Ending Silence: Demanding Safety from Sexual Assault - Don't touch me

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FOREWORD

Since 1999, The Project on Addressing Prison Rape (The Project) at American University, Washington College of Law has provided training to correctional decision makers, agencies, advocates, associations and individuals looking to end sexual abuse of individuals in custodial settings.

The Ending Silence: Demanding Safety from Sexual Abuse series is the product of work by many of these concerned and committed organizations and individuals. We thank them for their insights and honest comments about this publication.

The Ending Silence series includes two other graphic novels targeted to; one involving a heterosexual female in a prison and another involving a LGBTI inmate in custody. While there are several story lines and the novels might lend themselves to discussion with particular groups, they are useful for any group of inmates. Though not intended for this purpose, we have also learned that many jurisdictions are using these materials in training their staff as well.

Don't Touch Me is a first step in educating inmates on how to help them identify, address, and respond to incidents of sexual abuse by staff or other inmates in response to the Inmate Education Standard, § 115.33 of the National PREA Standards.
INRODUCTION

*Don’t Touch Me* is a graphic novel for men in custody. The narrative focuses on incidents of sexual abuse of a male inmate in the shower unit of a prison. This story also addresses the Code of Silence among correctional officers in a facility, and mistaken beliefs that intimate touching does not rise to the level of sexual abuse.

At the end of the graphic novel you will find: blank slides for inmates to fill in a suggested continuation for the story; a glossary of terms; discussion questions; resources for inmates; and note pages. While The Project understands that laws and policies differ by state, this publication can be used nationwide. To that end, The Project has generalized content and details of this novel. This novel is appropriate to use for adults in custody.

Please contact The Project with comments about these novels, the usefulness of graphic novels as a tool for training inmates, and suggestions for other needed resources.

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ENDING SILENCE
DEMANDING SAFETY FROM SEXUAL ABUSE

DON'T TOUCH ME

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ILLUSTRATED BY:

MICHAEL J. AUGER
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ANY CHANCE YOU WANNA SMOKE SOMETHING BEFORE WE HEAD TO CLASS?

SURE, BUT WE HAVE TO GET TO CLASS ON TIME. I NEED A “B” IN BUSINESS ADMINISTRATION TO GET MY ASSOCIATES. I NEED A DEGREE MAN!

TRUST ME, YOU’LL GRADUATE. WHY YOU TRIPPIN’ ANYWAY? IT’S LIKE YOUR FIFTH YEAR!

ALRIGHT, ALRIGHT, I’LL MAKE SURE WE GET THERE.

ALRIGHT, JUST PROMISE ME WE’LL GET TO CLASS ON TIME. OK?
WHOA... THIS IS SOME GOOD STUFF.

Yeah, I got it from Rob's dealer. He always has the best stuff.

YOU SHOULD JUST TAKE THE REST. I OWE YOU FROM ALL THE TIMES YOU LET ME HIT YOUR STASH.

Alright. Well, you know I'll never turn down a hit.

WHAT TIME IS IT? HOW LONG HAVE WE BEEN OUT HERE?

It's almost 2:00.

Almost 2:00! We missed business admin! Maybe I can still make it to office hours; okay, I'm going to head out.

Just chill. We'll study later. Let's just ride this out...
WHAT IS IT BOY?

WOOF WOOF!

OH NO...

CHRIS, I THOUGHT YOU SAI
THAT THIS WAS YOUR SECRE
T SPOT?!

IT IS.
I SMOKE HERE ALL THE TIME
AND NO ONE HAS EVER CAUGHT ME.

WOOF WOOF!

WHAT ARE YOU TWO DOING
BACK HERE?

NOTHING OFFICER,
WE'RE JUST SMOKING
SOME CIGARETTES.

DOESN'T SMELL LIKE A
CIGARETTE TO ME...
PLEASE EMPTY ALL YOUR
POCKETS AND THAT
BACKPACK.

