

State-by-State Prisoner Rape and Sexual Abuse Round-Up | Prison Legal News

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by Matt Clarke and Alex Friedmann

In 2006, Prison Legal News published a cover story, *Guards Rape of Prisoners Rampant, No Solution in Sight*, that presented a compilation of news reports concerning the rape and sexual abuse of prisoners by prison and jail staff, police officers and other law enforcement officials. [See: PLN, Aug. 2006, p.1].

Three years later PLN ran another cover article, titled *Sexual Abuse by Prison and Jail Staff Proves Persistent, Pandemic*, which described dozens of reports involving prisoner rape and sexual assault in correctional facilities across the U.S. [See: PLN, May 2009, p.1].

Despite the enactment of the optimistically-named Prison Rape Elimination Act (PREA) by Congress, the criminalization of sex acts between prisoners and those who guard them, and the adoption of “zero tolerance” policies by many prison and jail systems, the situation has not greatly improved. This is partly because reducing prisoner rape and sexual abuse is simply not a priority for corrections officials. Indeed, rape and sexual assault are integral elements of American prison and jail management. How else to explain the prevalence, tolerance and acceptance if not encouragement of the practice?

Unfortunately, “rape camps” is a term only used to describe prisons in other countries, not the United States.

Although PREA was signed into law in September 2003, almost nine years later the U.S. Attorney’s Office still has not promulgated PREA standards for prisons, jails and juvenile facilities. Further, the proposed standards being considered by the U.S. Attorney have been considerably watered down to make them more palatable to corrections officials and more cost effective – as if a price tag can be placed on the prevention of prisoners being raped and sexually assaulted. [See: PLN, July 2011, p.38].

According to a survey by the U.S. Department of Justice, Bureau of Justice Statistics, from 2008 to 2009, 2.8% of state and federal prisoners and 2.0% of jail prisoners reported at least one incident of sexual victimization by a corrections employee within the preceding 12 months. While those percentages may seem low, they reflect an estimated 57,000 incidents of sexual victimization by staff members in just one year.

Most of those incidents (an estimated 36,800) were described as “unwilling”; e.g., unwanted

sexual contact involving prison and jail employees. While the remaining incidents were considered “willing,” prisoners cannot legally consent to sex acts with staff members.

The same survey found that 2.1% of state and federal prisoners and 1.5% of jail prisoners reported they had been sexually victimized by other prisoners. Thus, according to the survey data, prisoners housed in both prisons and jails reported they were more likely to be sexually victimized by corrections employees than by other offenders. [See: PLN, June 2011, p.40].

Rates of sexual abuse reported at juvenile facilities are even higher, with an estimated 10.3% of juvenile prisoners reporting staff sexual misconduct in 2008-2009, according to a separate Bureau of Justice Statistics report. [See: PLN, March 2010, p.22].

Are some prison and jail employees wrongly accused of rape or sexual abuse? Of course – just as some defendants who are not employed in corrections are wrongly accused of sex offenses. However, the sheer number of such allegations, including those self-reported by prisoners and those documented by corrections officials, indicate that prisoner rape and sexual abuse by staff members remains a significant problem.

Unfortunately the sexual assault of prisoners is the only form of rape deemed fit for humor, with entire movies (Let’s Go to Prison, Big Stan) dedicated to making fun of prison rape victims. The pain and suffering of prisoners who are raped is minimized, ignored, mocked or worse by the very government officials charged with enforcing the law. Despite the seeming crackdown on sex offenders, when the victim is a prisoner and the rapist is employed by the government, we enter the land of dropped investigations, lackluster prosecutions, sweetheart plea deals, probation, suspended sentences and generally very light punishment. Proving that it is less the act of rape that rouses governmental ire as the identity of the victim and the perpetrator.

In this latest round-up of news reports from 35 states, we examine incidents involving prison and jail staff and other corrections employees who were indicted, arrested, convicted or sentenced for raping or sexually abusing prisoners over a 12-month period, from March 2011 to March 2012. This compilation is far from exhaustive, but demonstrates the scope of the continued problem of prisoners being sexually victimized by staff members.

Alabama

On October 1, 2011, Carolyn Burns, 53, a kitchen worker at Holman Prison, was arrested after a guard found her having sex with a prisoner in a kitchen closet. She was charged with sexual custodial misconduct and resigned after being released on \$10,000 bond. She had been employed at the facility for two months.

Former Morgan County jailer Tracie Lynn Thompson, 38, pleaded guilty on June 1, 2011 to charges of promoting prison contraband and custodial sexual misconduct. She was prosecuted for having sex with a male prisoner and smuggling a cell phone and prescription medication into the jail for him. According to court records, Thompson was sentenced on September 27, 2011 to

three years with one year suspended.

Jimmy Katrell Craft, 23, a jail guard with the Baldwin County Sheriff's Office, was arrested on April 11, 2011 after he reportedly admitted to investigators that he had sex with a male prisoner. Craft was charged with sodomy for allegedly engaging in sexual activity in an employee bathroom during the night shift. "The inmate said he did feel at one time pressure to do that, and also probably in exchange for some favoritism," said Sheriff Hoss Mack. Craft was placed on paid administrative leave.

Arkansas

In July 2011, Billy Joe Smith, 48, a guard at the Union County jail, was charged with three counts of sexual assault and three counts of furnishing prohibited articles to a prisoner. Prisoners told investigators that Smith had given a female prisoner photos of her children in exchange for sex, and had provided other prisoners with a cell phone and cigarettes. He pleaded guilty in September 2011 and was sentenced to five years probation.

California

Brandon McKinney, 34, a guard at the federal Metropolitan Correctional Center in San Diego, was indicted for sexual abuse of a ward on March 16, 2011 and arrested by Department of Justice and FBI agents. He is accused of having sex with a female prisoner. McKinney was released on \$100,000 bond in April 2011.

On May 16, 2011, James Arroyo, 54, a former cook at the Orange County jail, was sentenced to nine months after pleading guilty to four misdemeanor counts, including sexual battery of two female prisoners he supervised. He followed one prisoner into a closet and fondled her breasts, and cornered the other in a storage room and forced her to kiss him. Arroyo will also have to serve five years on probation and register as a sex offender. He had been arrested and placed on administrative leave in February 2011. [See: PLN, May 2011, p.50].

Orange County sheriff's deputy Jennifer McClain, 29, was arrested on February 9, 2012 on suspicion of having sexual contact multiple times with a prisoner at the Men's Central Jail in Santa Ana. McClain, who had been employed with the sheriff's department for five years, was released on her own recognizance. The sexual acts reportedly occurred in November and December 2011.

A Fresno County jail guard, Akinsoji Oscar Okin, was arrested and charged with sexual contact with a female prisoner on October 7, 2011 after other prisoners reported the incident. Okin, who had worked at the jail for six years, was released on \$100,000 bond on the felony charges. According to a news report, Okin had previously been fired from the Sheriff's Department in 2006 for picking up a prostitute; he was reinstated two years later after filing a successful appeal with the Civil Service Board.

On January 4, 2012, Joseph Struzzieri, 28, a civilian employee with the Chula Vista Police Department assigned to supervise female prisoners at the city jail, was arrested on a misdemeanor charge of consensual sexual activity with a prisoner. Struzzieri, who is no longer employed by the police department, was released on his own recognizance. A female prisoner said she had engaged in sexual activity with him twice in an unsupervised area at the jail. "Based on information based on the interview with the inmate and also based on the information from the employee himself, we have more than sufficient information, evidence and facts that sexual activity did occur between both of them," said Chula Vista police chief David Bejerano.

Ralph James Kress, a former detentions deputy at the Mojave Jail in Kern County, was arrested on March 9, 2012 on charges of sexually assaulting a female prisoner when she was being booked into the facility. Kress faces charges of oral copulation via threats or force, oral copulation with a confined prisoner and assault under color of authority. He was initially placed on administrative leave, then later fired.

