

# Prison Rape Elimination Act (PREA)<sup>1</sup>



## The State and National Landscape

2015

Preparing for A PREA Audit for Juvenile Facilities

# Welcome

2

## Elizabeth A. Henneke

Policy Attorney

Texas Criminal Justice Coalition

1714 Fortview Rd. Suite 104

Austin, TX 78704

[ehenneke@texascjc.org](mailto:ehenneke@texascjc.org)

# Current Issues, Trends, News

---

- PREA's Texas Origins
- Texas News and PREA Compliance
- PREA in the News Nationally
- Benefits of PREA Compliance
- Litigation Risks under PREA
- Leadership Matters



4

## The Case of Rodney Hulin

[No Escape: Prison Rape in America - The Rodney Hulin Story](#)

# Texas facilities have high reported incidents of sexual assaults.

**Table 4. Prison facilities with the highest prevalence of sexual assault, by another inmate or staff and by level of force and injury, National Inmate Survey, 2007**

Facility name	Total prevalence <sup>a</sup>	Inmate-on-inmate sexual assault			Staff-on-inmate sexual assault			
		Physically forced	Pressured	Injured <sup>b</sup>	Physically forced	Pressured	Reported as willing	Injured <sup>b</sup>
U.S. total	4.5%	1.3%	1.7%	0.5%	0.9%	1.5%	1.7%	0.3%
Estelle Unit, TX	15.7	5.1	7.9	2.0	0.9	4.4	5.2	0.4
Clements Unit, TX	13.9	1.7	3.3	1.0	4.1	6.8	5.6	3.1
Tecumseh State Corr. Inst., NE	13.4	0.0	1.2	0.0	7.5	11.8	5.9	3.9
Charlotte Corr. Inst., FL	12.1	0.6	1.1	0.0	2.6	6.1	5.7	0.0
Great Meadow Corr. Fac., NY	11.3	1.0	2.8	0.0	6.0	6.3	2.8	2.0
Rockville Corr. Fac., IN <sup>c</sup>	10.8	6.5	7.5	3.7	0.5	1.1	0.9	0.6
Valley State Prison for Women, CA <sup>c</sup>	10.3	4.7	5.9	1.5	1.5	3.3	3.3	0.9
Allred Unit, TX	9.9	3.6	3.2	3.3	2.8	3.2	2.3	0.9
Mountain View Unit, TX <sup>c</sup>	9.5	7.5	6.8	2.7	0.7	3.0	1.4	2.1
Coffield Unit, TX	9.3	2.1	3.9	0.0	0.4	1.4	4.3	0.0

Note: Detail may add to more than totals because victims may report more than one type of victimization, injury, and type of force.

<sup>a</sup>Percent of inmates reporting one or more incidents of sexual victimization involving another inmate or facility staff in the past 12 months or since admission to the facility, if shorter. (See *Methodology* for definitions.) Weights were applied so that inmates who responded accurately reflected the entire population of each facility on selected characteristics, including age, gender, race, time served, and sentence length. (See *Methodology* for nonresponse and post-stratification weighting procedures.)

<sup>b</sup>Injuries included knife or stab wounds, broken bones, anal or rectal tearing, teeth chipped or knocked out, internal injuries, knocked unconscious, bruises, black eyes, sprains, cuts, scratches, swelling, or welts.

<sup>c</sup>Female facility.

# Youth in confinement are especially vulnerable.

6

In 2007, reports surface that staff at what was then the Texas Youth Commission had sexually and physically abused youths in their custody.

- **Research has shown that adult correctional facilities are a breeding ground for violence and abuse.** Youth are over eight times as likely to have a substantiated incident of sexual violence while in state prisons than adults in these same facilities.
- **17 year-olds housed in adult correctional facilities are forced into isolation.** 17 year-olds who are held in adult correctional facilities are often subject to isolation, which poses a severe danger to their mental and physical health.

# Prison Rape Elimination Act

7

Year	Event
2003	Congress passes the Prison Rape Elimination Act
2004-2009	National Prison Rape Elimination Commission holds hearings
2009	Draft standards established by the Commission
2011	DOJ adopts standards
June 2012	Final Standards are published
2013-2014	First audit cycle

*“Sexual abuse is not an inevitable feature of incarceration. Leadership matters because corrections administrators can create a culture within facilities that promotes safety instead of one that tolerates abuse.”*





# STOP PRISON RAPE IN TEXAS

*Passion  
Star*

SAFETY FROM RAPE AND ASSAULT  
IS NOT A PRIVILEGE, ITS A RIGHT

9

Is PREA Law In Texas? Texas in the News

# Gov. Perry Did Not Certify (May 30, 2014)

10

## Rick Perry Fails to Get Many Governors to Defy Prison Rape Law



*Patrick Michels*



Back in March, Gov. Rick Perry sent a [letter](#) to U.S. Attorney General Eric Holder declaring his intent to defy a federal law designed to reduce sexual assault in prison. It was a very Perry letter, slinging around terms like “ridiculous” and “unacceptable” and “costly regulatory mess.” But perhaps the most Perry part was his vow to “encourage my fellow governors to follow suit.”