DO YOU GUYS THINK I'M PLAYING?
DUMP IT OUT, NOW!
HANDS BEHIND YOUR BACK, BOTH OF YOU.

THIS IS THE LAST STRAW GENTLEMAN. YOU BOTH HAVE PRIOR POSSESSION CHARGES AND HAVE PREVIOUSLY BEEN LET OFF WITH A FINE, NOT TODAY.

CHRIS, I'M SENTENCING YOU TO 6 MONTHS IN RED VALLEY CORRECTIONAL FACILITY. JAY, YOU HAD OVER 30 OUNCES OF MARIJUANA IN YOUR POSSESSION. YOU ARE LUCKY THAT YOU WERE NOT CONVICTED OF DISTRIBUTION OF MARIJUANA, SO YOU WILL SPEND 18 MONTHS AT THE BLUE RIDGE CORRECTIONAL FACILITY. HOPEFULLY YOU'LL LEARN YOUR LESSON.

FELLAS, THIS IS JAY. HE'S NEW HERE, SO SHOW HIM THE ROPE. WE'LL MAKE HIM FEEL WELCOME ALRIGHT.
Fellas, I'm being serious. Don't pull any funny stuff. I'm watching you! I have my eye on all of you.

Alright, Officer McFarley. We hear ya.

Hey bro, what you in for?

That's it?! Damn boy, you're going to need a crew in here or you're going to get eaten alive.

Possession.

Me and my boys here will take care of you, if you take care of us. We need loyalty, and for that, you'll get protection...

Umm... I don't know. Can I think about it?

Either you're with us or you're not.
NEWBIE, FORGET ABOUT THOSE FOOLS.
YOU DON'T WANT TO ROLL WITH THEM,
THEY AIN'T NOTHING.

IF YOU WANT THINGS TO HAPPEN
FOR YOU HERE, YOU NEED TO HANG
WITH MY CREW. WE GOT FRIENDS
IN HIGH PLACES... WHATEVER YOU
NEED WHILE YOU'RE HERE;
WE CAN GET THAT FOR YOU.

ALRIGHT, LEMME
CONSIDER IT...

CONSIDER IT?
YOU WON'T MAKE IT A WEEK
IN HERE, NEWBIE!

NOW, Y'ALL
LEAVE HIM ALONE.

YOU SHOULD BE ASHAMED
OF YOURSELVES, TRYING
TO TRICK THIS POOR GUY
INTO GETTING INVOLVED
IN YOUR MESS.

DON'T LET THESE GUYS BOTHER YOU,
IT WAS JAY, RIGHT?

YEP.
THANK YOU!

I'M FRANKIE.
I got a stock of stuff from the commissary. You can take these socks and some soap. You smoke?

Only when I'm stressed.

Ok, take these then too.

Thank you so much, bro. This is real cool of you.

Later...

What was that for?!!

What are you gonna do about it!
GET OFF OF HIM!

THANKS SO MUCH MAN. SOMEDAY I’LL BE ABLE TO REPAY YOU FOR EVERYTHING YOU’VE DONE FOR ME IN THIS HELL HOLE.

THINGS GOING BETTER IN HERE FOR YOU?

YEAH. I’M HANDLING IT. GLAD I GOT YOU LOOKING OUT FOR ME.

NO PROBLEM, MAN.

LATER...

SO I KNOW OF A WAY YOU CAN REPAY ME, JAY.

AND WHAT’S THAT?
I thought you were my boy, you owe me!

Yo... stop! Don't touch me like that. I don't do that kinda shit.

Not like that. I told you man, I'm not interested in doing any of that. I'm straight.

So am I, but a man's got needs... I helped you out, so you gotta help me out.

No man and seriously, don't touch me again.

Will I see you in the shower again tonight?

Dude, stop! Stay away from me.

I gave you things, I protected you... you're my boy.
OFFICER MCFARLEY, I NEED TO FILE A COMPLAINT.

AREIGHT, JAY. WHAT NOW?

