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Female prisoners say they were raped, retaliated against

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Six former Springer Correctional Center inmates have filed lawsuits since July, claiming they were raped or sexually assaulted by guards and their reports to officials at the women's prison in northeastern New Mexico were met with indifference or retaliation.

One of the women alleged a guard forced her to have sex with him about twice a week for nearly a year, according to a complaint filed in U.S. District Court last week. Her attorney said she has been contacted by more than a dozen women who also say they've been sexually assaulted.

The New Mexican is not naming the women who filed the complaints because they are making allegations of sexual assault.

Allegations of sexual misconduct in the state's prison system increased 473 percent between 2013 and 2018, according to New Mexico Corrections Department data, jumping from 57 reports statewide in 2013 to 327 in 2018.

The reports include allegations of inmate-on-inmate and staff-on-inmate assaults and harassment, according to the department's annual breakdown of investigations and their outcomes.

Women make up about 10 percent of the state's prison population, according to the data, but 38.8 percent of the sexual assault allegations in 2018 originated from one of the state's two women's prisons.

Sexual assault complaints from Springer rose from one in 2016 — the last year the facility held male prisoners — to 38 in 2017, the first full year the facility held only women.

The most recent lawsuit, filed Feb. 8 by two inmates against three guards and two supervisors, alleges the guards' sexual assaults on the women occurred in 2016, 2017 and 2018.

“These lawsuits are addressing a long-standing and deep-seated culture of abuse in Corrections at Springer,” said Justine Fox-Young, a lawyer who along with co-counsel Erlinda O. Johnson represents five plaintiffs. “For the entirety of the time women have been held there they’ve been ... victimized.”

The Corrections Department did not respond to all of *The New Mexican’s* questions about the spike in sexual assault reports. But department spokesman Eric Harrison wrote in an email there were “a few reasons” for the increase.

He wrote that the department has increased its efforts to educate corrections officers about signs of sexual activity and harassment of inmates.

“Therefore our staff is noticing these incidents and able to report them,” he wrote.

He added another reason for the increasing number of reports is that the department “has worked over the recent years to facilitate an environment for inmates to feel comfortable reporting harassment or activity with confidence of confidentiality and knowing that our staff takes any allegation seriously, thereby increasing the amount of alleged incidents being reported by inmates and investigated.”

According to a 2018 report on the Corrections Department’s website, the agency also created a new rule in the past few years, making filing a false [Prison Rape Elimination Act allegation] report “a major charge.”

Harrison did not respond to a question about the possible penalties for the charge.

Attorneys for the six women who sued the department since July claimed the state continuously ignores and mishandles sexual assault complaints and often retaliates against the women who file them.

One of the plaintiffs said in her complaint she was denied access to a mental health provider the day she told a Prison Rape Elimination Act coordinator she’d been sexually assaulted by two guards.

A few months later, her complaint says, she was cited for possessing items she’d purchased through the prison commissary or had authority to have.

When she complained, her complaint says, she was placed in a housing unit with inmates who had antagonized her in the past.

The attorneys say fear of such payback is the reason their clients waited until after they were released to file their complaints.

Ten Corrections employees were named as defendants in the three lawsuits. Several are accused in more than one complaint.

One of them — a man who was named as a defendant in two complaints and mentioned by name in a third — was placed on administrative leave in August. Three have resigned.

The other six, including Warden Marianna Vigil and Security Chief Robert Gonzales — who were accused of failing to prevent the assaults — remain at their jobs, according to the department.

Attempts to contact Vigil and Gonzales last week were unsuccessful. Contacted about the issue in August, Vigil and Gonzales said they couldn't speak to a reporter without permission from the Department of Corrections' central office.

A breakdown of the sexual misconduct investigations in recent years reveals only a fraction of the reports were “substantiated” by the department. The majority were determined to be “unsubstantiated” or “unfounded.”

Of the 327 reports documented in 2018, 27 — about 8 percent — were substantiated.

The report said 93 of the cases — about 28 percent — were “unsubstantiated,” meaning the investigator found the incident may have occurred but there was insufficient evidence to prove the allegation. Eighty-eight — about 26 percent — were “unfounded,” meaning an investigation had determined the incident did not occur.

The report classified 99 of the reports — about 30 percent — as “information only,” which the document says meant they were determined to be “consensual.”

Two of the 38 complaints documented at Springer in 2018 were substantiated.

Harrison did not respond to questions about the department's findings.

Advocates for the women say the department doesn't take allegations of sexual misconduct or assault seriously enough.

"It's very clear to us that there is a culture of dismissing and tolerating these kinds of things," said Lalita Moskowitz, an American Civil Liberties Union of New Mexico attorney who filed a civil rights violation complaint on behalf of a former Springer inmate in July.

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Courts Reporter