

Frequently Asked Questions (FAQ) Housing and Classification

Just Detention International (JDI) is a non-profit human rights organization that seeks to end sexual abuse in all forms of detention. JDI provides the general information below in an effort to respond to questions that we regularly receive from prisoner rape survivors. Please remember that laws are constantly changing and their application may vary from one case to the next. Legal advice must be tailored to the specific circumstances of each case and can only be provided by a qualified attorney. This FAQ does not constitute legal advice.

1. I was sexually assaulted and do not feel safe where I am housed. Can you help me get a transfer or get into Protective Custody/Safekeeping?

You have a right to be housed in a safe and secure environment and to be protected from “cruel and unusual punishment.” If you reported a sexual assault and continue to be threatened or harassed, your first – and most effective – course of action is to request a transfer to another unit or institution or to Protective Custody (sometimes referred to as “Safekeeping”). The request should explain clearly why you feel unsafe, including: when you were assaulted; when you reported it and to whom; what harassment, threats or abuse you have experienced since then; and if there are any particular individuals whom you feel are a particular threat to your safety.

If your request is denied and you plan to appeal the decision, you should follow the institution's guidelines for appeal as quickly as possible. Keep in mind that some housing options may not be available to you because of your classification status, security level or for other reasons. If possible, you should know what your options are before you make your request.

If you do not get the response you need from your institution, you may want to contact the Director of Classification and/or an oversight agency that monitors the conditions in corrections facilities, explaining your concerns for your safety and what steps you have taken to request a transfer or to get moved into protective custody. Many states have an agency, such as an Ombudsperson or Office of the Inspector General (OIG), which is responsible for responding to allegations of abuse within corrections facilities. Please refer to the listing for your state in JDI's *Resource Guide for Survivors of Sexual Abuse Behind Bars*, under “Government Resources,” for the address to such an oversight agency. If you are a federal prisoner, please refer to the national section within the *Resource Guide* for this information.

It may also be helpful to involve family members or other individuals who know about your case and would be willing to contact the prison on your behalf to request that you be placed in safer housing. Sometimes such efforts can bring unwanted attention or retaliation from prison staff or inmates, so be aware of these risks and prepare yourself as much as possible before you involve outside individuals.

If you have notified prison officials of the sexual assault and that you are still in danger, and the prison has not taken steps to protect you, you may have grounds for a lawsuit. To find out for certain, you will need to contact an attorney.

2. I am being kept in solitary confinement/Administrative Segregation. I feel like I am being punished for reporting the sexual assault. Can you help me?

Most corrections facilities separate a person who has reported a sexual assault from the rest of the population. This is done to protect the survivor and to assist in the investigative process. Institutions may use administrative segregation, a medical unit, protective custody, or a holding cell for this purpose. During this time in solitary confinement, you may not be able to continue with your normal activities, such as working, going to class or taking part in recreation time. The length of time survivors are segregated varies from one facility to another.

Spending time in isolation following a sexual assault can be a terrifying experience, but it may also be a relief to be away from the environment where the abuse occurred. Either way, you may want to reach out for support to someone you trust. JDI's publication *Hope for Healing* contains helpful information on common survivor reactions to sexual abuse behind bars and suggestions for how you can take care of yourself.

You can request to leave solitary confinement at any time, but keep in mind that, depending on the rules at your institution, the prison may not permit you to leave segregation until the investigation is complete.

3. I have requested single-cell status for my protection and have been denied. Can you help me?

Some survivors of sexual abuse find that having contact with other prisoners is too painful or frightening for them and the only way they can feel safe is to be in a single cell. If this is true for you, it is a good idea to ask your psychologist or other mental health staff person for help making such a request. If you have not already discussed your concerns with a psychologist, you can request to be seen and evaluated by a mental health staff member. Keep in mind that most institutions have a very limited amount of single cells, and some do not have any.

If your request for single-cell status has been denied and you want to appeal, you will have to do so within your institution's timeframe and guidelines. Explain as simply and clearly as possible why you need a single cell and include any supporting documents from the psychologist or other mental health staff person. If you cannot obtain a single cell, you may want to request a transfer to a unit within the prison that has more supervision (such as Safekeeping or Special Needs Yard, if applicable) or to another prison where you may be safer in the general population.