ONE OF THE OTHER GUYS TOUCHED ME WHEN WE WERE IN THE SHOWER TOGETHER AND NOW HE'S THREATENING TO DO MORE.

HE ACTS LIKE HE OWNS ME OR SOMETHING. JUST TRYING TO GET HIM TO STOP. I AIN'T GAY.

WHY DON'T YOU TELL THE CO on SHOWER DUTY?

WELL, IF ANY OF THOSE COs DIDN'T WRITE IT UP, WHY DO YOU EXPECT ME TO?

I HAVE. PLUS, THE DAY HE TOUCHED ME, OFFICER SANTOS WAS RIGHT THERE. HE ACTED LIKE HE HADN'T SEEN ANYTHING AT ALL.

WELL, WHAT DO YOU KNOW ABOUT PRISON POLICY?

I JUST THOUGHT YOU MIGHT UNDERSTAND...

WHY? BECAUSE I'M FEMALE?

DID HE FORCE HIMSELF ON YOU? WAS IT VIOLENT IN ANY WAY?

WELL, NOT REALLY. IT JUST DIDN'T FEEL RIGHT. AND I KNOW THAT IT'S AGAINST PRISON POLICY.
I know about PREA.

Huh? What are you talking about?

**You know,**
The Prison Rape Elimination Act?

O.K., well, I’m sorry Jay, but that just doesn’t really sound like rape, or even sexual abuse to me. I mean if there was no sex involved, it doesn’t make sense for me to report it.

Sexual abuse doesn’t only apply to sex. They told us that in the movie we watched on PREA.

He’s been doing this for a while and it’s just not right.

For real, Jay. It’s called sex-ual abuse. If there’s no sex I’m not going to report it.

Alright, ha ha ha... You can’t just ask to file a complaint every time someone touches you inappropriately around here. If I did this for you, everyone would be either in segregation or punishment. Even the C.O.s.
LOOK WHO IT IS. THE NEWBIE THAT TAKES ADVANTAGE OF OTHER PEOPLE’S KINDNESS.

LISTEN, FRANKIE. I’M JUST MINDING MY OWN BUSINESS.

OF COURSE YOU ARE.

HI MR. COLLINS.

HI JAY. HOW ARE YOU DOING?

NOT SO WELL ACTUALLY.
I’VE HONESTLY JUST HAD ENOUGH, SO WANTED TO COME TO YOUR OFFICE AND SEE IF YOU CAN HELP ME, BECAUSE I HAVE NO OTHER PLACE TO GO.

I’VE BEEN TRYING TO REPORT SOME INCIDENTS FOR THE PAST TWO WEEKS. ONE OF THE GUYS IN MY POD HAS BEEN FEELING ON ME IN THE SHOWER AND I’VE REPEATEDLY TRIED TO FILE A COMPLAINT, BUT NONE OF THE COS WILL HELP ME OUT.

COME ON IN, AND SIT DOWN. WHAT’S GOING ON JAY?

WHO TOUCHED YOU?

SIR, I WANT TO TELL YOU, BUT I CAN’T SAY. IF ANY OF THE GUYS EVER FOUND OUT, I’D GET BEAT UP. THEY’RE ALL THICK AS THIEVES. AT FIRST, I THOUGHT THIS GUY WAS MY FRIEND, BUT IT TURNS OUT THAT HE JUST WANTS ME FOR... WELL, I DON’T EVEN WANT TO KNOW. I JUST NEED TO BE TRANSFERRED TO ANOTHER POD SO THIS CRAP DOESN’T HAPPEN AGAIN, OR WORSE...

AND YOU SAID THE OFFICERS DIDN’T DO ANYTHING?

THEY DID NOTHING. THEY JUST STOOD AND WATCHED AND WOULDN’T EVEN HELP ME FILE A REPORT.

WHICH OFFICERS WERE THERE?