Another Kern County detentions deputy, Anthony Michael Lavis, 56, was sentenced in June 2011 to 40 months in prison on three felony charges of sexual misconduct involving female prisoners at the Lerdo Jail. Lavis had pleaded no contest to the charges; his attorney said he was manipulated by the prisoners. According to the prosecution, Lavis' misconduct included telling a female prisoner who had been taken off suicide watch that she would have to "show him something" before she got her clothes back; he also allegedly touched other prisoners in a sexual manner.

Former Lompoc Federal Correctional Complex guard Renee Noelle Gutierrez, 42, pleaded guilty on January 18, 2012 to a felony charge of sexual abuse of a ward. She reportedly committed a sex act with a prisoner in April 2010 when she worked as a dorm supervisor at the prison. She resigned before she was indicted, and has not yet been sentenced.

Connecticut

On July 13, 2011, Neal Kearney, 50, a former deputy warden at the Bergin Correctional Institution, was sentenced to 30 months in prison and 6 years of special parole for second-degree sexual assault after a male prisoner informed his probation officer that he had sex with Kearney both inside and outside the prison. The prisoner said he felt unable to refuse Kearney's advances because he feared retaliation; he was required to perform oral sex on Kearney about 25 times. The prisoner hid a rubber glove containing some of Kearney's semen in a broom closet, which was later recovered by investigators.

"I felt like I could not tell him 'no' because he had such power over me and he would keep me in prison if I did not do it," said Kearney's victim.

Kearney continued to receive his \$5,555 monthly pension from the state following his conviction on the sexual assault charge, but under a settlement reached in October 2011 in a lawsuit filed by the Department of Correction, he will forfeit \$2,000 a month to defray the cost of his

incarceration.

Florida

On September 9, 2011, Jack Chris Jackson, 45, a guard at the Federal Correctional Institute Miami, was indicted for engaging in a sexual act with a prisoner and falsely denying his misconduct to federal investigators. Jackson pleaded guilty on December 20, 2011 to sexual abuse of a ward. On March 19, 2012, he was sentenced to 12 months and 1 day in federal prison plus five years supervised release.

Chadwick Buford Holmes, 32, a jail guard with the Levy County Sheriff's Office, was arrested on June 30, 2011 on a third-degree felony charge of sexual misconduct. He is accused of repeatedly having sex with a female prisoner in a bathroom, and was booked into the same jail where he is alleged to have committed the sex acts.

Georgia

Gwinnett County sheriff's deputy Duone Clark, 40, was arrested on February 8, 2012 for allegedly sexually assaulting a male prisoner at the county jail. Sheriff's officials said other prisoners witnessed the incident, which occurred in January 2012. Clark, who was charged with sexual assault and violation of oath by a public officer, resigned and was jailed without bond.

Hawaii

On April 7, 2011, Ryan Malasig, 44, was sentenced to 18 months in prison after he admitted to having sex with a 33-year-old transgender prisoner and pleaded no contest to second-degree sexual assault. Malasig was a guard at the Oahu Community Correctional Center when he told the prisoner to perform oral sex on him. The prisoner preserved a shirt containing Malasig's semen and turned it over to authorities. Malasig will be required to register as a sex offender for life. [See: PLN, July 2011, p.50].

Illinois

Former McHenry County jailer Elias D. Fortoso, 31, pleaded guilty in March 2011 to two felony custodial misconduct charges and was sentenced to 40 days in jail, to be served on weekends, plus 30 months probation. As part of a plea agreement he must also participate in sex offender treatment and pay a \$1,806 fine. Fortoso admitted that he had asked two female prisoners to show him their breasts when he worked at the jail in 2008 and 2009.

On October 20, 2011, a jury convicted former Illinois Youth Center supervisor George E. Sabie, 55, of criminal sexual assault, custodial sexual assault and official misconduct for having a 17-year-old male prisoner perform oral sex on him in exchange for a promise of payment. Sabie said he would give the prisoner \$400. The juvenile saved some of Sabie's semen on a tissue, and has since filed a lawsuit seeking \$22 million in damages. Sabie was sentenced in February 2012 to 6

years in prison and will have to register as a sex offender.

Kimberly D. George, 34, a nurse at the Big Muddy Correctional Center, was taken into custody on October 20, 2011 on felony charges of having sex with prisoner Leslie Matos.

George was released the same day she was arrested, on \$40,000 bond. Matos was charged with possession of contraband after he was found with a cell phone, which he had obtained from another prison employee, dental hygienist Nova Clarry, 52.

On May 5, 2011, former Illinois Department of Corrections probation officer Robert Rowels, 46, was convicted at a bench trial on charges of custodial sexual misconduct and official misconduct for having sex with a female parolee under his supervision. Rowels had threatened to send the woman back to prison if she didn't perform oral sex on him. The parolee was able to preserve some of Rowels' semen on a tissue, which was later matched to him.

Former Ford County jailer Phillip S. Santefort, 41, pleaded guilty to one count of sexual abuse of a person in official detention and was sentenced on May 20, 2011 to 8 months in federal prison followed by three years of supervised release, including 8 months on home confinement. He must also register as a "Tier I" sex offender for a minimum of ten years and pay a \$3,000 fine; he was prosecuted for having a female prisoner perform oral sex on him.

Santefort was previously employed as a Calumet City police officer, but that career ended in 2006 when he pleaded guilty to misdemeanor theft after being accused of stealing \$26,000 in cash seized during drug busts. He then became a jail guard. The prisoner he victimized has filed a lawsuit seeking \$300,000 in damages from the county, sheriff and four sheriff's department employees. [See: PLN, May 2011, p.50].

Indiana

Michelle Jackson, a South Regional Community Corrections officer in Dearborn County, was arrested on February 17, 2012 and charged with sexual misconduct by a service provider, a felony, for having a sexual relationship with Eric Coleman, a jail prisoner who was on work release and later placed on home confinement. Coleman told investigators that Jackson would pick him up while he was on work release for sex, and that she had changed the perimeter of his home confinement monitoring device so they could have sex in his driveway.

Vigo County jailer Shelby Smith, 25, was fired on April 11, 2011 following his arrest on charges of sexual misconduct with a detainee, official misconduct and trafficking with a prisoner. According to investigators, Smith was smuggling tobacco to prisoners in exchange for sex acts. He allegedly went to a cell block housing female prisoners and had one prisoner perform oral sex on him while he fondled another.

Iowa

On March 25, 2011, Megan Elizabeth Cecil, 32, a former Department of Correctional Services residential officer, was sentenced to two years probation on two counts of sexual misconduct and required to register as a sex offender. She had been charged with having sex with a male prisoner at the Burlington Men's Residential Facility four times in March 2010. [See: PLN, June 2011, p.50].

According to court records, former Dallas County jailer Kevin Paul Hines, 60, pleaded guilty to sexual misconduct with an offender and was sentenced on June 10, 2011 to two years; he was also ordered to register as a sex offender and pay \$1,599.02 in restitution. Hines had been arrested in 2009 for raping prisoner Tamera Poeschl three times in a temporary jail cell.

Kentucky

In July 2011, James B. Johnson, a sergeant at the Kentucky Correctional Institution for Women, was arrested and charged with 50 counts of official misconduct, 25 counts of second-degree sexual abuse, one count of promoting contraband and one count of trafficking in a controlled substance. He is accused of smuggling drugs into the facility and sexually abusing female prisoners.

Louisiana

Two Dixon Correctional Institution guards were arrested on December 21, 2011 after they were accused of having sexual relationships with prisoners. Bernadette Ellis, 48, and Therez Wicker, 33, were charged with malfeasance in office by sexual contact with a prisoner. Both were later released on bond.

On April 7, 2011, Joseph Taunton, 32, a former guard at the LaSalle Correctional Center, pleaded guilty to engaging in a sex act with a federal prisoner; he was sentenced in July 2011 to 10 months in prison and will have to register as a sex offender. Taunton admitted to entering the prisoner's cell while on duty and engaging in sexual activity.

