

Breaking the Silence on Prison Rape and AIDS

Prison rape is a disturbing topic, but it is an undeniable aspect of prison life. Inmates can often be divided into two groups, those who are predatory and those who are prey, and the vulnerable may be subjected to sexual assaults by individuals and groups. Victims, once identified as such, are rarely left alone after a single incident - they tend to be repeatedly violated. In the 1990s, prison rape can be much more than a traumatic, emotionally devastating violation - adding the potential transmission of HIV (the virus that causes AIDS) into the equation, prison rape can lead to a death sentence.

This happened to Michael Blucker, an inmate who was raped repeatedly at Menard Correctional Center in Illinois and contracted the AIDS virus while under the custody of the Illinois Department of Corrections. Blucker has taken the Illinois DOC to court, claiming that corrections employees - including wardens, correctional officers and medical personnel - ignored his requests for help, and thereby violated his Constitutional rights under the Eighth and Fourteenth Amendments by intentionally subjecting him to cruel and unusual punishment. Blucker was admitted to the Illinois correctional system on January 6, 1993, to serve time for theft. On June 10, 1993, he tested non-reactive (negative) to a Hepatitis O Antibody test, which detects exposure to the HIV antibody. Soon after his arrival at Menard, Blucker was sodomized, beaten and threatened by his cellmate, a gang member, and other members of the same gang. Cell changes left Blucker with a series of cellmates who sexually assaulted him, forced him to submit to sex with other inmates and sold his body to other inmates for cash and cigarettes. On March 29, 1994, Blucker tested HIV positive. Blucker's case against the DOC caught the attention of Illinois representative Cal Skinner, Jr., who describes Blucker as "a thief who has received an unadjudicated death sentence."

Prisoners have won a surprising ally in Cal Skinner, a conservative Republican and sixth-term member of the Illinois House of Representatives. Representative Skinner has repeatedly introduced legislation in Illinois to protect prisoners from rape and its consequences. Skinner's original bill would require officials to classify incoming inmates according to their vulnerable or predatory nature, and mandate separate housing for inmates considered vulnerable from those classified as predatory. The Prison Rape Bill would require the Illinois Department of Corrections to count rapes separately from other types of attacks, and to train prison employees to prevent and react to sexual assaults and intimidation. The Prison Rape Bill has been watered down in committee, but its passage in any form would be a landmark.

There have been few comprehensive studies of prison rape, and there has been virtually no research one on sexual assaults of incarcerated women and juveniles. In March and April of 1994, Cindy Struckman-Johnson, a professor of psychology from the University of South Dakota, conducted a survey of all prisons in Nebraska. Her findings indicate that 22.3% of male prisoners and 7.7% of female prisoners reported being "pressured or forced to have sexual contact" against their will. Stephen Donaldson, President of Stop Prisoner Rape (SPR), extrapolated these figures from Nebraska and estimated that 200,000 adults are sexually victimized annually in U.S. prisons, including 120,000 completed rapes of adult males. Most of the Nebraska survey respondents were heterosexual white males and reported repeated assaults.

Representative Skinner worked with others to force the Centers for Disease Control (CDC) to release a report conducted in Illinois prisons on the transmission of HIV within the system. The report, which the CDC has not published, found that a minimum of one-third of % of the adult males in Illinois state prisons become HIV-infected every year. This is an extraordinarily high transmission rate compared to the general population, albeit within a small, confined population. According to Skinner, this means that over 100 prisoners seroconverted and become infected with AIDS in Illinois prisons every year.

Some states have taken controversial measures to control the transmission of HIV in correctional facilities. Alabama and Mississippi are the only states to completely segregate HIV-infected inmates from the rest of the population. In Alabama, where inmates with HIV are segregated, they have only very limited access to prison facilities and programs that are available to other inmates. Due to prohibitive costs of providing the same services to both male and female inmates in HIV segregation, they are denied access or have minimal access to educational programming, prison libraries and visits. This segregation was upheld by a judge when it was challenged by an American Civil Liberties Union class-action lawsuit (*Harris vs. Thigpin*) on behalf of HIV-positive inmates. The judge ruled on behalf of the Alabama DOC on all points, finding that the actions of the Department of Corrections were acceptable in that the segregation served penological interests. Alabama's seroconversion figures are in stark contrast to those of the Illinois DOC: while 100 Illinois inmates contract AIDS in prison annually, only two Alabama inmates have seroconverted since the Alabama DOC began mandatorily testing and segregating infected inmates. ○

1 "Seroconverted" means that inmates entered the prison system testing negative but tested positive after a period of incarceration.