



## ACTION UPDATE

SEPTEMBER 2014

**I**N MAY, TEXAS Governor Rick Perry tried to derail one of JDI's biggest victories: the passage of strong Prison Rape Elimination Act (PREA) standards to address sexual abuse in detention. In a blat-

tant act of political theater, Perry refused to adopt the standards in Texas prisons — and, worse still, explicitly tried to get other states to join him.

What Governor Perry did not count on was the massive outcry

led by JDI supporters. Displaying your solidarity with inmates, thousands joined JDI's campaign to end state rape in Texas. The press also chimed in, with scathing editorials in the *New York Times* and *Washington Post*. Thanks to this pressure, the vast majority of state governors chose to commit to PREA rather than follow Perry's lead.

Rick Perry's cynical stance on PREA is especially tragic considering that Texas prisons are among the most violent in the country. Ivory Mitchell (pictured right) recently reminded all of us at JDI why our work is not yet finished. Ivory was abused in a Texas prison, and then punished for filing a report. "I was locked up in Texas, but that does not mean I didn't have the right to be safe," he told JDI.

JDI will keep fighting to ensure that every state — even Texas — embraces its absolute responsibility to protect inmates. With your continued support, we know we'll succeed.

Lovisa Stannow  
Executive Director

## Rick Was Wrong: JDI Defends PREA from Shameful Campaign

*In a Victory for Advocates, and a Rebuke to Texas Governor Rick Perry, 44 States Formalize their Support for PREA Standards*

**U**NTIL RECENTLY, JOE Booth wouldn't have believed that any official, let alone governor, was willing to do much to protect prisoners. Five years ago, Joe was assaulted by his cellmate in a California prison. Traumatized, he reached out to state and law enforcement officials, begging for help. But his pleas were ignored.

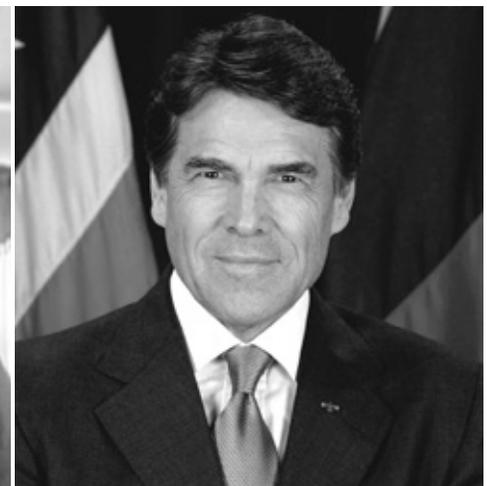
"I was raped and tortured in my cell for four straight days. Yet no one seemed to care — not the prison staff, not the police, and no one in Sacramento," said Joe. "It's like they pretended that I didn't exist."

However, thanks to JDI's advocacy, states are finally starting to take responsibility

for the safety of people like Joe. In May, 42 governors — including California Governor Jerry Brown — gave an assurance to the U.S. Department of Justice that they will comply with the national standards mandated by the Prison Rape Elimination Act (PREA). Two states — New Jersey and Delaware — certified that they already are in full compliance with the standards.

Shamefully, six governors chose cowardice and political posturing over inmates' safety and rejected the PREA standards. Notably, Texas Governor Rick Perry sent a letter rife with misinformation and grandstanding to Attorney General Eric Holder declaring that Texas did not need the PREA standards. His claim is belied by years of government

*See Shameful Campaign, continued on page 2*



*Ivory Mitchell (left), a survivor of prisoner rape in Texas, is appalled by Governor Rick Perry's decision to reject the PREA standards and abdicate his responsibility for inmate safety.*

# Shameful Campaign

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research showing that, in fact, Texas' prisons consistently rank among the most dangerous in the country.

Prisoner rape survivors in Texas who write to JDI — as hundreds do, every year — paint a harrowing picture of life behind bars. Ivory Mitchell, released just a few months ago from a Texas prison, was sexually abused repeatedly by a staff member. His abuser was eventually convicted, but Ivory faced years of retaliation from other staff.

“Governor Perry says that PREA isn't necessary, but he's just plain wrong,” Ivory told JDI. “The assaults and years of retaliation

that I suffered in a Texas prison are proof of how badly the state needs PREA.”

Perry's decision is a disgrace. He also tried to persuade other states to oppose the standards. Thankfully, the vast majority of governors ignored Perry; only Arizona, Florida, Idaho, Indiana, and Utah joined him in opting out of PREA.

These six governors are not just abdicating their absolute responsibility to keep inmates safe. Their rejection of PREA is an insult to the many dedicated corrections officials in their own states who support the PREA standards and already are hard at work im-

plementing them (see map below). These officials recognize that it is their job to protect inmates; they know first-hand that the standards are an essential tool in creating safe facilities. Indeed, they understand that the PREA standards represent nationally accepted best practice within the corrections community.

Despite the decision of the “shameful six,” the widespread acceptance of the PREA standards is a huge victory. As Joe put it, “I never thought I'd see the day that California would commit to keeping prisoners safe. We haven't ended prisoner rape, but we will, and I won't stop fighting until we do.”

## THE SHAMEFUL SIX: PREA ON THE GROUND

The governors of six states have made the shameful decision to opt out of the PREA standards. However, their opposition to PREA does not necessarily reflect the views of corrections officials, law enforcement, and victim services providers in their own states. The map below highlights a few of these dedicated professionals, making clear just how out of touch the governors of Arizona, Florida, Idaho, Indiana, Texas, and Utah are when it comes to protecting inmates.

**IDAHO**  
“Because of the PREA standards, my staff's commitment to keeping kids safe is even stronger.”  
— Steven Jett, Director, Southwest Idaho Juvenile Detention Center

**UTAH**  
“The Utah Coalition Against Sexual Assault stands in support of PREA because we believe in protections for all individuals from sexual violence, including those who are incarcerated.”  
— Leslie Miller, SART Coordinator, Utah Coalition Against Sexual Assault

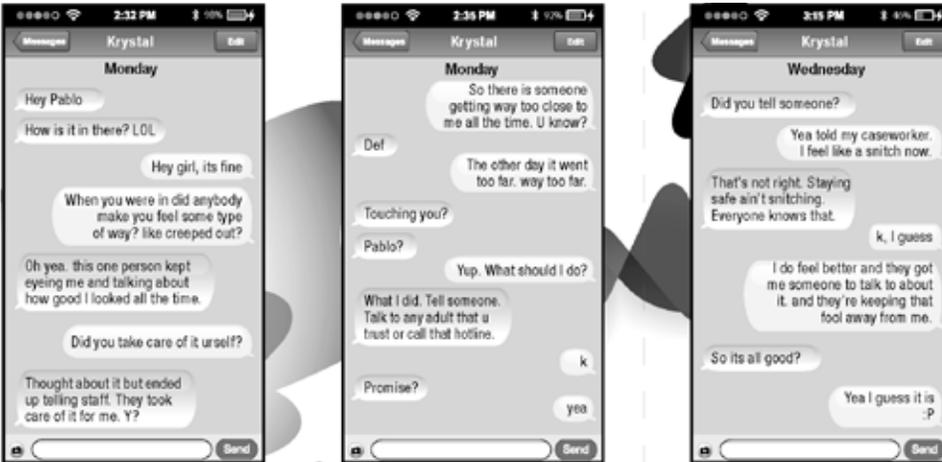
**ARIZONA**  
“As an agency that works diligently to respond to the needs of assault survivors in Arizona, SACASA supports the PREA standards to address prisoner rape.”  
— Dr. Elizabeth Wong, Director, Southern Arizona Center Against Sexual Assault (SACASA)

**TEXAS**  
“Inmates deserve to get help from community-based advocates, and the PREA standards are the best way to ensure that they do.”  
— Deana Buri, Deputy Director of Client Services, The Rape Crisis Center, San Antonio, TX

**INDIANA**  
“Even though the state of Indiana isn't complying with the PREA standards, we at the Sheriff's Department have decided to, mainly because it's the right thing to do and we're able to do it.”  
— Brad Rogers, Sheriff, Elkhart County

**FLORIDA**  
“The PREA standards are good corrections policy — period. That's why the leadership at Miami-Dade continues to be fully committed to adopting them.”  
— Wynnie Testamark-Samuels, PREA Coordinator, Miami-Dade Corrections and Rehabilitation Department

# JDI Video Shows Youth that “Staying Safe Ain’t Snitching”



*In New York City, youth detainees are learning about sexual abuse prevention through innovative materials, like the above pamphlet, that were created by JDI and its partners, including kids in detention.*

**P**ABLO, A TEENAGE resident at a New York City youth facility, feels trapped. A staff member has been touching him but he’s scared to report. He doesn’t want to be a snitch. Pablo’s friend Will urges him to come forward; it’s about safety, Will says, not about snitching. “If you don’t say anything, she’s just going to keep on doing it,” he warns. Pablo takes Will’s advice to heart and, after telling a staff member he trusts, the abuse stops.

Pablo and Will are characters in “Safe is Safe,” a new educational video for youth detainees in New York City. Even though the dialogue is made up, it is based on real experiences of kids behind bars. JDI and its collaborators on the film — Children’s Center for Law and Policy (CCLP), New York City’s Administration for Children’s Services (ACS), and a graduate television production class from Brooklyn College — knew that the video’s messages about safety would stick only if the characters and their dialogue rang true.

“When most kids hear ‘educational video,’ they tune out,” said Chris Daley, JDI’s Deputy Executive Director, who heads up the project. “We wanted a video that got the message across but that didn’t take itself too

seriously — no easy task given that we are talking about preventing sexual violence. We knew that if we thought like traditional advocates, the video wouldn’t land. We needed to develop something as close to a youth production as possible.”

To find the right tone, the production team sought out advice from youth detainees themselves. With draft scripts in hand, residents of ACS’ secure detention facility in Brooklyn participated in a “table-read,” an exercise that’s more common on a film set than in a juvenile detention center. “After that first read-through, it was clear that we had to rework the language and add some story elements to make it more realistic,” said Daley.