Orleans Parish Prison guard Dejuan R. Thomas, 38, was arrested on September 9, 2011 for sexual misconduct involving a male prisoner. Charged with aggravated rape, second degree kidnapping and sexual malfeasance, he is accused of removing the prisoner from his cell in handcuffs and forcing him to perform oral sex in a closet. Thomas was released on a surety bond following his arrest, but failed to turn himself in after being indicted. He was re-arrested on March 6, 2012.

Paul Nathan, 50, a former contract medical technician at the St. Tammany Parish jail, pleaded guilty in September 2011 to malfeasance after a female prisoner accused him of sexual misconduct. The prisoner told investigators that he exposed himself and asked her for oral sex, which she performed out of fear of retaliation. She preserved Nathan's semen by spitting it into a sling she was wearing, then mailed the evidence to a friend who passed it on to the prisoner's attorney. Nathan claimed he was "suckered" by the woman, who made advances and seduced

him, and that he finally “gave in and allowed her to do it.”

Nathan was sentenced to four years in prison on the malfeasance charge; at the time he was staying in a halfway house after pleading guilty to unrelated federal charges of acquiring OxyContin, Ambien and hydrocodone by misrepresentation, for which he received one year of supervised probation. He had previously been sanctioned by the state Board of Medical Examiners and was required to surrender his license to prescribe drugs.

St. Tammany Parish Sheriff Jack Strain said he knew about Nathan’s federal conviction when he hired him, but defended the hiring decision because Nathan was willing to work at the jail “for a fraction of the typical cost,” according to a news report.

Maryland

In November 2011, Somerset County Detention Center guard Roland Vernon Bozman, 24, was charged with sexual misconduct with a female prisoner. The prisoner, Carla Ruf, 19, informed the acting warden at the facility that she had sexual contact with Bozman in a control room, which included kissing and performing oral sex on him. Bozman reportedly admitted to the incident.

Terrance L. Schoolfield, 31, a guard at the Wicomico County Detention Center, was arrested in July 2011 on charges of second-degree assault, fourth-degree sex offense, general prostitution, perverted practice and sex offense with a prisoner after a weeks-long investigation into allegations that he sexually abused female prisoners. He was jailed without bond.

Schoolfield pleaded guilty to sexual misconduct charges on November 14, 2011. He was sentenced to 18 months in jail and will be allowed to participate in a work release program. He had asked the prisoners for sex in exchange for candy, cigarettes and access to a telephone.

Massachusetts

On April 6, 2011, a federal jury found that former South Middlesex Correctional Center (SMCC) guard Moises Ballista had violated the civil rights of former prisoner Christina Chao, 31, by having sex with her while she was incarcerated. The jury also found SMCC supervisor Kelly A. Ryan liable for failing to prevent the sexual abuse despite a history of complaints against Ballista for having sex with prisoners. Chao was awarded \$73,700 in damages.

Ballista, who maintained that he could not be held liable for “consensual” sex, even if it violated state law, admitted to routinely engaging in sexual activity with female prisoners. He previously had been convicted and sentenced to nine months in jail for sexual misconduct at SMCC. [See: PLN, Sept. 2011, p.23; Feb. 2010, p.34].

In July 2011, a grand jury indicted Patricia Papa, 41, for sexual relations with a prisoner. Papa worked as the reintegration coordinator at the Lawrence Correctional Alternative Center, a pre-release facility operated by the Essex County Sheriff’s Office. Accused of having sex with a male

prisoner, Papa pleaded guilty on March 16, 2012 and was sentenced to 3 years probation and 50 hours of community service. She claimed she had engaged in the sex acts during a “manic” episode due to an undiagnosed bipolar disorder.

Michigan

Former Tuscola County Sheriff’s Department deputy Dale L. Tompkins, 41, was arraigned on three counts of second-degree criminal sexual conduct involving a female prisoner on July 27, 2011. He also was charged with receiving a bribe (sexual favors) for nonperformance of a duty (returning the prisoner to jail), permitting escape by delaying arrest, willful neglect of duty and possessing a firearm during the commission of a felony.

Tompkins, who had been a deputy for 13 years, resigned in August 2010. The crimes are alleged to have occurred when he was transporting a female prisoner to the Tuscola County Jail in July 2010, and he let her escape in exchange for having sex with her on the hood of his patrol car. Tompkins pleaded no contest to permitting escape and bribery for non-performance of duty in October 2011, and was sentenced on December 12, 2011 to 185 days in jail with work re-lease, followed by 180 days on electronic monitoring and three years probation.

On January 24, 2012, former Muskegon County jail deputy Roger James Swan, 43, was bound over on two counts of second-degree criminal sexual conduct and one count of official misconduct, all felonies. Swan is accused of sexually touching and having an improper relationship with a female prisoner in 2009. The touching incidents occurred in a storage room near the jail’s laundry area, and Swan reportedly gave the prisoner favors such as free phone calls and a meal from Burger King. He was initially charged with only the two sexual conduct offenses; prosecutors dismissed that case so they could re-charge him with the original counts plus official misconduct. Swan is scheduled to go to trial on those charges in June 2012.

Dwight FitzGerald Mosley, 46, a former parole agent for the Michigan Department of Corrections, pleaded no contest to two counts of second-degree criminal sexual conduct for inappropriately touching a prisoner at the Tuscola Residential Reentry Program. He received a one-year delayed sentence on October 10, 2011.

Mosley, who had previously been accused of sexually assaulting young men, was accused by a 22-year-old male prisoner of touching his penis through his clothing in Mosley’s office and sexually penetrating him at Mosley’s home. If Mosley completes the one-year delayed sentence, he must serve five years on probation. He also has to register as a sex offender. If he successfully completes his entire sentence the charges will be reduced to misdemeanor fourth-degree criminal sexual contact.

On July 27, 2011, former Lenawee County jail guard Leo Merle Swinehart, 59, was sentenced to one year in jail following a no contest plea to second-degree criminal sexual conduct. He will also have to serve five years on probation. Swinehart was charged with sexually groping a male prisoner in March 2010; he retired while the incident was being investigated. The prosecutor

agreed to the no contest plea because Swinehart said he was on medication that made it hard for him to remember the incident.

Minnesota

The Minnesota Board of Psychology found on July 7, 2011 that Nicole Holman, 33, had been having sex with a Department of Corrections prisoner she was treating for chemical dependency at MCF-Lino Lakes. Recordings of telephone calls revealed "explicit sexual dialogue," and the prisoner had called Holman's cell phone 106 times. The board revoked her license for a minimum of 10 years. She had previously worked as a Hennepin County child protection social worker.

Mississippi

Kristen Willis, a guard at the Choctaw Detention Center, was indicted on two counts of sexually abusing a prisoner and two counts of sexual contact without permission on September 21, 2011. The jail is on a Native American reservation and the prisoner and Willis are both members of the tribe, thus the charges were filed in federal court. Willis pleaded guilty to one count of abusive sexual contact and was sentenced on February 2, 2012 to three years probation.

Walnut Grove Mayor William Grady Sims, 61, the former warden of the Walnut Grove Transition Center, was indicted on October 18, 2011 on a federal civil rights charge for sexually assaulting a prisoner, plus a charge of using intimidation or force against a witness for attempting to cover-up the incident. Sims allegedly took a female prisoner to a motel and had sex with her in November 2009, then told her to lie to investigators. On February 14, 2012, Sims pleaded guilty to the witness tampering charge; he has not yet been sentenced.

Missouri

In May 2011, Ryan Scott Cole, 26, a guard at the Miller County Jail, was accused by a female prisoner, Geneva Dar-line Parkhurst, of having oral sex with her and engaging in sexual intercourse with two other female prisoners, Teresa Hahn and Vicky Riggs. Cole confessed and was charged with two Class D felonies for sexual contact with a prisoner. On June 8, 2011, he was sentenced to five years probation under a suspended imposition of sentence.

Former Franklin County jailer Damon Berti, 25, was sentenced to four years in prison on October 14, 2011 after pleading guilty to two counts of sexual contact with a prisoner. A third count of rape was dropped as part of the plea agreement. Berti's sentences were run concurrent, then suspended after the judge ordered him to spend 120 days in jail and complete a sex offender treatment program, plus perform 50 hours of community service.

