

STATEMENT OF DEBORAH LaBELLE, ESQ.

CHAIRMAN WALTON: Ms. LaBelle, anything else you'd like to add on this particular subject?

MS. LaBELLE: Actually, I would like a few moments of your time on the women's issue, and I had a couple of -- I wanted to share some recommendations because I think that -- over the last ten years I've followed a few systems on the issue of sexual abuse of women prisoners, and I've been involved with it and gone through a number of different attempts to address a system that had been, by even the system's acknowledgment, fairly wildly out of control.

But eight months ago, in fact, the United States Court of Appeals for the Sixth Circuit described a problem of custodial sexual abuse in Michigan. "This women's prison is deplorable, endemic and rampant."

And I start with that bookend because that's 2004, in December, and yet in -- as early as 1992 the Michigan Women's Commission had reported that -- from random interviews of women that had been released from jails or prisons, that there was an alarming level of custodial sexual abuse and sexual harassment in the prisons.

A year later a legislative ombudsman office advised the department that an immediate audit should be undertaken because there -- and create a sexual harassment coordinator to address and remedy a

serious problem with sexual abuse in the women's prisons.

In 1994, the Department of Justice came in and reported the existence of pervasive and extensive sexual abuse of Michigan's women prisoners by male guards, stating that even officers matter of factly advised us that there was frequent sexual activity between guards and prisoners. Nearly every inmate interviewed reported sexually aggressive acts of guards. Women reported that officers routinely cornered them in their cells or in their work details in the kitchen or laundry rooms to press their bodies against them, mocking sexual intercourse, exposing their genitals. And, finally -- and this is the Department of Justice in '94 -- widespread allegations of sexually suggestive comments, to the degree that such remarks were viewed as routine.

In 1996, Human Rights Watch, United Nations and Amnesty International again advised Michigan that there were ongoing serious problems of sexual abuse in the prisons.

By the end of the decade, 25 instances of criminal acts had resulted in convictions of male correctional officers for sexual abuse of women prisoners, more than any of the other states combined.

Lest you think that was a sign of effective enforcement, we are now halfway through the new

decade and Michigan's again on pace, exceeds the other states and there have been 89 reports of sexual abuse. In 2003 alone, 89 allegations of sexual misconduct by male staff. And in one county, where one of the prisons were, there was an analysis done that women placed under the jurisdiction of the Department of Corrections had a greater chance of being a victim of sexual offense by staff members than women did in the free population.

I give that history because -- as a cautionary tale, I think, to this Commission because there were many attempts to do training, many attempts to do reporting, many assertions that they were keeping track of the numbers, that they had a zero-tolerance policy, but there were several things that didn't happen and haven't happened and, I think, that are really crucial.

Partly -- one thing that this Commission is already addressing, but denial has been deadly. Denying the problem has emboldened the bad staff, discouraged the very good officers from coming forward and reporting it, discouraged women from reporting and diminished those who came forward as liars and not credible. It has been deadly by the department doing it over the years, citing to the few rogue officers or a series of incredible reports despite many criminal convictions.

So I think that once -- and I can't believe Michigan is alone. I really can't. I can't believe

that there aren't cultures of abuse out there that -- just putting it to standards on training are -- and a number of other standards are really going to impact significantly the problem.

And so I make some recommendations, which I don't come to lightly, but I come to after struggling with hundreds of women coming through a sexually abusive system and going out much worse than they came in. And that is a recommendation that the Commission seriously consider recommending that in order to get at fair treatment of women prisoners, that there has to be a recognition of their -- a zone of privacy, let's call it. That on the outside, we as women, we do not expect, again, men to come into our bathrooms, our housing, our areas in which we have a zone of privacy. Nor do men expect to do that.

And when you're put into prison and you don't have for any security reasons but you allow male staff to go and watch women in states of undress and in various bodily functions, two things happen: One, the male officers themselves have to go through a transformation. They've been told by their mothers that they're not supposed to do this as much as we've been told as women they shouldn't it. So what can they do with that dichotomy?