MORRIS WAS THERE THE LAST TIME, AND BEFORE THAT OFFICER SANTOS. I ALSO TRIED TO COMPLAIN TO OFFICER MCFARLEY, BUT SHE DIDN’T HELP EITHER... JUST KINDA LAUGHED AT ME.
That's really unacceptable. The officers are supposed to take all complaints of sexual misconduct very seriously.

Will you help me out Mr. Collins? I need someone to help me file a report. I need him to stop. Or at least I could get moved to another pod.

Sure, Jay... I'd be happy to help you file a report. And next time one of the officers doesn't help you file a report, please come to me and I will make sure that they are dealt with.

Officer Morris, please report to Mr. Collins office.

Good morning Officer Morris. I need to speak with you about a matter I heard from an inmate.

What's up, Mr. Collins?

Have you seen or heard anything strange from the showers during your shift?

What I'm asking, is if you've seen or heard any incidents of sexual abuse in the showers?

What are you asking? I need you to be more specific.
Actual sex or inappropriate contact?
Yes. Both.

Mr. Collins, we try to give the inmates their privacy while they are in the shower.

I understand that, but recently some inmates have contacted me and reported incidents of sexual abuse in the shower.

Well, I don’t really know anything about that. And even if I did...

Even if you did...?

Mr. Collins, you work up there in that fancy office of yours pushing papers and filling out reports, but down here, on the floor, and in the cells, there’s a code. Down here, you don’t speak about what doesn’t concern you, and what goes on in the showers, does not concern me, if you catch my drift. I’ll report it if someone gets hurt, but that other stuff, that’s not my business.

Not your business? Everything that pertains to these inmates is your business. Let me remind you of that PREA training you had — even if you aren’t committing an act of sexual abuse yourself, by covering it up and not filing a report, you’re making yourself and this facility liable! You could get fired, or the prison could be forced to pay one of these guys millions of dollars!

Damn. Millions? What’s PREA mean?

Didn’t you go to officer’s training last year?

I must have missed that session.
WELL, LET ME GIVE YOU A RUNDOWN OF WHAT YOU MISSED. PREA IS THE PRISON RAPE ELIMINATION ACT AND IT’S MEANT TO REDUCE AND EVENTUALLY ELIMINATE INCIDENTS OF SEXUAL ABUSE IN JAILS AND PRISONS LIKE THIS ONE. IT MEANS THAT WE HAVE TO REPORT EVERY INCIDENT OF SEXUAL ABUSE AND SEXUAL HARASSMENT; WE HAVE ZERO TOLERANCE FOR ANY ACTS OF SEXUAL ABUSE OR SEXUAL HARASSMENT IN THIS FACILITY. IT MEANS WE HAVE TO DO OUR BEST TO PREVENT IT, TOO. WE HAVE AN EXTENSIVE PREA PLAN THAT YOU WILL BE REQUIRED TO READ AND UNDERSTAND BEFORE I CAN LET YOU BACK ON THE CLOCK.

ALRIGHT, SIR. I DIDN’T SEE ANYTHING ON MY SHOWER SHIFT, BUT I’LL BE SURE TO REPORT IF I SEE SOMETHING IN THE FUTURE.

SURE, IF I LEARN OTHERWISE, THAT WILL BE AN ENTIRELY DIFFERENT CONVERSATION.

OFFICER SANTOS, PLEASE REPORT TO MR. COLLINS OFFICE.

HI OFFICER SANTOS, I’VE CALLED YOU IN HERE TO ASK IF YOU’VE ENCOUNTERED ANY INCIDENTS OF SEXUAL ABUSE WHILE YOU’VE BEEN ON SHOWER GUARD.

WELL, WE TRY TO RESPECT THE INMATES’ PRIVACY AND USUALLY THE SHOWERS TEND TO BE PRETTY QUIET, BUT LATELY, I’VE BEEN HEARING A LOT OF SHOUTS AND OTHER ACTIVITY FROM THE SHOWERS.