Nebraska

State Patrol officers arrested Michael M. Huston, 33, a corporal at the Nebraska Correctional Center for Women, on August 25, 2011. He was charged with sexual abuse of a prisoner or

parolee and prohibited acts by a corrections officer for having sex with a parolee, and suspended without pay. Huston allegedly ran into the woman after her release on pa-role in March 2011, and an exchange of phone numbers led to sexual activity. She moved in with him in early August 2011 before investigators were tipped off.

On January 4, 2012, state prison guard Anthony J. Hansen, 27, who worked at the Omaha Correctional Center, was arrested on suspicion of sexually abusing a male prisoner. Hansen allegedly forced the prisoner to perform oral sex on him despite a policy of “zero tolerance for sexual relationships with inmates,” according to Robert Houston, director of the Nebraska Department of Correctional Services. Initially placed on unpaid suspension, Hansen later resigned. Douglas County prosecutors said they have DNA evidence in the case.

New Jersey

Derick Stevens, an assistant director at the Middlesex County Adult Corrections Center, was charged on December 22, 2011 with second-degree sexual assault, witness tampering and hindering prosecution in connection with sexually abusing a prisoner over a decade before. Stevens, 39, is accused of having sex with a female prisoner when he worked at the county’s juvenile detention facility in 2000, then paying her so she wouldn’t report the incident. He was suspended from his job at the Adult Corrections Center pending resolution of the charges.

New Mexico

In September 2011, Leroy Garcia, 59, a former San Juan County jail guard, was sentenced to 18 years in prison for two counts of second-degree felony criminal sexual penetration.

Accused of forcing a prisoner to undress and inappropriately touching her, he said she had lured him into the November 2010 encounter. He reportedly gave his victim gum and toilet paper in exchange for not saying anything about the incident, but a guard overheard the prisoner telling her brother about the sexual abuse during a phone call.

Richard Bradberry, 54, a youth care specialist at the Camino Nuevo Youth Center, an Albuquerque juvenile detention facility, was arrested and charged with criminal sexual contact, contributing to the delinquency of a minor, false imprisonment and voyeurism on August 5, 2011. He is accused of groping two 16-year-olds and a 17-year-old girl at the center; investigators were able to corroborate some of the allegations using surveillance video footage. Bradberry, who had worked at the facility for 10 years, was placed on paid administrative leave following his arrest.

New York

New York City Department of Corrections guard Andrea Buchanan, 30, was arrested on September 20, 2011 and charged with sexual misconduct, forcible touching and official misconduct. She had been caught having sex with a prisoner at the Eric M. Taylor Center on Rikers Island. Buchanan had worked for the Department of Corrections for six years; she was

suspended following her arrest.

Another Rikers Island guard, Clara Espada, 41, pleaded guilty on March 8, 2012 to third degree bribe receiving, a felony, and misdemeanor forcible touching. She was prosecuted for having sex with a male prisoner three times and smuggling drugs, cigarettes and alcohol into the George Motchan Detention Center at Rikers. As part of a plea agreement, Espada is expected to receive a six-month sentence plus probation.

On August 25, 2011, Amy J. Sebella, 42, was charged with four counts of third-degree rape, three counts of third-degree criminal sexual act and official misconduct after she admitted to engaging in sexual activity with a prisoner at the Gouverneur Correctional Facility five times. Sebella, who had been employed as a clerk in the prison store, also admitted she had exchanged “dirty” and “sexually graphic letters” with the prisoner.

Frank DeTucci, 70, a chaplain at the Queensboro Correctional Facility, was arrested in July 2011 on charges of official misconduct, engaging in a criminal sexual act and sexual misconduct after he was discovered kneeling in front of a prisoner with \$200 in his shoe and \$153 in his wallet. DeTucci confessed to having paid the same prisoner \$200 and \$150 on two previous occasions to perform oral sex on him in the chaplain’s office. He had been a prison chaplain for 27 years and was a deacon at Our Lady of Mount Carmel Church in Astoria.

Attica Correctional Facility cook Joseph D. Krauss, 46, resigned on October 3, 2011, one day before he was charged with Class E felony third-degree criminal sex act, Class A misdemeanor second-degree sex abuse and Class A misdemeanor official misconduct for having a prisoner perform oral sex on him. Krauss, a 13-year state prison system civilian employee, pleaded guilty on February 7, 2012 to the misdemeanor charges and is awaiting sentencing.

North Carolina

A Burke County jailer was arrested on March 4, 2011 and charged with sexual activity by a custodian for having sex with a female prisoner. Thomas Edward Pearson, 58, was employed as a sergeant at the Burke-Catawba Confinement Center when he allegedly had a sexual relationship for over a year with prisoner Alicia Camille Goode, who was awaiting trial on murder charges. [See: PLN, May 2011, p.50].

Ohio

Keli N. Jones, 30, employed at the Warren Correctional Institution, was indicted on charges of sexual battery of a prisoner on September 26, 2011. She is accused of having sexual contact with the prisoner in July, and faces up to five years in prison. Jones had been arrested on August 4, 2011 and released on bond.

Former Lorain Correctional Institution prison guard Elizabeth J. Dennis, 31, was arrested on November 23, 2011 and charged with sexual misconduct with a prisoner. She faces a third-

degree felony count of sexual battery and two misdemeanor counts of dereliction of duty. Dennis, who worked in the mail room at the facility, was released on \$4,000 bond two days after her arrest.

Oregon

On February 29, 2012, Multnomah County corrections deputy Eddie James Miller, 59, turned himself in after he was indicted by a grand jury for having sexual contact with a female prisoner at the Inverness Jail. He pleaded not guilty to charges of official misconduct and custodial sexual misconduct, and was placed on unpaid leave.

Mark John Walker, 52, was employed as a federal probation officer in Eugene for over two decades. He pleaded guilty in April 2011 to sexually abusing five female probationers under his supervision, and was sentenced on July 18, 2011 to ten years in prison for forcing one woman to have sex with him and fondling the other four. He will also have to serve five years on supervised release, pay a \$25,000 fine and register as a sex offender.

According to a press release from the U.S. Attorney's Office, Walker sexually abused the women by "kissing them or touching their breasts, buttocks, and inner thighs without their consent and in order to gratify his own sexual desires. With one victim, Walker pulled her pants down and forced her to have sexual intercourse with him when he visited her home as part of his official duties." [See: PLN, Feb. 2012, p.36].

Pennsylvania

Kayla D. Davis, 23, was sentenced to five years probation on November 4, 2011 after pleading guilty to two counts of felony institutional sexual assault. She admitted to having sex multiple times with prisoner Kenneth Kunkle when she worked as an intern at the York Community Corrections Center in October 2010. They had sex at a private residence while Kunkle was on weekend passes from the facility. Davis will be required to register as a sex offender for ten years. "If the circumstances were different, she might have been the victim in this," her attorney stated.

On November 23, 2011, a female guard at the Indiana County Jail was arrested on charges of sexually assaulting three female prisoners. Molly Gross, 43, was accused of engaging in sexual misconduct with the victims between 2009 and 2010. One prisoner said Gross would kiss and fondle her in a closet and restroom. Another guard at the facility, Margaret Jane Dailey, 51, who was in a relationship with Gross, was charged with official oppression and making terroristic threats. She is accused of threatening a prisoner with whom Gross was intimately involved. Both Gross and Dailey were suspended without pay.

John Johnson, Jr., 60, a nurse formerly employed by Allegheny Correctional Health Services at the Allegheny County Jail, pleaded guilty to three counts of sexual contact with prisoners in October 2011; he also pleaded no contest to three similar charges.

Johnson reportedly gave female prisoners candy, soda and extra medication if they let him fondle them. He threatened them with disciplinary action if they declined. In July 2011, Allegheny County agreed to pay \$5,000 to settle a lawsuit filed by a prisoner who had been sexually assaulted by Johnson; the county settled a similar suit brought by another prisoner in November 2011 for \$6,000. As this issue of PLN goes to press, Johnson has not yet been sentenced.

