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What "Orange Is the New Black" Tells Us About Sexual Abuse in Women's Prisons and How to Stop It

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(<http://wagingnonviolence.org/feature/orange-new-black-tells-us-sexual-abuse-womens-prisons-ways-women-organized-stop/>) | Op-Ed

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***Trigger warning: The entire article talks about sexual assaults and abuse.
Spoiler warning: Episodes 10 to 13 are discussed in detail.***

In this season's "Orange Is the New Black," viewers are introduced to a host of new characters, including a prison guard who claims to be in love with - and regularly rapes - Pennsatucky, the woman assigned to drive the prison van. Even if Pennsatucky were to report the rapes, her friend Boo points out, it's her word against his. And who will the prison administration take more seriously? A woman imprisoned for a crime or a guard whom they saw fit to hire? At best, she will simply be disbelieved; at worst, she would be punished by being placed in solitary confinement and then being transferred to a harsher prison.

Meanwhile, the woman has van duty every day with the guard, an assignment that takes them out of the prison and away from any potential witnesses or watchful eyes. "He's got you," her friend Boo says.

This kind of scenario isn't limited to fictional television series. We don't know how often it occurs in real-life women's prisons to real-life women, but the little that we do know indicates that it's more than a once-in-a-blue-moon

occurrence. In both men's and women's prisons, sexual abuse is more likely to occur (<https://oig.justice.gov/reports/plus/eo904.pdf>) at the hands of staff members rather than other prisoners.

I've written before about ways in which women who are not in prison have organized to prevent gender violence (<http://wagingnonviolence.org/feature/organizing-hell-womens-prison-resistance-alabama/>). But tactics and strategies that work on the outside don't necessarily fly behind prison walls. Keep in mind that prisons are sites of total control. Movement is limited - and sometimes strictly controlled. So, while people on the outside can utilize tactics like banding together for safety, avoiding being alone with certain people or avoiding isolated areas, these strategies don't work in an environment in which staff have the ability to give orders.

Those who refuse risk being charged with "disobeying a direct order," which usually is punished with time in solitary confinement. Having such a charge on their record can also be held against them during a parole hearing, which means an even longer prison sentence. There is little to no opportunity for a person to explain that they disobeyed that direct order because they feared sexual assault. Even if there were, as Boo rightly pointed out, it's the word of a prisoner against the word of a staff member. And physically defending yourself? In prison, that's called "assault on an officer" and not only lands a person in solitary confinement, but garners an additional charge with the very real threat of more time in prison and, for the rest of their stay, unrelenting harassment and abuse from other prison staff.

Despite these limitations, people in women's prisons (not every person in a women's prison identifies as a woman) have figured out ways to try to protect themselves and others. In 1996, after the passage of Measure 11, a mandatory sentencing law, women's incarceration in Oregon increased dramatically. Unable to handle the sharp influx of women, the state contracted with private prison company Corrections Corporation of America, or CCA, to house 78 of these women. That year, Barrilee Bannister and 77 other women were transferred to a CCA-run prison for men in Arizona. When they first arrived, Bannister recalled (<http://www.justdetention.org/common/files/bbannister.pdf>) having to walk

past a line of prison staff members who gawked, whistled and made lewd comments at them. But that wasn't the only form of sexual harassment and abuse that the women would endure.

Weeks after their arrival, Bannister said that a captain visited several women (including her) in a cell, bringing marijuana with him. They all smoked and, when he left, the captain left the remainder with the women. Shortly after, he returned with other officers, announcing that they were searching the cell for contraband. But, they said, if the women preformed a strip tease, they would not conduct the search.

Knowing that being caught with marijuana would mean an additional charge and an increase in the amount of time they had to spend in prison, the women began to strip. After that, she said that officers frequently brought marijuana and other items that the women were not supposed to have. In exchange, the women would perform strip teases.

But it didn't stop at strip teases. Soon, officers began raping women. But Bannister and the other women refused to silently accept this new reality. Bannister contacted friends and outside organizations and told them what was happening. They, in turn, contacted media. The negative publicity led to an investigation and the women's return to Oregon - and out of the CCA prison. The women filed a federal lawsuit against CCA, eventually winning a public apology, a promise of stricter rules to prevent sexual abuse, and the reimbursement of attorney fees.

