

“This Is Happening in Our Country”: Two Testimonials of Survivors of Prison Rape*

Hope H.**
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In 1980, there were 12,331 women serving prison sentences of a year or more across the United States.¹ By 2004, that number had skyrocketed to 104,848.² Between 1995 and 2005, the number of women under the jurisdiction of state and federal prison authorities grew at an average annual rate of 4.7%, as compared to 3.0% for men.³ To a large extent, this increase has been fueled by drug arrests.⁴ In 2002, drug offenses accounted for 31.5% of women serving sentences of one year or more in state correctional facilities.⁵ In the shadow of this explosion in the incarceration of women, staff sexual misconduct in women’s correctional facilities has become a serious problem and has recently come under national scrutiny. As Kim Shayo Buchanan illustrates in her article “Impunity: Sexual Abuse in Women’s Prisons,” sexual violence in women’s prisons is pervasive, and its victims are faced with countless obstacles to meaningful recourse.⁶

These are the personal accounts of two survivors of prison rape. Their stories speak directly to the experiences of women in prison victimized by staff-initiated sexual misconduct, rape, and sexual assault across the nation whose stories have fallen on deaf ears. The views of the authors are not necessarily the views of the *Harvard Civil Rights-Civil Liberties Law*

* This project could not have been possible without the tremendous assistance of Cynthia Totten, Senior Policy Associate at Stop Prisoner Rape, an organization based in Los Angeles and dedicated to ending sexual violence committed against men, women, and youth in all forms of detention. Since 1980, Stop Prisoner Rape has zealously advocated to ensure government accountability for prison rape and has provided a forum for survivors of prison rape to speak out. Portions of the following narratives have appeared in Stop Prisoner Rape publications. For more information on the organization, see <http://www.spr.org>.

This Article is part of a new effort by the *Harvard Civil Rights-Civil Liberties Law Review* to provide a space for voices not often heard in legal academia.

** The author has chosen not to use her full name in order to ensure privacy.

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¹ ALLEN J. BECK & DARRELL K. GILLIARD, U.S. DEP’T OF JUSTICE, PRISONERS IN 1994, at 8 (1995), available at <http://www.ojp.usdoj.gov/bjs/abstract/pi94.htm>.

² PAIGE M. HARRISON & ALLEN J. BECK, U.S. DEP’T OF JUSTICE, PRISONERS IN 2004, at 5 (2005), available at <http://www.ojp.usdoj.gov/bjs/abstract/p04.htm>.

³ PAIGE M. HARRISON & ALLEN J. BECK, U.S. DEP’T OF JUSTICE, PRISON AND JAIL INMATES AT MIDYEAR 2005, at 5 (2006), available at <http://www.ojp.usdoj.gov/bjs/abstract/pjim05.htm>.

⁴ See LENORA LAPIDUS ET AL., ACLU, BRENNAN CTR. FOR JUSTICE, & BREAK THE CHAINS, CAUGHT IN THE NET: THE IMPACT OF DRUG POLICES ON WOMEN AND FAMILIES 7-20 (2004), available at <http://www.fairlaws4families.org>.

⁵ HARRISON & BECK, *supra* note 2, at 9.

⁶ Kim Shayo Buchanan, *Impunity: Sexual Assault in Women’s Prisons*, 42 HARV. C.R.-C.L. L. REV. _____ (2007).

Review. This section is meant to provide a voice for the often-silenced victims of prison sexual assault.

HOPE H.

Hope H. is a thirty-two-year-old Maryland woman who was born to drug-dependent parents in a Hawaiian hippie commune. Motivated by the consequences of her parents' addiction, she swore she would never use drugs. However, when she was fourteen years old she took her first drink at a party; she began smoking marijuana and using other drugs a few years later. She began injecting heroin at age twenty, and stopped using drugs altogether at twenty-three. She is now a married mother of three who recently graduated from college with highest honors, and is beginning a career in social work.

While I was in prison, I was put on medication. I had no idea what it was or what it would do to me. I ended up sleeping a lot and I was still kind of in a daze. I was wearing a paper jumpsuit that was really just a piece of gauze with a zipper.

I needed a shower. There was a sink, a toilet, and a bed in the room, but no shower, and they weren't letting me out of my cell. Every time a new guard would come on shift, I would ask for a shower. I was told to wait until the night shift by several guards over two weeks, but I never got one.

One night, in the middle of the night, this guard came into my cell and said I could go take a shower. He had a towel, a fresh paper jumpsuit, and some shampoo. He led me to a room with locked doors that had a separate bathroom and a shower. He waited out in the hallway at first.

