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Report: Staff abused dozens

Six workers since 2009 convicted in sexual misconduct cases

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The first time Lori Presley took a shower by herself while incarcerated at the Julia Tutwiler Prison for Women, she said she was sexually assaulted by a guard.

Despite her pleas for him to stop, she said the guard touched her inappropriately and threatened to charge her with another crime if she reported it. She said he told her if she told anyone, he would make sure she stayed there longer.

"I felt like I wasn't worth anything. I was like, 'God, help me. Why is this happening to me?'" Presley said. "I know I committed a crime and went to prison, but no one should be treated like that."

Presley and dozens of other women have been the victims of illegal sexual contact by employees at the women's state prison in Wetumpka, according to a report released earlier this week by the nonprofit Montgomery-based legal firm Equal Justice Initiative.

The EJI has asked the U.S. Department of Justice to investigate the situation at the prison, which houses 709 women in the closed-security portion, and an additional 236 in a medium-security annex building at the site.

EJI attorneys spent several weeks interviewing 50 women at the facility, and months after that collecting employment and court records related to the findings, said EJI Executive Director Bryan Stevenson. The report found that widespread sexual abuse and violence is occurring at the prison.

The investigation was launched in 2011 after the EJI was asked to represent a woman who was suing a male nurse at the facility who she said sexually assaulted her. After the investigating began, the organization received dozens of calls from other women incarcerated at the prison who said they were also assaulted.

6 employees convicted since 2009

Since 2009, six Tutwiler employees have been convicted for crimes related to sexual misconduct. Five employees were charged with one count of custodial sexual misconduct, a Class C felony defined as engaging in sexual conduct with someone under the disciplinary watch of the state, said Charlotte Morrison, a senior attorney with EJI. One was charged with four counts of custodial sexual misconduct.

Court records show three of the defendants pleaded guilty to custodial sexual misconduct, one pleaded guilty to third-degree assault and two pleaded guilty to harassing communications, which is defined as striking, shoving, kicking or touching an individual, or using abusive or obscene language.

Rodney Arbuthnot, of Natohez, Miss., served six months in jail after pleading guilty to custodial sexual misconduct after a DNA test proved he had impregnated Monica Washington, who was incarcerated

at the facility, Morrison said.

Herman Boleware, of Alexander City, served five days for third-degree assault, according to court records. The rest of the defendants were put on probation or given suspended sentences, and didn't serve any jail time.

"Those kind of lenient sentences send the message to officers that what they're doing is OK," Stevenson said. "Those kinds of stakes for people don't make it something you'd avoid doing at all costs."

In the past five years, numerous women have complained that they became pregnant after male correctional staff at the prison raped them, Stevenson said.

Stevenson said similar crimes committed on the street would get someone 50 years in jail. The sentence for someone convicted of a rape is 10 to 99 years in prison.

Morrison said the district attorney's office doesn't conduct its own investigations when employees are charged with custodial sexual misconduct. The office relies on information provided by the Department of Corrections.

DOC says acts won't be tolerated

Alabama Department of Corrections Commissioner Kim Thomas said the department has an aggressive procedure to handle sexual misconduct. The state has nine officials responsible for conducting internal investigations when a complaint is made against an employee or another inmate. Thomas said cases are then referred to the Elmore County District Attorney's office.

"I don't want to be defensive or deny the sexual misconduct that occurs in prisons, but my staff knows that this is something that will not be tolerated," Thomas said.

In 2007, the U.S. Department of Justice released a report that found Tutwiler had the highest rate of sexual assaults in the country.

"We expected there to be reforms implemented," Stevenson said. "But that didn't happen."

The federal Prison Rape Elimination Act passed in 2003 gives state correctional departments and other agencies the authority and funding to examine protocol, investigate inquiries of sexual abuse and do whatever is necessary to eliminate sexual misconduct in prisons, Stevenson said.

Thomas said he's not going to conduct an additional investigation, but plans to take action to make sure Alabama prisons become safer places.

"I'm going to look at a variety of things to make sure our policy is being carried out, and see if there's a way to improve the process, environment or climate," Thomas said. "I want to do things to make our prisons safer."

Thomas said the U.S. Attorney General's office issued the final rule with respect to the Prison Rape Elimination Act on May 17.

"We want to comply with these standards to the full extent that we're able to," Thomas said. "This is a topic that's on everyone's mind. Unfortunately, these are acts that occur in prisons all over the country."

'Sexual abuse culture'

Stevenson said the “sexual abuse culture” at Tutwiler perpetuates the employees’ behaviors. Female inmates aren’t viewed as individuals, people who are victims of these sexual acts, but are shown contempt and hostility when they make a complaint about an employee, he said.

Morrison said women who report sexual abuse are given a pregnancy test and are put into isolation, where they are deprived of access to the telephone, mail, visiting privileges, recreation and work assignments.

The report also found that women who report sexual abuse aren’t told about the results of investigations conducted by the Department of Corrections, even if an individual is prosecuted or fired.

Thomas said he’s repeatedly told his staff that it’s important that inmates feel safe and comfortable making complaints. He said there is a free, anonymous hotline that bypasses institutional staff and allows inmates to make complaints directly to investigators in Montgomery. There’s also a place online where family members or friends can file complaints on behalf of the inmate.

‘Hell made over’

Presley, who spent a year in Tutwiler from 2006 to 2007, said part of the problem is that there were a lot of secluded places — behind washing machines or giant laundry baskets, in back parts of the bathrooms and showers — where crimes can occur.

She said guards would recruit women to coerce other inmates into performing sexual acts with them while guards watched and that groups of women would sexually abuse others with objects, such as shampoo bottles and brooms, while guards watched.

Stevenson said many of the women interviewed for the report said guards would corner women in secluded parts of the facility and force them to engage in sexual activity. One woman, he said, woke up with a guard’s hand in her private area. The woman was then forced to engage in oral sex.

The report also found that correctional staff smuggled contraband items, including food, toiletries, and cellphones, into the prison and then coerced women to perform sexual favors in exchange for the goods.

Presley said non-sexual violence by correctional staff was also common. She said she remembers a small, sickly looking woman being lifted by her shirt from her top bunk and thrown onto the floor by a guard in the middle of the night.

“You could hear screaming and moaning and cries in the night,” Presley said. “You knew something was going on, but you couldn’t say anything. You’d get the same treatment they got.”

Presley said she sent two letters to the attorney general’s office about what was happening, but never heard anything back. She said she never reported the sexual assault because she was afraid of more abuse, or repercussions from other guards.

“Me and several girls tried to tell our stories. But all we could do was put a stamp on an envelope and send it out,” Presley said. “I had no one to reach out to.”

“That place was hell made over,” she said. “It’ll mess you up mentally. Anyone that gets put in there doesn’t come out the same.”

The U.S. Department of Justice couldn’t be reached Friday for comment.