Another female prisoner at the Allegheny County Jail was sexually abused in 2009, by guard Charles L. Walker. Walker, 40, was prosecuted for exposing himself, putting the prisoner's hand on his groin and forcing her to perform oral sex. He pleaded guilty in March 2011 to a sexual assault charge, and was sentenced to nine months on home confinement and 7 years probation. The prisoner he victimized filed a lawsuit in October 2011, claiming she was physically assaulted by other guards when she returned to the jail to testify against Walker at a court hearing. [See: PLN, April, 2010, 50].

A former SCI Houtzdale prison guard, Rachele Autumn Thompson, 47, was charged in November 2011 with three counts of institutional sexual assault and contraband offenses, the latter for smuggling cell phones and money into the facility. Thompson reportedly told investigators that she had delivered the contraband to prisoners Jason Campbell and Maurice Carter, and engaged in sex with Campbell. She also allegedly gave Campbell information about two other staff members at the prison, which he used to contact and threaten them. Campbell was charged with terroristic threats, harassment and contraband offenses; he refused to testify against Thompson, even after being given immunity, and was held in contempt of court.

In September 2011, Harry F. Nicoletti, Jr., 60, a guard at SCI Pittsburgh, was arrested on 89 charges related to sexually abusing prisoners, including multiple counts of institutional sexual assault, involuntary sexual intercourse and official oppression. The criminal complaint accuses Nicoletti of fondling a transgender male prisoner and calling him a "weird freaky monkey" before sexually assaulting him, among other offenses.

Two civil rights lawsuits have been filed against Nicoletti and other prison officials, alleging that for over two years Nicoletti was the ringleader of a group of guards who sexually abused prisoners – especially those convicted of sex offenses against children or believed to be homosexual. Eight guards were suspended and four prison administrators were fired or allowed to resign following an investigation. All of the administrators were named as defendants in one of the lawsuits, filed by a prisoner under the pseudonym John Doe.

The prisoner stated in his complaint that he was approached by Nicoletti in January 2010 and given a choice of being anally raped, performing oral sex or touching Nicoletti's genitals. If he refused, Nicoletti threatened him with physical abuse or false disciplinary charges. The second lawsuit, also filed by a John Doe plaintiff, makes similar claims. Nicoletti has denied the allegations and the Pennsylvania State Corrections Officers Association filed grievances over the suspensions, claiming they were baseless and imposed without due process. An arbitrator agreed, and ordered the eight suspended guards reinstated with back pay in March 2012.

Criminal charges against five of the guards, including Nicoletti, remain pending.

South Carolina

Former Charleston County Detention Center guard Samuel Lamar Brown, 25, was arrested on August 30, 2011 and charged with official misconduct by an officer and sexual misconduct with a prisoner. He allegedly engaged in inappropriate contact with a female prisoner in June 2011, and was fired two days after his arrest.

On May 28, 2011, a contract nurse at the Sheriff Al Cannon Detention Center in Charleston was arrested after a guard discovered her performing oral sex on a prisoner who was awaiting trial in a murder case. Angela Marie Smith, 33, was charged with first degree sexual misconduct with a prisoner. Her bond was set at \$25,000.

Gary Whisonant, 28, a guard with the Department of Juvenile Justice (DJJ), was arrested on October 7, 2011 and charged with sexual misconduct with a prisoner, assault and battery, and two counts of misconduct in office. He allegedly had sex with a prisoner multiple times in August and September 2011 at the Birchwood Campus in Richland County, and improperly touched another on an activity bus. The prisoners were 16 and 19 years old. The DJJ said Whisonant, who reportedly confessed, was fired the day before his arrest.

Georgetown County Detention Center guard Belvin Lee Sherrill, 28, was sentenced on January 23, 2012 to 18 months in prison after pleading guilty to one count of criminal sexual conduct. He also must serve 30 months on probation and register as a sex offender. Sherrill was charged with sexually abusing three female prisoners in 2009; he reportedly went to a cell where the prisoners were held and ordered them to perform an unspecified sex act on him. Sherrill said prior to his sentencing hearing that he was “truly sorry” and “wished it did not happen.” Two of the prisoners, who have since been released, have sued Sherrill and the Georgetown County Sheriff’s Office.

Tennessee

Former Shelby County Sheriff’s Office sergeant Robert Bradshaw, 53, was arrested and charged with rape, sexual contact with a prisoner and official oppression in June 2011, after a prisoner accused him of sexual misconduct with another prisoner. Responding to investigators’ questions, the alleged victim reported that Bradshaw had touched her inappropriately. The 25-year veteran of the Sheriff’s Office was fired on July 19, 2011; he was bound over to a grand jury in late August 2011.

On January 20, 2012, Silverdale Detention Facility guard Tammy DeShawn Jackson, 32, made an initial court appearance and entered a not guilty plea to charges of official misconduct and sexual contact with a prisoner. Jackson, 32, was fired after Corrections Corporation of America (CCA), the company that operates the Chattanooga facility, conducted an investigation. She is accused of having a sexual relationship with a prisoner.

Jon Greer, 27, a former guard at the New Visions Youth Development Center in Nashville, was charged on February 20, 2012 with two counts of sexual battery by an authority figure and two counts of statutory rape for allegedly having sex with a 17-year-old girl held at the state facility. Other juvenile offenders reported Greer, which led to an investigation and his termination in August 2011.

On October 12, 2011, former Hickman County jail administrator Quinton Jerry Wasden, 68, was arrested by Tennessee Bureau of Investigation officers on a charge of rape. He is accused of having sex with a female prisoner on jail property in exchange for giving her "extra freedoms." Wasden had resigned in April 2011 after he was indicted on one count of sexual contact with a prisoner; that charge was dismissed due to the statute of limitations.

A former corrections officer with the Dickson County Sheriff's Office, Darick S. Wall, 34, turned himself in on February 24, 2012 to face three counts each of sexual battery without consent and sexual contact with prisoners. The charges were the result of an investigation by the Sheriff's Office, the District Attorney's office and the Tennessee Bureau of Investigation, after prisoners at the Dickson County jail reported that Wall had engaged in sexually abusive conduct. He was released on \$10,000 bond.

Texas

Retired Harris County Sheriff's Office deputy Paul Briones, 54, was arrested on September 28, 2011 after he failed to appear in court on charges of improper sexual activity with a person in custody, a state jail felony. He said he didn't go to court due to health issues. A female prisoner claimed Briones had sex with her at the Harris County Jail in exchange for preferential treatment. Briones also faces charges related to sexually assaulting an underage female relative.

In late February 2012, another former Harris County Sheriff's Office employee, Tony Richards, 48, a senior deputy, was charged with improper sexual activity with a person in custody. He was fired after being accused of having sex with a female prisoner in November 2010.

Kraig D. Lavan, a former guard at Federal Medical Center Carswell, was indicted on December 20, 2011 on one count of sexual abuse of a ward. Lavan allegedly engaged in sexual misconduct at the facility, which houses female prisoners with medical and mental health needs. He has pleaded not guilty.

"Carswell has a dismal record for protecting women, the female prisoners, from sexual assault," said Tahira Khan Merritt, an attorney who represented a Carswell prisoner in a prior lawsuit related to sexual abuse by a chaplain at the facility. [See: PLN, Sept. 2010, p.1].

Former Brown County jailer Jeremy Wayne Essary, 29, was arrested in July 2011 and charged with improper sexual activity and violation of civil rights of a person in custody. Essary had been fired on June 30, 2011 after he was accused of engaging in sex acts with a female prisoner. He was released on \$10,000 bond.

On September 8, 2011, Donald Charles Dunn, 31, a former guard at the T. Don Hutto Family Residential Center, an immigration detention facility operated by CCA, pleaded guilty to federal charges of deprivation of the civil rights of a person in custody. Dunn admitted he had touched female immigration detainees “in a sexual manner” between December 2009 and May 2010, when he transported them to a bus station or airport terminal in a prison van. He was sentenced to 10 months in federal prison on November 22, 2011. The ACLU has since filed a class-action lawsuit against Dunn, CCA and ICE. [See: PLN, Dec. 2011, p.42].

