

ACTION UPDATE

APRIL 2022

PEOPLE WHO ARE ABUSIVE seek out jobs that give them unchecked power. For a predatory nurse in Oregon, Coffee Creek Correctional Facility was an ideal place to land. While working at the prison, the nurse — who was finally arrested last month and is currently facing federal charges for sexual abuse — was able to prey on the women in his custody with impunity.



The rampant abuse at Coffee Creek was exposed because of the perseverance of survivors, like Michaela Lovewell. She joined a group of women in filing a lawsuit against the state for failing to keep them safe. Recently, I watched Michaela's extraordinary video deposition in which she addressed her abuser directly. "Tony, you do not get to victimize me today," she said. "This is done."

For Michaela, like so many survivors, speaking out is about more than holding individual perpetrators responsible. It's about bringing safety and accountability to an entire system. As Michaela put it, "The Department of Corrections should protect us here. We shouldn't have to deal with these things."

Michaela's words mirror what we hear every day from incarcerated survivors. In letters and phone calls, survivors tell us that corrections staff must ensure their rights. They tell us that no one deserves to be abused — and that they speak out so other survivors know they are not alone. They also share how much it matters that all of us, together, are fighting for their rights alongside them.

Linda McFarlane

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Executive Director

Dignity for Transgender People Behind Bars

JDI Is Leading the Effort to End the Sexual Abuse of Transgender People in Detention

FOR INCARCERATED PEOPLE who are transgender, prison life consists of daily humiliations — of nonstop leering, verbal abuse, and threats to their safety. Corrections staff often mock or refuse to recognize the gender identity of the transgender people in their care.

"They go out of their way to call me 'sir,'" said Clara (not her real name), a transgender woman who wrote us from a men's prison. "Sometimes I want to scream, but most of the time I just want to cry myself to sleep."

In addition to being profoundly harmful in its own right, anti-trans harassment fuels anti-trans violence. Clara attributes

the repeated sexual assaults she endured — from both staff and other prisoners — to the officers' open hostility toward people who are transgender. "The staff are so transphobic that they think I deserve it and do nothing but continue to let me be abused," she said.

Clara's account matches what we hear from so many transgender survivors — people who are told again and again that they have no worth, and then are blamed when they are targeted for violence.

JDI fights for policies to address the rampant sexual abuse of transgender people — and to shift the toxic corrections culture that allows such violence to flourish. Last month, we

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Prisons and jails nationwide have failed to ensure the safety of transgender people in their care — including Layleen Polanco, a transgender woman whose death at Rikers Island sparked protests in New York City. Photo by Alyza Enriquez/Vice

How to Stop Sexual Violence Against Incarcerated Transgender People

New Housing Policies Are Vital — But Deeper Changes Are Necessary to Protect Transgender People in Custody

IN MANY PRISONS AND JAILS, sexual violence is so pervasive that anyone can become a target. But the reality is that some people are at significantly higher risk than others — and no group is preyed upon more than transgender women. The magnitude of the problem is hard to fathom. A federal study found that nearly 40 percent of all transgender people in prisons and jails — most of whom are transgender women — are sexually abused in a year.

Transgender women typically are housed in men's prisons and jails. Corrections officials often ignore their needs, including by refusing to provide them with gender-appropriate clothing and hygiene products. Transgender women are routinely deprived of basic dignity and privacy, forced to shower and change their clothes in front of men — including other incarcerated people and staff. Michelle Norsworthy, a JDI Survivor Council member, knows first-hand how humiliating it is to be a transgender woman in a men's facility. During nearly three decades in a men's prison in California, she was subjected to unrelenting threats and verbal abuse. Staff participated in the harassment — and they looked the other way when she was

raped by a group of prisoners. "Every day is a constant negotiation for survival," she said.

JDI has long pushed for housing policies that prioritize incarcerated people's safety. As a result of our advocacy, federal standards require that prison staff consider a person's gender identity, as well as where they would be safest, when making housing decisions. Some corrections agencies have slowly begun placing transgender people in prisons that match their gender identity. In 2020, California passed SB 132, a state law that requires prison staff to give "serious consideration" to transgender people's sense of their wellbeing in determining where they will serve their time. These changes represent a welcome shift and are a sign that officials are finally getting serious about protecting the dignity of transgender people.

