

Prison: A Refuge for Sexual Harassment and Abuse

Rasheem L., a 42-year-old African American Muslim, had already been held in solitary confinement for several years when he contacted Missouri CURE in 2015 while in the “Hole” at Southeast Correctional Center, located in Charleston, MO. Rasheem has been an insulin-dependent diabetic since age 15 when his pancreas "was blown apart by a bullet." He has a slight build, is 5’9” and weighs 146 lbs. He acknowledges suffering from Post-Traumatic Stress Disorder (PTSD) due to this event, which almost took his life.

Rasheem reports that, after being paroled in 2011, his parole was revoked when leaving town for a family emergency without his parole officer's approval. While re-incarcerated for violating his parole, he caught another charge for defending himself from “racist bigoted” correctional staff, adding an additional ten-year sentence. Rasheem has languished in administrative segregation for seven (7) years. Conditions escalated after Rasheem's active involvement in a hunger strike at Potosi Correctional Center in 2013, where he and a large number of co-signers of a **petition** called for humane treatment in segregation, such as ending the unlawful practice of withholding access to clothing, hygiene items, and food as punishment.

Rasheem was deemed a “**troublemaker**” for standing up for himself and others despite his physical and emotional vulnerability. As a result, he became the target of ongoing arbitrary taunting and provocations, as well as excessive ‘Use of Force’ that keeps him in constant fear and suspense of "catching another case," and of being held in indefinite lock-up, which would jeopardize his parole eligibility and which challenges his mental stability.

An insulin-dependent diabetic, Rasheem has been prevented from having adequate access to his insulin due to fears of sexual harassment and abuse, as reported in correspondences below. In numerous letters to Missouri CURE, he outlined these patterns of maltreatment, for which he has kept meticulous records. Rasheem is one of several prisoners to reach out to us regarding the arbitrary denial of decent clothing when taken out of his solitary confinement cell for access to medical care or the open-air cage for “recreation.” On Nov 2, 2015 he wrote:

“They are forcing us to walk across the yard to other housing units in our boxer shorts. We have to endure the catcalls from other prisoners. This is very wrong to have us exposed in this way. I am a Muslim. I have to come out of my cell twice a day for insulin. It’s against my religion to be forced to be indecent in such a way. We had to go to recreation in our

boxer shorts and t-shirts due to their claim that no pants were available.”

On February 4, 2016 he followed up with further first-hand experience regarding this practice:

*“I’m being sexually harassed by this tyrant CO II Deborah K. Payne. She is an extreme voyeur who stalks the showers every shower night. **I’ve filed numerous IRRs/grievances on her to no avail. I’ve also filed a PREA complaint to no avail.** My rights under PREA are being violated. (The Prison Rape Elimination Act, or PREA, was enacted by Congress in 2003.) They’re supposed to immediately separate the victim and the accused. They only encourage her to continue to harass, taunt and abuse me. **It’s to the point I have to forego my insulin at night to prevent from being abused or catch another assault.** There is serious animosity as well as moral depravity in here. **Every time I come out for my insulin, a use of force transpires.***

*On 1/8/15, when I came out for insulin I was given the directive to kneel down on this mat which all prisoners in H.U. I has to do in order to have the leg irons placed on them. I'm on special security orders where I have to have 3 pairs of restraints on and a camera with 5 officers present. So, as I was kneeling on the mat I notice the mat was soaking wet from all the flood water on the floor. (Someone flooded their toilet and water was all over the place.) I immediately stood back up. She became hostile towards me and ordered me back down. As they took me down, one of my legs was in front of me and the other one behind me bent in an awkward position. **They were unable to remove the leg irons, so she/he sprayed me in the face with pepper spray.** They then placed me in my cell, took the cuffs off, then left. Leaving me like that without any access to running water because she/he turned the water off so that I can suffer. I had to endure that for 20 minutes. They turned the water back on after the rest of the prisoners started kicking on their cell doors.*

