

The Honorable Gregory Abbott  
State of Texas  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

May 8, 2015

Dear Governor Gregory Abbott,

Lambda Legal is submitting this letter and petition to urge you to certify that you will work towards compliance with the Prison Rape Elimination Act (PREA) and fully implement PREA guidelines in Texas prisons, jails, and confinement facilities. Next Friday, May 15, is the deadline for the governors to certify that they will work towards PREA compliance or face losing grant funds from the Department of Justice.

Last year, former Governor Rick Perry announced that Texas would not comply with PREA, and urged other governors to follow his lead. This put the state of Texas at risk of losing valuable grant funds from the Department of Justice, but even more importantly, it cost many individuals who are incarcerated in Texas facilities, the protections they need to keep them safe from rape, assault and threats. Our client, Passion Star is one of those individuals.

In October 2014, Lambda Legal filed a lawsuit on behalf of Passion Star in the U.S. District Court for the Southern District of Texas. Ms. Star is a transgender, black woman, who has been in the custody of the Texas Department of Criminal Justice (TDCJ) since she was 19 years old. She is now 31. For the past, 12 years, she has been housed in seven different male TDCJ facilities where she has been raped, forced to submit to undesired sexual acts to escape violence, and threatened with sexual assault. Passion has filed dozens of grievances, complaints and requests for help, but instead of taking measures to protect her, TDCJ officials have told her to “suck dick,” “fight” or to stop “acting gay” if she does not want to be assaulted. They have even told her that “gay” people can’t be raped and that she must be having the time of her life.

On November 19, 2013, Ms. Star appealed to TDCJ officials for protection from a gang member who had told her that he “owned” her and that refusal was not an option. Instead of protecting her, TDCJ officials actually moved her closer to the person who was threatening her. The next morning, the gang member attacked Ms. Star, calling her a “snitching faggot,” and slashed her face eight times with a razor. She will have these scars and others for the rest of her life.

Even after this horrific attack, prison officials refused to place Ms. Star in its Safekeeping Program, a program established to give additional protection to people vulnerable to assault in the general population. They instead transferred her to the Clements Unit, known as one of the units with the highest incidence of sexual assault in the nation. Soon after she arrived, other incarcerated people told her she had to “have a man” or be raped and tried to lay claim to her as

though she were property. As the daily threats continued and escalated, Clements Unit officials warned Ms. Star not to file any more requests for protection. However, her situation became so desperate that on February 19, 2015 she again begged TDCJ staff to place her in Safekeeping. Instead, they placed her in a cell with a gang member who threatened to kill her if she continued to complain or “snitch.”

Lambda Legal filed an emergency motion on her behalf. On March 30, 2015, twelve years after she first requested it, TDCJ finally moved Ms. Star into its Safekeeping Program in the Telford Unit. Ms. Star has expressed tremendous relief. She said that Safekeeping is an entirely different environment and for the first time she does not need to fear every moment that she will be assaulted again.

Passion’s is just one story among many. As we are sure you are aware, there are particularly high rates of reported incidents of sexual assault in Texas’ prisons and jails. A 2008 study from the Bureau of Justice Statistics found that 4.5 percent of all inmates in America report sexual assaults. The same study ranked five Texas prisons among the 10 U.S. prisons with the highest rates of inmate-reported sexual assaults. In those five prisons, between 9 percent and 16 percent of all incarcerated people report incidents of rape by fellow prisoners and prison staff. A 2010 report found that one TDCJ facility, the Hughes Unit, led the nation with the highest rates of inmate-on-inmate sexual victimization – at an astounding 8.6%. According to a 2013 Bureau of Justice Statistics report, there are more facilities in Texas with high levels of sexual assault than in any other state.

Experts across the nation recognize that institutional sexual violence disproportionately affects lesbian, gay, bisexual, and transgender (LGBT) people. Just Detention International, a Los Angeles-based advocacy group that seeks to reduce prison rapes worldwide, calls LGBT inmates “among the most vulnerable in the prison population,” with 67 percent reporting a sexual assault during their sentences — a rate 15 times higher than the inmate population overall.

According to one study in California, transgender women are 13 times more likely to be sexually assaulted than people in the general population. The study found that 59% of transgender women incarcerated in men’s prisons reported being sexually assaulted, compared to 4% of the non-transgender male population.

PREA is a federal law designed to eliminate sexual abuse of people in custody. It was created after years of study by a bipartisan, federal commission. In September 2003, the United States Congress unanimously passed PREA and it was signed into law by former President George W. Bush and last year, forty-three of your fellow Governors either certified their compliance with PREA or their intent to comply.

Passion Star recently shared her thoughts from prison. **“We need something like PREA to change the culture of prisons in the state of Texas,”** she stated. **“If Texas was doing everything they say that they’re doing to stop [rape] from happening, then there’s no point in turning down PREA. I don’t want to have sex to be safe. I shouldn’t have to.”**



We at Lambda Legal agree, along with the nearly 10,000 people who have signed this petition, many of whom are your Texas constituents. We urge you to join the other forty-three governors and certify your intent to fully comply with PREA by May 15, 2015. Do not let another year go by without taking a definitive step to curb the rates of sexual violence in Texas' prisons and jails.

Sincerely,

Jael Humphrey, Esq.  
Staff Attorney

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work.