be presenting her testimony through the reading of that by Ms. Cynthia Totten, also of Stop Prison Rape, a survivor who is alleging that during her period of incarceration that she has been sexually assaulted.

So we will first have the testimony of Ms. Kathy Hall-Martinez.

If you could please stand and take the oath.

Do you solemnly swear or affirm that the testimony you will provide to this Commission today will be the truth, the whole truth, and nothing but the truth, so help you God?

MS. KATHERINE HALL-MARTINEZ: Yes, I do.

CHAIRMAN WALTON: Okay. Thank you.

Thank you for being here.

MS. KATHERINE HALL-MARTINEZ: Thank you very much. I'm honored to address the National Prison Rape Elimination Commission today at this, your sixth official public hearing and your first in our hometown, Los Angeles.

As Judge Walton said, my name is Kathy Hall-Martinez, and I'm co-executive director of Stop Prison Rape, a national human rights organization that seeks to end sexual violence against men,
women, and youth in all forms of detention.

The Commission's topic today, the role of staff and implementing PREA, is a highly complex one. Most of what I'm going to be talking about today concerns staff sexual misconduct and the inadequate system response thereto.

Before I get to those examples that I'm going to talk about, a few words of introduction. In SPR's experience, corrections officers and administrators are often not aggressive enough in preventing and responding to sexual violence, whether involving another inmate or a colleague.

Much of our work relates to trying to give a voice to survivors of sexual violence behind bars. That is part of my testimony's goal today. Even in perhaps especially when they come forward to report what has happened to them, the letters that we receive on a daily basis tell us that they end up with little to show for it, other than frustration, the procedures often aren't followed, and too frequently they experience retaliation.

In our view, many, though by no means all, corrections administrators understand the threat to their institutions posed by sexual violence, perpetrated by the very staff that are charged with
keeping prisoners secure.

Unfortunately, many of these deny -- many of these individuals deny that things are happening in their facilities because there aren't that many reports that come forward.

However, when something comes to their attention, most of them certainly do want to address the shocking assaults that may come out.

Corrections line staff are even a bit more of a mixed group, and we do think that this is largely due to inadequate training and a prison culture that seems to reward an adversarial approach to keeping prisoners in line.

We do recognize, however, that facility overcrowding and understaffing contributes to this culture, but it does not absolve any individual or the system of responsibility for taking measures to ensure every inmate's bodily integrity.

Our database has about 660 survivors of sexual assault in detention facilities spread across the United States at this point. 25 percent of those, of the letters we have received, report that a corrections officer or other corrections staff member was the perpetrator. Over one-third of those prisoners are women.
While we never claim the information in our database has any statistical significance, it is interesting to note how frequently women write to us about sexual abuse by corrections personnel relative to their numbers in detention facilities compared with men.

Nearly all inmates who write to us do so out of desperation. This is quite clear in their letters. Many have tried to work within the formal grievance procedure, but the system has failed them. A few don't report at all because they're too frightened about possible repercussions, and so they don't try but, instead, remain isolated and emotionally tormented by what has happened.

Many corrections administrators now tell us, as they have you as well, that they truly believe times have changed, that with PREA now in place and a greater awareness of the damage caused by sexual violence, that things are looking up. While we hope this is true, we continue to get bombarded by letters with examples to the contrary. Many female inmates in particular suffer rape, sexual abuse, and humiliation at the hands of corrections officers and staff.

As the following examples illustrate, the
lack of power these women have both because of
gender dynamics that occur in society in general and
the fact of being incarcerated creates an impossible
situation that corrections administrators often
exacerbate through their responses, whether
unwittingly or not.

These women go through grueling ordeals if
they choose to report the sexual misconduct of a
corrections officer. Much as rape laws and
investigative procedures did in the community 30 or
40 years ago, the women are not believed.

Physical evidence they go to pains to
preserve is often compromised or lost. Moreover and
most painful for them, there is a presumption,
whether formal or informal, in favor of the officer
when allegations of sexual abuse are made.

Officers frequently keep their job and
remain on duty and in contact with inmates even
during investigations. In our anecdotal experience,
this only ceases when multiple women come forward.

The survivor witness who is to testify
today, who we refer to as "Jane Doe," decided just
last Friday that she did not wish to testify after
all. She became frightened and uncomfortable with
the prospect of testifying because of the level of
attention she received last week from officials at
the California prison where she is now incarcerated,
following a visit from an SPR staff person.

She was the victim of rape by a corrections
officer at a facility different from where she is
now being held.

While the warden and lieutenant
facilitating the SPR staff person visit were told
that the sexual assault in question occurred at
another CDCR facility, they nonetheless ordered her
to be interviewed by the prison's investigative
services unit last week so that it could be
confirmed that she had not experienced any problems
with sexual abuse at her present facility. They did
not take steps to maximize her safety or privacy.

Unfortunately, as is true in virtually
every corrections facility, being called to ISU does
not escape the notice of either corrections officers
or fellow inmates.

Because she was called down to ISU and
procedures require her to be logged out by the
housing officers in her unit, this, in turn,
increased her visibility.