# Governor Abbott Embraces PREA (May 22, 2015)

11

"I cannot yet certify that the state is in full compliance with Prison Rape Elimination Act ("PREA"), because our PREA audits are still ongoing," Abbott wrote. "But every facility that has completed the PREA audit process has been certified as fully compliant. And I can assure you that we will fully implement DOJ's PREA standards wherever feasible." —Gov. Greg Abbott

by [Patrick Svitek](#) | May 22, 2015 | [4 Comments](#)

[Comment](#)

[Republish](#)

[Email](#)

[Tweet](#)

[Recommend](#)



[Enlarge](#)

Photo by Bob Daemmrich

Gov. Greg Abbott at a Tax Day press conference on April 15, 2015.

Editor's note: This story has been updated throughout.

In a shift away from his predecessor, Gov. [Greg Abbott](#) has informed the U.S. Department of Justice that Texas plans to comply as much as possible with a federal law that aims to prevent prison rape. Yet Abbott's notice was not enough for the department, which said Friday it did not count as a formal assurance under the law.

Last year, former Gov. [Rick Perry](#) said Texas would not follow some requirements of the Prison Rape Elimination Act, [calling](#) it a "counterproductive and unnecessarily cumbersome and costly regulatory mess." But in a recent letter to Attorney General Loretta Lynch, Abbott sounded far less critical, [making clear](#) the state is now working to put in place every part of the law that it can.

"I cannot yet certify that the state is in full compliance with Prison Rape Elimination Act ("PREA"), because our PREA audits are still ongoing." Abbott wrote. "But every facility that

# But the DOJ Questions Abbott's Resolve (May 23, 2015)

## POLITICS

### *U.S. Spars With Texas on Ending Prison Rapes*

By DEBORAH SONTAG MAY 22, 2015

Email

Share

Tweet

Save

More



In what appeared to be a reversal of his predecessor's position, Gov. Greg Abbott of Texas wrote to Attorney General Loretta E. Lynch last week to assure her that his state intended to abide by national standards to prevent, detect and respond to prison rape "wherever feasible."

But the Justice Department said late Thursday that it had rejected his assurance. Texas, which has a high rate of reported sexual abuse against inmates, is expected to be financially penalized for a second straight year for failing to follow the procedures that the federal government has established to document progress in eliminating prison rape.

Nine states certified full compliance with the Prison Rape Elimination Act's standards on May 15, the deadline for governors to make their second progress reports to the Department of Justice. That brought to 11 the number of states that have fully adopted the standards — considered "best practices" for eliminating the sexual victimization of inmates — a dozen years after [Congress unanimously passed](#) the law known as PREA.

In his letter to Ms. Lynch, Mr. Abbott of Texas said he could not certify complete compliance. But he adopted a more conciliatory approach than had his predecessor, Gov. Rick Perry, who in 2014 declined to respond to Washington's first deadline and denounced the national rape standards as



Gov. Greg Abbott in the State House chamber. He said Texas intended to comply with national standards, but the Justice Department said it had not done so. Eric Gay/Associated Press

# The New York Times

# New York Times

13

- In what appeared to be a reversal of his predecessor's position, Gov. Greg Abbott of Texas wrote to Attorney General Loretta E. Lynch last week to assure her that *his state intended to abide by national standards to prevent, detect and respond to prison rape "wherever feasible."*
- But the Justice Department said late Thursday that it had **rejected his assurance**. Texas, which has a high rate of reported sexual abuse against inmates, is expected to be financially penalized for a second straight year for failing to follow the procedures that the federal government has established to document progress in eliminating prison rape.

# Texas PREA Compliance



**TJJD has a zero tolerance policy for any form of sexual abuse, sexual harassment, or sexual activity involving youth in the agency's care.**

- ❑ TJJD has achieved **PREA Compliance** for 5 state operated facilities to date
- ❑ State Operated Facilities
  - ▣ 2 Secure Institutions 100% PREA compliant
  - ▣ 3 Halfway Houses 100% PREA compliant
- ❑ Five additional facilities are being audited and compliance is expected by June 2015
- ❑ Last 5 facilities will be audited in 2016 and compliance expected June 2016

# Texas PREA Compliance

**Victoria  
Regional  
Juvenile  
Justice Facility  
was the first  
juvenile  
facility in  
Texas to  
achieve 100%  
PREA  
Compliance in  
August 2014.**