The light was kind of hurting my eyes so I turned it off. I got undressed and into the shower. Then he came in. The next thing I know he was standing in the shower stall and was engaging in intercourse with me. He pulled down his pants, turned off the shower, and raped me. I couldn't do anything. It was like I was on a thirty-second delay. I was heavily medicated and it was 2:30 or 3:00 in the morning; he had awoken me from a dead sleep. After it was over, he led me back to my cell. I felt myself screaming inside, but the sound wasn't making it out of my throat. The nurses were supposed to be on duty twenty-four hours a day, but they were asleep in the station.

I think I was asleep for the whole next day. The night after that, he led me to a bed. After he had finished, I ran back to the bathroom. He came in while I was on the toilet and tried to hand me a cigarette. I was disgusted and bewildered. Afterwards, I came out and he handed me a paper jump suit. I was putting it on and still had an arm and a breast exposed when the shift captain walked in. He had already pulled his pants up, but the shift captain saw it and asked what he was doing. He said he was helping me get dressed after a shower.

The shift captain was suspicious, and they took me to the hospital to do a rape kit, but he had used a condom. I told the nurses what had happened, but nothing ever came of it. The jail people said I was nuts because I had been hallucinating for days. But I didn't hallucinate being raped. I was devastated.

I was soon transferred to two other corrections institutions for medical evaluation. New drugs were forced on me for treatment. When I finally went to court, they said it was a first offense and I should only get probation. I spent eight months in jail, I got raped, and I lost everything I owned, but my sentence was probation.

It's been eight years now, and I can still see him stepping into the shower with me. I can look down and see the shine on his shoes. I can see a guard in a uniform and suddenly I feel terrified and panicked. As far as I know, he's still a guard.

* * *

As a young twenty-something, at first I was only using heroin on the weekends, but after a while, I had to use it all the time. At first it was one bag a day, then it was two, then it was four, then it was fourteen, and by the time I finally got arrested, I was up to twenty bags or more a day if I could afford it.

Eventually, I was indicted on nineteen felony charges and was arrested. I got stuck with all of these drug charges. I was buying dope for myself, for my own personal use, but I helped this neighbor girl score one time, so they charged me with distribution. I was given a court date and released the next day to go to detox and then rehab, but in rehab I got so ill from withdrawal that they took me back to jail because they said they didn't have the necessary medical facilities. It can take several months for withdrawal symptoms to end in serious cases like mine.

The jail was divided into two sections: the public side was older and dirtier, but run by the books by the guards; and the newer privatized side, run by Corrections Corporation of America (CCA). The public side has a unit for people with mental health concerns. The privatized side is newer, cleaner, has more programs, and is run by the inmates. I remember being transferred so many times from one cell to the next, back and forth between the two sides. Initially CCA seemed better. The first night I was there, a girl on the unit was getting beat up and the female guards did nothing to stop it. The girl was a doormat, and all the other girls took out their frustrations on her. They covered her in powder, toothpaste, kicked her teeth out. The next night at 2:00 a.m., all the girls were still awake way after lights-out, chatting with the guards—the whole unit was so loud. Females were in the windows finger-spelling to their boyfriends across the courtyard. They would have entire conversations this way: relationships would

start somehow, carry on like this, and then during a chance encounter during a work detail lead to an opportunity for sex. I couldn't believe them.

The third night, I watched the guards order food for the inmates after the inmates curled their hair for them. After the food came and it should have been lights-out, again the doormat girl got beat. I screamed; I couldn't stand it. I was so tired, I needed sleep, and they never shut up, day and night screaming their heads off, cackling incessantly. I was sent to the medical unit for observation for this outburst, and then put on suicide watch. I was stripped of my regular red fabric jumpsuit and T-shirt and given a gauze one instead, with no undergarments, no bra, no feminine hygiene products, no toothbrush—nothing for fourteen days. I began begging. At some point I began hallucinating. Being put in solitary confinement for medical watch does that to a person. Sleep deprivation does this as well. Then they started medicating me with a drug the nurses wouldn't describe, and I started to be able to sleep.

I needed a shower desperately. Day after day, I asked any guard who walked by. On the medical unit there were only male guards and female nurses. No one but other inmates ever appeared at my door's window. I was permanently locked in. Day and night, twenty-four hours a day.

One night he came while I was sleeping and woke me up in my cell. He touched me in my paper jumpsuit to tell me I could take a shower. I didn't care that it was 2:30 a.m. I had not showered in fourteen days and had had a period with no feminine products to use. He took me to an isolated hospital-type room past the sleeping nurses, waited for me to shower, and then stepped into the shower and raped me. He then led me back to the cell and did the same thing two nights later.

He raped me. I imagine now that it was a common occurrence. But just saying it feels insulting, as if my rape makes me part of some great consortium of persons whose dignity has been assaulted and whose lives have been wrecked over one person's selfishness. I have methods that help suppress the image of his fat face from appearing over me when my husband and I are together intimately. The first time his face appeared that way, I threw up. The second time, I punched a wall and broke my hand. Then I went to therapy. Then groups. I now have a lot of supportive people in my life. He still works at the jail—I know—I checked four months ago. I have an image that helps me with this injustice. I imagine him incarcerated, being led down the hall in shackles and cuffs.

