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To: Members of the Committee on Judiciary

From: David McGuire, Staff Attorney

**Written Testimony Supporting Raised Bill No. 6642
An Act Concerning the Recommendations of the National Prison Rape Elimination
Commission**

Good afternoon Senator Coleman, Representative Fox and members of the Committee on Judiciary. My name is David McGuire. As the staff attorney for the ACLU of Connecticut, I am here to support Raised Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission.

Current prison regulations forbid any sort of sexual contact between prisoners or prisoners and guards. Despite this, rape pervades the prison system; in 2007, a Bureau of Justice Statistics Special Report found that 60,500 prisoners had experienced sexual abuse in the past year. Even more frightening is the fact that in 2008, the Bureau found that 12% of incarcerated juveniles reported experiencing some type of sexual abuse. We can no longer tolerate these indignities perpetrated against people in government custody.

The physical and psychological effects of rape are huge and far reaching. Rape survivors may be infected with STDs, and are far more likely to suffer debilitating mental illnesses under the best of circumstances; the effects when the victim is incarcerated and must interact with her abuser on a daily basis can be far worse. Although the Department of Correction (DOC) opposes prison rape¹, it is clear from the large numbers of victimized prisoners that the current steps being taken to protect inmates are either ineffective or oft-ignored. This bill adopts recommendations of the National Prison Rape Elimination Commission. These recommendations, developed after an extensive study of sexual abuse in prisons, lay out a "realistic blueprint for progress" that will help to actually address and prevent this problem.

As our current situation demonstrates, merely having regulations prohibiting sexual assault in prison is not enough. There must also be effective reporting and enforcement mechanisms to give these regulations teeth. This bill offers that, providing

¹ State of Connecticut Administrative Directive 6.12

for disciplinary measures and prosecutions against offending prison staff or inmates, and allowing inmates to have confidential contact with support services, and mandating compliance auditing. The mandatory reporting requirements of this bill will give the legislature and society at large a clear idea of the magnitude of the problem of prison rape, and how best to deal with it. Moreover, if this bill is passed, it will send a strong message to prison staff that DOC policies are not mere words, and that the state takes the issue of prison rape seriously.

Prison rape also puts the state fiscally at risk. If a prison has failed to take reasonable steps to protect inmates from sexual assault, the state may be liable for failing to protect those inmates. The passage of this bill is sound public policy: it protects all people from rape and sexual assault, and minimizes financial costs to the state. The ACLU-CT urges you to pass Raised Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission.