

Testimony of

# **The Honorable Frank R. Wolf**

July 31, 2002

Thank you Mr. Chairman for giving me the opportunity to be here today to testify on an issue of vital importance to our nation's prison system - the ongoing problem of prison rape.

I want to acknowledge the efforts of my Virginia colleague Bobby Scott who could not be here today but whose efforts along with yours and Senator Sessions make this issue truly bipartisan. I believe that our legislation, The Prison Rape Reduction Act of 2002, will go a long way in addressing a problem that has too long been quietly swept under the rug. With this broad array of support, I am hopeful that the Congress will pass the Prison Rape Reduction Act of 2002 before the end of this year.

Prison rape to be sure is not a dinner conversation issue. For years no one has wanted to talk about it much less act to address the problem. But as you know Mr. Chairman, this issue is one of compassion, and the broad base of support it has shows that it transcends one's political affiliation and ideology. Society is finally coming to grips with this vile act.

Of the 2 million prisoners in the U.S., a conservative estimate is that one in 10 has been raped. A 1996 study of the Nebraska prison system reported that 22 percent of male inmates had been pressured or forced to have sex against their will while incarcerated; of these, over half had submitted to forced sex at least once.

Other reports and investigations have all demonstrated that there is a shockingly high rates of sexual abuse in U.S. prisons.

Prison rape, like all other forms of sexual assault, is torture - the infliction of severe emotional and physical pain as punishment and coercion. Long after the body has healed, the emotional state remains traumatized and shamed; the individual is stigmatized.

The Supreme Court has made clear: "Being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society." Deliberate indifference to prison rape violates the 8th Amendment's prohibition against cruel and unusual punishment.

This is not just a matter of protecting inmates. Society also pays dearly for ignoring prison rape. All major studies show that prison rape costs the taxpayer in recidivism and increased violent crime. Inmates, often non-violent first time offenders will come out of a prison rape experience severely traumatized and will often leave prison more violent than when they entered. Finally, the high incidence of rape within prison leads to the increased transmission of HIV, hepatitis and other diseases, which in turn costs all of society.

While these policy realities of prison rape seem clear, to view this issue from the perspective of an individual inmate is necessary to understand the true nature of this abhorrent act. Rape may be

the ultimate humiliation, with very serious and long-lasting psychic damage to the victim as well as to close loved ones who are secondary victims. Prison rape receives virtually no attention by our media, our politicians, or the public at large.

What actually happens to the victims of prison rape? Prison rape survivors become rapists themselves in a demented attempt to regain what they think of as their "lost manhood." Some prison rape victims retaliate by murdering their rapists, receiving added years to their sentence. Another outcome of prison rape is suicide. Researchers have found that suicide is the leading cause of death behind bars. Sexual harassment is the leading cause of prisoner suicide.

No matter where the survivor ends up, severe psychosis is the most common outcome of prisoner rape. Sexual assault can often break a prisoner's spirit. In the advanced stages of rape trauma syndrome, a survivor's mood often swings between deep depression and rage. Prisoner rape may be the quickest, most cost-effective way of producing a sociopath. According to researchers, the fact that most men on death row were sexually abused earlier in life should come as no surprise. Indeed, it is a fact that society ignores at its own peril.

In April of 2001, the group Human Rights Watch published a report entitled No Escape that was a comprehensive investigation into the prison rape epidemic. Human Rights Watch deserves to be commended for this effort and I think that members of Congress concerned about our prison system should read this report.

The report shows that many of the inmates that are victims of rape were young and were often placed in prison as non-violent offenders. Also, many were scheduled for short sentences and would soon be returning to society.

The report also published some of the actual letters written by inmate victims of prison rape. For example an inmate in Florida writes.....

I was young and yes I was weak. My weight was only 120 pounds, the first few months I was raped and beat up many times, I would always fight back, I wanted my attackers to know that I was not a willing subject for their evilness. I went to the guards for help and was told there was nothing that could be done, that I would have to stand up like a man and take care of my own troubles.