Similarly, her boss at her prison job, who
is a corrections officer, excused her from work so
she could meet with SPR again but inquired about who
was visiting her and whether it was an attorney and
why she was -- why she was having this visit.

This all led Ms. Doe to be extremely
anxious, and she became convinced based on these
responses that her daily prison life would be much
worse and that she could even be in danger if she
appeared in person at the hearing.

Avoiding an unexplained absence to go
testify meant her life at the prison would more
quickly return to normal. Above all, she was
petrified of somehow incurring a third strike. She
has two previous convictions under California's
three strikes law through some kind of a trumped-up
grievance or other write-up by staff.

This fear likely has some basis in her
reality of having observed how the system comes down
hard on prisoners like her who make waves and let
corrections officers who break the law or the
procedures off the hook.

That impunity, whether for perpetrating or
covering up sexual abuse, needs to be addressed at a
systemic level. Corrections administration and
staff training would seem to be absolutely
fundamental here.
A Denver, Colorado, woman's nightmare began when a corrections officer, who was her job supervisor, began raping her over several weeks in late 2001 and early 2002.

She recounts, and I quote (as read):

"To this day, I keep thinking of what I could have done differently, but fear took ahold and I did what I felt I had to do. He acted as if the sexual assault was natural and part of my job.

"I contracted gonorrhea and was treated with antibiotics. I reported all of this to my case manager. I had to continually ask the status of the case or when someone was going to come talk to me.

"I finally spoke to the investigator, gave a verbal, written, and tape-recorded statement. The sergeant still remained employed here. He got one inmate pregnant and continually had sex with another."
"My case manager has full knowledge of this situation and so does the warden. I should have been moved from the beginning of my allegations and persistence in this matter." And then she quotes, "According to DOC rules," in a sort of ironic ending to her letter.

The relatively encouraging ending to this story, however, is that the perpetrator was eventually prosecuted and convicted in late 2004 -- but that was about two years after his assaults on this woman -- for second-degree sexual assault and attempted sexual assault of two other women. And we have the news reports of that case.

As is typical in these cases, one wonders why several other women had to be sexually assaulted after this woman had come forward and why it is that corrections -- this corrections official was not prohibited from having access to female prisoners.

Female prisoners are not the only victims of male corrections officers. We recently received a letter from a 56-year-old man incarcerated by the Texas Department of Criminal Justice.

On September 28th, 2005, a corrections
officer asked the prisoner to perform oral sex, and
when he refused, the officer withheld meals from
him.

And I quote now (as read):

"I was waiting to go into my
cell while being handcuffed behind
my back, and the officer asked me
to suck his dick.

"He said, 'You're a bitch, and
that's why I want you to suck my
dick.'

"As I was kneeling down at my
tray slot to be unhandcuffed, he
then pulled down his zipper,
attempting to have me perform his
desired sexual act through the tray
slot. I refused, and he later
refused to feed me as a result of
my refusal," end quote.

Another officer was present at the time of
the incident and stood by laughing but not doing
anything to stop the offending officer.

As of his most recent letter to us, the
inmate had filed Step 1 and Step 2 grievances but
nothing had yet happened and he was fearing for the
A 30-year-old gay inmate currently incarcerated in New Jersey recounted how he was repeatedly harassed by a corrections officer. Quote (as read):

"The first incident occurred in March 2006. At that time the corrections officer entered the wing in which I house and proceeded to my cell.

"He then stated, 'Come on, give me some love, show me your ass while you play with yourself.'

"When I refused, he then stated, 'I will make sure you don't eat or get showered unless you do as I say.'

"The second incident occurred in early April 2006. It started at 6:00 a.m. when the same officer was taking count. He stopped at my cell, exposed his genitalia, and stated, 'I know you want some of this big black dick.'

"When I did not respond, he
stated, 'If you don't come kiss it, I will give you a charge," meaning a disciplinary infraction.

"This persisted throughout the entire day with many threats, most being of a sexually explicit and violent nature. He also threatened to search my cell and urinate on my bedding and clothing and contaminate my commissary items with his penis," end quote.

The inmate was eventually transferred after reporting the officer but believes that it is simply another form of reprisal because his new facility does not offer any mental health counseling. There he has also been forced to use violence to protect himself against an inmate who was being sexually aggressive and has since then been placed in administrative segregation.

In a recent letter he recounted that he has no access to counseling and is not allowed to make phone calls to his family.

As is far too typical in these cases, after COs and administrators come to learn of the allegations against the CO, it is the victim who
ends up being punished.

A 27-year-old Texas inmate, a male, wrote to us in 2004 about several incidents of sexual assault by the same male officer. The first time he told himself, quote (as read):

"It was a one-time thing, and I figured I could hide it. I was ashamed of it and I didn't want anyone to think of me as being gay," end quote.

When it happened two other times soon thereafter, two other inmates helped him to have the courage to come forward. He hated being labeled a snitch and being laughed at and ridiculed by both officers and inmates, but he moved forward and took a voluntary polygraph test and was then supported by eight other officers and two inmates who gave statements supporting him.

