

Senate Judiciary

Subcommittee on Criminal Justice and Counterterrorism

Hearing on Sexual Assault in U.S. Prisons Two Decades After the Prison Rape Elimination Act

October 16, 2024

RESPONSE to Question for the Record by Bonnie Hernandez

Question from Chair Booker: Based on your own experience and your observations, what kinds of consequences do survivors face when they report abuse?

Response:

Individuals in federal custody who are being sexually abused face devastating consequences for reporting abuse. In fact, based on my observations and experiences, there is an underreporting problem in prison because people are so scared of the retaliation they will face if/when they report, that some simply never come forward. My story is illustrative of the consequences that survivors face.

It took me years to report the abuse that I endured precisely because I feared what would happen to me if I reported my abuser. But eventually, the violence got to a point that I feared for my life if I did not report. When I finally gathered the strength to report, I was immediately met with skepticism, suspicion, and judgment. The Officer I reported my abuse to asked me questions, not from a place of compassion, understanding, or documentation, but from a place of trying to decide if I was lying. I felt judged and ashamed, and regretted coming forward. The officer I reported to did not follow any protocol and did not mention PREA to me.

Because I could tell the officer was skeptical of my story, I demanded a rape kit. After submitting to a rape test, when I was brought back to the prison, I was placed in the SHU. The SHU is segregated housing, where you don't have access to the same privileges or resources that you do when you are in your normal unit. It is isolating, it is scary, and it compounds the trauma. It is retaliatory. Other women I was incarcerated with who were being abused were also put in the SHU after they reported the abuse. And other women did not report because they feared being put in the SHU.

Next, I was abruptly transferred to a pretrial detention center in the middle of the night. BOP did not transfer my personal belongings. Some of my belongings were replaceable –

food, hygiene items. But other were not – pictures of my daughters and letters from home that gave me comfort.

BOP thinks that transferring someone to a different facility will solve the problem – as if we, the victim, are the problem. Transferring someone to a different facility once they have reported abuse rips them from the community that they know and makes it feel like they did something wrong.

Being transferred to a new facility also does not protect people who reported from retaliation in the new location. Officers read files on our lives; they know all the details, and, in my experience, they gossip about what happened to other people in custody. Other incarcerated people will call you a snitch. Officers ignore you and treat you like you are a problem.

Every day that I sat in Miami, I regretted reporting what my abuser did to me, because I was so isolated. I had no fresh air, no video visits with my daughters, no job. It was the darkest period in my life. Just when I needed support the most, I was taken away from the environment I knew and was comfortable with at Tallahassee. My experience is not unique. I was incarcerated with many other women at Miami who had been transferred to Miami from other facilities after they reported being sexually abused.

The retaliation for reporting is real. It is traumatizing. And it discourages people from reporting abuse. Any legislative attempt to re-examine PREA must account for the consequences that incarcerated people face when they report abuse.