

Sexual Violence Against LGBTI People in Confinement:

There is No #MeToo Movement Behind Bars

September 2019



WITNESS
TO MASS INCARCERATION

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About the Report

This written report and the accompanying videos have been prepared by formerly incarcerated LGBTI survivors of sexual violence in confinement. Their experiences are extremely disturbing. The video interview of the Witness to Mass Incarceration (Witness) staff and Witness Network cohorts are graphic and may be triggering for some.

Witness staff intentionally set out to capture the painful stories of LGBTI survivors of sexual violence in confinement. Each member of the cohort spoke in great detail. While it was traumatizing to relive the sexual abuse, each person was determined to use this platform to mobilize a movement to eliminate sexual abuse in prison. It took courage for each member of the Witness Network and Witness staff to repeatedly relive their trauma of sexual abuse during our 15-hour curriculum and in group and individual interviews. Witness is deeply grateful to its Witness Network for their willingness to stand up and tell their stories.

It is the central job of the government to protect its people—both in the Free World and in confinement. Despite efforts to make correctional facilities safe for incarcerated people, the government has failed.

About the Authors

The leaders of this project are Evie Litwok, a formerly incarcerated Jewish lesbian, and Zahara Green, a formerly incarcerated trans woman of color and sexual violence survivor. Evie and Zahara are committed to the inclusion and meaningful involvement of the most marginalized people to end sexual abuse in confinement and restore safety, dignity, and respect in correctional facilities. Both leaders of this project are experts in reducing the harms of the criminal punishment systems and work every day for the liberation of justice involved people. Evie and Zahara's work are inspired by their own experience, as formerly incarcerated activists they work to build the leadership of formerly incarcerated people to center the voices of those most effected.

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About Witness to Mass Incarceration

Witness to Mass Incarceration's (Witness) mission is to end mass incarceration by placing the experiences of formerly incarcerated and criminalized lesbian, gay, bisexual, transgender, and intersex (LGBTI) people at the center of the movement for alternatives to mass incarceration. We work to change the narrative from invisibility and victimization to empowerment through documentation, leadership training, organizing and advocacy in hopes that educating the public and developing initiatives will result in policy reform, a radical change in conditions of confinement, and provide meaningful re-entry.

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Witness would like to acknowledge the courageous members of our Witness Network of formerly incarcerated LGBTI survivors of sexual violence: Amanda Lester, Pinky Shear, Dodie Gibson for Lani Gibson, Troy Isaac, Boa Smith, Ken Pinkela and Roderick Johnson. Additionally, we will like to give thanks to formerly incarcerated survivors Wendy Golenbock, Tyjah Khan, Caralea Barker, Passion Star, Akeira Brown and Rona Sugar Love who provided us with their experiences in confinement. Each Witness Network member put aside the trauma of reliving their stories in order to tell their story. They allowed us to use their experiences to enable us to advocate for the dignity and safety of all incarcerated LGBTI people. Without their courage, this work would not be possible.



Witness's work would not have been possible without the significant contributions of many individuals and organizations. First and foremost, the staff at Impact Justice and the National PREA Resource Center (PRC) - Jenni Trovillion, Michela Bowman, Michelle Duhart, Jenny Hsieh, Nicole McAllister, Hanna Miller, Sarah True, Marion Morgan, Welcome Rose, and Sia Henry. We are grateful for the PRC for providing Witness and our Witness Network with PREA consultants Linda McFarlane of JDI and Bernadette Brown. The PRC's staff and consultants were firmly committed to the project and provided important support for the year-long 15 session curriculum.

The PRC provided resources and subject matter experts for training the Witness Network. The PRC also provided the opportunity for Witness staff to attend a PREA Training and Implementation Conference in Arizona and invited Evie Litwok and Zahara Green to present a workshop at the PREA Implementation & Audit Preparedness Training in Maryland.

www.witnesstomassincarceration.org



Witness to Mass Incarceration Witness Network

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Executive Summary

The Prison Rape Elimination Act (PREA) was passed in 2003 with the intent to prevent, detect, and respond to sexual abuse in confinement. In 2019, 16 years after this law passed, we still hear story after story of sexual abuse in confinement. Sexual abuse in confinement is persistent primarily due to the culture of prisons, but with the stories of survivors—our stories—we plan to change the narrative and culture around sexual abuse in confinement. People who have heard our lived experiences often respond with tears of sympathy.

Witness to Mass Incarceration (Witness) staff and the Witness Network are formerly incarcerated lesbian, gay, bisexual, transgender, and intersex (LGBTI) survivors of sexual abuse in confinement. We compiled this report in order to provide recommendations for eliminating sexual abuse in confinement. Witness staff and the Witness Network have spent a combined 924 months, totaling 77 years, in 63 correctional facilities—primarily jails and prisons. Our collective experience has enabled us to identify gaps in DOJ-certified PREA auditors' understanding of prison culture and improve the understanding of the long-term effects of sexual abuse in prison.

The report draws on a video interview of the Witness Network, 15 virtual meetings with and without PRC experts, the PREA standards, the PREA Auditor Handbook, and DOJ-certified PREA auditor reports. This report concludes that the current PREA auditing processes are not effective in reducing or eliminating sexual violence in confinement. This report also highlights that the long-term effects of trauma as a consequence of sexual abuse are too grave to ignore.

When PREA was passed in 2003, the act spearheaded the development of national standards to prevent incidents of sexual violence in prison. The act created the National Prison Rape Elimination Commission to develop draft standards. These standards include specific guidance on protecting the most vulnerable population in prison—LGBTI incarcerated people. The final rule on the standards became effective on August 20, 2012.

In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center (PRC) to provide federally funded training and technical assistance to states and localities. In February 2018, Witness received funding from the PRC to provide guidance on the PREA compliance auditing process. Witness organized the first ever Witness Network of formerly incarcerated LGBTI survivors of sexual abuse in confinement. This group was tasked with two goals: identify the gaps in the PREA audit and identify the long-term effects of trauma from sexual violence in confinement. From this project, we found the following:

WITNESS NETWORK KEY FINDINGS:

Leadership Matters: The Witness Network found when correctional facilities' leadership followed the law or demanded a culture of zero tolerance with respect to sexual abuse, the culture of sexual violence shifted. In one case, a warden treated prisoners humanely and in accordance to the law. The moment the warden left, her predecessor conducted a Town Hall meeting with the incarcerated people and in this meeting, she informed them of the changes under her new leadership stating, "from here on out, all the programs you enjoyed are gone. You all have forgotten what real prison is like," and began to treat prisoners inhumanely and unlawfully.

Retaliation and Accountability: Retaliation is the single most contributing factor in deterring incarcerated people from reporting sexual abuse. There is no standard of accountability developed at the federal, state, or city level to ensure compliance and eliminate retaliation. In order to combat this issue, prisons must reward and recognize officers who are willing to facilitate reporting and ensure protection to those who report to create system-wide accountability.

"People who show respect—get respect."

Evie Litwok



Dignity v. Dehumanization: The culture of violence, both physical and sexual, in confinement shows little-to-no respect for the general population, and less so with the LGBTI population. Data shows transgender people have the highest risk of experiencing sexual abuse in confinement, yet correctional staff refuse to respect transgender people by referring to them by their correct gender pronouns and preferred name. This sends the clear message both to transgender incarcerated people and to fellow incarcerated people that they are not deserving of the same levels of respect, helping paint them as “acceptable” targets of victimization.

Solitary Confinement is not Housing: LGBTI people are often placed in protective custody under the guise of protecting them. Correctional leaders rely solely on solitary confinement as their only option in protecting those most vulnerable to sexual abuse. Many Witness Network members spent years in solitary confinement where they were still at risk of sexual victimization. Solitary confinement is not the answer to protecting those most vulnerable to sexual abuse. Incarcerated people are still at risk of being sexually abused from the very people who are in charge of protecting them. While incarcerated people placed in solitary confinement are at a reduced risk of being harmed by other incarcerated people, the risk of harm by staff increases. Therefore, alternatives to solitary confinement to protect those most vulnerable to sexual victimization must be provided. LGBTI people should be diverted to an alternative to both general population and solitary to guarantee their safety.