What they do is they say these aren't the same type of women deserving respect. So they

translate the women either to anything that comes close to what they think doesn't deserve that respect, which would be a prostitute in their mind, and they begin a degrading system of treatment of the women.

The women, they are no longer entitled to this basic self-dignity. And we have very serious issues with regard to our body, whether it's socialized or not. And when they look at us, it's a sexualized gaze. Whether it's an honest officer doing an honest day's work or not, it cannot be perceived that way. It's threatening. If you add on there that you have a history of sexual abuse by males in authority, it becomes even more difficult to see that as nonthreatening and nontraumatic.

So I would urge that the Commission seriously consider, as the Sixth Circuit recently allowed, that male officers should not serve alone in areas in which they view women nude or performing basic bodily functions to protect that zone of privacy and that basic decency of respect for that integrity.

Second, I would urge that women with histories of abuse have a special -- that counseling be allowed for those women who have had difficulties dealing with the issues of sexual assault and sexual touching. If they're going to continue males allowing cross-gender pat-downs, which I would also recommend that it goes a long way to maintaining that

sense of integrity to take that cross-gender pat-down out. Women do not provide the kind of security threat -- and no one doubts that -- in the facilities, and I don't think that -- if there's an honest discussion that removing a male from doing those kind of pat-downs would cause a security problem.

I don't think that these are absolute remedies, but I think it's a necessary step to put us in line also with other countries and U.N. Minimum Rules of Treatment that recognize they do this. I think a number of systems have started to do this quietly and in certain kinds of manipulative ways.

But there can be no excuse, I think, for allowing what has been, in a number of states, a pattern of male-only working on midnight shifts with whole-female institutions. And it starts a pattern of degradation and a culture of abuse that's very hard to stop once it's there.

I would also urge that this Commission consider an amendment to the PLRA. In Michigan they don't even allow these matters to go through the grievance committee, recognizing that it doesn't work, it's fraught with difficulties to try to go through a grievance and it provides very little remedy in the end. These are serious issues of discipline, of working with union and labor relations as to what goes on with the officers. It's not

amenable to being resolved through the grievance system.

And the last, as well as amending it with regard to the mechanism for going forward of -- recognizing that there's serious trauma and injury caused by these kinds of sexual assaults that don't necessarily show up on scars on your body. Lastly, I think that one of the things that many of us have noticed over the years is that corrections facilities are very good bricks and mortar.

CHAIRMAN WALTON: Very good at what?

MS. LABELLE: Bricks and mortar. I mean protecting us from people's escape, from -- you know, maintaining people, incarcerating people, incapacitating people, public safety.

But in terms of addressing very complex issues of sexuality and the way -- and psychological interaction between us, they've been pretty poor. And yet they don't invite anyone else in. I mean I think most of us are really excited about a commission that has some interdisciplinarity, but I think that on a state-by-state basis there needs to be a recognition that there has to be some oversights of the jails and prisons other than just the director.

There are in other agencies. And this is now agencies that suck up most of our budgets in many of our states that cause a lot of people -- impact a lot of people, yet there's very little commissions or

oversight on state by state, and I would urge that there be some recognition of opening up the doors. Because fresh air really is really, really a good tonic for abuse. And part of this has happened because of the isolation of prisons and their very inability to get in there for people to know what's going on. So that kind of recognition.

I have one other point when you consider issues -- the difficult issues of reporting and retaliation, and that is many of the prisons' staff are very interrelated. One time we had an allegation against an officer. His brother is -- both of their wives, the mother-in-law and the uncle all worked at the prison. And corrections is a very interconnected profession, and so when you look at the difficulties of retaliation, you have to look at just removing the one person that they complained about from the direct area is problematic. And I might add that many of these problems disappear -- not all of them, but many disappear if you create that zone and you remove staff directly from the housing units themselves.

Thank you.