Yet it would be a mistake to think that housing placements alone will solve the problem of transphobic abuse behind bars. In 2016, Michelle was sent to a women's facility for a parole violation. She was relieved to be in a prison that matched her gender identity. "I felt so safe at first. I could finally be me," she said. But that sense of security was fleeting. Prison staff made degrading remarks about her body, as did other incarcerated people. Once SB 132 came into effect, the harassment intensified. "The staff are telling the other women here that men are coming to rape them," she said. "The women are now either terrified of me or are coming after me."

As Michelle's years of experience underscores, transphobia is rife inside men's and women's prisons. And where transphobia exists, anti-trans sexual abuse is likely to follow. In such a climate, no one is safe, regardless of their gender identity.

There's no question that changing housing policies is important to ensuring transgender people's safety. But it is only a first step, and must be paired with a commitment to rooting out the toxic corrections culture that has allowed transgender people to be targeted for abuse in the first place.

Dignity for Transgender People

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earned a key victory when the federal Bureau of Prisons issued crucial revisions to its policy on housing transgender people. The new guidelines establish a framework for treating transgender people with dignity and respect, so that they can serve time without fear of sexual violence. The policy uses language that affirms people's gender identity — and emphasizes the duty of corrections officials to do the same. Notably, the guidelines prohibit corrections staff from denigrating people in their custody by intentionally referring to them by incorrect pronouns.

The new guidelines affirm the right of transgender people to have appropriate clothing and hygiene supplies — meaning, for example, that transgender women must be able to get bras, even if they are housed in a men's prison. Another focal point is the provision of suitable medical and mental health care for incarcerated transgender people, including gender-affirming surgery. What's more, the guidelines recommend that officials consider a person's gender identity when making housing placements. This provision has the potential to make prisons significantly safer for transgender people — and especially transgender women, who face horrifyingly high rates of sexual abuse in men's prisons.

These changes to the guidelines will make a difference to transgender people who have battled abuse for years. And they will help shift the mindsets of corrections officials whose views have been shaped by harmful stereotypes of what it means to be transgender.

The revised guidelines are just one step toward protecting transgender people. Transphobia is deeply entrenched, and these policies won't make much of a dent unless they are implemented vigorously by well-trained staff and subject to proper oversight. JDI will press prison officials to make sure the new rules don't just collect dust on a shelf, but rather stimulate meaningful change in the daily lives of transgender people.



JDI Survivor Council member Michelle Norsworthy (right) with JDI Executive Director Linda McFarlane

Let's Shine a Light on Dangerous Facilities

A New Tool Will Provide a Prime Opportunity to Improve Oversight of Prisons and Jails

PRISONS AND JAILS are notorious for their secrecy. Basic information about what happens inside detention facilities is often kept tightly guarded — especially when it comes to serious crimes like sexual violence.

But life behind bars is about to become less opaque. In June, the federal government will roll out a new process for managing the Prison Rape Elimination Act (PREA) audits. These audits are the primary tool for evaluating whether detention facilities are taking required, commonsense steps to ensure the sexual safety of people in their care. Under the revised system, the Department of Justice (DOJ) will launch a webpage that lists all detention facilities with an upcoming audit, the name of the person who will conduct the audit, and the dates the auditor will visit the facility to meet with staff and incarcerated people and observe conditions on the ground. Even better, the webpage will provide each auditor's contact information.

This new system will mean that anyone — whether an attorney, advocate, or a loved one of an incarcerated person — will be able to share what they know about sexual abuse in a detention facility with the very person whose job it is to evaluate that facility for safety. Previously, the only way for outside advocates to learn about an audit was after it was completed. So if you had specific knowledge of dangerous conditions inside of a facility, there was no way to alert auditors until it was too late.

There's no guarantee, of course, that an auditor will act on the information given to them. Indeed, as JDI has revealed, many of these assessments have been shamefully weak. But DOJ's forthcoming audit webpage will make it easier to file a complaint against any auditor. Crucially, it will be possible to raise a red flag as soon as the auditor's name is online — so anyone who knows that an auditor has a conflict of interest or a spotty track record can alert DOJ right away.

All of these vital changes are the result of a 2018 law that JDI championed. Its aim is to address the appallingly weak assessments that were giving cover to dangerous prisons and jails. While the law has already helped raise the quality of prison oversight — and led to the decertification of shoddy auditors — this new web tool will bring more transparency.

Yet for the audits to fulfill their potential as tool for oversight, the public must be fully engaged with the process. That's why JDI will launch a campaign in the coming months to mobilize our supporters and allies to share information with auditors. The campaign will be targeted, alerting people with expertise on particular regions and facilities. For example, when DOJ posts an audit date for Rikers Island, we will get word out to our local allies in New York City, as well as to people who have served time at the notorious jail.