On 1/14/16 I was placed in a corner cell all the way in the back cell 1-B-138 in a cell that's next to the back door and it has cracks in the walls. It's very cold back here. They will not fix the hole nor will they turn the heat on. The Warden Ian Wallace (whom I have animosity issues with dating back to 2002/2003 when he was a F.U.M. at P.C.C.) is a racist bigot. He and the Major, Terry White, hate me because I be challenging the conditions of my confinement and because I come to the aid of my fellow prisoners when they're being abused. I was trained and educated by one of the best jailhouse litigants that was here, the Bro. Keith Brown El, who is you all's

vice chair. (Give the comrade my regards.) OK, Ian Wallace was retaliating against me for an article I wrote.”

The article, published in 2016, included the petition of a hunger strike at Potosi Correctional Center in 2013, which called for protection of prisoners' constitutional and human rights in administrative segregation.

“He (Ian Wallace) came to my door to harass me about it. So I asked him, why is it that he will not remove CO II Payne from this post or send me away from here? I asked why I have yet to be transferred. He replied, "Your 2 years mark is not up yet." I then asked him what is he's going to do about the PREA issue and harassment? He said, "I don't care about that. My guy who handles the PREAs is down in Tennessee right now. She (CO II Payne) is not bothering with you." Then he stormed off. Bill Stange, the Deputy Warden, is the one who oversees all PREAs. I wrote to him to no avail. So later that day, 4:30 pm during insulin time, CO II Payne deliberately used the mechanical restraints to inflict pain on me. She slammed shut the shackles above my elbows catching my skin and pinching a nerve. I was denied medical care by Traci Plunk.

Okay, so if you will bring this to Dave Dormire's attention inquire why they're not honoring my rights under the PREA Act. Also, contact Justice Detention International Attorney at Law: Cynthia Totten. They oversee all matters regarding P.R.E.A.s and I've written to her. Please let her know I'm in dire need of her help and I'm in imminent danger.”

Rasheem further related that particularly Mental Health counselor Cynthia Reed not only lacked professionalism and cultural competency by using "vulgar language" and making "derogative, racist statements towards him," but abused her position for the purpose of "voyeurism" and coercion of prisoners "to participate in sexual misconduct."

I'm writing to bring to your attention that the medical personnel here at S.E.C.C. continue to deny me adequate medical care for my serious medical needs. Also, I'm being denied adequate mental health care. I am subjected to long term sensory deprivation behind box-car like doors without any type of therapeutic treatment."

On 2/3/16, during a therapeutic treatment planning session, when I asked that ad-seg prisoners be allowed “any therapeutic reading material" (as all books were taken away since 8/26/15, when a 'Correctional Emergency Response Team', or CERT, confiscated all property in adseg). Ms. Reed kept making gestures that I either masturbate or show her my penis. I have too much self-respect and dignity to succumb to her mind games", but I got upset." He was thereupon addressed as “you people” (having anger issues). I'm sending you several complaint forms with the request that you submit them to the appropriate place due to the fact I'm unable to at this moment due to not having any postage to do so. I'm only able to purchase 5 stamps

from canteen. One ink pen, 5 stamps, 5 envelopes and 50 pieces of paper is all I can buy. This was all a tactic designed by this administration to hinder my ability to contact the outside as well as hinder the process of me accessing the courts. I'm going to need you all to inquire about a few more matters concerning the conditions of my confinement as well as my safety and well being.

The Prison Rape Elimination Act of 2003 was enacted by Congress to address the problems of sexual abuse of persons in the custody of U.S. correctional agencies of the nature that Rasheem describes. It addresses both inmate-on-inmate sexual assault and staff sexual misconduct. Major provisions of PREA include:

- Adherence to a zero-tolerance standard for the incidence of inmate sexual assault and rape;
- Development of standards for detection, prevention, reduction, and punishment of prison rape;
- Collection and dissemination of information on the incidence of prison rape; and
- Award of grant funds to help state and local governments implement the purposes of the Act.