- **County-operated juvenile facilities**
  - ▣ Working toward compliance
  - ▣ TJJD will begin auditing select county facilities in Fall 2015
  - ▣ Several counties have solicited and received DOJ grants to assist with PREA compliance



# PREA Protections in Texas



- TJJJ assists counties to ensure youth sexual safety
  - ▣ Abuse hotline, brochures, posters
  - ▣ Statutory regulations protecting youth
  - ▣ Training and technical assistance

**END THE SILENCE**

SEXUAL ABUSE IS A CRIME  
BREAK THE SILENCE... TELL SOMEONE

This facility has a zero-tolerance policy regarding sexual abuse and sexual harassment of youth. To report sexual abuse or sexual harassment, please tell a facility staff member or contact the Texas Juvenile Justice Department at

**1-877-STOP-ANE**  
(1-877-786-7263)

**END THE SILENCE**

SEXUAL ABUSE IS A CRIME  
BREAK THE SILENCE... TELL SOMEONE

This facility has a zero-tolerance policy regarding sexual abuse and sexual harassment of youth. To report sexual abuse or sexual harassment, please tell a facility staff member or contact the Texas Juvenile Justice Department at

**1-877-STOP-ANE**  
(1-877-786-7263)

Cuales son otros de los derechos que un menor tiene dentro una institución de Justicia Juvenil?

El menor que es detenido dentro de un territorio de la Justicia Juvenil tiene los siguientes derechos:

- **DISCRIMINACIÓN LEGAL.** La institución no puede imponer un trato discriminatorio por raza, origen nacional, religión, sexo o discapacidad.
- **DEFENSIÓN.** La institución no puede imponer ni restringir el control de sus actividades.
- **ABOGACÍA.** La institución tiene el deber de asegurar un abogado para el menor cuando el menor no tiene recursos, antes de cualquier procedimiento legal.
- **TRABAJO.** No, si el menor es menor de edad y no tiene permiso de trabajo legalmente o si el menor que no tiene permiso de trabajo legalmente.
- **LIBERTAD DE COMUNICACIÓN.** La institución debe permitir al menor recibir visitas, cartas, llamadas telefónicas y comunicación electrónica por correo electrónico, siempre que no interfiera con la seguridad o el bienestar del menor.
- **QUEJAS.** La institución debe tener un procedimiento para recibir quejas, si el menor desea ser escuchado.
- **RELIGIÓN.** La institución puede permitir voluntariamente a un menor adherirse a una religión o creencia religiosa que no sea una religión que se oponga a la moral pública.

Para más información sobre los derechos del menor y de los padres, visite el sitio web de la Justicia Juvenil de Texas. Visite el sitio web de la Justicia Juvenil de Texas en [www.tjjj.texas.gov](http://www.tjjj.texas.gov).

Una Guía para Los Padres y El Público

**RECONOCER Y REPORTAR ABUSO, NEGLIGENCIA O EXPLOTACIÓN**

De Menores con la Justicia Juvenil de Texas

**UNA GUÍA PARA Los Padres y El Público**

**RECONOCER Y REPORTAR ABUSO, NEGLIGENCIA O EXPLOTACIÓN**

De Menores con la Justicia Juvenil de Texas

**UNA GUÍA PARA Los Padres y El Público**

**RECONOCER Y REPORTAR ABUSO, NEGLIGENCIA O EXPLOTACIÓN**

De Menores con la Justicia Juvenil de Texas

**UNA GUÍA PARA Los Padres y El Público**

**RECONOCER Y REPORTAR ABUSO, NEGLIGENCIA O EXPLOTACIÓN**

De Menores con la Justicia Juvenil de Texas

**UNA GUÍA PARA Los Padres y El Público**

**Frequently Asked Questions**

**Q. IF I REPORT ABUSE, WILL ANYONE BELIEVE ME?**  
Yes. If you report abuse your case will be fully investigated to ensure evidence that proves what happened.

**Q. WILL THE PERSON WHO ABUSED ME BE ALLOWED TO HAVE CONTACT WITH ME?**  
No. After a report of abuse is made, the person who allegedly abused you is removed from contact with you during the facility's investigation. This does not mean you will be released from the facility or moved to another facility, but you will be protected.

**Q. WILL THE FACILITY PUNISH ME OR TREAT ME DIFFERENT (BETTER) IF I REPORT ABUSE?**  
No. If you make a report of abuse and have told the truth, you should not be punished, treated differently or receive any discipline. You will be protected from harm and the case will be investigated. If you are not satisfied, report it to a trustworthy adult or TJJJ immediately and it will be investigated.

**Q. WILL I HAVE TO TESTIFY IN COURT?**  
The facility and TJJJ investigators will ask you questions about what happened. If the abuse from criminal charges, you may be asked to testify in court.

