

Will feds take over Tutwiler?

Bob Martin | Posted: Wednesday, May 30, 2012 9:09 am

Julia Strudwick Tutwiler (1841-1916) was an educator, prison reformer, writer and an outspoken proponent of education for women.

She was involved with the founding of institutions that became the University of West Alabama and the University of Montevallo and with innovations in education for women and African Americans during segregation.

Alabama's only women's prison in Wetumpka bears her name as do several other public buildings in the state; her poem "Alabama" is immortalized as the official state song.

To say that Julia Tutwiler is doing flips in her grave is likely an understatement after a report was issued last week saying that corrections officers at Tutwiler prison sexually harass, abuse and even rape female inmates with little fear of punishment.

Female inmates at Tutwiler have reported becoming pregnant after being raped by male correctional staff over the past five years, said Bryan Stevenson, executive director of the Montgomery-based Equal Justice Initiative (EJI), which investigated the allegations and issued a report.

Other sexual misconduct, including pervasive harassment, unwanted touching and invasion of privacy, is commonplace, Stevenson said.

Stevenson is no rookie when it comes to investigating abuse of individual civil rights in Alabama and across the country. He has won national acclaim for his work challenging bias against the poor and people of color in the criminal justice system.

Since graduating from Harvard Law School and the Harvard School of Government, he has assisted in securing relief for dozens of condemned prisoners, advocated for poor people and developed community-based reform litigation aimed at improving the administration of criminal justice.

Consensual sex between staff and inmates is strictly forbidden by prison regulations, but is also a regular occurrence, with staff requiring women to perform sexual favors in exchange for smuggled contraband goods, the EJI report found.

"What we found is pretty shocking," Stevenson said this week. "We think there's widespread sex abuse and assaults of women by correctional staff."

Tutwiler, which holds more than 700 inmates, was identified by the Department of Justice in 2007 as the most dangerous women's prison in the country.

Kim Thomas, the Alabama Department of Corrections commissioner, told the media that the agency was aware of the allegations.

"This is a matter of grave concern to me," Thomas said in a statement. "Sexual misconduct of any kind, including custodial sexual misconduct, is not tolerated by this department."

Thomas did not address any of the specific allegations in the EJI report which addresses several problems including allegations that inmates who reported sexual abuse by guards to senior corrections staff, including the warden, say they were placed in solitary confinement, lost privileges and were subjected to verbal abuse.

“Many of them reported encounters with the warden that they characterize as abusive, threatening and intimidating,” Stevenson said. “The women report that when you complain, you are placed in segregation and are subjected to very aggressive treatment by investigators and other staff. It is not an environment that encourages people to come forward with instances of abuse.”

The state’s criminal justice system has also failed to aggressively punish guards who abuse inmates, Stevenson said.

According to court records reviewed by EJI, six Tutwiler employees have been indicted on charges of sexual misconduct involving inmates since 2010.

All of the charges were settled with plea bargains, and only one prison employee served more than a week in jail.

Stevenson said the Alabama attorney general’s office had been alerted to the problem through lawsuits filed against the state on behalf of women raped and impregnated while they were inmates at Tutwiler.

The state has aggressively fought to have the litigation dismissed.

The AG’s office had no comment on the report.

The EJI found that the Alabama Department of Corrections has underreported sexual misconduct at the prison in official reports, according to court records.

In 2009, the corrections department reported no instances of sexual abuse at the prison, even as two officers at the facility were indicted for sexual misconduct.

EJI has requested a criminal and civil investigation by the Justice Department into the alleged misconduct and the failure of Alabama authorities to oversee the prison and aggressively prosecute abusers.

Not only does the state not oversee its prisons with any degree of safety concerns for prisoners, the legislature this month reduced the prison budget by \$184 million to make up a Medicaid deficit of nearly \$200 million. This left the Department of Corrections at the mercy of state voter’s approval of a constitutional amendment later this year which would provide additional funding to the state’s non-education budget.

So, one of the most underfunded prison systems in the nation awaits the possibility of a federal takeover or a mass release.

Bob Martin is editor and publisher of The Montgomery Independent. Email him at: bob@montgomeryindependent.com