

ENDING SILENCE

DEMANDING SAFETY FROM SEXUAL ABUSE



THE BARTER

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Ending Silence: Demanding Safety from Sexual Abuse

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This publication was developed as part of a project with the National PREA Resource Center and supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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FOREWORD

Since 1999, The Project on Addressing Prison Rape (Project) at American University, Washington College of Law has provided training to correctional decision makers, agencies, advocates, associations and individuals looking to end sexual abuse of individuals in custodial settings.

The *Ending Silence: Demanding Safety from Sexual Abuse* series is the product of work by many of these concerned and committed organizations and individuals. We thank them for their comments on this publication.

The *Ending Silence* series includes two other graphic novels with story lines about heterosexual males in custody and transgender individuals in custody. While there are several story lines and the novels might lend themselves to discussion with particular groups, they are useful for discussions and training among any group of inmates. Though not intended for this purpose, we have also learned that many jurisdictions are using these materials to train correctional staff as well.

The Barter is intended to assist inmates in identifying, addressing, and responding appropriately to incidents of sexual abuse by staff or other inmates as required by the Inmate Education Standard, § 115.33 of the National PREA Standards.

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INRODUCTION

The Barter is a graphic novel about women in custody and focuses on incidents of staff sexual misconduct, trading sex for items or privileges, and pregnancy. This story also addresses the “code of silence” that can exist in custodial facilities and the mistaken belief that sexual assault is only illegal if it occurs by force or threat of force.

At the end of the graphic novel you will find: (1) blank panels for inmates to fill in a suggested continuation for the story; (2) a glossary of terms; (3) discussion questions; (4) resources for inmates; and (5) note pages. While we understand that laws and policies differ in each state, this publication can be used in any jurisdiction. For that reason, we have generalized content and details of this novel. This novel is appropriate for use with adults in custody.

Please feel free to contact us with comments and feedback about these novels, their usefulness, and any suggestions for improvement or other needed resources.

The contact information for The Project on Addressing Prison Rape is 202-274-4385 or endsilence@wcl.american.edu.

ENDING SILENCE

DEMANDING SAFETY FROM SEXUAL ABUSE

THE BARTER

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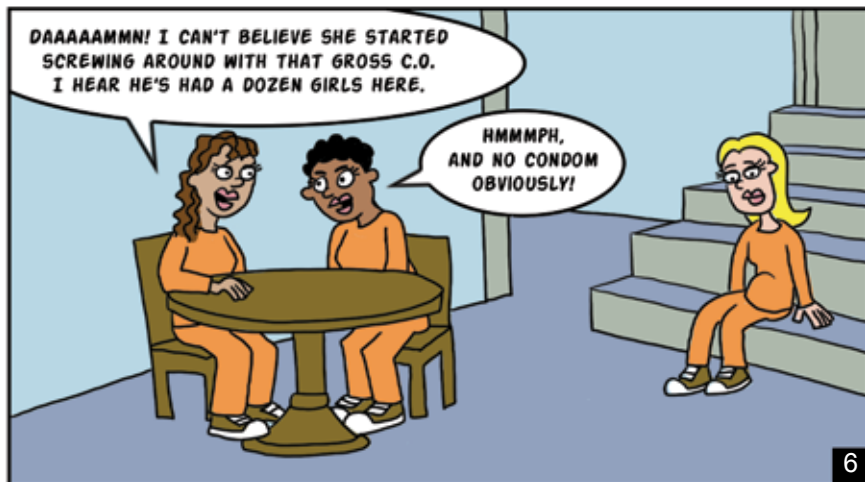
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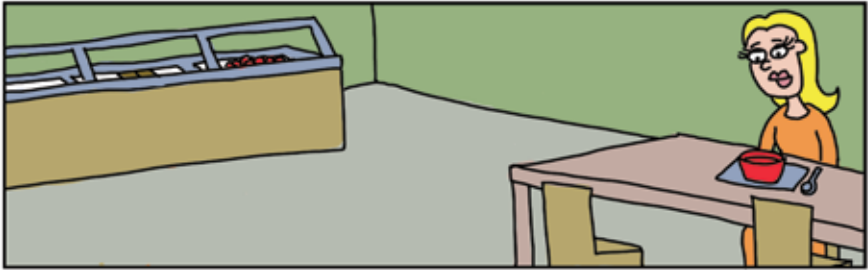
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WHO... SANDERS? DON'T BE SCARED OF HIM. ONCE YOU TELL THE WARDEN THAT HE WAS LETTING YOU USE HIS CELL PHONE IN EXCHANGE FOR BLOWJOBS AND SEX...THEY WILL FIRE HIM!