I have attached excerpts from other letters that were published in the Human Rights Watch report that I would like to submit to the Committee for the record.

#### Excerpts from Inmates Testimony to Human Rights Watch

New inmates are often treated like property by older and more violent inmates. An inmate in New York writes....

When a man finally gets his victim, he protects him from everyone else, buys him anything, the victim washes his clothes, his cell etc. In return the entire prison knows that this guy has a "BITCH" or "girl." Now I've seen this happen many times. The response from the guards is "the strong survive," "who cares," or they join in the teasing and tormenting. But someone who is not "protected" has other problems. I've seen inmates attacked by two or three men at a time and

forced to the floor, while three men hold him down the fourth rapes him. I've known two men who have hung themselves after this.

An inmate from Arkansas.....

I had no choice but to submit to being Inmate B's prison wife. Out of fear for my life, I submitted to sex, and performing other duties as a woman, such as making his bed. In all reality, I was his slave, as the Officials of the Arkansas Department of Corrections under the 'color of law' did absolutly nothing.

An inmate from Minnesota writes.....

Most of the prisoners who rape are spending 5 to life. And are a part of a gang. They look for a smaller weaker individual. And make that person into a homosexual then sell him to other inmates of gangs. Anywhere from a pack of cigarettes to 2 cartons. . . .No one cares about you or anyone else. If they show kindness or are trying to be helpful, it is only because they want something. And if they are offering you protection you can guarantee that their going to seek sexual favors. . . . When an inmate comes in for the first time and doesn't know anyone. The clicks and gangs. Watch him like Wolves readying there attacks. They see if he spends time alone, who he eats with. Its like the Wild Kingdom. Then they start playing with him, Checking the new guy out. (They call him fresh meat.)

An inmate who was put in jail fora DUI offense.....

I've been sentenced for a D.U.I offense. When I first came to prison, I had no idea what to expect. Certainly none of this. I'm a tall white male, who unfortunately has a small amount of feminine characteristics. And very shy. These characteristics have got me raped so many times I have no more feelings physically. I have been raped by up to 5 black men and two white men at a time. I've had knives at my head and throat. I had fought and been beat so hard that I didn't ever think I'd see straight again. One time when I refused to enter a cell, I was brutally attacked by staff and taken to segregation though I had only wanted to prevent the same and worse by not locking up with my cell mate. There is no supervision after lockdown. I was given a conduct report. I explained to the hearing officer what the issue was. He told me that off the record, He suggests I find a man I would/could willingly have sex with to prevent those things from happening. I've requested protective custody only to be denied. It is not available here. He also said there was no where to run to, and it would be best for me to accept things...I probably have AIDS now. I have great difficulty raising food to my mouth from shaking after nightmares or thinking to hard on all of this...I've laid down without physical fight to be sodomized. To prevent so much damage in struggles, ripping and tearing. Though in not fighting it caused my heart and spirit to be raped as well. Something I don't know if I'll ever forgive myself for.

One Florida inmate, serving less than one year in prison.....

I was raped in prison from Feb 1991 through Nov 1991. From that it left me H.I.V. positive.

Mr. Chairman, we are learning more stories of prison rape. These accounts have only recently been cataloged, as often inmates, have been afraid to speak out for years. Throughout my career I have long believed that criminals deserve tough sentences. And I still believe that being tough on criminals serves to protect our larger society.

But ignoring prison rape has nothing to do with being tough on criminals. Deliberate indifference will only serve to undermine the entire criminal justice system. A man who is sentenced to time should serve that time but he is not sentenced to being raped and possibly contracting HIV.

I believe that our legislation will provide a chance to gain a full picture of how widespread this abuse is and offer incentives for correctional facilities to finally address it. For too long prison rape has been ignored. It is time to bring attention to this issue.

Thank you for allowing me the chance to testify here today and I would be happy to take any questions.