

Rape of the Locked Up

Advocates press Connecticut General Assembly to pass bill to strengthen rules against prison rape

By Lisa Reisman

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LaResse Harvey was raped when she was 22 as an inmate at Niantic's York Correctional Institution for Women. She reported the incident to a guard. Her attacker, another prisoner, claimed it was consensual. The authorities made them cellmates. For eight months, she lived, as she put it, "like a battered woman."

Harvey was convicted of second-degree manslaughter and served from 1993 to 1999. And yet, she said in testimony before the state Judiciary Committee last month, enduring months of sexual abuse in a tiny cell as a result of her complaint should not have been part of her punishment.

"I was already being locked up 23 hours a day," said Harvey, now the executive director of the not-for-profit Civic Trust Public Lobbying Company, who spoke in support of a House bill aimed at reducing sexual assault in Connecticut's prisons. "Wasn't that enough?"

Patricia Dillon thought so. The state representative from New Haven sponsored House Bill 6642, which would require Connecticut to adopt policies recommended by the National Prison Rape Elimination Commission. The bill would call for prison officials to enforce a zero-tolerance policy against sexual assaults, protect inmates vulnerable to sexual assault and create protocols for investigating sexual abuse.

"The people raped in our prisons are often our fellow citizens, family members and neighbors," Dillon says. She points out the most vulnerable populations are non-violent offenders, like those jailed on technical charges. "When they're released, they may well bring back lasting emotional trauma, along with HIV, Hepatitis C and other sexually transmitted diseases, making it a very real public health concern."

The state's Corrections Commission has no plans to oppose the bill, says spokesman Brian Garnett.

On April 21, the Judiciary Committee passed House Bill 6642, paving the way to a vote on the House floor. If the bill is passed into law by the end of the 2011 legislative session, it would display, according to Linda McFarlane of Just Deten-

tion International (JDI), a nonprofit active in the campaign to stop sexual abuse in prison, "tremendous courage and foresight."

Connecticut would be the first state, she says, to "give teeth" to rules that for decades have gone unenforced.

Rape is illegal everywhere, not just outside the razor wires and barred cells of correctional institutions. As the U.S. Supreme Court declared 15 years ago, sexual abuse is "not part of the penalty that criminal offenders pay for their offenses against society." Victims can't escape their attackers behind bars. When prison guards are the attackers, as JDI's David Kaiser and Lovisa Stannow note in a March 11 piece in the *New York Review of Books*, their authority makes it nearly impossible to say no.

All 50 states have laws making sexual contact of staff with inmates and inmates

with inmates a criminal offense. Yet sexual violence pervades our country's prisons and jails, making these laws, well, toothless. Connecticut is no exception. The ACLU of Connecticut receives monthly letters from inmates and their families reporting sexual abuse on the part of staff or their fellow inmates and seeking help, says staff attorney David McGuire.

Reforming laws against prison rape is a national issue that doesn't break along party lines. Far from it. In 2003, a deeply divided Congress unanimously approved the Prison Rape Elimination Act, the first civil-rights law ever to address the problem. It charged a panel of experts (known as the National Prison Rape Elimination

Commission) to establish national standards for the detection, reduction and punishment of sexual abuse in detention. The

late Ted Kennedy and Alabama Republican Jeff Sessions cosponsored it in the Senate; Republican Frank Wolf

joined with Democrat Bobby Scott in the House; and George W. Bush signed it.

The result? A 2009 report containing a set of recommendations that offers clear-cut guidelines for corrections officials to prevent prisoner rape and, more significantly, debunk the pernicious myth that sexual violence is an inevitable part of life behind bars. Little wonder, Kaiser and Stannow contend. The standards themselves are "products of compromise among experts, reflecting the best practices already in place at our best facilities." And consid-

ering the extraordinary control that the government holds over the lives of those it locks up, stopping sexual abuse in detention is a matter of devising policies and passing laws that enforce them.

The commission's standards stipulate that every agency have "a written policy mandating zero tolerance toward all forms of sexual abuse." Specifically, staff and inmates must understand what constitutes it, know what penalties exist and believe management will treat it seriously. In light of its findings that "some will never feel comfortable reporting abuse internally," the commission mandates that inmates be advised of the option to speak confidentially to a crisis center or outside agency.

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- ▶ Nearly **1 in 31 Americans** is behind bars, on probation or on parole, according to a 2009 study by the Pew Foundation
- ▶ That's the **highest incarceration rate** in the world
- ▶ In February, the Department of Justice estimated that **216,600** inmates suffered sexual abuse in a one-year period
- ▶ That number reflects **only** the first time each person was victimized and **only** those with the courage to report it

Prison rape should be less a financial problem than one of basic human rights.

Noting this "persistent silence surrounding incidents of sexual abuse in correctional facilities [as] a reality that both victims and professionals in the field acknowledged," the commission calls for all employees not only to report suspicions of abuse but to monitor prisoners and staff who report abuse for at least 90 days to ensure that they are not experiencing retaliation or threats. And if they do? The facility is required to take immediate action to stop the threatening behavior, including disciplinary measures and prosecutions.

While critics have cited hard-dollar investments like security cameras and the inclusion of outside agencies as unfair burdens on states already on shoestring budgets, it's short-sighted to make this assessment without also taking into account the financial benefits of implementing the standards. Think, for example, of the medical cost of treating rape victims — transport to distant hospitals (with security escorts) and the expense of ongoing mental health services.

But the cost of prison rape is much greater than that. Kaiser and Stannow observe that "former inmates who have not been sexually abused are far more likely to become members of the legitimate workforce and pay taxes." Recidivism would therefore be reduced and the enormous costs of re-incarceration lowered. More than a million children depend on those former inmates and they will likely fare better.

In the end the problem of prison rape should be less a financial one than, quite simply, one of human rights and dignity.

The recommendations that House Bill 6642 incorporates "lay out a realistic blueprint for progress that will help to actually address and prevent this problem," the ACLU's McGuire testified. LaResse Harvey agrees. Her testimony before the Judiciary Committee was the first time she revealed that she had suffered through it.

"No human being should be subjected to that torture," she said in explaining why she is now speaking out. "It's up to lawmakers to act now."

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