

Forum for Understanding Prisons (FFUP)

a 501c3 Non profit

To all concerned

July 19, 2016, (Updated August 18th)

Re: Rapes in our Maximum Prisons and the
Dysfunction of PREA (Prison Rape Elimination ACT) in Wisconsin Maximum Prisons

Hello,

I write you about an important and upsetting matter. For months now I have been working with three prisoners trying to get them care and to safety after two reported being raped repeatedly by staff and another reported being victim of months of voyeurism, again by a staff member. All were given conduct reports and put in segregation. There were no rape exams or samples taken or treatment given, the video tape in the voyeurism case was not admitted as evidence, and all three ended in the segregation unit.

My purpose here is not to prove the truth of the prisoners' allegations but to let you know that, like most prisoners claim, "PREA is a joke." There is no way given to inmates in our maximum prisons to prove their allegations especially if the assailants /abusers are guards unless there is public and irrefutable evidence, i.e. Witnesses or clear videos. Also, in order to go to court with their case, they have to exhaust administrative remedies and that has been rendered nearly impossible. I am committed to finding a way that ensures that all prisoners can get real help when sexually abused.

Every new inmate gets a booklet on what to do in case of rape. There seem to be two of them-one about 15pages and one much smaller. In appendix is pasted the relevant parts of the longer one. There is an extensive section on the sexual assault exam and protections to be give to the alleged victim. None of this was done in the three cases I worked with: Here is the paragraph from the longer pamphlet:

“ What to do if you are assaulted: If you become a victim of a sexual assault, you should report it immediately to staff that will offer you immediate protection from the assailant and will refer you for a medical examination and clinical assessment. Even though you may want to clean up after the assault, it is important to see medical staff BEFORE you shower, wash, drink, eat, change clothing, or use the bathroom. Medical staff will examine you for injuries, which may or may not be readily apparent to you. They can also check you for sexually transmitted diseases and gather any physical evidence of assault. The individuals who sexually abuse or assault offenders can only be disciplined and/or prosecuted if the abuse is reported.

Understanding the Investigation Process: Once the misconduct is reported, the DOC and/or the appropriate law enforcement agency will conduct an investigation. The purpose of the investigation is to determine the nature and extent of the misconduct. You may be asked to give a statement during the investigation. If criminal charges are brought you may be asked to testify during the criminal proceedings.

If allegations of misconduct are made against staff, an investigation will be initiated. If you have made allegations you may be moved to a different unit or facility to protect the integrity of the investigation. Separation from general population and staff may be necessary to prevent interference with the investigation.

Counseling Programs for Victims of Sexual Assault: Most people need help to recover from the emotional effects of sexual assault. If you have been the victim of an assault by offenders or staff, counseling and/or advice from a psychologist, social worker or chaplain will be provided. Crisis counseling, coping skills, suicide prevention and mental health counseling are also available to you from outside agencies.”

In all the cases the investigation was done by DOC staff ,no medical exam was given , no evidence taken and no treatment or counseling given. The victims were left in the hands of the same person(s) who assaulted them and to this day receive much retaliation.

In my search for a pathway to safety if not justice for inmate victims of rape by staff, I contacted many lawyers and filed a restraining order (rejected) . I called several non profit organizations whose mission is to work with rape victims and do work with prisoners. I talked to the PREA head and later her coworker, and I talked to a rape investigator in the local Sherriff's department. All were proud of their work and passionate

about it. They did not know of the victims I named and said they only treat inmates referred to them by the DOC. In the case of the investigator, he said he had received no complaints from the victims I named.