Rates of Unsubstantiated and Unfounded Reporting: Reports of sexual abuse in prison are deemed unsubstantiated at a drastically high rate. National data shows that only 12% of allegations made in confinement are substantiated.¹ In Texas, the Trans Pride Initiative’s report *The Myth of PREA Zero Tolerance in Texas Prisons* reports that of the 1,567 complaints filed only 13 were deemed substantiated—a rate of just 0.83%.² In comparison, rates of false allegations outside of prisons are estimated to range from 2% to 10%, indicating “an estimated 90% to 98% of all allegations can be expected to be true.”³ It is not possible for such a large number of complaints by incarcerated people—an extremely at-risk population—to be false.

We recommend ending the practice of prison officials being the sole party responsible for determining the veracity of sexual assault claims. No complaint should be eliminated by the officials who work in the prison, and all complaints should be considered true. We recommend an independent and impartial group investigate all PREA allegations.

Include Formerly Incarcerated People in the PREA Audit: PREA auditor certification requirements allow current and former correctional agencies to conduct audits, but excludes formerly incarcerated people. This presents a clear conflict of interest. Self-regulation does not work. Audits have largely shown prisons and jails to be in compliance with the PREA standards, but Witness staff and members of the Witness Network know that many of the facilities certified to be compliant are not. We also know that incarcerated LGBTI survivors of sexual assault will not give authentic testimony to auditors with a background in corrections because they do not trust them. Furthermore, we know incarcerated people surviving sexual violence in prison will likely only trust other formerly incarcerated people. Therefore, we recommend audits are conducted by a team that consist of one DOJ-certified PREA auditor and one certified formerly incarcerated person. We highly recommend all interviews with incarcerated people be conducted by formerly incarcerated people.

Culture Change in Corrections: There is an intractable culture of violence in America’s prisons, jails, and detention facilities. Witness believes the culture will only change when all parties—wardens, administrators, correctional officers, other staff, and incarcerated people—“renegotiate” their current intractable relationship. Without all parties agreeing to fundamentally change the culture of violence, it will not happen. We believe the first step is for all parties to acknowledge the problem. The second step is to make an agreement to radically change things by beginning a dialogue. These steps can lead to a long-needed process that is desired by both prison officials and incarcerated people.

1 Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12. U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>.

2 The Myth of Zero Compliance in Texas Prisons, 2018. Trans Pride Initiative. Retrieved from https://www.prearesourcecenter.org/sites/default/files/library/Myth_Of_PREA_Zero_Tolerance.pdf

3 Ibid.



Creating Change - There is no #MeToo Movement in Confinement: Creating Change is an annual LGBTI conference. Witness and the Witness Network were afforded the opportunity to present on sexual violence in confinement. The cohort offered a workshop which both disturbed and engaged the attendees. Witness staff know that if formerly incarcerated people testify about their experiences in prison it will have a profound impact. We believe there will be no significant change without the support of the public on this issue.

Abuse of PREA: Since PREA's passage, corrections officials use the standards to penalize all forms physical communication. As a result, PREA has a secondary and very dangerous impact. This approach is often used by officers as a means of punishment—normal affection is weaponized.

The PREA standards are used frequently as a disciplinary measure under a “No-Touch” policy. Under this type of rule, incarcerated people are punished with the use of solitary confinement to deter any and all forms of touching. All contact—including but not limited to high fives, handshakes, or hugs—is treated as sexual assault. A hug to celebrate a birthday, a child's graduation or to sympathize with a woman who just lost a son and daughter is considered sexual and punished. Correctional staff are willing to overlook another staff member's sexual misconduct, but they are willing to punish incarcerated people for normal expression.

According to the Star Tribune in Minnesota, in the Shakopee Prison for Women “several [incarcerated women] feared fixing a roommate's hair or assisting someone who had fallen because some officers used the policy as an excuse to dole out punishment.” PREA is intended to protect those who are at risk of victimization, not penalize their incarcerated population for every form of physical communication. This type of practice deters reports of sexual abuse, and fails to protect those most vulnerable.⁴

“I needed to be in a mental health facility. I asked and was moved from Sing-Sing to a mental health treatment center- Central NY Psychiatric Center in February 2016. I was forced to take a cocktail of medication I did not want. I was then strapped to a bed and raped by one guard with another guard watching. I reported the rape to several officers. The Unit manager ignored me. I told my counselor and she said the guard was her friend and she would take care of it. She did nothing. I was kicked out of the mental health facility - which I needed- the day I filed the report. There was one PREA person responsible for 5 facilities—Sing-Sing, Bedford Hills, Taconic, Edgecomb and Queensboro. It took 3 months to see or talk to the PREA officer.”

Rona Sugar Love

⁴ <http://www.startribune.com/shakopee-women-s-prison-to-discontinue-no-touch-policy/512007092/?refresh=true#comment>



Introduction

In May 2018, Witness to Mass Incarceration [Witness] was honored to begin working with the National Prison Rape Elimination Act [PREA] Resource Center [PRC] to improve the quality of audits by identifying the gaps in DOJ-certified PREA audit and the long-term effects of surviving sexual abuse in confinement. After determining the goals and objectives for this project, each phase was laid out in a timeline.

Witness was tasked with convening a diverse group of formerly incarcerated lesbian, gay, bisexual, transgender, and intersex (LGBTI) sexual abuse survivors to form a Witness Network. Witness's Executive Director Evie Litwok and Deputy Director Zahara Green used advocacy networks to identify and interview potential members. The firsthand experiences of both Witness staff and the Witness Network members have been invaluable to this project.

During the one-year grant period, the Witness Network participated in three core activities. Members participated in 15 virtual conference calls, allowing each of us to communicate face-to-face with each other. These calls included both the Witness Network members and the PRC staff. In five of the meetings, PRC experts educated the cohort by providing an overview of PREA's functions, key standards, auditor monitoring, and trauma. For the other eight meetings, network members shared personal stories about their experience in surviving sexual abuse in confinement and began conversations about the PREA audit and challenges with the PREA standards in keeping incarcerated individuals safe.

Second, each Witness Network member was interviewed by Witness staff about their lives before, during, and after incarceration. Interview questions included health, mental health, protective custody, sexual abuse, harassment, assault, post-prison trauma, and the effects of trauma on re-entry. Members testified about their traumatic experiences, the difficulties of returning home, and the long-term effects of sexual abuse in prison.

The third activity of Witness Network members was collectively producing a report for the PRC .

Witness staff pulled compelling clips from the member interviews, creating three five-to-eight-minute videos to creatively inform viewers about the trauma people experience while in prison. It is our hope these short videos can be used for training correctional officers and PRC staff. In addition, we hope to circulate these videos through the PRC newsletter, the DOJ-certified auditor newsletter, and use them for American Correctional Association refresher courses. The videos could also be posted on the PRC website.

The Witness Network members read the National Prison Rape Elimination Commission report written ten years ago in 2009. We focused on six of their findings in our virtual conference call discussions.

- Protecting prisoners from sexual abuse remains a challenge. Too often, in what should be secure environments, men, women, and children are raped or abused by other incarcerated individuals and corrections staff.
- 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.
- Certain individuals are more at risk of sexual abuse than others. Corrections administrators must routinely do more to identify those who are vulnerable and protect them in ways that do not leave them

"He pulled my pants down to my ankles and started rubbing up the insides of my legs... shoved my head down on the table. He spit on my ass and then rubbed his penis and penetrated me. It was so forceful that it damaged my urethra."

Pinky Shear



isolated and without access to rehabilitative programming.

- Few correctional facilities are subject to the kind of rigorous internal monitoring and external oversight that would reveal why abuse occurs and how to prevent it. Dramatic reductions in sexual abuse depend on both.
- Many victims cannot safely and easily report sexual abuse, and those who speak out often do so to no avail. Reporting procedures must be improved to instill confidence and protect individuals from retaliation without relying on isolation. Investigations must be thorough and competent. Perpetrators must be held accountable through administrative sanctions and criminal prosecution.
- Victims are unlikely to receive the treatment and support known to minimize the trauma of abuse. Correctional facilities need to ensure immediate and ongoing access to medical and mental health care and supportive services.

Unfortunately, the findings from 2009 are still problematic today. It is deeply concerning that little progress in eliminating sexual violence has been made. This report discusses many of our conclusions and recommendations. It is our hope that our conclusions and recommendations will be implemented—our fear is that they will not.

