

September 24, 2024

RE: PREA REVISIONS

Dear Senators and staff:

Thank you for allowing formerly incarcerated victims of sexual assault to submit statements for your consideration at your upcoming hearing. I was incarcerated at FCI Dublin Camp from April 2022 to February 2023, following entering a plea to a white-collar crime. When I arrived, a Medical Officer abruptly withdrew most of my medications including psych medications. A few weeks later, when I entered the medical room for treatment, the same Medical Officer locked the door, and sexually assaulted me, in a violent manner. I was able to escape after there was loud knocking on the door and the Officer finally released me.

I reported the incident to two psychologists—one told me there was nothing he could do, there was no mental health treatment available at the facility for this kind of trauma, and he would place me in the SHU if I reported suicidal feelings (“for my own protection”). The other psychologist recommended I report outside of Dublin and the BOP, because it was not safe to report within. I faced severe retaliation during the remainder of my sentence, including the Medical Officer withholding my medications for two months, discipline resulting in terminating all contact with my family and lost commissary, and delayed release from Dublin. The retaliation came from Dublin, from Western Regional Office, and from Central.

My offending Medical Officer was walked off Dublin, following many other sexual assault complaints. I discovered later that he had a conviction of Assault of a female, a public record, and BOP still hired him at the all-women’s facility. He is one of 29 former Dublin officers still on paid administrative leave, going on 3 years now, with no BOP administrative conclusions nor are criminal charges filed by the DOJ.

PREA is a good start but it lacks “teeth” and is in its current form is ineffective “window dressing”. BOP hurries to put up PREA posters, right before there is any inspection. But the reality is reporting PREA within BOP is dangerous for us, resulting in severe retaliation and punishment from BOP. BOP does not take investigations serious, favoring their officers, and are quick to cover up incidents, often times “disappearing” the complainant into the SHU and/or to a BOP facility across the country.

As an example, Dublin had just concluded their most recent PREA inspection when I arrived at the Camp. The auditors are not independent. They did not speak with any incarcerated women in a safe setting where there could be forthright answers. While they were auditing, the Warden, Chaplain and Recycling officer were already under criminal investigation, and shortly after arrested, followed by a total of 8

arrests (so far.) The “independent” PREA audit resulted in high passing scores in the middle of all this criminal activity and formal investigations!

We have learned that this is not merely a “Dublin problem.” Sexual assaults by officers against incarcerated persons are occurring at all facilities—they just are not reported. Even outside of BOP, the recent DOJ investigations of California State prisons Chowchilla and Chino confirm sexual assault of incarcerated women by officers are not just a Dublin, or BOP problem, but rather a carceral problem.

1. BOP has proven they are unable to police themselves and remain in compliance with PREA (or most laws that the rest of us abide by). It is of paramount importance that an independent entity (such as a Special Masters “eyes and ears of a Court” ) oversee the process at each prison. There needs to be a safe setting for true reporting of sexual assaults.
2. There needs to be open and confidential access to reporter’s attorneys.
3. There also needs to be an independent entity (non BOP and non DOJ) to immediately investigate the claims. Priority has to be placed on a safe setting for the reporter. There needs to be a set timeline for investigation to be completed and findings made (unlike the 3 years now that former Dublin officers have been on paid administrative leave with no sight of when or if these will ever be finalized, or criminal charges filed.
4. DOJ has also stepped up in very minimal fashion. For instance, there is an email that DOJ says goes directly to the DOJ for investigation of PREA claims. This is not the case. BOP redirects the email internally. If DOJ receives any complaint, it gets sent to the prison facility where the reporter is housed. For PREA to be effective, there can be no “fox in the henhouse.”
5. As we at Dublin Solidarity have advocated, there needs to be independent mental health services available, outside of BOP control, especially to address the trauma from rape within prison walls.
6. Similarly there needs to be independent medical services and sexual assault evaluations outside of BOP control. The reporter needs a safe setting to report these violations/trauma.
7. Use of the SHU must be terminated in nearly all cases. The SHU is used for retaliation and punishment currently. In my case, a threat of where I would be placed if I spoke out any further.
8. Male officers should not be overseeing women in a carceral setting.

These are a few suggestions after experiencing first-hand the failure of PREA inside prison walls, and the painful retaliation that followed. I would be happy to speak in person at any hearing scheduled.

Thank you again for doggedly investigating these matters and earnestly seeking improvement, in the face of such resistance! I can be reached at 360-271-9099.

Darlene Baker