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Rampant sexual abuse puts teens in danger at juvenile prisons

Juvenile prisons are supposed to rehabilitate troubled teens, but thousands of Indiana's inmates, some as young as 13, have been placed at risk of rampant sexual violence and harassment -- often from the men and women paid to watch over them.

Sex crimes inside juvenile prisons have long escaped public scrutiny in Indiana. Although incidents of rape and other sexual assault have broken into news headlines on occasion, the frequency with which state workers -- on the job and paid with tax dollars -- have had sex with young inmates was hidden behind a curtain of denial, unspoken acceptance and complacency.

The scope of the problem finally became clear this year after the U.S. Department of Justice released results of a startling investigation that found that 36.2 percent of inmates at the Pendleton Juvenile Correctional Facility reported they had been sexually assaulted inside the prison. More than 31 percent of inmates said a staff member had sexually abused them. That was more than four times the percentage of inmates who said they were the victims of sexual offenses committed by other juveniles.

The federal investigators, who visited prisons from June 2008 to April 2009, reported that Pendleton had the second-highest rate of sexual abuse among 195 facilities across the nation.

Shortly before the Justice Department investigation was made public, four female Pendleton employees were accused of having sex with or sending explicit photos of themselves to an 18-year-old inmate. The women were eventually fired and charged with sex-related crimes.

Sex inside prison, especially when it involves a staff member with an inmate, is frequently coerced or forced. "There's no true consent when one party holds the key to another's freedom," said Lovisa Stannow, executive director of Just Detention International, a human-rights organization focused on ending sexual abuse in prisons.

A shift in attitudes

Yet, both the public and professionals in the field have long viewed prison rape -- even rape of juveniles -- as an unavoidable consequence of a criminal conviction.

"In society in general, sexual abuse in detention is not taken as seriously as sexual abuse in society," Stannow said. "There is this myth that (sexual contact) is an innate part of prison life. But it's very much preventable."

Attitudes toward prison rape have begun to change in recent years. The Justice Department increased pressure on states to crack down on sexual assaults after Congress passed and President George W. Bush signed the Prison Rape Elimination Act in 2003.

Indiana's problems haven't been isolated to Pendleton. The Indianapolis Juvenile Correctional Facility was among 13 prisons nationwide found by federal investigators to have extremely high rates of abuse. Nearly one in four -- 23 percent -- of female inmates at the Far-Westside prison, which was shut down in November, said they had been the victims of sexual abuse while at the facility. Indiana's female juvenile inmates are now housed at a prison in Madison.

In a scathing letter sent to Gov. Mitch Daniels in January, and released to the public in May, Department of Justice investigators charged the state with failing to adequately protect inmates from staff sexual abuse and misconduct at the Indianapolis prison. In the days before investigators arrived in Indianapolis in April 2008, a guard was caught engaging in sexual activity with a juvenile in the facility's kitchen. And another guard had sex with two inmates, including a 15-year-old girl. Both guards were fired, and one was convicted of sexual misconduct with a minor.

It's not the first time investigators have uncovered widespread sexual assaults in an Indiana juvenile prison. In 2005, federal authorities found that staff members at the Plainfield Juvenile Correctional Facility actually kept flow charts to track frequent inmate-on-inmate assaults. The state has since closed that prison.

Reform at work

Initially, Indiana Department of Correction officials downplayed the federal government's findings at the Pendleton and Indianapolis prisons, insisting internal numbers showed lower abuse rates.

In recent months, however, DOC Commissioner Edwin Buss and other officials have touted reforms they've launched in an attempt to stop the abuse. Those reforms, Buss said, could lead to the eventual closing of Pendleton Juvenile, a maximum-security prison that houses 300 inmates, including some of the state's most violent teenagers.

"I've worked really hard for the last two years to change an entire system and culture," said Buss, who became DOC commissioner in August 2008. "It's hard to get people to care about our kids."

The vast majority of those kids return to their communities after short stays in prison. Although most never return, either as adults or juveniles, to prison, the emotional wounds they suffered from rape and other assaults while in detention can haunt them for years.

