



Action Update

Stop Prisoner Rape • Quarterly Newsletter

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The Horrors of Prisoner Rape

Kendell Spruce's voice remained steady as he told his story before the National Prison Rape Elimination Commission, but his face sometimes quivered with emotion as he described being raped by 27 inmates in an Arkansas prison.



The seven-year prison term he received for writing a bad check ultimately became a life sentence, as Mr. Spruce contracted HIV through the rapes. Three years ago, he was diagnosed with full-blown AIDS.

"I know I had to pay the price for what I did, but I've paid double the price. That check I wrote cost me my life," Mr. Spruce testified. "I've already accepted that I'm going to die, but before I do, I want to see justice in the prison system."

Mr. Spruce was one of ten courageous prisoner rape survivors who told their stories to the National Prison Rape Elimination Commission at public hearings held in Washington, D.C. and San Francisco. Each spoke of the debilitating emotional and physical consequences of being sexually abused in detention facilities across the United States.

Survivors Tom Cahill, Garrett Cunningham, Keith DeBlasio, and Marilyn Shirley testified at a June 14, 2005 public hearing in Washington, D.C., which focused on the many long-term effects of prisoner rape on survivors and their families. Linda Bruntmyer testified about her 17-year-old son, Rodney Hulin, who hanged himself in his Texas prison cell as a result of ongoing sexual abuse.

Five survivors - Cecilia Chung, Hope Hernandez, Chance Martin, T.J. Parsell and Kendell Spruce - testified at an August 19, 2005 hearing in San Francisco that focused on vulnerable prisoner populations, including young, first-time offenders, gay and transgender prisoners, and the mentally ill.

The survivors' testimony will guide the National Prison Rape Elimination Commission in its mission to conduct a comprehensive study of sexual violence behind bars. The Commission will issue a report on its findings, including recommended standards for the prevention, detection, and punishment of prisoner rape.

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3325 Wilshire Blvd.
Suite 340
Los Angeles, CA 90010

Ms. Bruntmyer's testimony about her teenage son highlighted the risks faced by young, first-time prisoners in facilities governed by a culture of violence. "He was seventeen and afraid, and ashamed, and hopeless," Ms. Bruntmyer testified. "We know that what happened to Rodney could have been prevented. There are ways to protect the vulnerable inmates, and ways to respond to the needs of prisoners who have been sexually assaulted. Rodney tried to ask for help, and I tried too. But nothing was done."

The National Prison Rape Elimination Commission will continue to seek out survivor testimony for its public hearings, said the Honorable Reggie Walton, who chairs the Commission.

"I think it's essential that whenever we have hearings, we have survivors," Judge Walton said. "One of the most important things we can accomplish is to put a face on what's happening. These are not throwaway people. These are good people who have made a mistake."

Testimony Excerpts:

"I reported the rape, and was sent into protective custody. But I wasn't safe there either. I was put in a cell with a rapist who had full-blown AIDS. Within two days, he forced me to give him oral sex and anally raped me.

"Because I was raped, I got labeled as a 'faggot.' It opened the door for a lot of other predators. Even the administrators thought it was okay for a 'faggot' to be raped. They said, 'Oh, you must like it.' I'm here to tell you that no one wants to be raped. No one likes being violently attacked." - Kendell Spruce, August 19, 2005

"(Officer) Miller started forcing himself on me, kissing me and groping my breasts. I was pushed into a storeroom. He continued to assault me; the more that I begged and pleaded for him to stop, the more violent he became.

He tried to force me to perform oral sex on him. He then threw me against the wall and violently raped me. I can still remember him whispering in my ear during the rape: 'Do you think you're the only one? Don't even think of telling, because it's your word against mine, and you will lose.'" - Marilyn Shirley, June 14, 2005

SPR Appoints Co-Executive Directors

SPR has recruited two veteran human rights professionals to serve as the organization's Co-Executive Directors.

"The appointment of Lovisa Stannow and Kathy Hall-Martinez will add even greater momentum to SPR's policy and advocacy initiatives," said T.J. Parsell, President of SPR's Board of Directors. "Their experience and vision will allow us to make unprecedented advances in the fight to protect prisoners from sexual violence."

Ms. Stannow has worked in international human rights and communications for the past two decades, frequently based in war zones and areas of humanitarian disaster. She joined SPR's Board of Directors in 2002 and has served as the organization's Acting and Deputy Executive Director since 2004.

Ms. Hall-Martinez is an international human rights attorney. Before coming to SPR, she was the Director of the International Legal Program at the Center for Reproductive Rights

in New York. She has worked with SPR as a consultant since August 2005.

Ms. Stannow and Ms. Hall-Martinez assumed their new roles in December.

SPR Offers Input into Inmate Survey Tools

In December, SPR participated in a workshop held by the Bureau of Justice Statistics (BJS) on implementing a survey tool for juvenile inmates. The workshop included high-level youth corrections officials, members of the National Prison Rape Elimination Commission, BJS representatives, researchers, a rape-crisis specialist, SPR staff, and survivors who were abused as juveniles.

"The BJS will conduct two surveys in the coming years, one with adults and one with juveniles," said Kathy Hall-Martinez, SPR's Co-Executive Director. "Both of these studies are critically important as they will seek to establish - for the first time ever - the prevalence of prisoner rape nationwide."