THAT'S NOT THE POINT! HE DIDN'T RAPE ME! HE DIDN'T MAKE ME DO ANYTHING. I DID IT ALL ON MY OWN. AND IF I GET HIM FIRED AND THEN GET OUT OF HERE AFTER MY TRIAL... HE WILL FIND ME. HE WILL HURT ME. MY FAMILY. THIS BABY - IF I KEEP IT...

SEEMS LIKE A DANGEROUS PLAN TO ME. I HATE TO SAY THIS, BUT THERE IS NO GUARANTEE THAT YOU ARE GOING TO WIN YOUR TRIAL. WHY DID YOU HOOK UP WITH HIM IN THE FIRST PLACE? YOU COULDNA NEEDED A PHONE THAT BAD.

I DID... MY BROTHER AND COUSINS WERE ALL ARRESTED IN THE BUST AND NO ONE GOT OUT ON BAIL. I WAS REALLY WORRIED ABOUT MY DAUGHTER. SHE'S ONLY 2 AND IS STAYING WITH A FRIEND AND HER FAMILY.

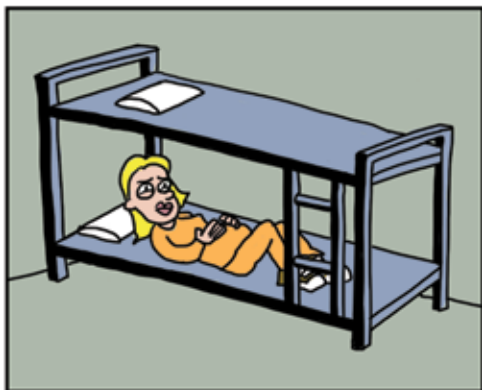
...AND YOU HAD NO MONEY ON YOUR BOOKS?

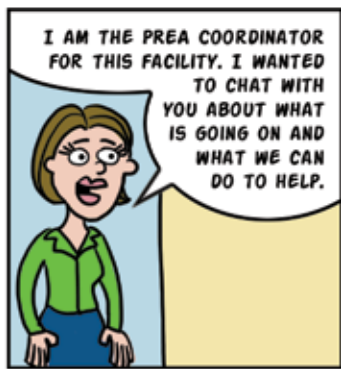
NOT A DIME. I USED SANDERS' PHONE TO CALL AND MAKE SURE MY BABY WAS OK.

I WOULD HAVE DONE ANYTHING TO USE THAT PHONE...

I DON'T HAVE ANY REGRETS. AFTER IT HAPPENED, THE FIRST TIME... IT DIDN'T SEEM LIKE A BIG DEAL.







OK AND I DON'T WANT TO ASSUME ANYTHING, BUT I NOTICED THAT YOU HAVE BEEN HERE IN PRE-TRIAL DETENTION FOR THREE MONTHS, BUT YOUR BABY IS ONLY SEVEN WEEKS. SEEMS LIKE YOU GOT PREGNANT WHILE IN OUR CUSTODY.

YES, I DID.

I WASN'T RAPED, THOUGH. HE JUST LET ME USE HIS CELL PHONE IN EXCHANGE FOR SEX. I'M REALLY SORRY I BROKE THE RULES. PLEASE DON'T TELL THE JUDGE IN MY CASE.