Background

PRISON RAPE ELIMINATION ACT

PREA was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape,” (Prison Rape Elimination Act of 2003). In addition to creating a mandate for significant research from the

Bureau of Justice Statistics and the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems. The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. In 2010, the Bureau of Justice Assistance of the Department of Justice (DOJ) funded the PRC to continue to provide federally funded training and technical assistance to states and localities, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.

“Classification for safe housing for LGBTI people is often ignored. I wanted to be housed in safe housing. The classification committee told me; we are sending you back to your unit because we think you like this shit.”

Roderick Johnson

Major provisions of PREA include:

- Adherence to a zero-tolerance standard for the incidence of inmate sexual assault and rape;
- Development of standards for detection, prevention, reduction, and punishment of prison rape;
- Collection and dissemination of information on the incidence of prison rape; and
- Award of grant funds to help state and local governments implement the purposes of the Act.



PREA STANDARDS

The National Prison Rape Elimination Commission's standards were turned over to the DOJ for review and passage as a final rule. That final rule became effective August 20, 2012. In 2012 the Justice Department released the final rule of the standards aimed to prevent, detect and respond to sexual abuse in confinement facilities, in accordance with PREA. This landmark rule set national standards for four categories of facilities: adult prisons and jails, lockups, community confinement facilities and juvenile facilities. The final rule is the first-ever federal effort to set standards aimed at protecting incarcerated people in all such facilities at the federal, state and local levels.

The standards set forth in the final rule are binding on the Federal Bureau of Prisons. With regard to states, those that do not comply with the standards are subject to a five percent reduction in funds they would otherwise receive for prison purposes from the department unless the governor certifies that five percent of such funds will be used to enable compliance in future years. No organization responsible for the accreditation of correctional facilities may receive any federal grants unless it adopts accreditation standards consistent with the standards set forth in the final rule.⁵

In 2011, before the final rule of the standards, there were 8,768 allegations of sexual assault and harassment in facilities in America. In 2015 there were 24,661 allegations of sexual assault and sexual harassment—this is an increase of more than 180%, according to the Bureau of Justice Statistics. Most of these reports were determined to be unfounded, meaning it either didn't happen or were determined to be unsubstantiated, meaning they lacked evidence to determine whether they happened.

PREA AUDITS

A crucial component of PREA implementation is the DOJ PREA audit function. The first PREA audits were conducted in August 2013. All confinement facilities covered under the PREA standards are required to be audited at least once during every three-year audit cycle to be considered compliant with the PREA standards, with at least one third of each facility type operated by an agency, or private organization on behalf of an agency, audited each year of the three-year audit cycle. These include adult prisons and jails, juvenile facilities, lockups and community confinement facilities, whether operated by the DOJ or unit of a state, local, corporate, or nonprofit authority.

Audits are conducted using an instrument developed by the PRC in conjunction with the DOJ. Each agency seeking PREA compliance is responsible for contracting with or otherwise securing the services of one or more DOJ-certified auditors to schedule audits for each of its facilities during the three-year audit cycle.

The DOJ certifies qualified individuals to conduct PREA audits. In order to conduct a PREA audit, individuals must possess a DOJ PREA auditor certification. PREA auditors should utilize the PREA audit instrument(s) to conduct PREA audits. Time needed to conduct a PREA audit varies based on a variety of factors including facility size, agency readiness, and record keeping. Facilities are required to post a notice of the audit in each housing unit of the facility to be audited. This notice should be in place six weeks prior to the audit and must include an address at which the auditor can receive confidential correspondence prior to the onsite audit activities and through the issuance of the final report.

If the PREA auditor determines that the facility "Does not meet standard" with respect to any standard provision, the auditor and the agency must

"Being raped in prison gave my wife HIV, a life-threatening illness. She is property of the prison. They must be held accountable for their inability to protect her. I can't give my name for fear my wife will be murdered."

D.G.

⁵ Justice Department Releases Final Rule to Prevent, Detect and Respond to Prison Rape, U.S. Department of Justice. May 2012. Retrieved from <https://www.justice.gov/opa/pr/justice-department-releases-final-rule-prevent-detect-and-respond-prison-rape>.



jointly develop a corrective action plan. Within 180 days, the auditor is required to verify implementation of the corrective action plan, issue a final determination, and complete a final PREA audit report. If no corrective action plan is required, the auditor will provide a final report at the end of the PREA audit. Agencies are required to post their PREA Audit Final Report on their agency website.⁶ Since 2013, the PRC, under the guidance of the Bureau of Justice Assistance at the DOJ, has held 14 PREA auditor certification trainings to date.

Gaps in the PREA Auditing Process:

The Witness Network's goal in this project is to improve the quality of audits by filling in gaps in DOJ-certified PREA auditors' understanding of corrections culture. During a year-long convening process, the network, whose members consist of formerly incarcerated LGBTI sexual abuse survivors, participated in 15 virtual conference calls in a space for reflection, connection, strategy, and skill sharing for creating and harnessing brilliance collectively to highlight the gaps in the auditing process, along with solutions to address or fill these gaps. Below are the gaps in the PREA auditing process and the recommendations to fill the gaps. While reviewing audit reports the Witness Network found that auditors are using the least effective instrument or solely relying on policies from the agencies to determine compliance. Instead, we found the use of a combination of instruments provides a broader picture of whether a facility is in compliance of the PREA standards.

Standard	Gap	Recommendation
115.11 Zero Tolerance of sexual abuse and harassment	Auditors who do not do a wholistic review of the agency's zero-tolerance policy and its application in practice, but rather solely rely on the existence of the policy, will not effectively gauge whether the agency and/or facility truly have adopted a Zero Tolerance policy toward sexual abuse and sexual harassment.	Auditors should be held to the requirement that they require meaningful evidence of adherence to the Zero Tolerance standard that includes evidence gathered through interviews with inmates and staff.
115.41 Screening for Risk of Sexual Victimization and Abusiveness	115.41 (a) requires all inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Despite the requirement that auditors fully verify compliance with this provision, not all auditors are looking beyond policy to determine whether risk screening is taking place effectively and as required.	Auditors are required to include information gathered from inmate interviews, as well as staff interviews, and observation of the screening process, as well as review of all screening records and a close review of the screening instrument to verify compliance. Auditors should be held to these requirements, and in particular, should be well trained to gather information from interviews with vulnerable inmates to determine true compliance with this provision. Auditors are required to interview at least one inmate in every housing unit and this requirement should be enforced to ensure a thorough assessment of compliance with this provision.
115.42 Use of screening information	The Witness Network found auditors failed to address an essential reason this standard was designed: to protect the most vulnerable group of people at risk of sexual victimization in confinement—transgender people. Standard 115.42 provides specific instructions as to the housing of transgender inmates in confinement, but auditors are failing to capture the full intent of the standard. Standard 115.42 (c) states "In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and	In order to show full compliance, auditors must have physical documents in the form of a statewide classification policy for state agencies and a facility policy for local county and city jails which explicitly includes the requirement from the standard, which states "In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and

⁶ Audit Process, National PREA Resource Center. Retrieved from <https://www.prearesourcecenter.org/audit/audit-process-and-appeals>.