**Q. WILL REPORTING AFFECT MY JUVENILE COURT CASE, MY DETENTION OR PLACEMENT STATUS?**  
No. Making a report of abuse will not cancel your stay in detention, lengthen your placement time or change your current placement status.

**Q. WHAT IF I LIE ABOUT BEING ABUSED?**  
All reports of abuse are taken very seriously and investigated thoroughly. Anyone who makes a false report may be charged with a criminal offense. Reporting abuse is not a game and you should always tell the truth.

**Q. WHAT IF THE ABUSE HAPPENED AT HOME?**  
If the abuse happened at home, at school or in your community you should report it to an adult you trust, to the Texas Department of Family and Protective Services at 1-800-252-5436, or to the police.

**ABUSE IS A CRIME... TELL SOMEONE NOW!**

**What Else Can I Do?**

The Texas Juvenile Justice Department (TJJJ) investigates abuse, neglect and exploitation in all Texas juvenile justice facilities and programs. There is a toll-free abuse number you can call to report abuse if you do not feel comfortable talking to someone in the facility. Your report will be investigated by TJJJ if you report it to a facility staff or if you call TJJJ directly.

**THE TOLL-FREE PHONE NUMBER TO REPORT ABUSE IS:**  
**1-877-STOP ANE (786-7263)**

When you call, you will be asked to tell exactly what happened to you in the facility. Your name and your identity will be protected and kept confidential.

**NO ONE SHOULD BE ABUSED.**

**TEXAS JUVENILE JUSTICE DEPARTMENT**

11209 Menzies Blvd., Building H, Austin, TX 78758  
Post Office Box 12757, Austin, TX 78711  
(512) 912-4901-3130

VISIT OUR WEBSITE FOR MORE INFORMATION:  
[www.tjjj.texas.gov](http://www.tjjj.texas.gov)

**A TEEN'S GUIDE TO Reporting Abuse, Neglect & Exploitation IN JUVENILE JUSTICE FACILITIES**

**IF ABUSE HAPPENS TO YOU... END THE SILENCE**

**TEXAS JUVENILE JUSTICE DEPARTMENT**

**Frequently Asked Questions**

**Q. IF I REPORT ABUSE, WILL ANYONE BELIEVE ME?**  
Yes. If you report abuse your case will be fully investigated to ensure evidence that proves what happened.

**Q. WILL THE PERSON WHO ABUSED ME BE ALLOWED TO HAVE CONTACT WITH ME?**  
No. After a report of abuse is made, the person who allegedly abused you is removed from contact with you during the facility's investigation. This does not mean you will be released from the facility or moved to another facility, but you will be protected.

**Q. WILL THE FACILITY PUNISH ME OR TREAT ME DIFFERENT (BETTER) IF I REPORT ABUSE?**  
No. If you make a report of abuse and have told the truth, you should not be punished, treated differently or receive any discipline. You will be protected from harm and the case will be investigated. If you are not satisfied, report it to a trustworthy adult or TJJJ immediately and it will be investigated.

**Q. WILL I HAVE TO TESTIFY IN COURT?**  
The facility and TJJJ investigators will ask you questions about what happened. If the abuse from criminal charges, you may be asked to testify in court.

**Q. WILL REPORTING AFFECT MY JUVENILE COURT CASE, MY DETENTION OR PLACEMENT STATUS?**  
No. Making a report of abuse will not cancel your stay in detention, lengthen your placement time or change your current placement status.

**Q. WHAT IF I LIE ABOUT BEING ABUSED?**  
All reports of abuse are taken very seriously and investigated thoroughly. Anyone who makes a false report may be charged with a criminal offense. Reporting abuse is not a game and you should always tell the truth.

**Q. WHAT IF THE ABUSE HAPPENED AT HOME?**  
If the abuse happened at home, at school or in your community you should report it to an adult you trust, to the Texas Department of Family and Protective Services at 1-800-252-5436, or to the police.

**ABUSE IS A CRIME... TELL SOMEONE NOW!**

**What Else Can I Do?**

The Texas Juvenile Justice Department (TJJJ) investigates abuse, neglect and exploitation in all Texas juvenile justice facilities and programs. There is a toll-free abuse number you can call to report abuse if you do not feel comfortable talking to someone in the facility. Your report will be investigated by TJJJ if you report it to a facility staff or if you call TJJJ directly.

**THE TOLL-FREE PHONE NUMBER TO REPORT ABUSE IS:**  
**1-877-STOP ANE (786-7263)**

When you call, you will be asked to tell exactly what happened to you in the facility. Your name and your identity will be protected and kept confidential.

