

Left Alone With A Sex Offender, A Teacher Is Raped **News**

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PHOENIX (AP) -- A teacher at an Arizona prison was alone in a room full of sex offenders before being stabbed and sexually assaulted by a convicted rapist, according to documents obtained by The Associated Press about an attack that highlighted major security lapses at the facility.



The attack occurred Jan. 30 at the Eyman prison's Meadows Unit, which houses about 1,300 rapists, child molesters and other sex offenders. The teacher was administering a high school equivalency test to about a half-dozen inmates in a classroom with no guard nearby and only a radio to summon help. The Department of Corrections issued only a bare-bones press release after the attack, but the AP pieced together what happened based on interviews and investigatory reports obtained under the Arizona Public Records Act.

After the last of the other inmates left, Jacob Harvey asked the teacher if she could open the bathroom and then attacked her, records show. Harvey is accused of stabbing her in the head with a pen, forcing her to the ground and raping her.

The teacher told investigators that she screamed for help, but none came. Afterward, Harvey tried to use her radio to call for help. It had apparently been changed to a channel the unit's guards didn't use, so Harvey let the woman use a phone, according to the reports.

Carl ToersBijns, a former deputy warden at the prison, said the assault highlights chronic understaffing and lax security policies that put staff members at risk.

"Here you've got a guy that commits a hell of a crime ... and he's put into an environment that actually gives him an opportunity to do his criminality because of a lack of staffing," said ToersBijns, who was deputy warden at the Eyman prison in Florence until retiring in 2010 and oversaw the Meadows Unit for 19 months.

State prison officials, however, dismiss the concerns. They say the assault at the prison about 60 miles southeast of Phoenix is a risk that comes with the job of overseeing violent prison inmates.

Harvey was in the first year of a 30-year sentence for raping a Glendale woman in November 2011. Just 17 at the time, he had knocked on the woman's door in the middle of the day, asked for a drink of water, then forced his way inside, where he repeatedly raped and beat her while her 2-year-old child was in the apartment. He fled naked when the woman's roommate arrived home.

He was arrested after DNA evidence connected him to the crime, and he pleaded guilty.

Harvey was initially classified as a "Class 4" security risk, one notch lower than the highest level. Six months later, despite violating prison rules at least once, he was reclassified at a lower level.

Department of Corrections spokesman Doug Nick said classrooms at prisons across the state are having cameras installed. But he said no administrative investigation was launched because there was no need, and no one was disciplined. He said all prisons are dangerous places and staff are trained accordingly.

"This is an assault that reflects the fact that inmates in our system often act out violently, and it is the inmate suspect who is responsible for this despicable act," he said.

Nick also said that not having a guard in classrooms or nearby "follows accepted corrections practices nationwide."

That's not the case, said Carolyn Eggleston, a professor at California State University, San Bernardino, who started her career as a prison teacher in several states and now is director of the university's Correctional and Alternative Education Program.

"I have to say, I don't find that consistent with standards," Eggleston said. "In a sex offender unit, especially, they should be counting the people leaving the classroom. They just should. And there should be somebody, not in the class ... but there should be somebody in proximity so they can help monitor that."

The woman, who was not critically injured, has filed a worker's compensation claim against the state and did not want to comment on case. The AP does not usually identify sexual assault victims.

Internal emails obtained by the AP show that prisons Director Charles Ryan ordered all non-corrections officer staff at prisons statewide to be issued pepper spray and trained in its use just days after the attack. And an internal memo sent the day after the assault ordered guards at a nearby prison to begin checking on civilian staff every hour.

Nick said the pepper-spray order was in the works before the assault. And he said that, despite the internal memo from a major that ordered hourly checks, the actual practice is unpredictable and more frequent, with staggered checks three times an hour.

ToersBijns, who is an advocate for prison safety and believes understaffing has put state prison staff at risk, said multiple errors likely led to the assault, including not having video cameras in the classroom, a lack of checks on civilian staff and use of an outdated classification system for inmates that led to a violent predator being misidentified as a relatively low-level threat.

After the attack, Harvey was calm when confronted in the classroom, refused to talk to investigators and asked for a lawyer. He was charged last month with sexual assault, kidnapping and assault with a deadly weapon. A public defender was appointed, and he pleaded not guilty at his arraignment. The public defender assigned to his case, Paula Cook, declined to comment.

Harvey was convicted in a prison administrative hearing of sexually assaulting the staff member. Three weeks after the rape, he assaulted another prison employee, although records don't show any details. His security classification was raised two levels, to the highest, nearly three months after the teacher was assaulted.