He also described a tattoo on the officer's private parts. He then states and I quote (as read):

"It's hard to believe that after all this, the only step the administration has taken is to place this officer in the horse
barn away from me, which makes me angry because of what has happened in my life.

"But another inmate suggested since the administration seems to want to cover this up, that I should attempt to file a civil class-action suit on TDCJ or/and the officer just to keep this going, which I don't know anything about," end quote.

In the face of these ongoing abuses, we at SPR admit to feeling some frustration when corrections administrators and policymakers rail against inmates filing lawsuits when the system has completely failed to provide even a modicum of justice for an inmate like this one. Even if he is able, unseasoned in prison litigation as many are, to attempt to keep this going, shouldn't he have that right?

Of course, we and you know the barriers to this kind of a suit succeeding are severely compromised by the Prison Litigation Reform Act and could well bar his case from the courts.

A final example of a facility's inadequate
response to staff sexual misconduct. Just the day before yesterday, after we sent out our press bulletin concerning this hearing, we received the following e-mail, and I quote (as read):

"I was incarcerated in the California Youth Authority from 1999 to 2005. While I was in the Heman G. Stark YCF, I was coerced by a staff member to have sex with him. And in return, he bought me things such as rings, food from the outside, necklaces, et cetera. "It was investigated, and I was moved from the institution and placed in Northern California, but he kept his job. What can be done about this?" End quote.

And then the young man expressed some frustration that he didn't have any transportation by which he could have come to the hearing today.

I want to switch gears now to talk just briefly about how corrections staff response too often falls short, even when victims do report sexual violence, as I've suggested in some of these examples.
38 percent of those who have written to us reported the incident, but no investigation had taken place as of the time they had written to us. At best, this indicates an appalling lack of communication with the inmate about their complaint. At worst, it indicates that the corrections institution doesn't care about what happened to the inmate in their facility and have no intention of disciplining the staff who were -- disciplining or prosecuting the staff who were involved.

Another example I wanted to give involves an inmate from Alabama who was -- who wrote to us in desperation. We also received a very upset call from his mother related to an assault that occurred in September 2006.

Another inmate armed with an ice pick and leather straps walked the long distance past the CO stations, forced open the victim's cell, jammed the lock, and shut the door. He then violently beat and raped the inmate. Other inmates called out for the COs to intervene or later to assist him, but no one came.

The inmate was found bloodied on his cell floor the next morning at first count. The infirmary doctor on duty wanted him immediately
taken to a hospital, but corrections staff
interrogated him for three hours before allowing him
to be taken to the hospital.

   During this interrogation, the morning
after his assault, he was told to, quote, "suck it
up," quote, "stop crying," and "be a man now." He
was also called a liar, was verbally abused, and was
subjected to disparaging remarks about his gay
sexuality and homosexuality generally.

   Immediately upon return from the hospital,
he was put in administrative detention, isolated,
and had all other privileges taken away. He managed
to smuggle a letter out to his mother.

   He was released from administrative
detention only after passing a polygraph test.
Subsequently he wrote to us at SPR.

   I also wanted to just briefly mention that
we've had to grapple recently with multiple letters
from a number of detainees in the same unit of
facilities in a couple of different states where
there's been quite serious staff misconduct or
complicity.

   We have found that contacting senior
corrections administrators endangers the inmates.
There is a clear sort of pattern of retaliatory
measures that are being taken against these inmates up to and including physical threats. This involves large facilities, as I said, in a couple of states where senior state officials claim to be serious about implementing PREA.

We don't know yet what exactly we'll do. We don't have the resources to take on these systems alone. And we certainly do not want to jeopardize inmate safety because that is of grave concern and something that we can't sort of get in between, even as we know at the same time that these inmates are reaching out to us as a last hope.

On a final note and one more serious thing, I do want to say, and in conclusion, is that we do understand at SPR how challenging the work of all corrections personnel is. And we greatly appreciate the hard work of huge numbers of corrections staff, from senior administrators to line staff, to medical staff, in addressing sexual violence in corrections facilities.

Indeed, even in corrections systems that have as yet done little to implement PREA, we recognize that many corrections officials use common sense and do their best to confront prisoner rape in their jobs day in and day out.
We recognize a range of issues that challenge us all not to make light of the goal of substantially reducing or eliminating prisoner rape from corrections facilities, from overcrowding, and inadequate staffing, to a culture outside of prison that provides justification for assaults that occur on the inside.

The list of challenges is indeed long, and we're committed to collaborating with corrections staff nationwide at the same time that we will continue to aggressively advocate for better prevention and response initiatives, including PREA's full implementation.

We stand ready to provide our expertise to the Commission in any way that's useful. And I want to thank all of you as well as the Commission staff, who has collaborated with us closely and fruitfully throughout this series of hearings that you all have had.

I want to thank everyone here today for your attention.

And I finally want to just mention that my colleague is now going to read the testimony of the Jane Doe survivor that I referred to at the beginning of my testimony.