In June, Buss testified before a federal panel investigating sexual abuse in the nation's prisons. His testimony, which emphasized Indiana's reforms, was well received by panel members and advocates for juvenile offenders.

Indiana's reforms include a concentrated effort to reduce the number of juveniles in the system. Two years ago, the state imprisoned about 1,100 juveniles. The number has been cut more than one-third since. "We were moving toward a bunch of maximum-security prisons," Buss said. "We're now getting low-risk kids out of the system and into alternative programs and community corrections."

Straining the system

Yet Indiana's rate of juvenile incarceration is still significantly higher than in much larger states such as California and Texas. California, with a population of 36.8 million, has 1,500 juveniles in state prisons. Texas, home to 24.3 million people, has 1,200 juveniles in prison. Indiana, with a population of 6.3 million, imprisons about 800 juveniles in state facilities. Buss and other DOC officials contend that about one-third of those inmates shouldn't be in prison, either because they suffer from serious mental illnesses or because they committed nonviolent offenses that could be better dealt with in community settings.

If the effort to change the culture in juvenile prisons is to succeed, it can't be driven solely from DOC's headquarters in Indianapolis. Local judges who sentence juveniles to state prisons, administrators at each facility, and guards and other employees who interact with inmates daily must buy into the need to carry out new policies and throw out discredited practices.

Change has not come easily.

In less than five years, DOC, which has 693 employees working in juvenile facilities, has fired 265 state workers in those prisons and demoted or suspended 264 workers. "Some of these people have done really bad things," Buss said.

Those bad things include having sex with juveniles, use of excessive force, and failure to report assaults. In recent years, employees fired, and in some cases criminally charged, for engaging in sex with inmates have included guards, nurses, support staff and even a female chaplain caught performing oral sex on an 17-year-old inmate inside Pendleton's chapel. She was sent to prison for that offense.

Employees say they've recently seen prison administrators working harder to crack down on sexual abuse. And workers at Pendleton say pressure increased to either stop or quickly report sexual assaults soon after the Justice Department team arrived.

But Keith Gibbs, who worked at Pendleton for almost 10 years before he was fired in May, contends that the heightened awareness had an unintended consequence: Guards became averse to reporting abuse, either physical or sexual, out of fear they would be disciplined themselves.

"A lot of officers try to do the minimum to get by out of fear they could lose their jobs," Gibbs said. "Officers turned away from assaults because they thought they were better off not saying anything. Those kids were down there beating the hell out of each other."

Gibbs and another employee were fired for their handling of a March incident in which a 16-year-old boy reported he had been attacked and sexually assaulted by three other inmates. Prison administrators who reviewed a video recording from the unit where the attack occurred determined that the two workers did not follow proper procedures. Gibbs disputes that finding.

Beyond dispute is Indiana's shameful legacy within its juvenile prisons. Although state leaders, whether because of federal pressure or their own initiative, are now pressing for reform, thousands of Hoosiers still bear the scars of having passed through a prison system where rape has been rampant.

Additional Facts

By the numbers

» **2:** Number of Indiana juvenile prisons rated as among the 13 worst in the nation for sexual abuse of young inmates, according to a U.S. Department of Justice survey completed in 2009 and released in January.

» **36:** Percentage of inmates at Pendleton Juvenile Correctional Facility reported as victims of sexual abuse inside the prison, according to the Department of Justice survey. Pendleton reported the second-highest rate of abuse in the nation.

» **23:** Percentage of female inmates who reported they were the victims of sexual abuse at the Indianapolis Juvenile Correctional Facility, according to the Justice Department survey. The state closed the facility last year.

". . . Another girl summed up her fears about living at (Indianapolis Juvenile Correctional Facility) by saying:

'Kids have sex with kids, staff have sex with kids, staff have sex with each other. This place is messed up.' "

-- Excerpt from U.S. Department of Justice letter sent Jan. 29, 2010, to Gov. Mitch Daniels. Indiana closed the Indianapolis facility in November 2009.