Standard	Gap	Recommendation
115.42 Use of screening information (continued)	programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems." Standard 115.42 (e) goes even further in protecting transgender people by providing that "[e] A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration." Agencies must prove they are in compliance with every section of this standard in order show full compliance to an auditor. This is a huge gap in the auditing process, and the standard if all elements are not reviewed entirely when determining compliance.	safety, and whether the placement would present management or security problems." Coupled with a policy as described above, the agency must provide the facility location of all transgender inmates in their custody and the auditor must conduct a cross analysis to determine if an agency is housing all of their transgender inmates according to the sex assigned to them at birth or sex determination for housing assignment purposes solely on the basis of the transgender inmate genitalia and physiology.
115.82 Access to emergency medical and mental health services	115.82 (c) provides inmate victims of sexual abuse while incarcerated should be offered timely access to emergency contraception and sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care. Professionally accepted standards of care recommend PEP must be started within 72 hours after a recent possible exposure to HIV. ⁷ Auditing this standard provision is challenging and it is not clear that auditors have the knowledge necessary or undertake the necessary thorough review to ensure compliance.	In order to determine compliance with this standard, an auditor should be thoroughly trained to identify the markers of compliance. These would include: inmate interviews, review of medical records and/or SANE examination of at least 3 inmates in the facility being audited to determine if the facility being audited provided timely access to incarcerated people who report sexual abuse with sexually transmitted infections prophylaxis in accordance with professionally accepted standards of care. The professional accepted standard of care for sexually transmitted infections prophylaxis for HIV recommends PEP within 72 hours after a recent exposure to HIV. Therefore, all facilities in compliance of this standard must have offered or provided PEP to all inmates who reported sexual assault.
115.86 Sexual abuse incident reviews	115.86 (a) Sexual abuse incident reviews provides that a facility shall perform a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Subsection (d)(2) includes that a facility must consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility. Excluding the review of allegations that are determined to be unfounded fails the purpose and intent of this standard. If a facility fails to capture the full picture of sexual abuse in their facility, the mission to end sexual abuse fails. There is a history of a disproportionate number of PREA allegations determined to be unfounded and unsubstantiated by PREA Specialized Investigators. Failing to review all sexual abuse incidents misses the full picture of sexual abuse in a facility, leaving the most vulnerable at risk of sexual victimization, failing the mission to end sexual abuse.	When conducting an audit to determine compliance to this standard, the auditor should investigate whether a facility fulfilled the intent of this standard. This investigation should include whether a facility reviewed all unfounded allegations to capture the full picture of sexual abuse in their facility and take meaningful actions to protect those who are disproportionately at risk of being sexually victimized.

⁷ <https://www.cdc.gov/hiv/basics/pep.html>



Recommendations to Improve the Safety and Well-Being of Inmates

LOOPHOLES IN THE PREA STANDARDS

115.15 Limits to cross-gender viewing and searches

(f) The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Analysis: Section (f) of 115.15 is the only section in the standards that address the issue around cross-gender searches and transgender incarcerated people. This section only provides that agencies shall train their security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Training is not sufficient in protecting the most vulnerable population from sexual abuse from the hands of correctional staff. However, the standard does protect cisgender people from cross-gender searches. This standard fails at sufficiently protecting transgender people from sexual abuse from correctional staff.

115.21 Evidence protocol and forensic medical examinations

(c) The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) **where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners.** The agency shall document its efforts to provide SAFEs or SANEs.

Analysis: Section (c) of 115.21 provides the agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs. Giving this type of discretion to the agency promotes a process where SAFE or SANE exams can be excluded from all investigations of sexual assault leaving the evidence to a subjective conclusion which often times leads to unsubstantiated and unfounded allegations without the objective evidence that a SAFE or SANE exam provides, failing at the mission of ending sexual abuse in confinement.

115.31 Employee Training

(a) The agency shall train all employees who may have contact with inmates on:

(9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates;

Analysis: Allowing correctional facilities the authority to train their staff how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates without the assistance from third-party LGBTI trainers leaves LGBTI and gender nonconforming people at risk of being mistreated and disrespected.



115.43 Protective custody

(b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the **extent possible**. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

- (1) The opportunities that have been limited;
- (2) The duration of the limitation; and
- (3) The reasons for such limitations.

(c) The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not **ordinarily** exceed a period of 30 days.

Analysis: This standard is intended to limit the use of segregation for incarcerated people who are at high risk of being sexually victimized. 115.43 fails at this intent. The loopholes in this standard permit facilities to continue the use of this harmful practice, leaving those vulnerable to sexual abuse forced into segregated housing under the guise of protecting them with no real solution for alternatives to this restrictive housing practice. Further, the standard loopholes provide full discretion to agencies to limit access to programs, privileges, education, and work opportunities for those at risk of being sexually victimized while being housed in segregated housing.

115.54 Third-party reporting

The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

Analysis: Anecdotally, agencies are failing to establish a method to receive third-party reports of sexual abuse and sexual harassment from those who are housed in the most restrictive housing units such as supermax housing. DOJ-certified PREA auditors are failing to capture the sexual safety of those in this type of housing. Failing to provide access to third-party reporting for those housed in restrictive housing deters those from reporting sexual abuse because of the fear of reporting sexual abuse against the correctional officers while classified as a threat to all.

115.67 Agency protection against retaliation

(f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

Analysis: Retaliation for reporting sexual abuse is the most fearsome act for an incarcerated person. Incarcerated people are in fear of reporting sexual abuse at the hand of other incarcerated people because they fear the facility staff will fail to protect them from the individual abusing them. Further, this fear is compounded when the individual who is sexually abusing them is a member of the agency's staff. 115.67 (f) provides "An agency's obligation to monitor [Retaliation] shall terminate if the agency determines that the allegation is unfounded." Unfounded allegations determined by staff investigators deters incarcerated people from reporting sexual abuse altogether, fearing their allegation will be deemed unfounded.

"There are long term impacts of sexual assault- trust issues, problems forming intimate relationships, broken marriages, physical injury and emotional trauma. Sexual assault is a life sentence."

Evie Litwok





Zahara Green, Deputy Director, Witness to Mass Incarceration

"When I reported a PREA sexual abuse situation, the specialized investigator said to me, 'why should I believe you, maybe I should place you in segregation instead of your alleged abuser.' This deterred future reports of sexual abuse because I feared retaliation in the form of the use solitary confinement if I reported sexual abuse."

Zahara Green



Protection against retaliation for reporting ends with an unfounded finding, leaving those most at risk of being sexually abused vulnerable. This acts as a weapon to deter sexual abuse allegations, in order to create an image that sexual abuse is not prevalent in their agency.

Challenges with the Auditing Process

CHALLENGES WITH THE AUDIT:

"I was harassed, bullied and sexually assaulted every day. I did not report her. I knew there was no such thing as an anonymous report. The corrections officers did not care."

Amanda Lester

The DOJ and the PRC are not involved in the contracting, scheduling, and fee schedules associated with PREA audits. DOJ-certified PREA auditors are to perform PREA audits as independent contractors, unless they have or created an arrangement to conduct audits through another entity, such as their current employer, an external governmental entity, the American Correctional Association, or another accreditation body. PREA audits are performed pursuant to a contractual or similar agreement between a DOJ-certified PREA auditor and the agency requesting an audit. These agreements address all aspects of an audit, including scheduling and all fees, costs, and expenses associated with the work performed.

This allows for an autonomous auditing process. To ensure high quality audits with competence, integrity, objectivity, and independence, the DOJ and the PRC must work directly with DOJ-certified PREA auditors and agencies in the processes related to the contracting, scheduling, and fee schedules associated with all PREA audits.

Historically, much of the misconduct in correctional facilities is perpetrated by the very individuals sworn to protect incarcerated people—correctional staff members who are directly involved in a substantial number of sexual abuses in confinement. According to the most recent report by the Bureau of Justice Statistics on sexual victimization reported by prisoners released in May 2013, around 50% of reported incidents of sexual abuse involved employees. The current pool of certified PREA auditors primarily consists of individuals who have a history of employment in corrections, law enforcement, and/or the criminal justice system. This constitutes a significant conflict of interest possibly inhibiting DOJ-certified PREA auditors from providing independent, objective, and credible audits in the best interest of those at risk of sexual victimization.

The DOJ is responsible for monitoring states' compliance with the PREA standards. States can either certify that they are in full compliance with the standards or provide an assurance that they are working towards compliance. Providing assurance of working towards compliance is not enough in ending sexual abuse in confinement. All facilities must certify compliance with the standards through their facility PREA audit. If a facility is found noncompliant with any standard, a time-sensitive corrective action plan detailing how the facility plans to address the issues with noncompliance, must be in effect within 30 days.

PREA's enforcement provisions are virtually non-existent since compliance by corrections agencies is voluntary. The primary means by which PREA attempts to ensure compliance by the states is through a financial incentive. Any state found to be in noncompliance loses five percent of the federal grant funds allocated for its corrections programs.

PREA implementation has been too slow to end sexual abuse in confinement, or even, reduce incidents of sexual abuse. PREA's sole enforcement provision is a dismal failure. The financial penalties imposed for non-compliance with the PREA standards are grossly insufficient. True efforts towards ending sexual abuse in confinement must include dismantling the ineffective systems that impede reaching the primary goal of the law, ending sexual abuse in confinement.