Before the end of the year, “Safe is Safe” will be shown to current and incoming residents in the city’s secure and non-secure youth facilities. These kids will also get an educational pamphlet that uses characters from the video. One of the pamphlets features a text message conversation between Pablo, who is being sexually harassed, and his friend Krystal. In one of her texts, Krystal perfectly captures a core JDI belief: “Staying safe ain’t snitching.” JDI and its partners on this project look forward to that idea taking hold in all youth facilities across the city.

## Matthew, an Unlikely Champion of PREA

**T**HE MOVEMENT to end prisoner rape is full of heroes — survivors who are setting their own comfort, even safety, aside to help protect the rights of others. There are also entirely unexpected champions, like Matthew Marchetta.

An auto mechanic from Southern California, Matthew spent five years in state prison. He didn’t fit the profile of a vulnerable inmate, he never felt threatened, and he certainly didn’t think of himself as a human rights advocate. But when an opportunity came to lead a workshop about the Prison Rape Elimination Act (PREA), he jumped at it.



*Matthew Marchetta*

“I came to prison thinking that I’d just do my time and go home,” explained Matthew. “But when I learned how common sexual abuse is, I got motivated to do something. Even though I wasn’t a target, it seemed awful that people were being preyed upon and not getting any help.”

Matthew’s PREA workshop was part of a groundbreaking inmate education program launched by JDI. The program offers proof of what JDI has long known: prisoners themselves are critical to the effort to end prisoner rape. At first, not many inmates took Matthew’s class seriously. Some of them would shoot him angry looks during class, or even out in the yard. But after a few sessions, something amazing happened: inmates began reaching out to Matthew for help, and attitudes really started to shift. Staff also began taking reports of sexual abuse seriously, and sexual harassment dropped dramatically.

“It’s kind of hard to believe that these classes turned around an entire prison — but that’s exactly what happened,” Matthew said. “It feels pretty great to be a part of something that has changed people’s lives.”

# Children Abused in U.S. Custody

*Federal Government Failing to Protect Unaccompanied Immigrant Kids from Staff Sexual Abuse*

**W**E HAVE ALL seen the recent media coverage of children crossing the U.S. border, often fleeing unimaginable horrors. In their home countries — chiefly El Salvador, Guatemala, and Honduras — gang violence is rampant, and sexual abuse has reached epidemic levels. JDI has been working for more than two years to make sure that, once they reach the U.S., these kids are treated with respect and protected from sexual abuse while in U.S. custody.

Sadly, the agency primarily in charge of these kids' safety — the Department of Health and Human Services (HHS) — is utterly failing to respond meaningfully to the crisis of sexual abuse of children in its care. A recent *Houston Chronicle* article uncovered more than one hundred documented cases where staff allegedly sexually abused kids in HHS custody. The total number of undocumented assaults is certainly far, far higher.

Sexual abuse can cause children a lifetime of pain. Many adults who were sexually abused as children suffer from addictions, depression, and post-traumatic stress disorder. Elvin,

a Honduran teen who in 2010 was sexually assaulted by a staff member at a Texas shelter, told the *Chronicle* that he still suffers from nightmares. "I wake up and he is at my bed. And it is happening again," he said.

The abuse endured by untold numbers of children, like Elvin, is fundamentally unacceptable — and it can be stopped. In 2013, JDI and its allies successfully worked with Congress to mandate that HHS issue Prison Rape Elimination Act (PREA) standards. These rules have the potential to protect young people from sexual abuse, yet HHS blew right past its deadline to finalize them. At the time of this writing, HHS has yet to publish its PREA standards.

Even worse, there is little evidence that the agency is taking reports of widespread sexual abuse in these facilities seriously. In response, JDI and more than 800 supporters sent HHS Secretary Sylvia Mathews Burwell a petition demanding that HHS finalize and swiftly implement its PREA standards.

Thank you, JDI supporters, for standing up for every child's right to be safe!



Photo: Pool/Getty Images News/Getty Images

*The tens of thousands of immigrant kids in HHS custody are vulnerable to sexual abuse. JDI is at the forefront of the effort to ensure their safety.*

## JDI Welcomes New Board Members

**J**DI IS THRILLED to announce that Jan Lastocy and Melinda LeMoine have joined its Board of Directors. Jan and Melinda bring different sets of skills, but share a deep commitment to ending sexual abuse behind bars.

Jan Lastocy is a leading advocate for prisoners' rights. In 1998, while serving time in a Michigan state prison, Jan was raped repeatedly over seven months by her work supervisor. Since joining JDI's Survivor Council in 2010, Jan has given interviews to national media outlets and has been a frequent guest speaker at JDI trainings and conferences across the country.

Melinda LeMoine is a partner at the law firm Munger, Tolles & Olson in Los Angeles. Melinda has done extensive pro bono work on behalf of prisoners, including as the counsel for prisoners on death row in Louisiana and Nevada. She served for several years on the Board of Directors for the Action Committee for Women in Prison, a nonprofit organization.

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Four Star Charity