LEXI, I UNDERSTAND THAT AND, OF COURSE, YOU DID BREAK THE RULES BY USING A CELL PHONE AND HAVING SEX IN CUSTODY. BUT YOU WERE TAKEN ADVANTAGE OF. BY LAW, A STAFF MEMBER OF THIS JAIL CANNOT HAVE SEX WITH SOMEONE IN CUSTODY; YOUR CONSENT DOES NOT MATTER. AND, OF COURSE, I WILL NOT TELL THE JUDGE. I THINK THOUGH THAT IT WILL BE PRETTY OBVIOUS THAT YOU ARE PREGNANT.

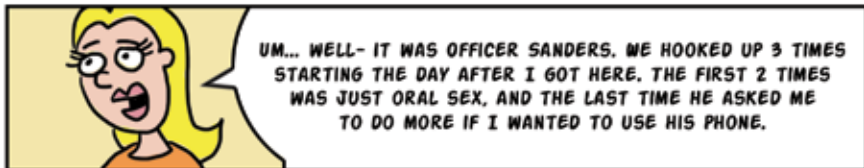
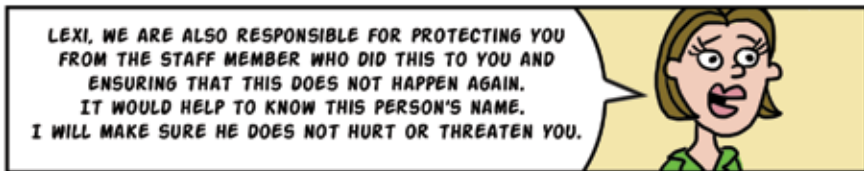
OH... DO I HAVE TO TELL YOU WHO IT WAS?

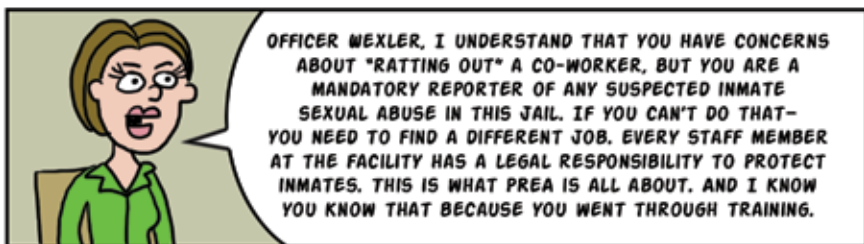
I CAN'T FORCE YOU TO DO ANYTHING LEXI, BUT WE WOULD LIKE TO CONDUCT AN INVESTIGATION INTO WHAT HAPPENED. WE HAVE A ZERO TOLERANCE POLICY FOR ANY RELATIONS BETWEEN STAFF AND INMATES. EITHER WAY, WE HAVE PLENTY OF SUPPORT FOR YOU, OUR MEDICAL STAFF WILL PROVIDE YOU WITH OPTIONS IN YOUR PREGNANCY, AND ALL THE MEDICAL SERVICES YOU NEED.

I CAN'T AFFORD ALL THAT...

WE WILL PROVIDE THAT FREE OF CHARGE, LEXI, REGARDLESS OF WHETHER YOU NAME THE PERSON WHO IMPREGNATED YOU.

THANK YOU.





YES, AND I AM SURPRISED BY YOUR REACTION TO THIS. WE COVERED THIS IN YOUR PREA TRAINING. OFFICER WEXLER, WE WILL HAVE A HEARING ABOUT YOUR CONDUCT AND DETERMINE WHAT, IF ANY, DISCIPLINARY ACTION IS APPROPRIATE FOR YOUR FAILURE TO REPORT.

YES M'AAM. I UNDERSTAND.



MANDATORY
PREA TRAINING

HELLO EVERYONE. THIS TRAINING IS A REFRESHER ON THE PREA STANDARDS AND ABOUT THE CULTURE AND CODE OF SILENCE IN THIS FACILITY.