**NO ONE SHOULD BE ABUSED.**

**TEXAS JUVENILE JUSTICE DEPARTMENT**

11209 Menzies Blvd., Building H, Austin, TX 78758  
Post Office Box 12757, Austin, TX 78711  
(512) 912-4901-3130

VISIT OUR WEBSITE FOR MORE INFORMATION:  
[www.tjjj.texas.gov](http://www.tjjj.texas.gov)

**A TEEN'S GUIDE TO Reporting Abuse, Neglect & Exploitation IN JUVENILE JUSTICE FACILITIES**

**IF ABUSE HAPPENS TO YOU... END THE SILENCE**

**TEXAS JUVENILE JUSTICE DEPARTMENT**



# PREA Protections in Texas



- TJJJ ensures sexual safety in state facilities
  - ▣ Abuse hotline, brochures, posters, videos, handbooks
  - ▣ PREA Coordinator agency wide; strict agency policies
  - ▣ Training, monitoring, PREA reviews



18

PREA In The News

# 46 States have Committed to PREA

19



## 46 States — and Counting

*Vast Majority of States Commit to Lifesaving Standards Aimed at Ending Prisoner Rape*

**W**HEN ANDREW LEARNED last year that Indiana had opted out of national standards to end sexual abuse behind bars,

reject the PREA standards,” he wrote. “I, for one, know that Indiana prisons need PREA big time.”

# National Advocates Embrace PREA

20

□ Campaign for Youth Justice



□ End the Silence ~~end~~  
the  
silence  
campaign

□ Just Detention International



□ Southern Poverty Law Center



□ Youth Law Center



□ Juvenile Justice Information Exchange



□ National Juvenile Justice Network



# PREA in the News

21



**Texas: The Prison Rape Capital of the U.S.**

FEATURE

# Preying on Prisoners

*In Texas, staffers rarely go to jail for sexually abusing inmates.*





23

## Benefits of PREA Compliance

Developed by The Moss Group, Inc. under BJA Demonstration  
Grants

# Just Detention International

24

The audits are simply a good way for dedicated jail leaders---i.e., leaders who do not want sexual abuse to happen in their jails—to have an independent review done of their facilities.”



# PREA Resource Center

25

Corrections practitioners who have been working successfully to implement sexual abuse prevention and response policies often say that ***what PREA requires is what any professionally run correctional agency should already be doing*** to ensure the safety and security of its personnel and operations.

# The Marshall Project

“...[T]he primary economic benefit of complying with PREA is simply that it provides a measure of defense against lawsuits, which could cost the jails---and the taxpayers in their counties—millions of dollars. In order to prove that a jail administration was liable for an assault, a plaintiff must show that the jail was “deliberately indifferent” to his or her well-being, and compliance with PREA would signal a good faith effort (in other words, the opposite of “indifference.”)



27

## Litigation Risks Under PREA

# What happens if State does not comply?

28

Failure to follow these PREA standards could be seen as prima facie evidence of deliberate indifference and may result in plaintiffs succeeding past the initial stages of litigation, substantially increasing litigation costs to facilities that fail to comply with PREA.

- If the Governor DOES NOT certify compliance - could lose 5% of DOJ grant funding e.g.
  - ▣ For Texas, that amounts to approximately 1 million per year.
- Do not lose 5% if governor can assure that that 5% will be used to meet standards



# Private Liability Still Exists

29

- *Farmer v. Brennan*: the United State Supreme Court set forth the standard for determining if prison conditions violated the Eighth Amendment. Requires the plaintiff to prove
  - (1) that the conditions were cruel and
  - (2) that the government was **deliberately indifferent** to the conditions facing the inmate. 511 U.S. 825 (1994)
- PREA provides national standards—supported by extensive evidence-based research, correctional administrator input, public commentary, and other documentation—that suggest what governments must do to provide safe environments for inmates.

# Potential Liability

One ex-inmate of Travis County has sued alleging that county and sheriff's officials displayed deliberate indifference to his safety by failing to comply with PREA; he is seeking \$2 million in damages.

Litigation Stage	Amount expended on attorney's fees alone for lowest 25%	Amount expended on attorney's fees alone for highest 75%
Case Initiation	\$1,000	\$7,350
Between Discovery through Formal Negotiations or ADR	\$5,000	\$36,000
Trial	\$18,000	\$109,000

# American Civil Liberties Union

31

The image shows a screenshot of the American Civil Liberties Union (ACLU) website. At the top, there is a dark blue navigation bar with the following menu items: "ISSUES", "KNOW YOUR RIGHTS", "DEFENDING OUR RIGHTS", "BLOGS", "ABOUT", and "SHOP". Below the navigation bar is a large banner with a blue background. On the left side of the banner, there is a vertical list of issues: "Capital Punishment", "Criminal Law Reform", "Disability Rights", "Free Speech", "HIV", "Human Rights", "Immigrants' Rights", "Juvenile Justice", "LGBT Rights", "Mass Incarceration", "National Security", and "Prisoners' Rights". The "LGBT Rights" item is highlighted in blue. To the right of the list, the text "ON MARRIAGE" and "NATIONWIDE!" is visible in large white letters. Below this text, the word "ACLU" is partially visible. The right side of the banner features a large, stylized map of the United States with a rainbow flag pattern. Below the banner is a grid of six small images: two women smiling, two men in suits, a couple in wedding attire, a woman smiling, a man shouting, and a woman's face. To the right of the grid is a graphic with the text "A win for T" and a blue arrow pointing right.

