

PERSONAL ACCOUNTS FROM SURVIVORS
OF PRISON SEXUAL ASSAULTS

MR. CUNNINGHAM: Good morning. My name is Gary Cunningham. And as a former prisoner of the Texas Department of Criminal Justice, I have first experience with the violence and abuse that takes place within America's prisons. In 2000 I was housed at the Luther unit in Navasota, Texas. While at the Luther unit I worked in the prisons laundry under the supervision of corrections Officer Michael Chaney.

After just a few weeks of working with Officer Chaney, he began to touch me in a sexual manner during pat searches. At first I thought it was an accident, but since it continued every day, I soon realized his inappropriate touching was intentional. He also stared at me when I showered and made sexual comments. I was afraid to tell anyone about my problems with Officer Chaney.

But in March 2000, I finally went to the unit psychologist and told him about the touching and crude comments. He advised me to stay away from Officer Chaney. The prison psychologist's advice

did nothing to prevent the sexual harassment. So a month later, I decided go to the prison administration for help. I approached the assistant warden and his second in command officer and told them about Chaney's sexual comments and sexual touching during pat searches. They told me that I was exaggerating and that Chaney was just doing his job.

I eventually confronted Chaney and told him to stop touching me. He only got angry and continued to harass me. I tried again to get help from prison administrators, but I was told to keep my mouth shut.

Officer Chaney eventually raped me in September of 2000. On that day I had just finished my job at the prison's laundry and began walking to the back of the room to take a shower. Suddenly, Chaney shoved me, knocking me off balance. I screamed and struggled to get him off of me, but he was too big. Officer Chaney weighed about 300 pounds. I'm 5'6" tall and weigh about 145 pounds. While I struggled, Chaney handcuffed me. He then pulled down my boxers and forcefully penetrated me.

When I screamed from the terrible pain, Chaney told me to shut up. I tried to get away, but I could barely move under his weight.

After it was over, I was dazed. He took me to the shower in handcuffs, turned on the water and put me under it. I was crying under the shower and I saw blood running down my legs. He left and came back with a liquid that stung when he poured it on my behind. When he took the handcuffs off me, he threatened me. He said if I ever reported him, he would have other officers write false assault cases against me and I would be forced to serve my entire sentence or be shifted to a tougher unit where I would be raped all the time by gang members.

He also warned me not to say anything to the officials I had complained to before because they were his friends and they would always help him out.

At first I didn't dare tell anyone about the rape, but in October 2000, I was so afraid of being raped again that I told the unit psychologist that Chaney had raped me. He moved me to another job with a different supervisor and told me that if

anyone asked why my job was changed, tell them I wanted a change of scenery.

A few days later I was given a new position in the laundry right next door to where Chaney worked. I continued to see him regularly and he continued to touch me inappropriately.

I wrote the Internal Affairs department two times about Chaney's touching. They never addressed my concerns and failed to take precautions to protect me. I was too scared to file a written complaint against Chaney because I feared retaliation from prison officials. Instead, I requested a private meeting with an Internal Affairs investigator. I received no response to my request and Chaney was never punished for assaulting me.

Officer Chaney went on to sexually harass and assault other prisoners. One year later Nathan Estery (ph.) began working under Chaney's supervision in the same laundry where I had been previously assigned. On several occasions Nathan was forced to perform sexual acts on Chaney. Fortunately for Nathan, he was able to collect

Chaney's semen during two of the attacks and D and A testing positively linked the sample to Chaney.

Chaney finally resigned in the Luther unit in January of 2002 when he was indicted for his crimes against Nathan Estery. Last month he pleaded guilty to sexual contact with an incarcerated person. He will serve no time in prison.

For me, there is no justice. While I was in prison fear of retaliation by staff or other prisoners haunted me and prevented me from reporting the rape right away. My fear led me to attempt suicide just to escape the pain of my situation.

Because my previous complaints to prison officials resulted in sharp rebukes and the prison psychologist's assistance was limited. I felt hopeless. I believe that openly pursuing my charges against Chaney would have led to retaliation from staff.

They could write disciplinary cases to keep me in prison for years beyond my expected release date. They could ship me to a rougher units where I would be guaranteed to face additional abuse.

Now I feel like as a man it has taken away a lot from me, a lot. I try not to think about it, but I constantly do. When I see a guy at work that looks like him, I began to have images of what happened to me. I feel angry that he was not truly held accountable for his actions even after all of the evidence against him came out.

Many men and women in Texas experience sexual abuse at the hands of officers and other prisoners, but their pleas for help go unanswered by administrators and staff. It seems that officials take action only to protect the prisoner. It seems that officials take action to protect the prisoner only when the victim has physical evidence such as a semen sample.

Individuals without this kind of proof are left to fend for themselves. Prisoners who file a complaint encounter a complicated grievance system that few prisoners can navigate, but you are shut out of court forever if you cannot figure out how to get your grievance properly filed within a few days of the rape.

Furthermore, victims of rape are usually too

upset to figure out what they have to do to file a lawsuit. They're not thinking about lawsuits. They're thinking about how to get protection since prison officials do not want to listen to them. These factors result in very low rates of reporting among prisoners which lead to the inaccurate perception among prison administrators that there is very little rape in prison. The reality is that rape is wide spread and prison rape victims feel hopeless because of officials' failure to prevent additional attacks despite their complaints.

Now that I'm out of prison, I have not forgotten people still behind bars. I speak out about my experience at the Lutheran Unit when ever I have the opportunity and I have my of own organization, Pen Friends and Services, to help the prisoners. With postage stamps that prisoners sent to me, I provide up-to-date and accurate resource information throughout the country who are looking for legal help, books, pen pals, and aftercare resources.

The people I correspond with are always so grateful for the assistance. My hope is that this

commission will hear the pleas for protection for the abuse in America's prisons and expose the widespread nature of violence. Your scrutiny, along with the attention of the media is crucial to exposing the violence behind bars in preventing prisoner abuse. I thank you for your time and look forward to your questions.

THE CHAIRMAN: Thank you very much, Mr. Cunningham, for your testimony. I know it's not easy to publicly acknowledge what occurred, but it is necessary for us to hear from you because it does put a human face on the issue. I'm sure there will be some questions that my fellow commissioners will have, but to ensure that everybody has an opportunity, we'll hold questions until everybody has done so.