJ must translate its zero-tolerance policy toward sexual abuse into an environment where inmates who have been sexually abused are able to file formal complaints without fear of retaliation and further abuse.



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