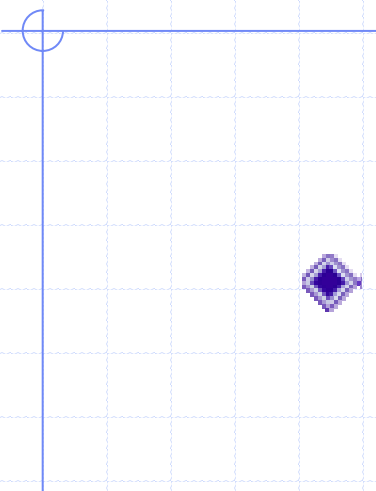


# Why Now

- ◆ National Awareness
- ◆ International Awareness
- ◆ Systemic Pressures

# National Awareness

- ◆ Escalation of numbers of staff hired
- ◆ Growth of offender population
- ◆ Revelations regarding abuse in prison
- ◆ Media coverage on prisons
- ◆ Litigation
- ◆ Legislation
  - Custodial Sexual Assault by Correctional Staff Act of 1999
  - Prison Rape Reduction Act of 2002



◆ Comparison to coverage of similar abuses in other institutions e.g. foster care, church, military & government

## Church

- Chicago Sun Times, *Archdiocese Probes New Claims of Abusive Priests: Complaints Jump Her After Scandal Hits Boston* (2002)  
Numerous allegations reported of sexual abuse of minors by Chicago priests

## Foster Care

- U.S. Department of Health and Human Services, *Foster Care National Statistics* (2001)  
Holding that there has been an increase in attention given to children in foster care and abuses

## Government

- New Orleans Times-Picayune, *Ordinance Targets Harassers* (1994)  
Ordinance giving mayor or police chief authority to fire any city employee found to be involved in sexual harassment

## Military

- Dallas Morning News, *Army Calls Sex Bias Widespread* (1997)  
The Army reported that “sexual harassment exists throughout the Army, crossing gender, rank and racial lines.”

# Recent Litigation

*Amador v. New York State Department of Correctional Services*, (S.D. N.Y. Feb. 2003)

Litigation challenging sexual abuse and harassment of women inmates in NY correctional facilities.

*Cason v. Seckinger* (Ga. 2000)

*Cason* was one of the first contemporary cases to address widespread sexual misconduct against women.

*Lucas v. White* (F. Supp. 2d 1046 1999)

In Dublin, California, three female inmates were awarded \$500,000 in damages after male staff from the men's security unit "sold them as slaves to male inmates."

*Women Prisoners of the District of Columbia Department of Corrections v. District of Columbia* (D.D.C. 1994)

The Court ordered the District of Columbia to adopt order prohibiting sexual harassment involving employees and female inmates and to take appropriate steps to prevent and remedy sexual harassment.

## ◆ Studies

⇒ *Human Rights and Wrongs in Our Own Backyard: Incorporating International Human Rights Protections Under Domestic Civil Rights Law -- A Case Study of Women in United States Prisons* (13 Harv. Hum. Rts. J. 73, 2000)

Arguing that American courts must incorporate international human rights standards since the courts have made it difficult for prisoners to obtain protections under domestic law.

⇒ U.S. Department of Justice National Institute of Corrections, *Sexual Misconduct in Prisons: Law, Remedies, and Incidence* (2000)

Report found continued activity on the issue of staff/inmate sexual misconduct, increase in legislation, slight increase in litigation related to the issue & improvement in written and implementation of specific internal policies prohibiting staff sexual misconduct with inmates.

# Media Coverage

- ◆ **Hunterdon County Grand Jury has charged former Edna Mahan employee Ralph Grier with official misconduct and second degree sexual assault for his role in photographing and having sex with inmates while he was a guard at the facility. (May 12, 2003)**
- ◆ **A Maui grand jury this morning indicted Maui Community Correctional Center warden Albert K. Murashige on 13 felony sex assault and attempted sex assault offenses involving an inmate at the facility. The offenses also include one count of kidnapping. Murashige has been warden of the Maui Community Correctional Center since 1991. His bail was set at \$100,000. (June 6, 2003).**
- ◆ **Inmate Sex Scandal Roils South Carolina: Culture of Corruption Alleged; Investigations Launched (January 23, 2001)**

# United States Government Reports

⇒ U.S. Government Accounting Office, *Women in Prison: Sexual Misconduct by Correctional Staff* (1999)

After examining four correctional systems, Texas, the Federal Bureau of Prisons, California and the District of Columbia, the report concluded that misconduct in correction facilities occurs and is underreported and also found participation in training programs that address sexual misconduct.