A working hotline is important as in order to get forensic evidence of rape, testing and sample taking has to be done within 72 hours of the alleged incident.. I was given a 888 and 777 number and told that one went to the DOC which took a tape and one was independent with an operator. I gave the numbers to the men I was working with and gave the directions to call at next incident. All three used the numbers to call and heard nothing more. The 75 year old man I am trying to help reported to me he was gut punched by a guard shortly after he left the message..I then called ----and was told that both phones were tapes and each report was anonymously investigated and the inmate was not told about it. So again, here are investigations without any taking of evidence or even talking with the victim. I was told it was for the victim's safety but instead it leaves the victim with no support and completely exposed to all the retaliation his accused assailant can muster.

But I got greatest insight whenever I tried to assert that these inmate deserved to be tested, that they have no way to prove their allegations without testing and there is no relief for them from the abuse the DOC decides they are lying. Retaliation is severe for these folks. I asked if there was a way we could experiment with an alternate reporting method where we could test inmates in a timely manner, perhaps experiment with these three prisoners and having them call me to report abuse and research how to get the men tested. I found that the prejudice against inmates is deep-What I hear is that prisoners get better than most citizens and are too dangerous to transport to test. Complete faith in the DOC was a hallmark in all I talked to.

So with the present setup these guys get no treatment or care or possibility of verifying their stories. Emotional trauma and physical wounds go untreated and they are left with the people they fear most. Another horror is trying to exhaust remedies so a lawsuit can proceed. This is worst at WCI. Attempts to file complaints are thwarted by being told they have to first "work it out with the CO" or finding some fault with the document, but mostly by unrecorded threats and harassment by guards. This leaves the inmates more isolated and terrified. There appears to be wholesale disappearing of records and failure of guards to mail out complaints. The newest twist in the "PREA is a joke" mantra I hear from inmates, is the latest complaint form, enclosed. If you look at the back end you will see:

" All sexual abuse and sexual harassment complaints submitted to the ICRS shall be immediately redirected and referred for a sexual abuse and/ or sexual harassment investigation.

The ICE will acknowledge your complaint with an ICE Receipt, or return the complaint to you for correction or with further instructions, within 5 working days of receiving your complaint submission."

Now Madison does not get PREA violation complaints until they go through prison staff. Door closed completely.

I am very aware that the Wisconsin Center for Investigation articles (www.wisconsinwatch.org), using some of my work and open records requests in 2014, uncovered dozens of assault and battery complaints by inmates. Because the DOJ (Department of Justice) came in with a preliminary investigation and there were lawyers working on a class action, more victims came forth. In the end, however, all possible help disappeared and nothing was done except a few temporary cosmetic changes which only lasted a few months, and now the same abusive guards run the show. These three Sexual Assault victims are very brave to have come forward. The price is severe.

What am I after?

- A. In the short term, basically a way all inmates complaining of sexual assault can get tested for evidence of rape within 72 hours of the incident; that they get treated and moved to another facility while investigation is going on if they feel they are in danger.
- B. Long term- we need an independent investigative body. To expect people to fairly evaluate their coworkers is absurd.

C. Open records requests needed:

- 1) A way to prove inadequacy of DOC investigating its own staff- this would mean open records requests to get training of investigators, method to get anecdotal evidence of who works with who and who is related to who.
- 2) Documents of exact methods use in investigating these three cases and cases where claims of abuse were valid.
- 3) Methods for getting forensic testing done in a timely manner-all methods used by DOC plus other possibilities.

In sum: Find a way inmates can report abuse independently and ways the receiver can get testing done. Possibly within PREA- make basically an independent Investigative body to do initial investigating of rape/sexual assault/harassment/voyeurism complaints and this should include forensic testing and treatment, videos etc viewed BEFORE final decision on validity of claim. This would be a start. It is absurd that this was not done in these two cases or any of the rape cases reported in the 2014 Wisconsin Watch articles.

Finally, here are summations of three alleged sexual assault/harrasment victims . I know there are many more victims but wisely stay quiet, afraid of retaliation, and they see no relief happening to those who do report abuse. Those that do report are made examples of by the abusing guards.