CHALLENGES WITH AUDITOR'S QUALIFICATIONS:

PREA standard 115.402 specifies that audits shall be conducted by “[1] a member of a correctional monitoring body that is not part of, or under the authority of, the agency [but may be part of, or authorized by, the relevant State or local government]; [2] a member of an auditing entity such as an inspector general’s or ombudsperson’s office that is external to the agency; or [3] other outside individuals with relevant experience.” Beyond these requirements, the qualifications to become a DOJ-certified PREA auditor requires three years of significant auditing, monitoring, quality assurance, investigations, or substantially similar experience with the facility type or set of standards in which the applicant seeks certification[s].

Further, qualification to become a DOJ-certified PREA auditor requires applicants to pass a criminal background records check. This effectively blocks formerly incarcerated people from becoming DOJ-certified PREA auditors. When conducting background checks for certified auditors, the DOJ should not by default exclude applicants with criminal backgrounds, even felony convictions. In order to provide the highest standard of audits which includes full competence, integrity, objectivity, and independence; those affected by sexual abuse in confinement must participate as a part of the solution to ending the problem.

Incarcerated individuals who are sexually abused in confinement are abused not just by other incarcerated people but also by the staff as well. We believe those closest to the problem are closest to the solution. Therefore, in order to provide the best solution to end sexual abuse in confinement, all otherwise qualified formerly incarcerated sexual abuse survivors must be given a true opportunity to apply to become a DOJ-certified auditor, only then can we truly end sexual abuse in confinement in America.

Audit Questionnaire

For this project the Witness Network was tasked with improving the “interview techniques” for PREA auditors interviewing incarcerated individuals to identify ways where auditors can create an environment in which the incarcerated people and staff they interview as part of the audit are encouraged to share deeper analysis of what the facility is doing, or not doing, to prevent sexual abuse. Here we provide and recommend additional questions to add to the PREA Compliance Audit Instrument Interview Guide for Inmates: Inmate Interview Questionnaire. We believe the current questionnaire does not capture the full intent of the standards.

TRANSGENDER AND INTERSEX INMATES; GAY, LESBIAN, AND BISEXUAL INMATES:

Current Questions	Did staff here ask you questions about your safety? [115.42] [Probe for housing and programmatic decisions, such as when and where education, work, and exercise.]	Have you been put in a housing area only for transgender or intersex inmates? Do you have any reason to believe that you were strip-searched for the sole purpose of determining your genital status? [115.15 and 115.42]	Are you allowed to shower without other inmates? [115.42]	Have you been put in a housing area only for gay, lesbian, bisexual, transgender, or intersex inmates [by “transgender,” a person whose gender identity and/or gender expression does not match the sex and/or gender they were assigned at birth; by “intersex,” I mean: an individual born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female; by “gender nonconforming,” I mean individuals who express their gender in a manner that breaks societal norms for one’s gender [e.g., someone who identifies as a girl/woman but wears clothing typically assigned to boys/men].] [115.42]
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Questions Recommended	Were you placed in a housing unit where you felt safe? [115.42]	What is the culture of violence here? Do the staff or administration tolerate sexual abuse here? [115.11]	Are you offered to shower in a private area (meaning all private body parts are blocked from the view of other inmates)? [115.42]	Have you ever been pat searched by an opposite gender staff member (that is not medical) outside of an exigent situation? [115.15]
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INMATES PLACED IN SEGREGATED HOUSING FOR RISK OF SEXUAL VICTIMIZATION/WHO ALLEGE TO HAVE SUFFERED SEXUAL ABUSE

Current Questions	Do you feel safe here at this facility? If YES, why? If NO, why not? (Probe about measures that were taken to protect the inmate against retaliation.) [115.67]	While you were in segregated housing, and by segregated housing I mean when you were separated from other inmates, were you able to (Note to auditor: the standard only requires that these programs/privileges be made available "to the extent possible," so a negative response does not indicate noncompliance with the standard.): a. Go to programs? b. Go to school/classes? c. Go to work? d. Have other privileges? What privileges? Addition to this current question: f. Access medical services? g. Access to commissary privileges as those in general population? h. Access to drug programs? [115.43 and 115.68]	About how many days or months were you put in segregated housing? [115.43 and 115.68]	If the inmate says he/she was held in segregated housing for more than 30 days, ask: Were there any more meetings about whether you needed to be kept in segregated housing? a. If so, about when? b. What took place during these meetings? [115.43 and 115.68]
Recommended Questions	Do you feel safer in solitary or away from general population? [115.43]	After you reported being assaulted, were you offered an alternative housing placement, other than solitary? [115.43]		

INMATES WHO REPORTED SEXUAL ABUSE

Recommended Questions	For inmates in restrictive housing, were you given methods of communication (access to writing material, access to phone, advocate visitation) to communicate with third-party services? [115.54]	Have you experienced retaliation by staff or inmates because you reported? If YES, when and in what way? [115.67]	Were you provided PEP (Post Exposure Prophylaxis) medication within 3 days after you were assaulted? [115.82]
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Agency and Community Resources for People Who Have Experienced Sexual Abuse in Confinement

NATIONAL ORGANIZATIONS LED BY FORMERLY INCARCERATED PEOPLE*

The organizations listed below leadership consist of formerly incarcerated people. Formerly incarcerated leadership in advocacy efforts are essential to change. We believe those closest to the problem are closest to the solutions.

Witness to Mass Incarceration

<http://www.WitnesstoMassIncarcetration.org>

Black & Pink

<https://www.blackandpink.org/>

ADVOCACY

Women on the Rise

<http://www.womenontherisega.org/>

California Coalition for Women Prisoners

<https://womenprisoners.org/>

Katal Center for Health, Equity, and Justice

<https://www.katalcenter.org>

RE-ENTRY

A New Way of Life Re-entry (CA)

<http://anewwayoflife.org>

Project Liberation (NY)

www.projectliberation.org

TRANScending Barriers

<https://www.transcendingbarriersatl.org/>

Women Involved in Re-entry Efforts [The Wire]

<https://thewiredc.org/>

**This list does not reflect all national organizations with formerly incarcerated leadership. A more comprehensive list of resources is currently in development and will be published to witness tomass incarceration.org.*



Lessons Learned & Recommendations

The Eighth Amendment of the U.S. Constitution provides protection against cruel and usual punishment. Correctional facilities have a duty under the law to protect those who they know are at a substantial risk of serious harm. Rape is serious harm. Nationally, incarcerated individuals are successfully challenging the conditions of their confinement with Eighth Amendment failure to protect claims. Many of these lawsuits resulted in court-ordered consent decrees designed to correct conditions that lead to sexual violence. Former Attorney General Jeff Sessions rolled back consent decrees thereby limiting their effectiveness. Witness recommends that if a prison is determined problematic and there is no way to enforce the consent decree, then the prison should cease to operate. These facilities are too dangerous for anyone to be in.

"The combination of understaffed institutions, poor supervision, and poor conditions, all leads to tension. If a prison's infrastructure is beyond repair- then it must be closed."

Evie Litwok

We recommend hiring social workers to work alongside correctional officers. We feel their training would have a positive impact on incarcerated people.

We recommend a year-long pilot program that convenes monthly for the purpose of ending sexual violence in confinement. The participants are six formerly incarcerated people and six former corrections officers identified as having proven leadership in enforcing zero tolerance at their former institutions. Together, they will use the 15-session curriculum to identify ways to break the intractable culture of violence and develop a pilot program to be used at two correctional facilities.

We strongly urge the DOJ support a rewards program for officers willing to expose officers who exploit their positions. We also recommend the following:

- Standards of accountability
- Threats of discharge
- Loss of pension
- Screen and strip search staff every day for contraband

We recommend initiatives that agencies could launch pre-release to diagnose and treat trauma or provide people who are fearful of any diagnosis inside prison with self-help strategies.

Witness staff designed a curriculum for the Witness Network. We recommend using this curriculum with a new cohort of formerly incarcerated people as it provides individuals with the opportunity to open up, discuss the trauma of working or being in confinement, and provides an opportunity for more testimony on sexual violence in confinement.

To date there are essentially no sexual outlets for people who are incarcerated; only a few states allow conjugal visits, and even masturbation and consensual sex are considered a disciplinary offense in most facilities.