On February 28, 2016, Missouri CURE forwarded Rasheem's complaints to the Division of Professional Registration, Central Investigation Unit, in Jefferson City. Neither he nor Missouri CURE received a response. Nor was it ever revealed to us that on March 8–10, 2016 the Bureau of Justice Assistance of the U.S. Department of Justice conducted a PREA related audit at Southeast Correctional Center. According to the report, the audit team met with MODOC PREA coordinators, the SECC wardens and Acting Chief of Custody Captain Wilhite for an "entrance meeting" before proceeding with a site visit.

"During the three day on-site portion of the audit, the team completed file review follow-up, toured the facility and conducted formal staff and inmate interviews. **During the tour it was found that Housing Unit 1 (Rasheem's) and two shower areas had insufficient coverage in providing privacy of the inmate's genitalia and buttocks area from being viewed by female staff.** The facility took immediate action to correct this problem and while on-site constructed higher privacy coverage for the inmates in these areas.

The team interviewed 35 inmates, consisting of fifteen random inmates from all housing units, six of whom with disabilities and limited English proficiency. Four inmates disclosed sexual victimization during risk screening, six who had reported sexual abuse and four gay or bi-sexual inmates."

Rasheem was not amongst them.

The report continues:

“41 staff were interviewed, including the warden, PREA Coordinator, PREA Compliance Manager, Agency Contract Administrator, two Incident Review Team members, one charged with monitoring retaliation, three Human Resources, three Intake Staff, four Medical and Mental Health staff, ten random staff from each shift, three that perform screening for risk of victimization and abuse, two investigative staff, one who supervised inmates in segregation, two staff that have acted as First Responders, four intermediate or high-level supervisory staff and two volunteers.”

The summary of audit findings indicates:

“The team found the facility compliant on **all** applicable PREA standards. The staff at SECC were **well versed in PREA Standards and knew their duties and responsibilities in preventing, detecting and responding**, provided good documentation to show good institutional practices along with corroborating interviews which showed compliance. The inmates interviewed appeared to be well educated in PREA, to include knowledge of the agencies zero tolerance policy on sexual abuse and sexual harassment which also includes retaliation for reporting such...”

Compliance on all counts? Yes, a written policy of “zero tolerance” does exist. Contracting agencies such as Corizon Health, Inc., which provides medical and mental health staff “adopt and comply with PREA.” The facility has in place a “staffing plan” that “provides for adequate levels and, where applicable, video monitoring, to protect inmates against sexual abuse”, and conducts “unannounced rounds” of supervisors, to deter staff-to-offender sexual abuse and retaliation,” supervisors such as Captain Wilhite.

Rasheem reported that staff interactions with him are constantly videotaped – why were they not reviewed during the audit? And why was he not interviewed?

One of the areas where SECC “exceeded” standard requirements relates to “training sexual abuse investigators in techniques that include interviewing sexual abuse victims, (...) evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral”.

Apparently, the existence of the statewide Department of Corrections policy SOPD1-8.13, whose purpose it is (amongst others) to “ensure that all allegations of sexual abuse and sexual harassment are investigated”, to “require specialized training for PREA investigators”, and to “require multiple (internal and external) ways for inmates to report”, helps SECC in acing an audit. However, it does not prevent PREA violations – nor does it guarantee that prisoners are able to report, that appropriate investigations take place and are followed up upon.

The audit explicitly commends: “SECC provided examples of documentation to show multiple reporting methods provided to the inmates, to include posters,

brochures and flyers, and of these reporting methods to be utilized”. Again: “Staff knew their responsibility”.

Well, there was the shower issue, after all serious enough to prompt “immediate correction”. So questions remain: Why was the “well versed” staff at SECC incapable of recognizing this on-going PREA violation without outside intervention? And what other prisoner concerns did the audit not address or minimize?

The full audit document can be accessed [here](#):

For Rasheem, the institutional abuse not only continued but also intensified after the audit, strongly suggestive of retaliation. On April 27, 2016 he once again reached out to Missouri CURE and reported the conditions involving his treatment and abuse.