I HAVE BEEN SURPRISED AND DISAPPOINTED ABOUT THE RECENT REPORTS OF STAFF SEXUAL MISCONDUCT WITH INMATES IN THIS FACILITY. THIS BEHAVIOR IS UNACCEPTABLE - UNPROFESSIONAL - AND A VIOLATION OF EVERYTHING THAT WE ARE SUPPOSED TO STAND FOR.

HOW CAN WE TRY TO CHANGE LIVES AND BEHAVIOR IF WE ARE DOING WRONG AND COVERING UP WRONG OURSELVES? I KNOW THAT YOU HAVE HEARD ME SAY THIS BEFORE, BUT WE WILL NOT TOLERATE MISTREATMENT OF ANY KIND OF THE PEOPLE WHO WE SUPERVISE. WHETHER WE LIKE IT OR NOT, THE PUBLIC HAS ENTRUSTED THEM TO OUR CARE. OUR JOB IS DETAIN, BUT IT IS ALSO TO PROTECT.

MANDATORY
PREA TRAINING

ARE WE ALL CLEAR? ARE THERE ANY QUESTIONS?



WELL, I HEARD THAT THE
INCIDENT WITH THE INMATE
WAS CONSENSUAL.

THERE IS NO CONSENSUAL SEX WITH AN INMATE
EITHER LEGALLY OR BY OUR OWN POLICIES.
NEXT QUESTION.



DOESN'T SEEM FAIR. SANDERS ISN'T THE ONLY ONE DIRTY IN HERE. AND YOU ALWAYS
GET RID OF MEN. THE WOMEN COS ARE DOING STUFF TOO.



OFFICER, THEY CAN'T DO ANYMORE THAN
YOU ALLOW THEM TOO. IF YOU HAVE CREDIBLE
INFORMATION ABOUT ANY STAFF, MALE OR FEMALE,
EMPLOYEE, CONTRACTOR, VOLUNTEER WHO IS
ENGAGED IN MISCONDUCT, SEXUAL OR OTHERWISE,
PLEASE TELL SOMEONE. I KNOW PEOPLE
DON'T LIKE TO "TELL" OR "SNITCH" OR "RAT"
BUT ONE DAY YOU ARE GOING TO NEED SOME
BACKUP AND THAT PERSON IS GOING TO BE
"DOING DIRTY" AND NOT BE ABLE TO GET
TO YOU TO ASSIST YOU IN DOING YOUR JOB!
THINK ABOUT THAT AND DO THE RIGHT THING.



2 HOURS LATER...

NOW...

I KNEW THAT HAVING SEX WITH AN INMATE WAS WRONG, BUT I DIDN'T REALIZE IT'S CONSIDERED SEXUAL ASSAULT BY OUR STATE'S CRIMINAL LAWS.

YEAH, I THINK I JUST TUNED ALL THAT STUFF OUT DURING ORIENTATION.