The current third-party resources do not include enough LGBTI-led and formerly incarcerated-led organizations on the ground. We recommend a partnership with the PRC to develop a resource guide of formerly incarcerated LGBTI-led groups in the nation. Further, to capture a clear picture of sexual violence in confinement and the effects of sexual abuse post incarceration, we strongly recommend a collaboration with the PRC to create a survey for LGBTI incarcerated and formerly incarcerated people. The survey will cover both their experience while incarcerated relating sexual abuse in confinement and the effects of sexual abuse post incarceration.



Conclusion

PREA standards were developed with good intentions but fall short of what is needed to protect all incarcerated people in confinement. This is particularly true for those who are most vulnerable—women and transgender individuals. Considering the rollback of consent decrees by the current administration, it is unlikely to advocate for strengthening PREA efforts.

The failure to successfully implement PREA disproportionately impacts LGBTI people and women, who are most likely to be targeted for sexual assault. Since compliance is voluntary, the enforcement of PREA is practically nonexistent. For example, a recent DOJ report on Alabama's men's prisons describes graphic reports of torture, rape, and murder. The DOJ pointed out that Alabama has known about the violence in prisons for years.

Throughout this work, Witness staff and the Witness Network found failure to successfully implement the PREA standards in the over 63 correctional institutions they were in. However, through examining the PREA Auditor's Reports of those individual facilities, we know that many of these institutions that the cohort knows to be noncompliant are nonetheless found compliant because the majority of the PREA certified auditors are current and formerly employed as correctional officers. *It's like asking the chicken to guard the hen house: it's a joke.*

Correctional facilities have pervasive sexual violence in 2019 and complaints from incarcerated people are undercounted, unfounded, unsubstantiated and underreported. The current audit system is broken. No amount of staff training will work without new procedures to ensure a full and accurate count. Furthermore, there will be no real relief from sexual violence unless there is a system of accountability for correctional officials.

The intent of PREA—to prevent, detect, and respond to sexual abuse in confinement—is failing the many survivors it aims to protect. PREA has likely increased the level of sexual violence because it has weaponized the standards by creating an increased risk of retaliation. In an attempt to comply with PREA, correctional facilities segregate vulnerable inmates and the inmates who report sexual abuse as a standard practice. This retaliation deters inmates from reporting sexual abuse altogether. A system that deters inmates from reporting sexual abuse fails in detecting sexual abuse. For the inmates who report sexual abuse, PREA allows for each facility to investigate these allegations. Substantiated allegations may provide evidence of noncompliance, however, most reported allegations are declared as unfounded and unsubstantiated, deterring report sexual abuse.

Additionally, there are two major problems with the accurate assessment of the reports given to auditors to review. The first is that the report is not an accurate reflection of the sexual violence because significant numbers of people do not report for fear of retaliation. Second, when LGBTI people report, most of their complaints are listed as unsubstantiated and unfounded. The Trans Pride Initiative reported that across all reports from all Texas prisons in the TDCJ system:

"If the national data concerning substantiated sexual victimization is appalling, the data provided by TDCJ is even more atrocious by several orders of magnitude. In fact, TDCJ data more than turns the truth-in-reporting expectation on its head... the agency claims that 98% to 99% of all reports are either unsubstantiated or fabrications. For the most recent data available [covering fiscal year 2016], TDCJ shows that out of 1,567 reports of sexual abuse, only 13 were substantiated, which is TDCJ essentially claiming that only 0.83% of the incidents occurred."⁸

A new system, a new group of interested stakeholders, including incarcerated, formerly incarcerated and correctional staff, should sit down to develop best practices in eliminating sexual violence in confinement. These new practices will include a safe way to report as well as a clear way to hold correctional officers accountable.

**"Standing behind
predators makes prey of
us all."**

Dashanne Stokes

8 The Myth of Zero Compliance in Texas Prisons, 2018. Trans Pride Initiative. Retrieved from https://www.prearesourcecenter.org/sites/default/files/library/Myth_Of_PREA_Zero_Tolerance.pdf



**Witness to Mass Incarceration Executive Director
Evie Litwok and Deputy Director Zahara Green**



**Witness to Mass Incarceration Executive
Director Evie Litwok and Ali, experienced
advocate. Ali is is working on her certification.**



Appendix: Witness Network

WITNESS NETWORK BIOGRAPHIES

EVIE LITWOK

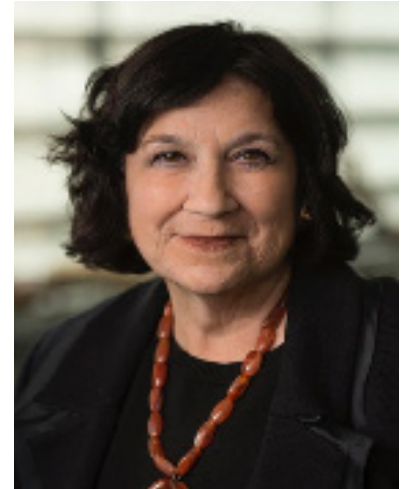
Executive Director
Witness to Mass Incarceration

Evie Litwok is the Founder and Executive Director of Witness to Mass Incarceration [Witness]. Witness's mission is to end mass incarceration by placing formerly incarcerated women and LGBTQIA+ experiences at the center of the fight for alternatives to mass incarceration. Evie works to change the narrative from invisibility and victimization to empowerment through documentation, leadership training, organizing and advocacy.

Evie walked out of prison homeless, jobless, and penniless. Despite the lack of resources, she began speaking about her experiences in prison and formed Witness. She has added the goals of eliminating sexual violence, pushing for emergency evacuation of incarcerated people during times of national disaster and her newest initiative, the Suitcase Project, gives newly released people a suitcase filled with critical items and a community.

Her hard work has led to a growing network. Evie is a part of the National LGBT/HIV Criminal Justice Working Group who meets regularly with the Bureau of Prisons to discuss increasing safety and dignity for LGBTQ prisoners. Witness is also a part of the Raising the Bar Coalition and attends regular meetings with the Justice Department's PREA Management Office.

Email	witnesstomi@gmail.com
Website	www.witnesstomassincarceration.org
Facebook	Evie Litwok / Witness to Mass Incarceration
Twitter	@WitnesstoMI
Instagram	WitnesstoMI
LinkedIn	Evie Litwok



ZAHARA GREEN

Deputy Director
Witness to Mass Incarceration

Zahara Green is the Deputy Director of Witness to Mass Incarceration. Zahara is a formerly incarcerated trans woman of color who spent five years incarcerated with most of her time spent in solitary confinement. Zahara's experiences inspired her as an advocate. As deputy director of Witness, she specializes in criminal justice advocacy for LGBTI+ people fighting against the abuses and mistreatment her community face in the criminal punishment system. Zahara is also the founder and Executive Director of TRANScending Barriers, whose mission is to empower Georgia's transgender and gender non-conforming community in Georgia through community organizing with leadership building, advocacy, and direct services so that lives can be changed and a community uplifted. Zahara is also the Board President of Black & Pink Inc. She is dedicated to working towards the liberation of her people.

Email	z.green@transcendingbarriersatl.org
Website	www.TranscendingBarriersATL.org
Facebook	Zahara Green
Twitter	@Zahara2010
Instagram	TheZaharaGreen
LinkedIn	Zahara Green



PINKY SHEAR

Executive Director Freedom Overground

Madelyn Uribe is the Founder and Executive Director of Freedom Overground and has been an advocate in the transgender community since 1994. For the last 5 years, her focus has been on transgender, intersex, and gender non-conforming incarceration issues. She is currently a member of the Witness Network, an initiative of Witness to Mass Incarceration.

Madelyn holds an AA Degree in Sociology and a secondary Degree in Applied Behavior Analysis from Georgia State University. She specializes in PTSD and trauma recovery, fundamental elements of behavior change, behavior-change procedures, identification of trauma, measurement, assessment, prevention, intervention, and implementation of recovery services.



RODERICK JOHNSON

Advocate

Roderick Johnson is a public speaker who travels the country sharing compelling personal stories of living with mental health challenges, experiences within the criminal justice system, and achieving recovery from various addictions. Audiences have ranged from individuals with mental health challenges, students of all ages, law enforcement officials and faith community members to veterans and service providers. While audiences benefit from his inspirational stories, since being trained through the Witness Network, his self-confidence has been boosted and he developed leadership skills while at the same time helping to inspire and motivate others.



