

Wolf's prison rape law faces a delay

By Danielle Nadler

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WINCHESTER — The June 23 deadline for the U.S. Department of Justice to implement a law designed to prevent the rape of inmates has passed with no action.

The delay by the agency, led by Attorney General Eric Holder, is frustrating for Rep. Frank R. Wolf, R-10th — the lead House Republican sponsor of the bill.

It has now been a year since the new standards were released by the National Prison Rape Elimination Commission, and it could take Holder's office another seven months to implement them.

Wolf expected the regulations for what is officially known as The Prison Rape Elimination Act of 2003 to be in place immediately.

The proposals are basic — steps such as keeping younger and smaller prisoners away from bullies, not allowing male guards to monitor women in showers, and offering better training for staff members.

The 30-year congressman led the campaign for the prison rape act after he worked with prisoners through a volunteer program at Lorton Reformatory in southern Fairfax County.

He said he heard story after story of men and women inmates who were beaten and raped by other inmates or prison guards.

Many prisoners live in constant fear, he said, and some have been infected with AIDS.

“The stories will break your heart,” said Wolf, who was joined by the late Sen. Edward Kennedy, D-Mass., and Rep. Robert “Bobby” Scott, D-Va, to initially sponsor the bill seven years ago. “It is brutal, and it happens more than you think.”

Department of Justice officials estimate that more than 60,000 prisoners suffer sexual assaults at the hands of guards or other prisoners each year. Another study, released in January, found that 12 percent of juveniles in detention facilities are assaulted.

The Virginia Department of Corrections reported six credible complaints of inmate-on-inmate sexual abuse in 2008, the most recent year from which data are available. During the same year, the department received 10 reports of sexual misconduct by staff members with an inmate.

Since 2006, however, certain institutions — with the help of a \$1 million grant to the Virginia Department of Corrections — have implemented some of the regulations detailed in the prison rape act.

The department provides a basic training program for guards and orientation regarding sexual victimization for all incoming male and female offenders.

“The subject matter covered in orientation includes ways to avoid sexual victimization, such as avoiding debt, not borrowing, not seeking protection from other inmates, not soliciting favors, and not gambling,” said Larry Traylor, director of communications for the Virginia Department of Corrections.

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The recommendations of the prison rape act would not be mandatory, but prisons failing to adopt them would see cuts in federal funding.

The measures are suitable, prison wardens say, but they have asked for years about the source of the money to pay for them.

That is one of the things that has delayed implementation, according to a letter Holder wrote to Wolf and Scott last month.

“It is essential that the department take the time necessary to craft regulations that will endure,” he wrote.

The cost of the regulations is a major concern for Bruce R. Conover, superintendent of the Northwestern Regional Adult Detention Center on Fort Collier Road in Winchester.

Many of the roughly 20 regulations presented in the act are already in place, but some of the others — such as having women guards watch over women inmates and vice-versa with men — the facility cannot afford.

“There’s very little that’s mandated that, in a jail, does not cost something,” Conover said.

He added that some of the regulations were written with large prisons in mind and not necessarily for the jail, a holding facility for inmates awaiting trial.

It houses about 725 male prisoners and 100 female inmates, who stay an average of six months.

“That kind of hostility doesn’t have an opportunity to mature because they’re not here that long,” Conover said.

Since the jail started tracking sexual violence in 2007, it has received five complaints, four of which were determined to be unfounded.

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Wolf said the extra steps are needed despite the cost.

“We’re talking about people’s lives here,” he said. “If you are put in prison for ‘X,’ that doesn’t mean you should be raped.”

Melissa Dedomenico-Payne, who has counseled victims of prison rape, agrees.

“It’s not a luxury to put in place some measures where people are not victimized while they’re there,” said Dedomenico-Payne, executive director of Harmony Place, a Front Royal agency that provides services for sexual assault and domestic violence victims.

She added that the violence costs not only the victims, but also, ultimately, the public.

“If prison is to be a rehabilitative setting, and somebody in there is repeatedly subjected to violence, then that’s going to traumatize them,” Dedomenico-Payne said.

“When they’re released, you may be releasing someone that’s even more violent and distressed than when they came in.”