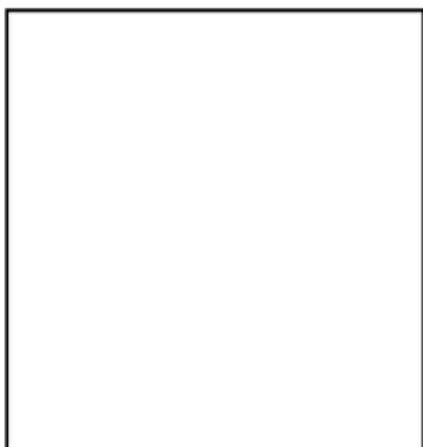
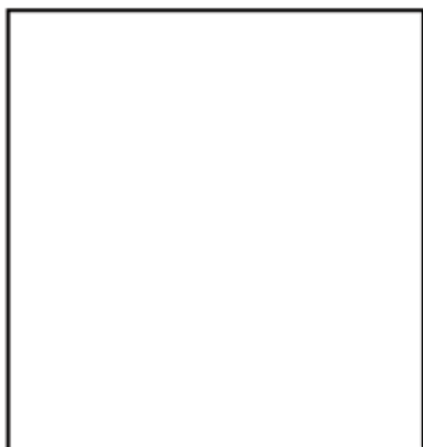
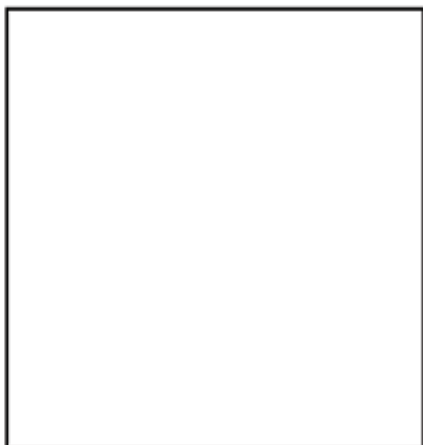
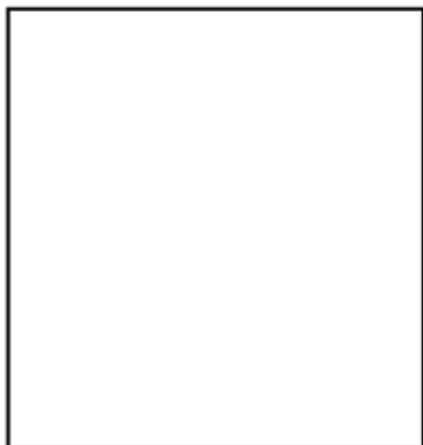
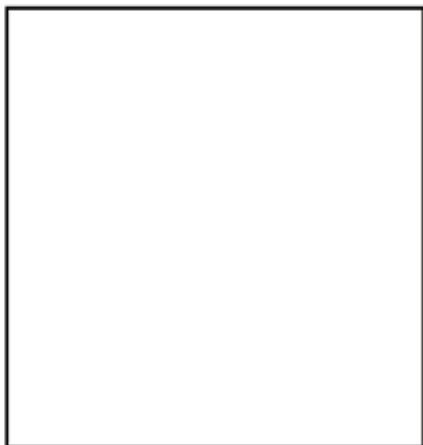
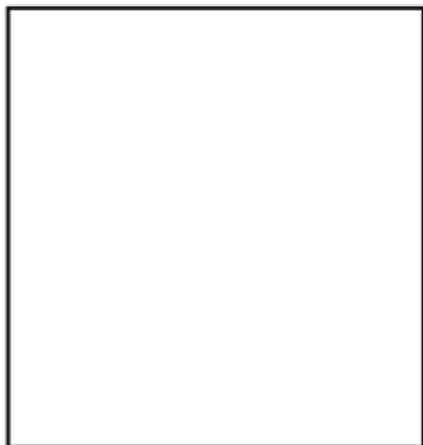
MY LIFE IS COMPLICATED RIGHT NOW, BUT I AM REALLY GLAD THAT I TOLD MRS. JONES WHO MY BABY'S FATHER WAS. I COULD NOT CONTINUE TO IGNORE MY PREGNANCY AND THE SITUATION I WAS IN. I KNOW NOW THAT OFFICER SANDERS TOOK ADVANTAGE OF ME AND MY VULNERABILITY AND I KNOW I WASN'T THE ONLY GIRL HE DID THAT TO.

I DIDN'T END UP GOING TO TRIAL BECAUSE MY ATTORNEY WORKED OUT A PRETTY GOOD PLEA DEAL AND I WILL BE ON PROBATION FOR A YEAR. BESIDES MEETING WITH MY PROBATION OFFICER PRETTY OFTEN.

I'VE BEEN GOING TO GROUP THERAPY SESSIONS AND STILL SEEING THE COMMUNITY RAPE CRISIS COUNSELOR THAT MRS. JONES CONNECTED ME TO WHEN I WAS IN JAIL.