* * *

There were two other female inmates on the medical unit, one pregnant for the third time in her eleven years of incarceration—all fathered by inmates, so she said. The other was known to prostitute herself. The pregnant girl said the other girl had sex with the guards all the time for favors. Then I started remembering all the things the guard left in my cell

before he did this to me. He would leave bottles of honey and juice, extra food trays, and candy. I never knew where it came from, but after the rape he asked me if I liked all the presents. At the time, I didn't know what he was talking about. This all came to me in a conversation with another woman before I was transferred to Texas in early October for "evaluation"—less than two weeks after the rape.

After the rape, I was allowed out of my cell for one hour of recreation time. The shared recreation area had both men and women. One male inmate approached me immediately for oral sex. It is this type of area, these medical units or shared recreation areas, where opposite sex inmates have access to one another, where abuse can occur. From there, it is not a far stretch to think that guards catch them, and then decide maybe they want some, too. Also, many inmates have jobs; they take food trays into inmates' cells, allowing them access to other inmates' areas. I believed these inmates were fondling me as well.

* * *

The biggest obstacle in reporting the abuse was my own complete shock at what had happened to me. My own disbelief at what had happened, wanting to deny being raped by a corrections officer, an old salt-and-pepper man who could have been my uncle. I thought he was coming to transfer me to another cell; that was what any other guard at some strange hour of the night had always come to do before. I never imagined he would do what he did. He was a uniformed officer of what appeared to be law. I may not have previously seemed keen on that concept—law—but during rehab, I wanted to complete treatment and get better. I never wanted to go to jail. Going to jail because of a medical condition—addiction—with withdrawal symptoms and an indictment simultaneously did not work out so great for me medically.

I thought I was there to be rehabilitated and released back to treatment. But no one would tell me what was going on—just one transfer after another. I couldn't remember my mother's phone number since she had moved and I was not allowed to take papers from one cell to the next. I was cut off from the outside world. She was not much help once she came anyway.

My mother looked at me sitting in the jail, and I wanted to tell her. More importantly, I wanted her to care, but all I saw was the apathy she had for me when I was a child and this happened. This was the same woman who told me not to report being raped when I was thirteen. Here we were again ten years later. I said to her, begging, "you know." But she did not understand. She would not understand that it was important to report rape. Shame is powerful, but it should not be more powerful than seeking justice and finding peace. Only the shift captain, the man who caught the rapist stuffing my breasts back into my paper jumpsuit in the private room,

knew. And he reported it. Somehow the rape kit came back “inconclusive.” I wonder if they ran it at all. He did wear a condom. How decent of him.

There was some other inmate who claimed I was lying just to try to “get out.” Only I think they misunderstood: I had said I thought he was coming to *take me out of the jail* (the way from CCA to the public side takes you outside and it is quite a nice walk). However, they put down on the report that I lied about being raped just to get out of jail. I am still not sure how it would have been to my advantage.

This particular hurdle hurts so bad I almost can't put it here. My own lawyer wouldn't pursue a charge. He said, “Wait it out until your case is over. Then we will do something.” By that time, the trail was long cold. My memories are not. I was detoxing from heroin and was on medication; I was sleep-deprived and hallucinating; but you don't hallucinate the guard in charge of watching you unzipping his pants, standing behind you, and raping you. I cannot take a shower in my own home without the thought of him intruding, unless someone is home at my house. I need the noise filter to block it out. I was told to wait; I waited and waited and nothing ever happened. I told everyone else I came into contact with at every facility. Still, nothing happened.

* * *

People are different inside jail, just as they are outside of it. Some male guards I met were real decent folk. For instance, the shift captain who reported the rapist never once made an improper gesture or looked askance while I was changing or toileting. Other guards were loud, flirty, and generally too personal with the inmates; they had no boundaries. This was just in the D.C. area. The cultures of other areas like New York, Texas, and Oklahoma were all different. These were all places I traveled through or stayed for some time during my incarceration. D.C. was definitely the worst. A woman I knew had three children while incarcerated. That is complete madness! Why does the system let that happen?

I think people who are addicted need to get treatment. The seeds of recovery have to be planted somehow, whether they bloom in rehab or not. I was fortunate to be sentenced into drug rehabilitation. Eventually, the idea of an unmanageable life is inescapable, and recovery seems like a good option. I can't honestly say that some people would get it without jail, because some people don't. Some people just don't get it, period. I *do* know that a lot of people who are addicted just need a chance to get clean and a way to find help for their problems. Not many active addicts still have their computers to search the web, if they ever had one at all. I did not have a computer. Even when I wanted to stop, there seemed to be no way out. I had been on a waiting list for a public, low-cost methadone program, but I never got in. I had to travel an hour across town to the Mary-

land/D.C. border, where the methadone costs the same as dope. It was just easier to keep using then.