Edwin Rodriguez, 30, a former guard at the Willacy County Regional Detention Center, a private prison operated by Management & Training Corporation (MTC), pleaded guilty on August 4, 2011 to sexual abuse of a ward. He admitted to pulling a female prisoner into a guards’ restroom and having sex with her in 2008. His victim immediately reported the incident, which was investigated by the Office of Professional Responsibility of the Department of Homeland Security.

“Officers in correctional facilities are entrusted with a great deal of power so that they can carry out their critical public safety responsibilities. This officer abused his power, violating the civil rights of a detainee under his supervision, and violating the public trust,” said Thomas Perez, Assistant Attorney General for the Civil Rights Division.

Rodriguez was sentenced on October 31, 2011 to 14 months in federal prison plus 10 years on supervised release. He will have to register as a sex offender for life.

According to news reports, Johnson County Law Enforcement Center guard Amy Sue Lancaster, 40, was arrested on July 14, 2011 and charged with violating the civil rights of a person in custody after she admitted to having sex with a prisoner. She was released on \$5,000 bond. Lancaster was employed by LaSalle Southwest Corrections, the private company that runs the facility; she was caught after passing a suggestive hand-written note to the prisoner.

Marco A. Cedillo, 38, a former Bexar County jail guard, was charged with violating the civil rights of prisoner Laura Elizalde, 25, who reported that he had forced her to have sex and touched her inappropriately at least seven times over a three-week period. Cedillo, who resigned in August 2011, pleaded no contest to the charge and was sentenced on October 27, 2011 to 18 months.

“I had nobody to tell, and when I did tell someone I had people wanting to hurt me,” said Elizalde. “So, it’s really hard, especially in jail, to even speak to somebody about, you know, stuff that’s going on in jail. I mean, it happens quite too much.”

On February 15, 2012, Michele L. O’Neal, a Bureau of Prisons guard at the Fort Worth Federal Correctional Institution, was indicted on one count of sexual abuse of a ward. The incident, which occurred in May 2011, allegedly involved O’Neal engaging in sexual conduct with a prisoner identified only as “D.E.” She surrendered to the U.S. Marshals on February 23 and was released the same day.

A guard at the Giles W. Dalby Correctional Facility, which houses federal prisoners, was arrested on February 14, 2012 on bribery and contraband charges. Johnny Haynes reportedly smuggled

drugs to a prisoner in exchange for cash payments; during an investigation he met with an undercover agent at a Wal-Mart and accepted \$750 and an ounce of marijuana. According to a criminal complaint filed in federal court, he also admitted to having a sexual relationship with a male prisoner at the facility, which is operated by private prison firm MTC.

Whitney Fleming, 27, a former guard at the McLennan County Jail, was sentenced on May 3, 2011 to five years probation after pleading guilty to two counts of improper sexual activity with a person in custody. Fleming, who must also perform 600 hours of community service, had sexual relationships with two male prisoners at the jail in 2009.

Utah

On June 8, 2011, former Wasatch County deputy sheriff Christopher Stein Epperson, 33, was indicted by a federal grand jury on three counts of deprivation of civil rights under color of law for engaging in sexual misconduct with a female prisoner. He allegedly touched a 34-year-old prisoner's breast, watched her while she was undressing, forced her into a corner to grope her, made her fondle his genitals, showed her photos of his penis, sexually assaulted her and tried to sodomize her in December 2009.

The prisoner was contacted by investigators after a witness reported the sexual abuse. She has since sued Epperson and the Sheriff's Office, alleging that several other jailers witnessed the sexual misconduct but failed to stop it. A superseding indictment was filed against Epperson on February 1, 2012 which added two more counts of deprivation of civil rights, both related to sexually abusive conduct.

Vermont

Richard Gallow, 44, a guard at the Chittenden Regional Correctional Facility, was arrested in January 2012 on a charge of lewd and lascivious conduct for exposing and touching himself multiple times in front of a female prisoner in 2010. According to a State Police press release, other prisoners witnessed Gallow's misconduct. He was placed on paid leave.

Virginia

On June 13, 2011, former Middle River Regional Jail guard Emerson K. Bell, 31, entered into a plea agreement after he was charged with having sex with a female prisoner. He received a suspended two-year sentence plus two years probation.

Former Richmond City Sheriff's Office deputy Matthew D. Lyttle, 38, was charged with carnal knowledge of a female prisoner at the Richmond City Jail on October 5, 2011. Another deputy at the jail, Mark Kelly, Sr., 49, was charged the same day with having sex with a different female prisoner. Both were fired. Lyttle pleaded no contest on March 21, 2012 and received a five-year suspended sentence.

A former lieutenant at the Fluvanna Correctional Center for Women was arrested on February 28, 2012 and charged with three counts of carnal knowledge of a prisoner. John Bernard Bland, Jr., 40, allegedly engaged in sexual misconduct with a female prisoner in June and July 2011. The Fluvanna facility was found to have one of the highest reported rates of sexual victimization in the nation according to a 2008-2009 survey of prisoners conducted by the U.S. Department of Justice, Bureau of Justice Statistics.

Washington

Former state prison guard Danette Skelton, 41, pleaded guilty to custodial sexual misconduct in the first degree, a Class C felony, and was sentenced to six months in jail with work release on September 15, 2011. She will have to register as a sex offender for ten years. In 2009, it was discovered that Skelton had a sexual relationship with a prisoner at the Washington State Reformatory at Monroe.

Jonathan Ryan Clapper, 29, was arraigned on a felony charge of first-degree custodial sexual misconduct on May 18, 2011. He is accused of forcing a prisoner to have sex with him at the Washington Corrections Center for Women, where he worked as a guard, in July 2008. Clapper allegedly discovered two prisoners stealing from canteen carts, then later caught one of them alone and compelled her to perform a sex act on him. She kept the clothing she was wearing at the time and mailed a camisole to her mother, who gave it to an attorney. The camisole was found to contain Clapper's semen. Following his arrest, Clapper was released on his own recognizance.

West Virginia

On May 25, 2011, Ron Ray Legg, 64, entered a guilty plea to sexually abusing a female prisoner at the Federal Prison Camp at Alderson, where he worked as a contract testing administrator. Legg admitted that he had forced the prisoner to perform oral sex on him. He was sentenced to a year in federal prison, a \$3,000 fine and one year of supervised release on October 6, 2011.

Wisconsin

In January 2012, Green Bay Correctional Institution guard Kristina Frappier, 37, was charged with two counts of second-degree sexual assault. Frappier had been suspended in November 2011 during an investigation into her alleged six-month relationship with a prisoner serving a life sentence. She reportedly told investigators that she was in love, she had smuggled a cell phone into the facility so the prisoner could call her, and they had had sex several times in bathrooms at the prison. She was placed on paid administrative leave.

A nurse at the Kettle Moraine Correctional Institution who had a sexual relationship with a prisoner was sentenced to three years probation on April 5, 2011. Laurie A. Blum, 45, was also ordered to participate in counseling and perform 40 hours of community service. Staff at the facility became suspicious when a prisoner was found in the medical unit when he had no reason

to be there; a search of his cell uncovered a graphic photo of Blum and letters they had written to each other. The prisoner, Marlon M. Anderson, 36, has since filed a lawsuit against Blum and prison officials.

Contributing Factors

The problem of prisoners being raped and sexually abused by prison and jail employees will persist so long as this issue is not taken seriously by policy makers and corrections officials. Although PREA will provide some much-needed direction and guidance in terms of setting standards designed to reduce incidents of prisoner rape and sexual assault, those standards have not yet been promulgated by the U.S. Attorney's Office – nearly a decade after PREA was enacted. And while issuing standards is a good start, they must then be enforced.