*“On 4/21/16 Captain Wilhite, Sgt. Payne and Sgt. ___ came to cell ordering me to give him my diabetic shoes. I told them I have a medical Lay-In and that they are medically necessary. They said that Brandi Juden authorized them to take them. I showed them the medical Lay-In. Captain Wilhite replied he don’t care about that and Brandi Juden said that lay-in is over. It can’t be because I was just issued it. Also, Brandi Juden is not a doctor. She lacks the authority to give a directive like that, nor can she make such clinical decisions. I have plantar warts and a sore on my left foot, also muscle atrophy, foot drop and Neuropathy (nerve damage). I can’t walk around without proper medical care/footwear. They are trying to inflict as much pain on me as possible. I am being retaliated against heavily. **Now they are trying to break me and degrade me.** Brandi Juden even ordered for them to take away my abdominal binder and **make me walk to and from the shower without my binder and t-shirt. They are trying to ridicule me in front of other prisoners. They are trying to make me vulnerable.** I have a gunshot hernia and I have no stomach muscles to hold my intestines in, just a skin graft. It is medically necessary that I wear this abdominal binder at all times, otherwise I’ll be placed at risk. **All these rogue officers be making threats towards me saying that they’ll hit me in my stomach and kill me.** I’m preparing a lawsuit as we speak. I have extensive evidence (physical as well as documents, along with witnesses).”*

On March 28, 2016, unaware of the audit (which was submitted to MODOC on March 25, 2016), Missouri CURE had brought Rasheem’s PREA related concerns to the attention of the Missouri Department of Corrections, strongly recommending holding SECC Warden Ian Wallace accountable for neglecting to enforce PREA standards on his premises. MODOC's Legal Counsel responded in a letter dated August 12, 2016:

“I understand that Mr. ___ has multiple concerns that Department staff are not following procedure or are in some way failing to provide care to which Mr. ___ believes that he is entitled. I note that Ms. Williams has addressed the medical concerns (...) In order to address concerns like

Mr. ___'s as they arise, the Department has instituted a grievance procedure and grievance appeal procedure. This process allows for multiple Department staff members at incrementally higher levels of authority to address offender concerns. In the future, I would encourage Mr. ___ to follow the Department's grievance procedure, as it is generally the most efficient method of resolving these types of issues.

*Sincerely,
Jay Boresi, Legal Counsel”*

One glance into Rasheem's DOC file would have informed Mr. Boresi of the numerous Internal Resolution Requests (IRRs) and PREA complaints that Rasheem managed to file using the grievance procedure, despite institutional roadblocks, such as described below on April 22, 2016:

*“The classification staff CCM Seabaugh, CCM Cossey and F.U.M. (functional manager in charge of a housing unit) Merideth still have my legal material in their office and are creating all kinds of unreasonable (delays). His tactic is this. If he gives me an IRR (Institutional Resolution Request) form, let's say, Monday, he's not going to make another round until the following Monday (**which violates the ad/seg policy IS 21-1.2, which states rounds are to be made daily**). So if I was to write for another one that same week he will not bring me one or send it in the mail. He's not going to give me another one until he discusses the one before. Policy doesn't support this erroneous practice. So I'll only get one twice a month. **Also his delay tactics thwart our ability to file on time. We only have 15 days to file a complaint, or it'll be dismissed. So it's hard to utilize the grievance system.** The grievance officer Young supports it. So does F.U.M. Merideth.”*

Rasheem has never received a fair hearing or serious consideration of his grievances.

Procedures aren't worth the paper they are written on if the institutions fail to uphold and honor their purpose. Where there is no accountability and prison staff maintains complete control over any chance of justice for the victims, it seems inevitable that sexual harassment and assaults not only go unchecked, but will continue to flourish behind closed doors with justice denied for the unseen and unheard. **What is called for is public oversight, transparency and accountability.**

Afterword: In June 2016 former Warden Ian Wallace was promoted to Deputy Director of Adult Institutions/MODOC Central Office. He officially retired in 2018.