* * *

I saw all this stuff about Abu Ghraib. People were outraged about what was happening overseas, but it is also happening in our nation's capital. It's happening to people who need drug treatment. It's happening to nineteen-year-old girls who have low self-esteem. It's happening to people who are arrested for the first time after being completely strung out. This is happening in our country.

BRENDA L.

From 2001 to 2005, Brenda L. was incarcerated in Colorado on drug charges. While still in prison, she sent this letter to Stop Prisoner Rape, an organization dedicated to putting an end to sexual violence behind bars.⁷

My name is Brenda, and I would like to share my story with other people who have been violated by a "trusted authority figure" or who know someone who has.

I am currently incarcerated in Colorado. I have been treated with absolutely no respect while this has been going on. This facility has its own set of rules to accommodate any given situation. There is no consistency.

Here is my story . . .

On December 26th, 2001, I started working as a porter in the segregation unit. My boss was a sergeant who had an outstanding reputation. He got me situated painting in the new segregation unit. He began the day by telling me about grievances some of the inmates had turned in on him. Why he was telling me this, I'll never know, but he told me that the girls accused him of several different types of sexual misconduct. He was very detailed and seemed arrogant about the whole matter.

He asked me if I was married, if I would ever consider cheating on my husband, and if I planned on staying with my husband.

As I was working, I ended up in a closet painting when the sergeant came in and closed the door behind him. I looked up to find his penis out of his pants. He told me to suck him. He told me that if I told anyone, I would not be believed and my life would be a living hell. So far that has proven very true. Despite being embarrassed, shocked, and confined, I did what I was told to do. To this day, I keep thinking of what I could have done differently, but fear took hold and I did what I felt I "had to do." Tears rolled down my face as I gave him a "blow job." He came in my mouth, and I spit it down the drain. He acted as if it were a natural part of

⁷ The letter remains largely in its original, unedited form. Some identifying information has been removed.

my job. It happened again after lunch, and by the end of the day, we had had sex. This pattern continued until mid-January 2002, when I was fired for telling.

I contracted an S.T.D. and was treated with antibiotics. I reported this to my case manager, who turned it over to Investigations. I was not his first victim—or his last.

I had to continually ask for updates on the status of the case and when someone was going to come talk to me. In February 2002, I finally spoke to the investigator. I gave verbal, written, and tape-recorded statements. Since then, my medical records have disappeared, and no one has ever gotten back to me! The sergeant continued working here, and I have been harassed beyond my worst nightmares. The investigator no longer works here, and when she left, she took my file with her. I have been threatened by a captain, a lieutenant, and several other officers. My mail has been tampered with or illegally confiscated. Legal mail either does not leave the facility or conveniently doesn't reach its destination. How convenient.

The sergeant remained employed here and was able to continue to violate and harass inmates. He got one inmate pregnant and continually had sex with another. No one did anything about the allegations concerning this man! The other inmates have either left the facility or been released; however, I am still here.

Both my case manager and the warden have full knowledge of this situation. Even so, I continue to be put in jeopardy, and my safety does not seem to be a concern. I should have been moved when I first made the allegations and persisted in this matter, according to D.O.C. rules.

In August 2002, I was called to the medical clinic to take a syphilis test. At that time I was in the "Therapeutic Community" ("TC"), a program recommended by my case manager. I spoke about it to my counselor in TC, who told me that I had too many problems and that he did not know how to deal with me. I was kicked out of the program the next day, and put on restricted privileges status for the next five months. I believe that I was kicked out of the program as retaliation for my allegations against the sergeant. I also called my mom and told her everything. I was in hysterics and very angry due to this entire situation and nothing being done about it.

I have tried to talk to counselors in the mental health department about this and have been refused treatment. After I was kicked out of TC, a psychiatrist put me on medication, making me so sedated I could not function properly. I quit taking it, but I continue to need a sleep aid. I have fitful nights and terrible nightmares. Anxiety, fear, and anger have consumed my emotions and my life. I cry myself to sleep at night, and I pray for this nightmare to end.

My mental and emotional wellbeing have not been a concern to prison officials, and this entire matter has been swept under the rug. I continue on a "letter campaign" in hopes of exposing these crimes and searching

for an attorney who is willing to take my case. I hope justice is served one day.

Faith and hope are my drive and strength. I hope that this is read and felt and I pray that my story helps someone out there. For those of us who have been “chosen” to endure such a terrible burden, may we be able to help each other and others by our experience.

Thank you for your support, and to all of the victims of “prison rape.”

Sincerely,
Brenda L.