WHY DIDN’T ANYONE REPORT THIS TO ME?
Well, it didn’t sound like nothing serious. Plus, you know these inmates play with each other all the time. Plus, Mr. Collins, I need this job. Can you imagine what would happen if the warden knew that stuff was going down on my watch?

Officer Santos, I totally understand, but you do understand that not reporting this stuff makes you equally responsible for whatever goes on in the shower?

No sir, I didn’t think about it that way.

Do you know why you are here, Officer McFarley?

No, I’m not sure.

I recently learned that an inmate here attempted to report a sexual abuse to you and you refused to help him out. Is this ringing any bells?

Oh... right... Jay. That kid thinks he’s smarter than any of the cos here. But Mr. Collins, Jay wasn’t sexually abused — another inmate just brushed up against him in the shower.

Officer, I hope you understand that sexual abuse is more than rape. This was the intentional touching of an inmate’s unclothed buttocks by another without his consent. This is textbook abusive sexual contact, and it is quite alarming that you did not realize this.
Are you firing me?

Not necessarily, but we will have to conduct a disciplinary hearing to determine what is an appropriate sanction in this situation.

Your personnel file indicates that you received the PREA training this year, so there is no excuse for your behavior. Until the hearing, you will work in the office and will not have any direct contact with inmates.

Listen up everyone; I’ve been receiving formal complaints from a number of inmates regarding sexual abuse between inmates. We have a zero tolerance policy for any kind of sexual misconduct - whether between staff and inmates or between inmates. This is about safety and security—keeping inmates safe means keeping staff safe and that’s just good corrections here folks!

We also have a PREA audit happening this year. We need to show that we are complying with the PREA standards.

Are you saying that we’ll lose our jobs if we don’t pass the audit?
I’m saying that it’s possible for us to lose some funding. If we do, we might have to cut some positions or reduce overtime to meet the shortfall.

Well what do we need to do to make sure that we’re PREA compliant?

First of all, we need to make sure that the inmates are comfortable speaking to us about sexual abuse. We also need to make sure we’re doing all we can to prevent these incidents.

And you need to know and follow our policies and procedures. We also need to make sure we’re doing all we can to prevent these incidents. And you need to know and follow our policies and procedures.

Sir, we only have so much control over the inmates.

I’m aware of that, but still we need to do our best to prevent this. We need to watch problem areas like the showers. We also need to make sure that we take every allegation of sexual abuse seriously!
JAY, I HAVE SOME GOOD NEWS.
OH REALLY?
WHAT’S GOING ON?
REMEMBER THE COMPLAINT YOU FILED? WE INVESTIGATED IT AND IT TURNS OUT THAT FRANKIE POWELL HAS DONE THIS BEFORE TO OTHER INMATES.

I’M NOT REALLY SURPRISED. FRANKIE IS A JERK.
I HAVE REFERRED THIS CASE FOR CRIMINAL PROSECUTION SO THE STATE’S ATTORNEY MAY BE CONTACTING YOU TO TAKE A STATEMENT.
SURE, THAT IS NO PROBLEM.

IF THIS HAPPENS TO YOU AGAIN, OR IF IT HAPPENS TO ONE OF YOUR FRIENDS HERE, PLEASE, PLEASE, PLEASE TELL THEM TO REPORT IT TO ME.

ALRIGHT SIR. I WILL CERTAINLY DO THAT. THANKS SO MUCH FOR HELPING ME OUT.

HOW’S THE NEW POD?
THE GUYS THERE DON’T PICK ON ME AS MUCH. I’M JUST GLAD THAT I DON’T HAVE TO BE AROUND FRANKIE ANYMORE.

I’M JUST GLAD TO FEEL SAFE AGAIN.

WELL, I’M GLAD TO HEAR THAT THINGS ARE GOING BETTER FOR YOU. I’M SORRY THIS HAPPENED TO YOU, BUT COMING FORWARD WILL MAKE IT EASIER FOR OTHER PEOPLE TO COME FORWARD TOO.
FINISH THE STORY...
GLOSSARY

Definitions in this glossary are adapted from the Bureau of Justice Statistics data collection survey instrument and the final PREA Standards issued by the U.S. Department of Justice on May 17, 2012.