FINISH THE STORY...



GLOSSARY

Definitions in this glossary are adapted from both the Bureau of Justice Statistics data collection survey instrument and the final PREA Standards issued by the U.S. Department of Justice on May 17, 2012.

Abusive sexual contact: Contact with any person without his or her consent; contact with a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the penis, vagina, anus, groin, breast, inner thigh, or buttocks of any person

Custody: When a person is under the power and control of an entity – the police, the juvenile justice system, the prison system or person – and is not free to leave

Carnal knowledge: Contact between the penis and the vagina or the penis and the anus including penetration of any sort

Gender expression: A person's expression of his/or gender identity, including appearance, dress, mannerisms, speech, and social interactions

Gender identity: Distinct from sexual orientation and refers to a person's internal, deeply felt sense of being male or female

Gender non-conforming: Gender characteristics and/or behaviors that do not conform to those typically associated with a person's biological sex

Homosexuality: Sexual, emotional, and/or romantic attraction to a person of the same sex

Non-Consensual Sexual Acts: Contact with any person without his or her consent, or with a person who is unable to consent or refuse; contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object

Oral Sex: Contact between the mouth and the penis, the mouth and the vagina or the mouth and the anus

Questioning: Active process in which a person explores her or his own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming

GLOSSARY (CONT'D)

Rape: Includes all of the following actions: oral sodomy, sexual assault with an object, or sexual fondling of a person forcibly or against that person's will; forcibly or against that person's will where the victim is incapable of giving consent because of youth, temporary or permanent mental or physical incapacity; achieved through exploitation of the fear or threat of physical violence or bodily injury

Sexual Acts: Carnal knowledge, oral sex, anal sex, rape, sexual assault with an object, sexual fondling

Sexual Assault with an Object: The use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person

Sexual Fondling: The touching of the private body parts of another person, including the penis, vagina, anus, groin, breast, inner thigh, or buttocks, for the purpose of sexual gratification

Sexual Orientation: Romantic and/or physical attraction to members of the same or different sex

Sodomy: Anal sex with a member of the same or opposite sex

Staff sexual harassment: Repeated verbal statements or comments of a sexual nature to a person in custody by an employee, volunteer, official visitor, or agency representative, including: demeaning references to gender or derogatory comments about body or clothing; or profane or obscene language or gestures

Staff sexual misconduct: Any behavior or act of a sexual nature directed toward a person in custody by an employee, volunteer, official visitor, or agency representative

Transgender: Person whose gender identity differs from their birth sex

Transgender woman:

Person whose birth sex was male but who understands herself to be, and desires to live her life as, a female

Transgender man:

Person whose birth sex was female but who understands himself to be, and desires to live his life as, a male

DISCUSSION QUESTIONS

(Feel free to ask other additional questions)

1. What kind of challenges do you think Lexi faced prior to incarceration? What about during incarceration?
1. What could the jail have done to ensure that the corrections officers and other staff understood PREA during the initial orientation?
2. Do you think the inmates were properly trained on staff sexual misconduct and PREA? Why or why not?
3. What influenced Lexi to report the name of the staff member who impregnated her? Would you have explained this differently if you were Mrs. Jones?
4. Do you think that the threat of female staff members having relationships with female inmates is taken as seriously as male staff members? Why or why not?
5. What do you think should happen to Officer Sanders?
How about Officer Wexler?
6. What would you have done differently if you were Lexi's friend?
Would you have reported? Why or why not?

RESOURCES FOR INMATES

Space intended for agencies to add resources that reflect their specific location and type of agency

Examples include:

- *Your 1-800 reporting hotline (if you have one)*
- *Information and procedure for reporting abuse*
- *Address and phone number of grievance officer or outside reporting mechanism such as an ombudsman*
- *Phone number and address for a rape crisis center in the area*

NOTES

NATIONAL
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Notice of Federal Funding and Federal Disclaimer:

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