KEN PINKELA

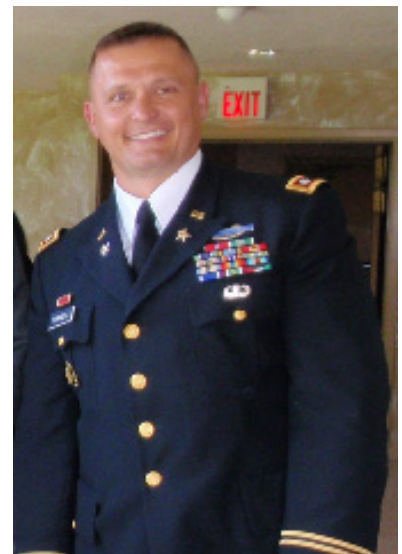
Advocate

Ken Pinkela is a former career US Army Lieutenant Colonel convicted in June 2012 of an alleged aggravated assault for HIV exposure without any physical or medical evidence and spent 272 days in the military prison at Fort Leavenworth.

In 2015, the primary witness submitted a sworn statement to the Army, recanted his testimony and described an environment of lies and coercion for testimony against Ken.

The Army has continued to ignore this evidence, as well as all science and medical facts on HIV. A dismissal from service was approved in June 2016 erasing Ken's nearly 30-year career and stripping his retirement and access to medical benefits for combat injuries and HIV care.

Since his release from prison in March 2013, Ken has spoken to the Presidential Advisory Council on HIV/AIDS, Johns Hopkins University School of Public Health, has done multiple radio shows on Sirius XM Jolt in the Morning, HuffPost Live with Ahmed Shihab-Eldin, "The Stream" on Al Jazeera English television, speaking engagements with the HIV Justice Network and the Beyond Blame Conference in Durban, South Africa, and Amsterdam, Netherlands, as a part of the 2016/2018 International AIDS Conferences. Ken has also helped produce and participate in all three of the National HIV is Not a Crime Conferences and continues to write and remain extremely active across social media, actively lobbying Members of Congress. Ken was featured in the June 2017 edition of Rolling Stone magazine "What's it like to be HIV+ in the US Military," Ken holds a master's degree in business administration from George Mason University and undergraduate degrees from Washington State University, Pullman, Washington.



TROY ERIK ISAAC

Advocate

Troy Isaac is a rape survivor council member with Just Detention International.

Troy served 24 years in prison altogether and was released in 2008. Troy is a human rights advocate and work closely with law enforcement to give a voice to the voiceless and end prisoner rape.



BOA SMITH

In September of 1984 Hedi “Boa” Smith entered the California criminal system at just 20 years old. She was sentenced to 25 to life for a double homicide she didn’t commit. Being young, mixed race, and already a sexual assault survivor at the time of her entry, placed Boa in the PREA target group. Boa served her entire sentence at the California Institution for Women until receiving parole in November 2012. Her last institutional job was as a PREA/HIV Peer Educator and a Just Detention International Survivor Council Member, during her 29th year of incarceration.

After serving a life sentence, it was required by California Department of Corrections Rehabilitation that Boa parole to a Re-entry Program. Having maintained a close connection to her Jewish faith during her incarceration, she found support from Beit T’Shuvah, a Los Angeles residential treatment facility which hosts an alternative sentencing program and accepted approved paroling lifers. During her time at the program, Boa began speaking with troubled youth, joined a youth mentoring program, and joined the LAPD Community Advisory Board.

From September 2013 to June 2018, Boa worked with Just Detention International where she helped screen and respond to sexual assault survivor letters. Additionally, Boa co-facilitated in the development and delivery of trauma informed in-person trainings and webinars concerning female prison rape survivors for government officials, correctional institutions, and advocates. In December 2018 Boa joined forces with Evie Litwok and Witness to Mass Incarceration.



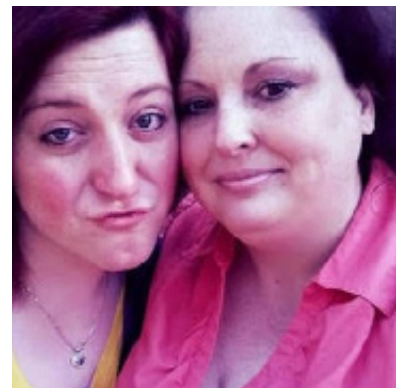
LANI & DODIE GIBSON

Lani is an incarcerated transgender woman housed at the CCA facility in Tennessee.

My name is Dodie Gibson and I am married to Lani Gibson. My wife is a transgender woman who is currently incarcerated at Trousdale Turner Correctional Center, a male prison in Hartsville, Tennessee. It is a private for-profit prison owned by Core Civic. She is 3 years into an 8-year sentence.

Since her Incarceration in 2015, she has endured mental/physical and sexual abuse not only by other inmates but also by the guards paid to protect her. As a result, my wife was diagnosed with HIV in 2016.

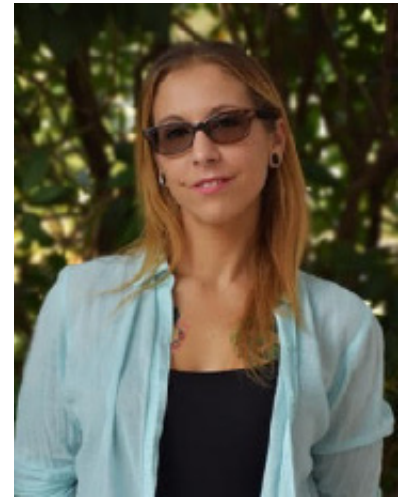
My passion is to educate the public about what really goes on behind prison doors. To advocate for LGBTQ people who, like my wife, have no voice in what happens to them while they are incarcerated. Finally, I want to show the evil that is private/for profit prisons and why they should not be allowed.



AMANDA LESTER

I was released from prison in 2013 and began my advocacy career in late 2014 when I founded Female Survivors of the Georgia Department of Corrections, a support group for women who have been incarcerated in the Georgia Department of Corrections. We now host over 1,800 members and counting.

Female Survivors of the Georgia Department of Corrections focus is to serve as champions for women currently incarcerated and those reentering society. Female Survivors of the GDOC has made progress in helping with medical concerns and insuring residents receive feminine hygiene products as necessary. We are involved in helping newly released women with housing and job searches. We also help residents of transitional centers with donations of clothing, shoes and hygiene products. I am a member of the Witness Network Initiative of Witness to Mass Incarceration.



WITNESS NETWORK PERSONAL INFORMATION

NAME	GENDER	ETHNICITY	SEXUAL EXPRESSION	STATE	REGION
Evie Litwok	Cis Woman	White	Lesbian	New York	Northeast
Zahara Green	Trans Woman	Black	Pansexual	Georgia	Southeast
Pinky Shear	Cis Woman	Native American	Pansexual	Georgia	Southeast
Roderick Johnson	Cis Man	Black	Gay	Texas	Southwest
Ken Pinkela	Cis Man	White	Gay	New York	Northeast
Troy Erik	Cis Man	Black	Gay	California	West
Boa Smith	Cis Woman	Other	Lesbian	California	West
Dodie & Lani Gibson	Trans Woman	White	Lesbian	Tennessee	Southeast
Amanda Lester	Cis Woman	White	Bisexual	Georgia	Southeast