- 1) Jim Smith (17901 WCI) is of most concern. He is 76 years old , frail and small. He was confused and did not know names or dates when I first started working with him. I file a restraining order (I do not know the law-a beginner at this) with the Eastern District Court for him but without any specifics it was dismissed. Jim writes me every day he has stamps. I have a big box of blow by blow accounts of his life.. Until about a month ago he alleged ongoing rapes by a gay guard and sometimes other inmates and sometimes other guards join. His complaints have garnered him severe retaliation and food and diabetic meds (a boost and snacks) are often not delivered. The guards say he refuses his food and snacks or that he ate them. I have written the Warden, nurses and tried to call. The last time the male receptionist said" I don't talk to you" and directed me to head of nursing, who never returned my call. Also he has complained of rectal bleeding and now has big lumps on his anus, which the nurse attests are "hereditary". He needs good care as is having chest pains and spells of dizziness and often is forced to go without food. The main assailant has been gone a month now but Stg Moungey has taken his place in making James's like a living hell . He opens the door to Jim's cell and escorts other inmates in to rape, beat and harass. Moungey seems to hold sway over other guards and sees that Smith is lacking in food and all things while he is on duty. Lately Jim Smith has been writing about a good nurse who sees he gets his food and treatments when she is on duty. A good sign.

As I said, Jim was very confused and his writings were difficult to read in the extreme when I first encountered him. It took me awhile to come round to understand and believe him and I did not keep the first documents. He has since become more focused. An ongoing pattern has become clear however and I see that James is getting weaker and weaker and will not last long without care, consistent food and freedom from harassment. His letters are heartrending in the extreme. The staff looks the other way or aid in the harassment although James does name caring, effective guards and nurses and appreciates their caring. He was without shoes for a long time, and one nurse got him some, for example. But most of the staff are helpless in this situation.

2)B has recently been released from prison. He was raped in WCI, then transferred to GBCI where he was also raped. This I wrote a few months ago:"He is being harassed by the alleged assailant. For months he was awakened every two hours in the night and was generally traumatized. He filed a suit in Eastern District Court, trying to be moved, which is still pending, and is now too ill to proceed and will probably file for an extension for he does get released from prison end of this year. He has been suffering severe headaches, has mutiple

mental health problems which are aggravated now, and is terrified (*this man is fighting other battles putting this on eon hold*)

3)C. I have lost touch with him and will write for an update. Here is a sum from several months ago and I do not think any action should be taken before I get an update. "He is fragile mentally and gets himself constantly in corners. The incident here is allegedly a female guard watched him do his showering for months, seeing that he showered alone and dismissing all requests to stop. Finally, Larry picked up a laundry basket and thrust it in the window through which she was viewing him. Afraid she would get into trouble, She filed a CR alleging he "came on to her" (my words in sum) . Larry says there was a video which they refused to view. This man needs help and his mental health needs should preclude other considerations. As with James Smith, he is unable to exhaust remedies to make his way to the court. "

Again, I am not accusing guards at this point. The matter of importance here is that there is no way a prisoner in the maximum prisons I have been dealing with can prove his story or get anything but retaliation if he reports abuse by staff. A true working hotline must be set up, along with an independent investigation team. Derrick and Larry are both mentally ill and in dire need of good care, regardless of the truth of their allegations—they need treatment .And I plead with you particularly for Jim Smith as he is dying on my watch.

Possible help for him:

- 1) forensic testing in a timely manner when he complains of an assault— The Dodge County PREA investigator told me they could only investigate a prisoners recommended by the prison— prisoners say that is false. We could have Jim Smith call me as an experiment—but who can test Jim Smith?
- 2) MOVE TO WSPF— he would be safe there and they have space.
- 3) Jim says he asked for a compatible roommate on his PREA form and I seconded his request to PREA by email. This was probably in June. Neither of us got a response but a COMPATIBLE, roommate would be a witness and would deter the abuse.

I thank you for reading this>

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