Abusive sexual contact: Contact with any person without his or her consent; contact with a person who is unable to consent or refuse; and intentional touching, either directly or through the clothing, of the penis, vagina, anus, groin, breast, inner thigh, or buttocks of any person

Custody: When a person is under the power and control of an entity – the police, the juvenile justice system, the prison system or person – and is not free to leave

Carnal knowledge: Contact between the penis and the vagina or the penis and the anus including penetration of any sort

Gender expression: A person’s expression of his/or gender identity, including appearance, dress, mannerisms, speech, and social interactions

Gender identity: Distinct from sexual orientation and refers to a person’s internal, deeply felt sense of being male or female

Gender non-conforming: Gender characteristics and/or behaviors that do not conform to those typically associated with a person’s biological sex

Homosexuality: Sexual, emotional, and/or romantic attraction to a person of the same sex

Non-Consensual Sexual Acts: Contact with any person without his or her consent, or with a person who is unable to consent or refuse; contact between the penis and the vagina or the penis and the anus including penetration, however slight; contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object

Oral Sex: Contact between the mouth and the penis, the mouth and the vagina or the mouth and the anus

Questioning: Active process in which a person explores her or his own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming
GLOSSARY CONTINUED

**Rape:** Includes all of the following actions: oral sodomy, sexual assault with an object, or sexual fondling of a person forcibly or against that person’s will; forcibly or against that person’s will where the victim is incapable of giving consent because of youth, temporary or permanent mental or physical incapacity; achieved through exploitation of the fear or threat of physical violence or bodily injury

**Sexual Acts:** Carnal knowledge, oral sex, anal sex, rape, sexual assault with an object, sexual fondling

**Sexual Assault with an Object:** The use of any hand, finger, object, or other instrument to penetrate, however slightly, the genital or anal opening of the body of another person.

**Sexual Fondling:** The touching of the private body parts of another person, including the penis, vagina, anus, groin, breast, inner thigh, or buttocks, for the purpose of sexual gratification

**Sexual Orientation:** Romantic and/or physical attraction to members of the same or different sex

**Sodomy:** Anal sex with a member of the same or opposite sex

**Staff sexual harassment:** Repeated verbal statements or comments of a sexual nature to a person in custody by an employee, volunteer, official visitor, or agency representative, including: demeaning references to gender or derogatory comments about body or clothing; or profane or obscene language or gestures

**Staff sexual misconduct:** Any behavior or act of a sexual nature directed toward a person in custody by an employee, volunteer, official visitor, or agency representative

**Transgender:** Person whose gender identity differs from their birth sex

- **Transgender woman:**
  Person whose birth sex was male but who understands herself to be, and desires to live her life as, a female

- **Transgender man:**
  Person whose birth sex was female but who understands himself to be, and desires to live his life as, a male
**DISCUSSION QUESTIONS**
(Feel free to ask other additional questions)

1. Why was Officer McFarley disciplined for her reaction to Jay’s incident? Was this fair?

2. Why do you think Jay was hesitant to tell Mr. Collins Frankie’s name?

3. Why did the other officers who viewed this incident fail to report it or discipline Frankie?

4. Should inappropriate touching in a sexual manner or threats be addressed as seriously as a rape? Why or why not?

5. What can staff do to protect inmates from sexual abuse in private areas like showers?

6. Do you think that the lecture that Mr. Collins gave to the officers about PREA was effective? Why or why not?
RESOURCES FOR INMATES

Space intended for agencies to add resources that reflect their specific location and type of agency

Examples include:

- Your 1-800 reporting hotline (if you have one)
- Information and procedure for reporting abuse
- Address and phone number of grievance officer or outside reporting mechanism such as an ombudsman
- Phone number and address for a rape crisis center in the area
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