

Agency calls for investigation into Tutwiler

Kevin Taylor - Copy Editor | Posted: Friday, May 25, 2012 4:00 am

The Montgomery-based Equal Justice Initiative filed a complaint with the U.S. Justice Department earlier this week calling for a “swift and thorough” investigation into alleged sexual abuse of women prisoners by male guards at Tutwiler Prison in Wetumpka.

The Equal Justice Initiative, which is a private nonprofit organization providing legal representation to indigent defendants, says it has uncovered evidence of “frequent and severe” officer-on-inmate sexual violence.

“Rape and sexual assault of incarcerated women is criminal and an outrageous abuse of power,” said EJI Executive Director Bryan Stevenson in his letter to the Justice Department. “Any failure by state and federal officials to respond quickly and appropriately to reports of sexual violence will contribute to tragic and shameful conditions of confinement for women.”

In a list of findings by the EJI, it listed key points in its letter to the DOJ including pervasive sexual harassment, under-reporting of the number of incidents of sexual assault, allegations by inmates that the corrections officers have created an atmosphere of intimidation to discourage complaints and male correctional officers viewing nude inmates creates an increased risk of sexual misconduct and abuse.

The EJI alleges that in the past two years Tutwiler inmates have given birth to children fathered by correctional officers.

According to the EJI report, more than 20 Tutwiler employees have been transferred or terminated in the past five years for having sexual contact with prisoners.

“This troubling cycle of abuse and lack of accountability has established a widespread pattern and practice of custodial sexual misconduct,” Stevenson said.

In January The Herald reported that two former Tutwiler corrections officers were indicted by an Elmore County grand jury and charged with custodial sexual misconduct.

One former officer allegedly had sex with four inmates at Tutwiler. Another former officer allegedly had sex with an inmate while she was working laundry detail.

“Sexual misconduct of any kind, including custodial sexual misconduct, is not tolerated by this department,” said Commissioner Kim Thomas in a statement released by the Department of Corrections. “From the beginning of my watch, I have made it very clear to my staff that custodial sexual misconduct will not be tolerated and is an especially egregious offense to me.

“We take every action possible to prevent it from happening and if it does, we undertake prompt corrective employee discipline and pursue criminal prosecution where applicable.”

A 2007 report by the Bureau of Justice Statistics reported there had been more than 100 reports of staff-on-inmate incidents of nonconsensual sexual acts at Tutwiler.

Tutwiler also was the only women’s prison which was ranked among the 146 state and federal prisons in the

United States in terms of nonconsensual sexual acts.

Typically any complaints of sexual misconduct within the prison system regarding corrections officers is first handled by the Department of Corrections internal investigations unit, according to 19th Judicial Circuit District Attorney Randall Houston.

“We trust them to do their job of investigating these complaints, so when they are turned over to us we treat them like any other complaint,” Houston said.

Houston said he doesn’t know how many cases he has handled in terms of sexual misconduct at Tutwiler.

“I have no idea, but I know we have had quite a few over the past few years,” he said.

Tutwiler prison opened in 1942 and is a maximum-security facility for women. It’s capacity is 956 inmates.