# Just Detention International

32

INTERNATIONAL



RAPE IS NOT PART OF THE PENALTY

## ACTION UPDATE

APRIL 2015

**T**HE COUNTY JAIL IN San Antonio, Texas, holds an infamous place in JDI's history. In 1968, an activist named Tom Cahill was brutally gang raped at the jail, after his arrest at an anti-war rally. Tom's attackers were other inmates, but it was staff — the people there to protect him — who orchestrated the assault.

Tom was devastated by the abuse, but he channeled his pain into powerful, effective advocacy. As JDI's President, he built a national movement of people committed to ensuring that no person would ever



## “Give PREA a Try — It Works”

*JDI Helps Turn Miami-Dade's Jails into a National Model*

**W**HEN JDI BEGAN WORKING with the Miami-Dade County Corrections and Rehabilitation Department (MDCR) to establish rape crisis services for inmates, it may have seemed idealistic to expect that the project would succeed. MDCR's jail system was broken, sexual violence widespread. Worse still, some officials did not think it was their job to address the problem. “Many staff thought sexual abuse was just part of being in jail,” explained Lieutenant Wynnie Testamark-Samuels.

ent picture. “This project has brought a new focus to our work. It has made everyone look at themselves in the mirror. We were not asking the right questions before, not noticing obvious signs that someone might be at risk of abuse,” said Lieutenant Jan C. Smith. “We are not just guards, we are professionals, and we must behave as professionals.”

It wasn't easy in the beginning, however. “Many of the jail staff considered us adversaries simply because we were outsiders. At first, some officers were overtly hostile,” said



# Lambda Legal

33



ABOUT US

OUR WORK

YOUR RIGHTS

GET INVOLVED

DONATE

Search



## Take Action: Stop Prison Rape In Texas

**FIND YOUR STATE**

Know the laws in your state that protect LGBT people and people living with HIV.



- Select State -

**LEGAL HELP DESK**

Call us or submit your legal questions online.

1-866-542-8336

LEARN MORE




Texas Governor Gregory Abbott took a small step toward implementation of the Prison Rape Elimination Act (PREA), but not enough to satisfy the U.S. Department of Justice.

# Lawsuits Beginning

34

## Private Prison Operator Sued by Texas Inmate for Allowing Sexual Abuse


BY ELI MAGAÑA | SEPTEMBER 16, 2014

Last week, a  [civil rights lawsuit](#) was filed in a Texas federal court by a former prisoner against Corrections Corporation of America, one of the nation's largest private, for-profit prison operators, and two of its employees for allegedly allowing the defendant to be sexually assaulted by other inmates at a facility in Bartlett, Texas.

The incident occurred during a sexual hazing ritual in which inmates are routinely forcibly stripped of their clothing by other prisoners and slammed against a protective glass window, exposing the victims' naked bodies to prison staff on the other side.

According to court documents, CCA and the facility's warden were aware of the hazing practice, but did nothing to stop it. After the defendant reported the incident, CCA subsequently put him in solitary confinement, which according to the lawsuit, is a common practice by CCA officials in responding to rape survivors' outcries.

"It's well known now that these private facilities lack the oversight capacity, training programs and staffing to protect inmates and correctional employees," stated Lance Lowry, president of AFSCME Local 3807. "With the ever-growing list of scandals and lawsuits, states are now starting to rethink the whole idea of contracting out prison operations to private enterprises."



HOUSTON

## Transgender inmate's lawsuit accuses state of not protecting her from attacks

By Allan Turner | October 23, 2014 | Updated: October 23, 2014 9:19pm



Lawyers for a transgender woman who says she repeatedly has been threatened, forced into sexual encounters and physically assaulted filed a lawsuit Thursday against the Texas Department of Criminal Justice, alleging prison officials failed to safeguard the inmate despite numerous requests for protection.