Another contributing factor is that some corrections officials still don't grasp the scope of the problem, or even that there is a problem in terms of prisoners being sexually victimized. For example, when representatives from the Orleans Parish Prison in Louisiana and the Clallam County Correctional Facility in Washington State testified before the U.S. Department of Justice's Review Panel on Prison Rape on September 9, 2011, they denied they had the high rates of sexual abuse reflected in a 2008-2009 survey of prisoners at their facilities.

Orleans Parish Prison officials claimed, incredibly, that prisoners had falsely reported sexual abuse in exchange for "bags of cookies" they were given by staff conducting the survey. The lead researcher over the survey noted that there was no difference in the average rates of sexual victimization at facilities where prisoners who participated in the survey received or did not receive cookies.

Clallam County Sheriff Bill Benedict went further, comparing prisoner rape to "cultural delusions" such as UFO sightings, although he acknowledged that sexual abuse does occur. Of the prisoners surveyed at the Clallam County Correctional Facility, 6.1% reported staff sexual misconduct – more than three times the national average. Given Sheriff Benedict's attitude, one can see why sexual abuse might be a problem at his jail.

Other corrections officials are unwilling to take even modest steps to address the issue of prisoner rape and sexual abuse, such as reporting what they are doing to mitigate such incidents. When PLN associate editor Alex Friedmann filed a shareholder resolution with Corrections Corporation of America that would require the company to issue biannual re-ports on its efforts to reduce prisoner rape and sexual abuse, including statistical data regarding such incidents at CCA facilities, CCA filed a formal objection with the Securities and Exchange Commission (SEC) seeking to exclude the resolution. After the SEC rejected the company's objections on February 10, 2012, CCA's Board of Directors said it would recommend that shareholders vote against the resolution. [See: PLN, March 2012, p.18].

Additionally, the consequences – or sometimes the lack thereof – when prison and jail employees sexually abuse prisoners may also contribute to the persistence of this problem. According to a

Bureau of Justice Statistics report re-leased in January 2011, concerning sexual victimization of prisoners reported by correctional authorities from 2007 to 2008, 85% of staff members who engaged in sexual misconduct with prisoners lost their jobs (they resigned or were terminated). This means that 15% of sexually abusive employees remained employed. Also, 51% of staff who engaged in sexual misconduct faced legal sanctions such as being arrested, charged, indicted or referred for prosecution. Thus, 49%, or almost half, did not face such sanctions.

One of those corrections employees who kept his job and did not face legal action was Mason Chibnick, a deputy with the Broward Sheriff's Office (BSO) in Florida. In August 2011, Chibnick was accused of inappropriate conduct with female prisoners at the Paul Rein Detention Facility, which included overseeing an "orgy-like" environment in which prisoners danced topless and played Truth or Dare. He allegedly watched prisoners perform sex acts with each other, had "inappropriate conversations" with them and was seen entering a closet with a female prisoner. Chibnick also tracked down a former prisoner on Facebook and texted a picture of his penis to another former prisoner's sister.

An internal investigation concluded that Chibnick had "violated the code of ethics, failed to use good judgment and engaged in conduct unbecoming of a BSO employee." Rather than being fired or charged with misconduct, however, he was counseled and transferred to an all-male facility. Chibnick denied any wrongdoing, saying he "would not do anything differently."

Why Should the Public Care?

Prison walls do not only keep prisoners from getting out; they keep members of the public from looking in. Prisoner rape and sexual abuse endures because prisons and jails are closed, secretive institutions that are rarely exposed to public scrutiny. Not that the public is particularly interested in what happens inside prisons and jails, anyway – even when prisoners are sexually abused. This apathy and lack of public oversight, coupled with inadequate supervision by corrections officials and a "code of silence" that is typical among prison and jail staff, results in an environment conducive to prisoners being sexually victimized.

Beyond having a moral obligation to protect prisoners from rape and sexual assault by corrections staff, and the law-and-order interest of preventing prison and jail employees from committing sex crimes against prisoners, there is also a financial incentive for the public to care about the issue of prisoner rape and sexual abuse.

PLN has reported a number of cases in which prisoners have successfully sued after being sexually victimized by staff members, resulting in significant monetary awards. For example, sex abuse scandals at two Oklahoma jails resulted in recent settlements of \$10 million and \$13.5 million. [See: PLN, March 2012, p.24]. In July 2009, the State of Michigan agreed to pay \$100 million to settle a class-action lawsuit that involved the systemic sexual abuse of female prisoners by Department of Corrections employees. [See: PLN, Dec. 2009, p.30].

More recently, on February 16, 2012, a federal jury in New Mexico awarded \$3 million to three

female prisoners who were sexually assaulted in 2007 by Anthony Townes, a guard at the Camino Nuevo Women's Correctional Facility, which at the time was operated by CCA. PLN will report details related to that case in an upcoming issue. Townes had previously been convicted of rape and sentenced to 18 years in prison. [See: PLN, Jan. 2010, p.50; Dec. 2007, p.42].

Such settlements and jury awards are usually paid with public – i.e., taxpayer – funds, which indicates there is in fact a price tag for failing to prevent prisoner rape and sexual abuse. This is another, often overlooked cost of our nation's criminal justice system: the monetary cost of lawsuits filed by prisoners who are raped and sexually abused, as well as the physical and emotional costs suffered by those prisoners.

However, the bureaucrats running detention facilities and their political masters seem to view the occasional payout as being "the cost of doing business." And the reality is that prisoners who are raped by staff face substantial obstacles in getting their claims heard by the courts; given the prevalence of the problem, the relative paucity of verdicts and settlements proves the illusory nature of adequate legal remedies for prisoner rape victims. The Prison Litigation Reform Act (PLRA), with its administrative exhaustion requirement and limits on injunctions and attorney fees, severely restricts the ability of prisoner sexual assault victims to seek redress in the federal court system.

Plus there is a public safety factor. Sexually abusive prison and jail staff may also be inclined to commit sex crimes against non-prisoners; by failing to take action when corrections employees engage in sexual misconduct with prisoners, the public may be put at risk.

On October 27, 2011, an Ohio jury convicted former Cleveland House of Corrections (CHC) guard James Belle, 32, of forcing a transgender male prisoner to perform a sex act on him in March 2010. The prisoner, who was housed in a protective custody unit where Belle worked, reported the crime to CHC officials but was ignored. He then reported it to Highland Hills police and a rape kit was performed. Video surveillance supported the prisoner's accusations.

While awaiting trial, Belle was arrested for raping a 21-year-old woman he met on a phone chat line in April 2010. Had there been prompt action by CHC when Belle's sexual misconduct involving a prisoner was first reported, he might not have committed the rape – which occurred one month later.

Belle was subsequently convicted of sexual battery, rape, kidnapping and gross sexual imposition, and was sentenced in November 2011 to 11½ years in prison – ten years for sexually assaulting the CHC prisoner and 18 months for raping the woman he met on the chat line. He also will have to register as a sex offender.

Terrie Zornes, 47, a former guard at the McDonald County jail in Missouri, pleaded guilty in September 2011 to charges of sexual misconduct with a minor; he was accused of making sexual advances towards a 14-year-old girl, exposing himself, trying to molest her, and sending her pornographic pictures on her cell phone. As part of a plea agreement for a four-year

sentence, charges of forcible rape of a prisoner were dropped.

Zornes had separately been charged with raping 17-year-old prisoner Sheena Eastburn in a property room at the county jail when he was employed at the facility in 1994. Although the sheriff was reportedly aware of the rape, Zornes was not prosecuted at the time. Had he been charged, convicted and required to register as a sex offender, the crimes he subsequently committed against his 14-year-old victim may have been avoided.

In March 2012, Chester, Pennsylvania constable Kevin Joseph Walker, who also served as a part-time police officer, was charged with sexually abusing a female prisoner he was transporting from court. Walker allegedly asked her to show him her breasts; in return, he said he would expedite her release paperwork. He later fondled her when removing a restraint chain. Walker had previously been charged in December 2011 with official oppression, rape by threat of forcible compulsion, sexual assault, aggravated indecent assault, indecent assault and stalking, for coercing sexual acts from two other women and harassing a third.

