

CHAIRMAN WALTON: Our next panel will address the vulnerability of adult females. And on this panel we have, again, Dr. Owen, Deborah LaBelle and Robin Levi.

MS. LEVI: "Levi."

CHAIRMAN WALTON: "Levi."

Who is also an attorney -- in this area?

MS. LEVI: Yes, in Oakland, California, right.

STATEMENT OF ROBIN LEVI, ESQ.

CHAIRMAN WALTON: Okay. Thank you for being here with us.

Since we've heard from Ms. LaBelle and Dr. Owen, why don't you go first.

MS. LEVI: Thank you very much.

Again, my name is Robin Levi, and I'm a human rights director at Justice Now. It's an organization based in Oakland, California which works with people in women's prisons and communities to build a safe, compassionate world. And I've been working on the human rights of people in women's prisons for approximately ten years, the last seven in California prisons. And I thank the Commission very much for the opportunity to speak to you today.

When discussing the experience of the adult female population with sexual abuse, it's critical to understand that rape in prison is not an isolated

phenomenon. It exists in a complex social context, one that relies on racism, homophobia and sexism.

What we have heard today confirms what we already know: Prisons are violent sexualized places. Prisons are places where violence occurs on a routine and constant basis. The function of the prison depends upon it because it facilitates the maintenance of power through fear.

Rape is only one of the forms in which this violence is manifested. It also occurs through medical neglect and the destruction of families and communities. Rape serves a specific function in and for the prison industrial complex. Through sexual abuse, guards and staff dehumanize prisoners.

In addition, because of the power differential that has already been discussed, prison staff exercise their power in a variety of ways, including sexual abuse. For instance, desire to have contact with children and the need for medical care are used as a means for sexual abuse. And we have seen many examples of women avoiding education, certain jobs in order to avoid having strip searches or pat searches. And all of this is done with the complicity of prison administrators.

At Justice Now, we have found medical care to be a prime arena for sexual abuse. For example, in research we conducted last year on the provision of pap smears, an annual exam -- we've conducted this

research at Central California Women's Facility in Chowchilla -- many women told us that they felt sexually abused or violated during their pap-smear exams. They used words such as "I felt dirty, like I had been molested by him. It took me back to having a sexual experience with a man that I did not want to have. He's supposed to be treating me, but he's violating me." This abuse led many women to refuse the annual exam or to refuse follow-up care, leading to the -- extreme damage to their own health and their reproductive capacity.

In another case just last year, women in the Central California Women's Facility told us about an optometrist who molested them while getting their eye examinations. He had been transferred from Valley State Prison for Women, where he had been doing the same molestations of women during their eye examinations. He is no longer working for the CDC, but to our knowledge he has not been held accountable for his actions.

Finally, we have recently searched reports about MTAs, medical technical assistants, at Central California Women's Facility who have essentially been exchanging health care for sexual favors. Since MTAs act as gatekeepers to the health system, they use that power to force women to have sex with them in terms of -- and often cases of oral sex and sex with them in order to see a doctor for their medical needs.

All of these acts constitute cruel, inhumane and degrading treatment under the International Covenant for Civil Political Rights and the Torture Conventions, both of which the United States government has ratified.

And these are a few examples of what we've seen in terms of medical care. And as I said, another big vulnerability that we see is desire to have contact with their children, and thus women who want to have visits with their children have often seen guards use that as a mechanism to receive sexual favors.

While addressing rape in prison we also must be very careful not to maintain and proliferate gendered and racialized stereotypes that describe women of color as sexually available and men, particularly black men, as violent predators.

We also need to avoid promoting the idea that some people, for instance those whom you are calling vulnerable populations at this hearing, are somehow more deserving of living free from rape and sexual abuse.

While I commend this Commission for examining particular avenues and ways in which sexual abuse may be more likely or exploited more often, I think it's important for us to realize that we cannot accept that rape is part of the prison experience for anyone and to keep our eyes on that.

And this is true for staff abuse of prisoners and it is true of prisoner-on-prisoner abuse, the latter of which is almost always facilitated by prison staff, either through action or inaction.

In order to end custodial sexual abuse, it is critical to understand that prison rape is a systemic problem rather than acts of rogue individuals that can be solved by some isolated prosecutions.

In developing -- and so in that light I say that in developing strategies for change, it is important to have a long-term view, a view back to what got us here and a vision forward to where we want to be. We need to stop using prison to address social ills. Our real enemies are poverty, lack of education and housing, and lack of health care to name just a few.

So I offer a few recommendations. As a start, we must radically reduce the number of people in prison. This includes reforms of parole policies, reforms of parole policies which -- parole violations. For example, 60 percent of California prisoners are locked up. We need to release seriously ill prisoners, and we need to seek the release of people in prison on nonviolent drug offenses, which includes the vast majority of women.

And we need to provide drug treatment and other services in the community. We need to be

putting our resources into neighborhoods, not our neighborhoods into prisons.

In the meantime, day-to-day changes can be instituted that will not strengthen deeply flawed prison systems. We need to document the experiences of sexual violence by establishing systems whereby people in prison can safely report sexual abuse. And as Ms. LaBelle commented, those systems are rare, if available at all.

We also need to create systems of accountability for custodial sexual abuse, especially investigations of all reports of abuse. If there's still risks and there's very little possibility of any accountability happening, what is the point of filing a report? There will be no reports filed. We'll have the situation that we have right now.

And, finally, we need to have programs to make people in prison whole after experiencing these violations. As Ms. LaBelle also commented, there are really very few programs to provide support for folks who have experienced custodial sexual abuse, many of whom experienced sexual or physical abuse before they even came into prison and has been compounded by this experience.

And I offer -- so, again, as I offer those recommendations, but I urge the Commission to take review that it is the entire culture and system of the prisons that facilitates, that fosters and

maintains this violent, sexualized environment, and it's that that we must really try to confront.

Thank you very much again for this opportunity.

CHAIRMAN WALTON: Thank you. But I neglected to do something, and that was to have you take the oath. It's just something I haven't done for 22 years. Somebody always does it for me, so I forgot to do it.

(Ms. Levi was duly sworn.)

CHAIRMAN WALTON: Thank you.

You've also submitted a written statement, which we will make a part of the record.

MS. LEVI: Well, I will.

CHAIRMAN WALTON: Oh, okay. Thank you.