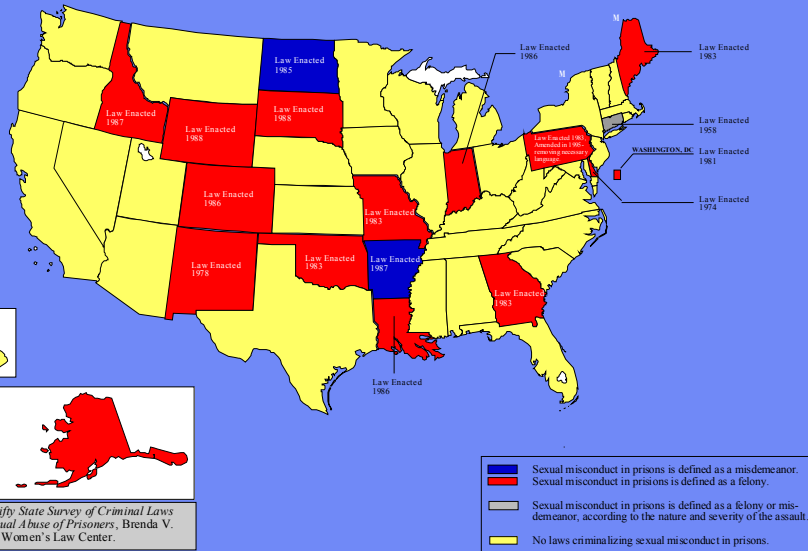
⇒ U.S. Department of Justice National Institute of Corrections, *Sexual Misconduct in Prisons: Law, Agency Response, and Prevention* (1996)

Report found “significant activity” among state departments of corrections on the issue of staff/inmate misconduct, significant litigation related to the issue, and poor policies addressing the issue.

# Legislation

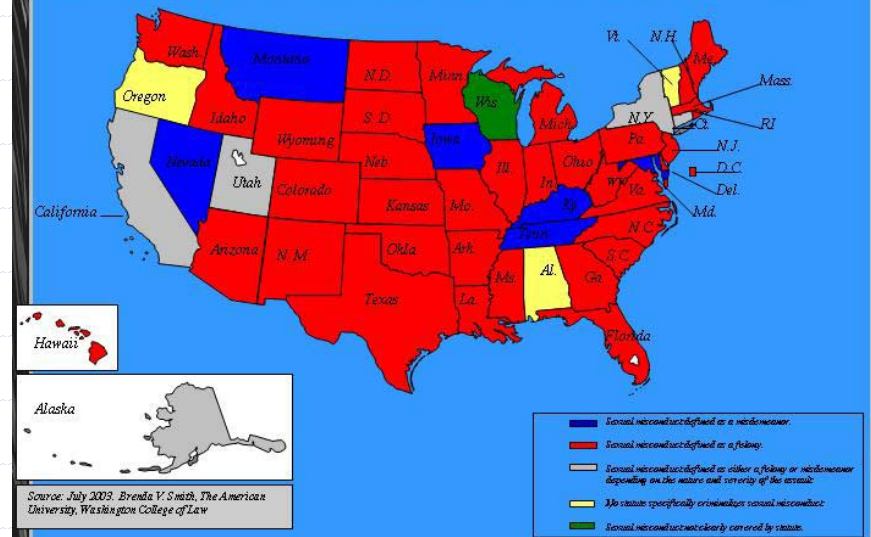
## ◆ Rise in Legislation: Comparison of state statutes in 1990 and 2003

**State Criminal Laws Prohibiting Sexual Misconduct with Offenders in 1990**  
National Institute of Corrections



**State Criminal Laws Prohibiting Sexual Abuse of Individuals in Custody**

National Institute of Corrections/American University, Washington College of Law – July 2003



# International Awareness

## ◆ Recent Studies

- ⇒ Amnesty International, *Abuse of Women in Custody: Sexual Misconduct and Shackling of Pregnant Women* (2001)

Reported on custodial sexual misconduct by summarizing existing legislation, policies and practices in the 50 states, the District of Columbia and the U.S. Bureau of Prisons and reviewing them with international standards. Concluded that there is a lack of laws prohibiting custodial sexual misconduct & failure to provide adequate protection.

- ⇒ Human Rights Watch, *No Escape: Male Rape in U.S. Prisons* (2001)

Same-sex supervision of women inmates by female staff ignores sexual misconduct by male and female staff against male inmates.

⇒ Amnesty International, *Not Part of My Sentence - Violations of Human Rights of Women in Custody* (1999)

Concluded that U.S. prisons should adopt same-sex supervision of female inmates, more explicit policies and law prohibiting sexual abuse of inmates, stronger mechanisms for investigating and prosecuting sexual abuse of prisoners, appropriate supportive services and redress for sexual abuse & greater protection from retaliation for inmates who reported sexual misconduct.

⇒ UN Report, *Report of the Special Rapporteur* (1999)

Criticized treatment of women in U.S. prisons while focusing on sexual misconduct and cross-gender supervision

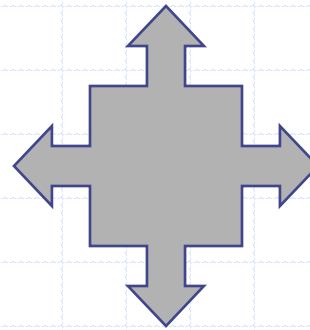


⇒ Human Rights Watch Women's Rights Project, *All Too Familiar: Sexual Abuse of Women in U.S. State Prisons* (1996)

After analyzing prison systems in the District of Columbia, California, Georgia, Illinois, Michigan and New York, it concluded that a clear contributing factor to sexual misconduct in U.S. prisons is that male correctional employees are in positions that place them in constant physical proximity to female inmates

# Systemic Pressures

Premature promotions due to increased number of management/supervisory positions needed



Diminished staff training resources & ineffective training -- hesitancy to be specific on sensitive issues

Public policy & attitude towards offenders

More "free world" abuse of power cases