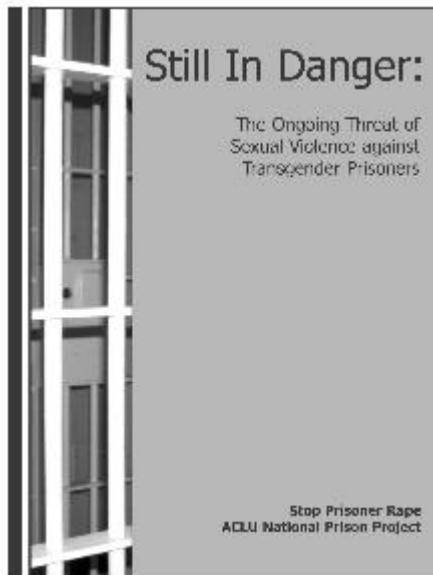
The juvenile survey tool, which is mandated by the Prison Rape Elimination Act (PREA), will be used in state facilities that hold more than 120 wards and where more than 25 percent of the youth have been sentenced. BJS plans to conduct the first survey in late 2006, and issue its first report on the sexual abuse of youth in detention in 2007.

Workshop participants reviewed a draft youth survey and provided input to BJS officials. SPR staff and survivors emphasized several key issues, including the importance of ensuring the respondents' confidentiality, using realistic language about prisoner rape, avoiding redundant questions, and including local and private facilities holding large numbers of youth in the survey.

Transgender Inmates Still in Constant Danger

In September, SPR released "Still in Danger: The Ongoing Threat of Sexual Violence against Transgender Prisoners." Written in cooperation with the ACLU National Prison Project, the report examines the progress and perils for transgender prisoners since the U.S. Supreme Court's 1994 ruling in the precedent-setting *Farmer vs. Brennan* case.

Despite that historic decision, in which the court ruled that prisoner rape was constitutionally unacceptable, transgender inmates report that they continue to face sexual violence behind bars because of their gender identity. Eleven years after *Farmer vs. Brennan*, transgender women are still frequently housed together with men, and are victimized as a result. In the report, Arizona prisoner Seantain Cook described the conditions faced by many transgender detainees:



"Within three months of my arrival to prison, I found myself sexually enslaved by a single domineering prisoner and forced to perform sexual favors in exchange for my 'protection.'"

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By featuring first-hand accounts of transgender prisoners, "Still in Danger" makes painfully clear the reality of prison life for these inmates since Farmer vs. Brennan. The report also features recommendations for making prisons and jails safer. The full report can be found on SPR's website, www.spr.org.

California Passes Groundbreaking Law

On September 22, 2005 California Governor Arnold Schwarzenegger signed the Sexual Abuse in Detention Elimination Act (AB 550) into law, thereby positioning California as a national leader in the effort to end sexual violence behind bars. SPR worked closely with California lawmakers to draft and promote the passage of AB 550.

The new law seeks to protect all inmates from sexual assault while held in detention facilities operated by the California Department of Corrections and Rehabilitation (CDCR). Concretely, AB 550 requires the CDCR to accomplish the following:

- Develop guidelines for the provision of resources and counseling from outside organizations to inmates and wards;
- Provide inmates and wards with informational handbooks regarding sexual abuse in detention;
- Adopt specified policies, practices, and protocols related to the housing of inmates, physical and mental health care of survivors, and investigation of sexual abuse;
- Ensure accurate data collection concerning sexual abuse across all institutions.

The bill also establishes an Office of the Sexual Abuse in Detention Elimination Ombudsperson to monitor the prevention of and response to sexual abuse that occurs in California facilities.

"The passage of AB 550 is a significant milestone for California, finally giving this all-too-common human rights violation the attention it deserves," said Lovisa Stannow, Co-Executive Director of SPR.

The Sexual Abuse in Detention Elimination Act was introduced by California Assemblywoman and long-time human rights advocate Jackie Goldberg.

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3325 Wilshire Blvd.
Suite 340
Los Angeles, CA 90010

Ad Campaign Seeks to Change Flippant Attitudes



Fighting flippant and ill-informed public attitudes about prisoner rape is a constant challenge. Sadly, prisoner rape remains the grist for late-night talk show jokes. The good news is that SPR has been increasingly successful in promoting a discussion of prisoner rape for what it is - a crime and a human rights violation.

Last fall, SPR launched a powerful ad campaign designed to draw public attention to the issue of prisoner rape. The campaign was developed pro bono by advertising agency McKinney & Silver. The ads make clear that prisoners deserve the same protection against sexual assault as men and women on the outside. The images, which have already appeared on billboards and in publications in California, effectively put a human face on prisoner rape.

"No one would ever joke about the rape of someone on the outside, but many people feel that it's okay to laugh about prisoner rape," said Andrea Cavanaugh Kern, SPR's Communications Associate. "By showing that prisoners and people on the outside really are not so different, this ad campaign brings home the fact that sexual assault is never a laughing matter."

In the coming year, SPR will also seek permission to post the ads inside prisons, in an effort to sensitize corrections officials and inmates alike about the seriousness of prisoner rape. SPR continues to seek pro bono placement of the images in magazines, newspapers, on billboards, and in other media outlets.

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