One of those three victims, who was pregnant, had been taken into custody and was held at a police station alone with Walker. He made her describe how she would perform oral sex on him, and required her to strip naked while he stood close to her. The other two women he was accused of sexually abusing and stalking were not prisoners; one was a witness in a domestic assault case, the other he had met during a traffic stop. Like Belle and Zornes, Walker apparently was an equal-opportunity abuser who preyed on both prisoners and non-prisoners.

Sometimes prison and jail staff even sexually victimize their own colleagues. That was the case with Maurice Frazier, 45, a lieutenant in the jail division of the Marion County, Indiana sheriff's department. Frazier was arrested on May 6, 2011 and charged with sexual battery, official misconduct and criminal confinement, stemming from his sexual advances towards other sheriff's employees, which included groping and fondling them. "His victims happen to be other deputies, female deputy sheriffs," said Sheriff John Layton. Frazier, who was fired shortly after being charged, reportedly claimed he was a sex addict.

In North Carolina, Eric Lashawn Askew, 28, a sergeant at the Rivers Correctional Institution, a private prison operated by GEO Group that houses federal prisoners, turned himself in on March 9, 2011 to face charges of attempted second degree rape, sexual battery and assault on a female. Askew's alleged victim was a guard employed at the same facility. He was released on a \$25,000 secured bond. [See: PLN, July 2011, p.50].

And in March 2011, Craig J. Wilhelm, 30, a former Vanderburgh County, Indiana deputy jailer, was sentenced to two years probation for exposing himself to female co-workers and inappropriately touching one of his victims. As part of a plea agreement, six other charges were dropped. Wilhelm had resigned after the incident, which reportedly took place in an "employees only" area of the jail where there were no security cameras.

Conclusion

Despite legal reforms that criminalize sexual activity between prison and jail employees and prisoners, such incidents continue to occur. The media and even some prosecutors still use terms like “consensual sexual relationship” to describe cases in which prisoners engage in sex acts with staff members – even though there can be no real consent due to the inherent power imbalance between the keepers and the kept.

One encouraging development is the creation of the National Resource Center for the Elimination of Prison Rape, a joint project of the National Council on Crime and Delinquency and the Bureau of Justice Assistance. Established on July 1, 2011, the Center serves as a national source “for online and direct support, training, technical assistance, and research to assist adult and juvenile corrections, detention, and law enforcement professionals in their ongoing work to eliminate sexual assault in confinement.”

However, until there is a substantial change in the way prisoner rape and sexual abuse is perceived and addressed by prison and jail officials, such incidents will persist. Public education regarding this issue, better training for corrections employees, greater oversight by prison and jail administrators, mandatory prosecution of staff members who engage in sexual misconduct, and promulgation of the long-delayed PREA standards and enforcement of those standards would result in much-needed improvements.

Another critical element is to repeal the PLRA so that prisoners who are victims of rape and sexual assault do not have to exhaust the grievance system before filing suit. This would also allow the courts to enjoin practices that contribute to prison rape, and would remove limits on attorney fees so lawyers would be willing to take prison rape cases and hold corrections officials accountable.

Further, independent data collection, audits and analysis of the number of reported sexual assaults in detention facilities would be a huge step forward over the current self-reporting process used to collect PREA data.

But this, perhaps, is asking too much. Consequently, in another three years PLN will likely be publishing another cover story with a compilation of news reports that document the continued problem of prisoner rape and sexual abuse by prison and jail staff.

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24. Florida Senate Rejects Privatization of 27 State Prisons – but Just Barely

25. Connecticut District Court Finds ICE Agents Not Shielded from Bivens Liability; Suit Settles for \$350,000, by Derek Gilna

26. Texas Prison Guard Gets Five Years for Scalding Child, by Alex Friedmann

27. Eighth Circuit Revisits Muslim Prisoner's Settlement with Nebraska DOC; \$74,000 in Attorney Fees Awarded, by Derek Gilna

28. BOP Staff at FMC Lexington Recover Monetary Damages and Attorney Fees for Privacy Act Violations, by Derek Gilna

29. No Qualified Immunity for Guard Who Failed to Protect Prisoner from Sexual Abuse, by Brandon Sample

30. Incarcerated Veterans Help Other Incarcerated Vets Obtain Disability Benefits, by Michael Brodheim

31. The Trials of Eroy Brown: The Murder Case that Shook the Texas Prison System, by Michael Berryhill (University of Texas Press, 2011). 244 pages, \$29.95, by Mel Motel

32. Ohio Jails Find Loophole to Again Charge Booking Fees

33. Pennsylvania Parole Board May Not Condition Parole of Sex Offender on Admission of Guilt Due to Ex Post Facto Violation

34. Oklahoma City Not Liable for Wrongful Conviction Resulting from Falsified Forensic Evidence, by Matthew Clarke

35. California: State Settles Prisoner's Lawsuit for \$10,000, then Delays Payment

36. News in Brief:

More from Matthew Clarke:

- Fifth Circuit Declares SORNA Unconstitutional in Certain Cases, Reversed by Supreme Court, Oct. 10, 2014
- Colorado: Sentencing Court May Override Sexually Violent Predator Risk Assessment Score, Oct. 10, 2014
- Seventh Circuit Extends Appeal Filing Deadline for Prisoner Misled by Court Clerk, Oct. 10, 2014
- Fifth Circuit Holds Louisiana Commutation Changes Not Ex Post Facto, Oct. 10, 2014
- Texas Supreme Court Rules on Which Experts Qualify for Civil Commitment Trial, Oct. 4, 2014
- U.S. Department of Justice Releases Former Prisoner Report on Sexual Victimization,

Oct. 4, 2014

- Some Small Town Private Prison Bonds in Default, Oct. 3, 2014
- Sex Offender Registration Requirement of Louisiana Crimes Against Nature by Solicitation Statute Unconstitutional, Oct. 3, 2014
- Connecticut Abolishes Death Penalty for Future Capital Crimes, Oct. 3, 2014
- Exonerated Chicago Man Settles Lawsuit for \$3.6 Million, Oct. 3, 2014

More from these topics:

- Captive Customers: Outsourcing Prison Services is Ruining Lives and Bilking Taxpayers, Oct. 28, 2014. Private Prisons, Corrections Corporation of America, Wackenhut/Geo Group, Aramark, Contractor Misconduct, Private Contractors, Medical Neglect/Malpractice.
- Probe Reveals Corruption at Pennsylvania Jail, Oct. 10, 2014. Guard Misconduct, Criminal Prosecution.
- Ninth Circuit: Exhaustion Prior to Amended Complaint Satisfies PLRA, Oct. 10, 2014. Administrative Exhaustion (PLRA).
- Former Wyoming Probation Officer Receives, Violates Probation, Oct. 10, 2014. Criminal Prosecution.
- Tenth Circuit Holds “Consensual” Sex Defeats Prisoner’s Eighth Amendment Claim, Oct. 10, 2014. Staff-Prisoner Assault.
- Women in Solitary Confinement: “The Isolation Degenerates Us into Madness”, Oct. 10, 2014. Staff-Prisoner Assault, Gender Discrimination -- Women, Prison Rape Elimination Act, Control Units, Ad-Seg Hearings.
- Texas Court Finds CCA Subject to State’s Public Information Act, Awards Attorney Fees, Oct. 10, 2014. Corrections Corporation of America, PLN Litigation, Public Records Act.
- Texas Supreme Court Holds TDCJ Immune in Suit Alleging Sexual Assault of Prisoners, Oct. 5, 2014. Staff-Prisoner Assault, Staff-Prisoner Harassment, Municipal Liability, Sovereign Immunity.
- Fifth Circuit: Exhaustion Mandatory Prior to Filing § 1983 Suit, Oct. 5, 2014. Administrative Exhaustion (PLRA).
- Kentucky Prisoner’s First and Fifth Amendment Case Reinstated by Sixth Circuit, Oct. 5, 2014. Administrative Exhaustion (PLRA), Mail, Sexually Explicit Materials, Mail Regulations, Legal Mail.