# Juveniles In Prison: Rape, Abuse Claims In Class Action Lawsuit Against The MDOC

July 20, 2015 6:55 AM



57



30



11

View Comments

Related Tags: [abuse](#), [Adult Prison System](#), [Juvenile Prisoners](#), [lawsuit](#), [MDC](#), [Michigan Prisons](#)

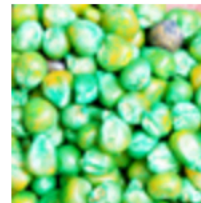


## Brooke Allen

News Anchor/Reporter Brooke is a weekend News Anchor and Reporter... [Read More](#)

**DETROIT (CBS DETROIT)** – “The only time you’re safe is when they lock the doors and everyone is in their cell,” said Kenny Thornsberry, who served time in Jackson State Prison at age of 18.

## Sponsored Links



## The #1 Worst Carb Ever?

Click to Learn #1 Carb that Kills Your Blood Sugar (Don't Eat This!)

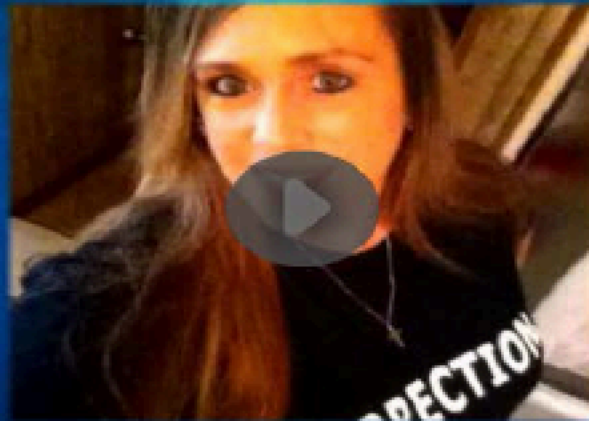
[FixYourBloodSugar.com](#)



# EXCLUSIVE: Prison administrator accused of improper inmate contact quits

Posted: Jul 06, 2015 10:56 PM CDT  
Updated: Jul 06, 2015 11:46 PM CDT

By Keoki Kerr  CONNECT



## NEWS

Crews make repairs to water main break at Waianae Boat Harbor

East Pacific disturbance may become tropical depression within 24 hours

2 people dead, 2 in critical condition following vehicle accident on Hana Highway on Maui

F-16, Cessna crash in SC after midair collision

Police raid home of Subway's Jared


SEE MORE ARTICLES


## Jail closet rape claim costs MDC \$680,000


[Abuquerque News](#) [Courts](#) [Crime](#) [From the newspaper](#) [News](#)


 Like Deborah K. Baker-Dobias and 60,036 others like this.

SHARE


 Recommend


 Comments **3**

 Twitter **0**

 LinkedIn **0**

---

 Email this article

 Print this article

By [Scott Sandlin / Journal Staff Writer](#)  
PUBLISHED: Sunday, June 14, 2015 at 12:02 am

Copyright © 2015 Albuquerque Journal

Bernalillo County has settled for a reported \$680,000 in a federal civil rights lawsuit filed by a woman inmate who was allegedly raped by then-Metropolitan Detention Center guard Andres Verdugo in June 2014, the **Journal** has learned.

It is yet another case of alleged rape and sexual abuse of women inmates by corrections staff at the massive lockup.

In her lawsuit, the woman claims Verdugo took her into a closet and raped her, harassed and spied on female inmates, and threatened them with death if they told anyone.

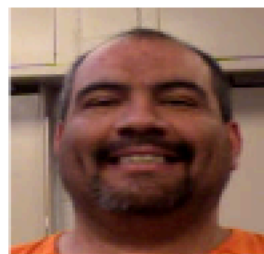
At the time of the alleged assault, the woman was in jail awaiting release into a treatment program.

Court documents reflect the case settled earlier this month, although they do not include the dollar amount and final filings aren't due until July. The **Journal** has learned, however, that the amount to be paid is \$680,000.

Criminal charges based on the same incident are pending against Verdugo, whose next court date is in October.

Verdugo resigned two months after the incident, according to MDC spokeswoman Nataura Powdrell. He was arrested June 19, 2014, in the midst of an internal investigation by MDC and a separate criminal investigation by law enforcement, she said.

The lawsuit, filed earlier this year by attorneys Laura Schauer Ives and Jennifer Wernersbach, said allegations of sexual misconduct by staff and inmates at MDC have been common for years – to the extent that a 2008 Department of Justice report found it had the third-highest rate of inmate sexual victimization and staff-on-inmate sexual victimization in the nation.



VERDUGO: Also faces criminal charges

### TODAY'S EJOURNAL



### Read the eJournal

- OR GET THE APP -

- iPhone/iPad/iPod
- Android
- Windows

NOT A SUBSCRIBER?

