Women inmates file lawsuit against New York state prisons for sexual abuse

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Six female prisoners filed a lawsuit against the New York Department of Corrections and Community Supervision (DOCCS), the agency that manages New York's state prison system, last month. The inmates are seeking an injunction that would require DOCCS to take necessary steps to prevent women in its custody from being sexually abused by male officers.

The Legal Aid Society and the Debevoise and Plimpton law firm filed the class action suit against DOCCS on behalf of the unnamed plaintiffs. On its web site, Legal Aid states, "The six plaintiffs in the *Jones vs. Annucci* case represent the estimated 2,300 women prisoners in DOCCS custody, all of whom, the lawsuit alleges, face a substantial risk of sexual abuse while in DOCCS custody."

The lawsuit says that despite being fully aware of the issue of sexual abuse, "DOCCS has failed to protect women in its custody by failing to enact and enforce adequate policies and procedures concerning supervision of officers, the investigation of complaints of sexual abuse made against officers, and the ability to appropriately discipline officers."

Under current DOCCS policies, correction officers are not searched upon entering the facilities, so they are able to illegally bring in drugs and alcohol, which according to the lawsuit are then used to coerce and manipulate prisoners. The suit also claims that there are no cameras in areas that are often used to commit abuse.

The suit further alleges that DOCCS failed to protect women who report sexual abuse from retaliation by correction officers.

The lawsuit cites one of the plaintiffs, a 24-year old woman who has been incarcerated at the Bedford Hills Correctional Facility since 2011. She said she had been abused for almost three years and that a correction officer gave her drugs and alcohol and sexually abused her repeatedly. She described how the officer would choose areas away from the surveillance cameras and how "officers call ahead to alert the officer on duty at the post that a supervisor is on his or her way." The officer in question had previously been accused of sexually abusing other female prisoners.

A 52-year-old plaintiff who has been incarcerated in DOCCS for the past 18 years was sexually abused for more than six months in 2014. She subsequently contracted a sexually transmitted disease from the officer.

Another plaintiff describes how an officer choked her, bruising her neck in the process, and threw her violently against the prison wall. An investigator subsequently told this prisoner no action would be taken against the officer because, "nothing was caught on camera, there was no DNA and inmate statements were not worth that much."

A spokesperson for the prison system, Thomas Mailey, said, "While we do not comment on pending litigation, it is important to note that DOCCS thoroughly investigates each claim expeditiously to ensure that appropriate action is taken against any perpetrator in violation of the law or agency rules."

The DOCCS also claims to have a zero tolerance policy to sexual abuse in its prisons but as Legal Aid lawyer Veronica Vela said in a statement, "That policy is zero tolerance in name only. The Department has long known of ways to reduce the risk women face in its prisons but fails to take needed measures to protect the women in its custody. We hope that our case can accomplish what years of individual litigation, arrests of officers and legislative efforts have not."

The lawsuit is not seeking damages. It is asking for a judge to oversee the development of remedies to end what it calls "a pattern of sexual misconduct" at the women's prisons. It is also demanding a change in how the department investigates complaints and disciplines officers.

The pattern of brutality against inmates at all levels of

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the New York State prison system is well known and of long standing.

Although an “anti-shackling” law was passed in New York in 2009 to prevent the shackling of pregnant women, the shackling continued unabated. A report found that 23 out of 27 women who gave birth after the law went into effect stated they were shackled at least once during their pregnancies. Pregnant women have also reported inadequate ventilation and heat and infestations of pests in their prison cells. Many pregnant women also claimed they did not receive enough food from the DOCCS.

The system is rife with beatings and other forms of torture by corrections officers. One notable and damning example of the physical abuse prisoners face in solitary confinement was the case of Samuel Harrell, who died on April 22 last year at the Fishkill Correctional Facility. Harrell, who suffered from depression, died after being punched, beaten and thrown down a flight of stairs by a group of prison guards. Harrell’s family filed a suit claiming that Harrell’s death is part of a systematic pattern of violence by a group of prison guards known as the “Beat Up Squad.” According to the suit, supervisors and union representatives have condoned this group.

Last June two prisoners escaped from the maximum security Clinton Correctional Facility in Dannemora, New York which resulted in a three-week manhunt, with the entire political establishment and corporate-controlled-media baying for their blood. Other inmates at the time reported how guards had beaten them severely and choked them with plastic bags as they interrogated them about the escapees Richard Matt and David Sweat. Democratic Governor Andrew Cuomo was personally involved, visiting the prison and questioning inmates only hours before they were tortured in an effort to gain information about the escape.

A recent $62 million, five-year settlement was agreed between the Cuomo administration and the New York Civil Liberties Union (NYCLU) over the treatment of prisoners in solitary confinement. The changes will allegedly reduce the number of inmates in solitary confinement by a quarter and limit the time in solitary for most inmates to three months. In 2014 the state agreed to an interim settlement that was supposed to eliminate solitary confinement for pregnant women, disabled prisoners, and any prisoner under 18. However, since that time the number of inmates in solitary confinement has increased.

Solitary confinement is one of the cruelest punishments in New York state prisons. Until the agreement with the NYCLU, over 4,000 prisoners were forced to live in 6-by-10-foot cells for years with little or no human interaction or any access to rehabilitative programs. They also receive a miserly diet. This inevitably leads to severe mental distress and in many cases suicide. Thirty-four percent of all suicides in the state prison population have come from those in solitary confinement.

The response of the correction officers’ union in New York to an interim settlement of the NYCLU suit in 2014 was to file a countersuit that challenged the proposed new policies. The union made it clear that it does not intend to go along with the current agreement. In a written statement in 2015 the union said, “Our state’s disciplinary confinement policies have evolved over decades of experience, and it is simply wrong to unilaterally take the tools away from law enforcement officers who face dangerous situations on a daily basis.”

Some of the most savage crimes against prisoners have occurred in the notorious Rikers Island jail in New York City (not a part of the state DOCCS), which holds over 10,000 prisoners. Rikers, in addition to having a badly deteriorated physical plant, has been severely criticized for, among other things, insufficient medical care, thousands of reports of physical abuse, and denial of assistance for acute physical and mental illness.

Teenage inmate Kalief Browder, who suffered from the effects of three years in solitary confinement, without having been convicted of a crime, committed suicide a year after being released from Rikers. The situation at Rikers is so bad that a 2014 report by the office of the US Attorney for Manhattan described Rikers as having a “culture of violence.” Mayor Bill de Blasio has rejected calls for Rikers to be closed, stating that such a move would be too expensive and would take too long to accomplish.

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