

FINDINGS

Equal Justice Initiative Investigation Into Sexual Violence at Tutwiler Prison for Women

May 2012

Finding One: Incarcerated women are being raped by correctional staff.

Based on our investigation, EJI concludes that Tutwiler and Alabama Department of Corrections officials received dozens of complaints of sexual misconduct involving male staff and women prisoners between 2004 and 2011. The most visible and striking evidence of Tutwiler staff members' illegal sexual contact with incarcerated women is the resulting pregnancies. In 2010, a woman in custody gave birth to a baby after being raped by a correctional officer at Tutwiler Prison. Over the past five years, EJI has received numerous complaints from women who have become pregnant after being raped by male correctional staff.

Finding Two: Incarcerated women are being sexually assaulted by correctional staff.

From 2006 to 2011, several women incarcerated at Tutwiler Prison were sexually assaulted by male correctional staff, sometimes with another male officer serving as a lookout. Women also have been coerced by male correctional staff who smuggled contraband items, including food and toiletries, and required women to perform sexual favors in exchange for the contraband goods.

Finding Three: Incarcerated women are subject to pervasive sexual harassment.

Unwelcome sexual touching, harassment and taunting, verbal abuse, and other forms of sexual misconduct toward female inmates by male correctional staff are commonplace. Incarcerated women who complained about being sexually harassed reported that the warden responded by calling them liars, accusing them of trying to get the officers in trouble with their wives, and threatening them with segregation and loss of privileges.

Finding Four: There is evidence that Alabama officials are under-reporting the number of incidents of sexual assault.

- The Alabama Department of Corrections has not provided any data on sexual misconduct since September 2010.
- During 2011, at least four Tutwiler employees were indicted on charges of custodial sexual misconduct or custodial sexual abuse.
- The Department of Corrections did not report any incidents of sexual misconduct or harassment in 2009, but at least two incidents occurred in women's facilities that year, according to court records showing two officers were indicted for custodial sexual misconduct.

Finding Five: Punitive responses to allegations of sexual abuse have created an atmosphere of intimidation and discourage inmate complaints of sexual misconduct.

- Women who report sexual abuse at Tutwiler are routinely placed in segregation by the warden. While in segregation, these women are treated no differently from women held there for punitive reasons: they are deprived of telephone, mail, and visit privileges and have no access to recreation, programs, or work assignments.
- Incarcerated women who are sexually abused by correctional officers are not informed of the results of investigations conducted by the Department of Corrections, even when the claims of sexual abuse are substantiated and formal action is taken to terminate the officer.

Finding Six: Tutwiler's failure to enforce restrictions on the ability of male correctional officers to view nude inmates creates an increased and unnecessary risk of sexual misconduct and abuse.

- Women incarcerated at Tutwiler have virtually no means of preventing male guards or other staff from viewing their nude bodies while they change clothes, shower, or even use the bathroom.
- There is evidence that some male officers exploit their authority and unbridled access to incarcerated women's nude bodies by standing in the dorm or shower areas, watching women undress and bathe, and commenting on their bodies.

- Witnesses report that male officers frequently stand in the toilet and shower areas watching women undress, bathe, and use the toilet.
- Inmates reported to EJI that their complaints about being watched while using the toilet and showering were met with laughter.