**SUBSCRIBE NOW**

JOURNAL SPECIAL REPORT  
**APD UNDER FIRE**

- ABQ Crime Map
- Daily Arrest Map
- DWI Offenders

### Reference Links

- MDC Jail Search
- Metro Court Search
- District Court Search
- Prison Search
- RR Crime Map
- FBI Crime Reports
- Albuquerque Police
- Bernalillo Sheriff
- Rio Rancho Police
- Warrant List

### FEATURED JOBS



**End Silence**

April 22 · 🌐

Lawsuits, criminal investigation cloud Nampa juvenile detention center --  
<http://ow.ly/LXWX3>



## Lawsuits, criminal investigation cloud Nampa juvenile detention center

Allegations that employees sexually abused imprisoned teens at the Juvenile Correction Center have left a legacy of emotional scarring and...

IDAHOSTATESMAN.COM

# States React By Increasing Criminal Penalties

40

Senator Huffman authors bill enhancing penalties for rape within juvenile facilities.

S.B. No. 183

1 AN ACT  
2 relating to the offenses of the violation of civil rights of and  
3 improper sexual activity with individuals in custody; imposing a  
4 criminal penalty.





**Breaking News** Missing Woman's Boyfriend Fails to Appear in Court

**Community Alert** Twin Falls Woman Missing Since Sunday Night

**Hot Topics** [Anatomy of a Canyon](#) • [The Big Story](#) • [Teacher Salaries](#) • [1974 in T.F.: Evel Knievel Photos](#) • [Interactive: How many executions by state?](#) • [Pending home sales](#) [ri](#)

Home / News / Times-News - Southern Idaho Local News / Southern Idaho Crime and Courts News

# Former Juvenile Corrections Nurse Charged in Sex Abuse Case

[Recommend](#) [Tweet](#) [g+1](#) [Share](#) [Print](#) [Email](#)



(Courtesy photo)

## Ask Us!

Ask us a question and we'll email you an answer.

Name

Email

Question

[Submit](#)

**BULLETINS**

Local real estate listings and community notices.

**Toby**  
Toby is a 10-year-old, neutered male dog with a black and white coat. He is friendly and loves to play. He is looking for a new home with a loving family. [Toby's Story](#)

**WEST ARIZONA REAL ESTATE**

**TWIN FALLS ANIMAL SHELTER**  
423 N. State, Twin Falls, ID 83420  
730-2299

## Most Popular Stories



NOWCAST Watch KOAT Action 7 News On Demand

TRACK THE STORM

Alerts Severe (7) Closings (0)



Radar View Map >



Traffic Road Conditions >>



local View Photos >> Upload >>



LATEST VIDEOCAST TRAFFIC >> Get Alerts >

Home / New Mexico News



# Jail worker faces 24 counts of sexual assault of an inmate

By Matt Howerton

Published 9:43 AM MDT Jun 05, 2015

Share 552

Tweet 6

+1 1

NEXT STORY Police identify body found under concrete slab

552 Share 6 Tweet 1 +1



SHOW TRANSCRIPT >>

Advertising

### MOST POPULAR

SLIDESHOWS STORIES VIDEOS

1. See Who Got Arrested



- 2. Quiz: How well do you know your texting lingo?
- 3. 10 foods to bust belly fat, 10 foods to avoid
- 4. Amazing photos from Las Vegas thunderstorm
- 5. America's favorite fast food chain is...
- 6. 30 Things turning 30 in 2015

From the web

- How Much Reverse Mortgage?
- Are You Ignoring This \$15k Social Security Bonus?

# Most Significant Law Reform Project . . .

43

Professor Gabriel Arkles states: “The Prison Rape Elimination Act (PREA) is perhaps the most significant law reform project undertaken on U.S. prison issues in the twenty-first century.

“Courts should consider PREA a sign of shifting standards of decency for Eighth Amendment purposes, recognizing a broader spectrum of sexual abuse as risking to the level of a Constitutional violation.”

A person in a business suit is writing the word 'Leadership' in large white letters on a whiteboard. The word is the central focus. Surrounding it are several other terms written in smaller white letters: 'decision', 'strategy', 'ethic', 'vision', 'integrity', 'contribution', 'communication', 'motivation', 'influence', and 'responsibility'. The person's hand is visible, holding a white marker and pointing at the letter 'p' in 'Leadership'. The background is a dark blue wall.

decision strategy  
ethic vision integrity  
**Leadership**  
contribution communication  
motivation influence  
responsibility

# PREA Commission

45

- Strong leadership makes change possible.
- The leader of the system must be committed to strong sexual abuse prevention and response policies and procedures and must communicate that message effectively through the ranks.
- The leader should also appoint a high-ranking staff person to manage the agency's PREA efforts and ensure that person has a direct line of communication to him/her.

# YOU make a difference

46

- Correctional agencies must demonstrate leadership from the top down and the bottom up to change cultures
- Sexually unsafe cultures negatively affect residents and staff in numerous ways
- PREA compliance benefits everyone...residents, staff, leadership and the public