WITNESS NETWORK MEMBERS PRISONS AND JAILS

NAME	FACILITY	LOCATION	DURATION
Evie Litwok	1) Alderson Federal Women's Prison	Alderson, WV	December 10th-Sept 11, 2011 (9 mo.)
	2) FCI Tallahassee	Tallahassee, FL	September 18, 2014 (11 mo.) * 6 weeks in SC
Zahara Green	3) Gwinnett County Detention Center	Lawrenceville, Georgia	August 2008- July 2010 (23 mo.)
	4) Hamilton County Detention Center	Chattanooga, Tennessee	December 2011- March 2011 (3 mo.) * 3 months in SC
	5) Silverdale CCA	Silverdale, Tennessee	March 2011- November 2011 (6 mo.) *SC 2 mo. *PC 2 mo.
	6) Hall County Detention Center	Silverdale, Tennessee	November 2011- May 2012 (6 mo.) *SC 6 mo.
	7) Georgia Diagnostic & Classification Prison	Jackson, Georgia	May 2012- July 2012 (2 mo.) *SC 2 mo.
	8) Rogers State Prison	Reidsville, Georgia	July 2012- September 2012 (2 mo.) *SC 1 mo.
	9) Georgia State Prison	Reidsville, Georgia	September 2012 - March 2013 (6 mo.)
	10) Atlanta Transitional Center	Atlanta, Georgia	March 2013- October 2013 (7 mo.)
Pinky Shear	11) Atlanta Fulton County Jail	Atlanta, GA	August 12, 2012 - Sept. 2, 2012 (1 mo.)
	12) Atlanta Fulton County Jail - Union City Facility	Atlanta, GA	Dec. 13th, 2013 - Dec. 30, 2013 (2wk.)
	13) Lee Arrendale State Prison	Alto, GA	Dec. 30, 2013 - Feb. 18, 2014 (6 wk.)
	14) Pulaski State Prison	Hawkinsville, GA	Feb. 18, 2014 - Nov. 26, 2014 (9 mo.)
Roderick Johnson	15) Dallas County Jail	Dallas County, TX	1999
	16) Gurney Unit		1999- April 2000
	17) James V. Allred Unit	Iowa Park, TX	September 6, 2000-December 2004 (3yr. 4 mo.)
	18) Harrison County Jail	Marshall, TX	February 2007- July 2007 (7 mo.)
	19) Byrd Unit	Huntsville, TX	July 2007- August 2007
	20) New Mexico DOCS		August 2007- December 2011
	21) Pack 1 Unit	Navasota, TX	December 2011- August 2017 (5 yrs., 7 mo.) *SC 5 years
	22) Beaumont Transitional Center	Beaumont, TX	August 2017



NAME	FACILITY	LOCATION	DURATION
Ken Pikela	23] Fort Meyer	Fort Myer, VA	June 30, 2012-July 2, 2012 (3 days)
	24] Joint Regional Correctional Facility	Fort Leavenworth, KS	July 2, 2012- March 23, 2013 (8 mo. 3 wk.)
Troy Erik Isaac	25] LA County and California Youth Authority	Los Angeles, CA	Age 12-17 (5 yr.)
	26] Delano	Delano, CA	1993 (7 mo.)
	27] Vacaville	Vacaville, CA	1994 (1 yr.)
	28] Richard Donovan Correctional Facility	San Diego, CA	1995 (1 yr.)
	29] Folsom Prison	Represa, CA	1996 (1 yr.)
	30] California State Prison	Corcoran, CA	1998-1999 (1 yr.) SHU
	31] California Correctional Institution	Techchapi, CA	1998
	32] Pelican Bay State Prison	Crescent City, CA	2000-2008 (8 mo.) SHU
Boa Smith	33] Las Vegas Detention Center	Las Vegas, NV	Sept. 1984 (1 wk.) extradition
	34] Monterey County Jail	Salinas, CA	Sept. 1984- Apr. 1985 (7 mo.)
	35] California Institution for Women	Corona, CA	Apr. 1985- Nov. 2012 (27yr. 7mo.)
Lani & Dodie Gibson	36] Rutherford County Jail	Murfreesboro, TN	October 9, 2015- April 12, 2016 (6 mo. 3 days)
	37] Bledsoe Prison -TDOC	Pikeville, TN	April 12, 2016-June 6, 2016 (1 mo. 24 days)
	38] *Hardeman County Prison, Core Civic	Whiteville, TN	June 6, 2016 -September 6,2016 (3 mo.)
	39] *Trousdale Turner Correctional Center, Core Civic	Hartsville, TN	September 16- Present (2 yrs. 2 mo.)
Amanda Lester	40] Towns County Detention Center	Young Harris, GA	June 3, 2011-June 30th, 2011 (27 days)
	41] Lee Arrendale State Prison	Alto, GA	July 1, 2011-August 20th, 2011 (1 mo. 2 wks. 6 days)
	42] Emmanuel Women's Facility	Swainsboro, GA	August 20th, 2011- January 25th, 2013 (1 yr. 5 mo. 5 days)



NAME	FACILITY	LOCATION	DURATION
Tyjah Kahn	43] Hillsborough County Jail	Tampa, FL	1986
	44] _____	St Petersburg, FL	1988
	45] Pinellas County Jail	Pinellas County Jail	1988- 1999 [1 yr.]
	46] Brevard Correctional Year	Cocoa, FL	October 1988- February 1989 [4 mo.]
	47] Dade County Jail Tampa	Miami, FL	1990 [Extradited to Tampa-1 Year County Time]
	48] Polk County Jail	Lakeland, FL	June 1991- February 1992 [7 mo.]
	Hillsborough County Jail	Tampa, FL	1994 [6 mo.]
	49] _____	Tampa FL	1995 [90 days] 1996 [90 days]
	50] _____	Tampa FL	1997
	51] _____	St. Pete, FL	[6 mo.]
	52] _____	Orlando, FL	August 97- March 98 [7mo.]
	53] _____	Sarasota, FL	[6 mo.]
	54] _____	Greensboro, SC	June 21, 2001- August 3, 2001 [6 wks. 1 day]
	55] Cuyahoga County Jail	Cleveland, OH	January 14, 2001- February 2002 [1 yr. 1 day]
	56] Marion Correctional Facility	Marion, OH	July 2003- February 2003 [7 mo.]
	57] Lebanon Correctional	Lebanon, OH	Feb 2004- June 2004 [4 mo.]
	58] _____	New Orleans, LA	November 2005- March 2006 [4 mo.]
	59] Harris County Jail	Houston, TX	2011 [3 days]
	Hillsborough County Jail		March 2012- September 2012 [6 mo.]
	60] _____	Atlanta, GA	April-2015-Sept. 27,2015 [6 mo.]
	61] _____	Greenburg, South Carolina	March 27, 2015 [6 mo.]
10 Formerly Incarcerated People	63+ Prisons	77+ Years 924+ Months	



LIST OF WITNESS NETWORK PRISON & JAILS BY STATE

STATE	FACILITY	LOCATION
California	LA County and California Youth Authority Delano Vacaville Richard J. Donovan Correctional Facility Folsom Prison California State Prison California Correctional Institution Pelican Bay State Prison Monterey County Jail California Institution for Women	LA, CA Vacaville, CA San Diego, CA Represa, CA Corcoran, CA Techchapi, CA Crescent City, CA Salinas, CA Corona, CA
Florida	FCI Tallahassee Hillsborough County Jail Pinellas County Jail Brevard Correctional Jail Dade County Jail Polk County Jail	Tallahassee, FL Tampa, FL Largo, FL Tampa, FL Miami, FL Lakeland, FL
Georgia	Atlanta Fulton County Jail Atlanta Fulton County Jail (Union City) Atlanta Transitional Center Georgia Diagnostic & Classification Prison Georgia State Prison Gwinnett County Detention Center Hall County Detention Center Lee Arrendale Diagnostics Facility Pulaski State Prison Rogers State Prison Towns County Detention Center Emmanuel Womens Facility	Atlanta, GA Atlanta, GA Atlanta, GA Jackson, GA Reidsville, GA Lawrenceville, GA Hall County, GA Alto, GA Hawkinsville, GA Reidsville, GA Young Harris, GA Swainsboro, GA
Kansas	Joint Regional Correctional Facility	Fort Leavenworth, KS
New Mexico	New Mexico DOCS	Hobbs, NM
Ohio	Cuyahoga County Jail Marion Correctional Facility Lebanon Correctional	Cleveland, OH Marion, OH Lebanon, OH
Tennessee	Rutherford County Jail Bledsoe Prison Hardeman County Prison Silverdale CCA Hall County Detention Center Trousedale Turner Correctional Center Hamilton County Detention Center	Murfreesboro, TN Pikeville TN Whiteville, TN Silverdale, TN Silverdale, TN Hartsville, TN Chattanooga, TN
Texas	Beaumont Transitional Center Byrd Unit Dallas County Jail Gurney Unit Harris County Jail Harrison County Jail James V. Allred Unit Michael's Unit Pack 1 Unit	Beaumont, TX Huntsville, TX Dallas, TX Palestine, TX Houston, TX Marshall, TX Iowa Park, TX Tennessee Colony, TX Navasota, TX
Virginia	Fort Myer	Fort Myer, VA
West Virginia	Alderson Federal Women's Facility	Alderson, WV
Nevada	Las Vegas Detention Center	Las Vegas, NA
Military	Core Civic - Private Prison	