The people in our movement have so much knowledge to share about sexual abuse behind bars. Soon we will have a direct line to the people with the power to expose such abuse.



For years, PREA audits have failed to illuminate problems inside dangerous facilities, such as Oklahoma's Mabel Bassett Correctional Center (pictured above). But changes to the auditing system will help make these assessments much stronger. Photo by Jim Beckel/The Oklahoman

The Growing Threat to Prison Mail

WHEN PHIL LEARNED THAT federal prisons were restricting incoming mail, he was deeply worried. Phil knows how significant mail is to people in detention — especially to incarcerated survivors like him. While his state, Wisconsin, had no such restrictions in place, he had gotten word that it was only a matter of time.

Phil's fears were realized in November, when the Wisconsin Department of Corrections announced it would start digitizing and then destroying people's mail — just like the Bureau of Prisons. Letters and cards can now only be accessed as a printout or on a tablet or kiosk.

Last year, JDI launched our Protect Prison Mail campaign to roll back these devastating restrictions. Our initial focus was federal prisons, and we mobilized nearly 3,000 supporters to write to Attorney General Merrick Garland demanding an end to MailGuard, the privately run program that is contracted to scan and shred prison mail. Dozens of incarcerated survivors wrote their own letters to the Attorney General, including Phil.

Now it's clear that we need to broaden our efforts. Not that long after Wisconsin made its announcement, Florida and New Mexico launched scanning programs. Iowa, Michigan, North Carolina, Ohio, and Pennsylvania had already replaced traditional mail, as had dozens of jails nationwide. These programs are especially egregious as they don't even do what they promise — namely, to reduce drugs from entering prison. They simply enrich the private companies that run them — while incarcerated people and their loved ones suffer the harm.

Through media outreach and legal advocacy — and with backing of supporters — we are building momentum to restore people's mail. There are ways you can help. **If you have experienced challenges with prison mail — either sending mail or receiving it — please tell us at justdetention.org/ or write us at our Los Angeles office (address on page 4).**

You Inspire and Make a Difference

Through Words of Hope, JDI supporters sent kindness to incarcerated survivors — right when they needed it most

YOUR BOUNDLESS COMPASSION for incarcerated survivors was never more apparent than during the holiday season. Through the *Words of Hope* campaign, JDI supporters penned a record 27,000 handwritten cards to people in prisons nationwide. These heartfelt greetings reached people at a crucial time; Covid-19 rates had begun to surge, leading to renewed facility lockdowns and an end to family visits. In this time of intense isolation, incarcerated survivors found comfort and a sense of connection in warm messages from supporters like you.

Chad certainly can speak to the transformative power of your words. When the holiday cards arrived, Chad was reeling from grief, having just lost his mother to Covid-19. He also was facing severe mistreatment from staff — retaliation for reporting sexual abuse by one of their colleagues. As he put it, “2021 wasn’t a good year.” Then an envelope came, stuffed with cards from caring people like you. “Just thinking about your letters and the words of love in these cards has me in tears. I wish I could give you all a hug,” he wrote. Since the New Year, our office

has been flooded with letters of gratitude. “I was surprised, to say the least, to see the cards, and every one of them touched me,” wrote Steve, a survivor in Texas. “Your heartfelt care actually does matter to me.” Adam, a survivor in Florida, was taken aback by the outpouring of kindness from JDI supporters. He wrote, “Thank you for the love! The cards blew me away. You inspire and you make a difference.”

“No one wrote their cards without holding survivors in their thoughts,” explained Misty, a program specialist at the Nevada Coalition to End Domestic and Sexual Violence who organized a local card-writing event for her colleagues and friends. “We feel that good cheer travels, even through prison walls.”

Misty’s event was just one among many *Words of Hope* gatherings held nationwide. There were card-writing events in schools, workplaces, churches, and people’s homes. Ciara Anderson organized an afternoon of card-writing with students and fellow alumni at her law school, part of what’s become a yearly tradition. “People need compassion, grace, and to know they are not alone — especially around the holidays,” she shared with us. “*Words of Hope* does that.”



Formerly incarcerated people were among the most active participants in the Words of Hope campaign, including JDI Survivor Council member Troy Isaac (above). Photo by Allison Samsel/JDI



JDI supporters from the University of Denver’s Civil Rights Clinic gather at a Words of Hope card-writing event. Thanks to our supporters, JDI sent more holiday wishes behind bars than ever before.

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