Sexual abuse isn't a problem only in private prisons. It's a frequent occurrence in publicly-run prisons as well. But women in publicly-run prisons have also banded together to try and stop the abuse.

In Battered Women's Justice

(https://books.google.com/books/about/Battered_women_s_justice.html?id=7hoEAQAIAAJ), Patricia Gagne describes how women in an Ohio prison were dealing with the same dilemma. In the mid-1990s, one particular guard seemed to have it in for one particular woman. Her cellmate recalled that he constantly harassed her. He also threatened her and her friends - if they attempted to report his behavior, he would plant cocaine among their possessions. Scared, the women kept quiet. But after he assaulted the woman,

her friends knew they could no longer keep quiet. They filed a complaint with the administration and testified before the grand jury, which eventually led to the guard's arrest and conviction.

Their actions also had a ripple effect. "We could never clean up the penitentiary or never change a lot of people's minds," the woman stated. But, she continued, after that guard was arrested and convicted, "a lot of the nastiness and that vulgarness ... was seeming to cease a little bit and to ease up a little bit, because they began to get nervous. And more women stood up, and two other officers were escorted off because the women found enough courage to stand up."

In Michigan, sexual assault in women's prisons was so pervasive (<http://www.hrw.org/news/1996/12/06/sexual-abuse-women-us-state-prisons>) that the US Department of Justice stepped in and launched an investigation. It found that "nearly every woman ... interviewee reported various sexually aggressive acts of guards," including rape, sexual assault, impregnation, abusive pat frisks and violations of privacy. The Justice Department initiated legal action against the state in 1997 on the grounds that Michigan was "violating the constitutional rights of inmates incarcerated in Michigan women's prisons to be free from sexual misconduct and unlawful invasions of privacy."

*But women inside the prison system didn't wait for the Justice Department. They filed suits on their own - both individually (as in the case of Stacy Barker (<http://www.hrw.org/legacy/reports98/women/Mich-04.htm>)) and collectively. In 1996, 31 women (including Stacy Barker) in Michigan's two women's prisons filed *Nunn v. MDOC*, charging that they had been subjected to sexual assault, sexual harassment, violations of their privacy, physical threats, assaults and retaliation by male prison staff. They also charged that prison officials had been aware of this abuse, but had done little to investigate or prevent it. Four years later, in 2000, the Michigan Department of Corrections signed a settlement agreement that banned cross-gender pat-down searches, meaning that male guards were no longer allowed to pat search women, and limited the circumstances in which male guards could transport women or remain with them in medical examining rooms. The settlement also limited staff allowed in the housing units, where women might be in states of dress or undress, to female guards.*

That same year, women also filed Neal v. MDOC, a class-action lawsuit. Nearly 440 women who had experienced sexual harassment, sexual assault, invasions of privacy and retaliation for reporting staff misconduct signed onto the suit. In 2007, nine years after it had been filed, the case went to trial (<http://resistancebehindbars.org/node/54>). The jury awarded the women more than \$30 million. In July 2009, a settlement was reached (<http://www.clearinghouse.net/detail.php?id=5550>) for \$100 million to be distributed to the class members - in other words, any woman incarcerated in Michigan who had suffered any of the experiences listed in the suit - and their attorneys.

These are specific instances that have been written about. But that doesn't mean that they're the only methods people have used to keep themselves and each other safe. In "Orange is the New Black," Pennsatucky and Boo come up with a creative solution that enables her to escape from her driving duties - and the accompanying sexual assaults. It's not a tactic that would necessarily make headlines or that she would even be able to tell others without jeopardizing her own escape.

From years of talking to people who have spent time in women's prisons, I've learned that stories of resistance actions - whether individual acts or collective organizing - often remain undocumented. Creative strategies may be passed down by word of mouth and the prison grapevine, but unless someone takes the time to talk with people and ask them specifically about what they did to challenge and change conditions, those stories rarely make it past prison walls.

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