

JONAS CABALLERO

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New York State Senate
Committees on Crime Victims, Crime, and Correction
And Ethics and Internal Government

Re: Witness Testimony for Joint Public Hearing on March 3, 2022

Dear New York State Senate Committee Members:

My name is Jonas Caballero. I am a Fulbright Scholar, Paralegal, and a survivor of sexual assault in the New York prison system. In 2017, I was arrested on a nonviolent drug offense. I had never been arrested before and was scared to death of what awaited me at Rikers. I had spent years working as a journalist and human rights activist on the frontlines in the Occupied Palestinian Territories. I had been shot twice by the Israeli Army, beaten to the ground by illegal settlers, and witnessed countless human rights violations. Compared to Palestine, Rikers should be a walk in the park, I told myself.

How wrong I was!

Throughout my incarceration, I would experience a myriad of constitutional rights violations, the most traumatic of which occurred on March 6, 2018 at the Brooklyn Detention Complex (BKDC). The assault began as a routine pat frisk and ended with a corrections officer grabbing my testicles and penis and squeezing them in his hand. This happened in full view of security cameras and a captain, who would later call me a liar. When I reported the assault to a female officer, she laughed and said I should have enjoyed it because I am gay. Another female officer joked that perhaps he thought my genitalia was contraband. To make matters worse, the assaulting officer was repeatedly reassigned to my unit after the incident.

I filed multiple grievances and reported the assault to 311 numerous times. Instead of investigating my claim further, DOC officials spent time making up nicknames for me, which they would call me to my face, including “Grievance King” and “Mr. 311.” Under PREA and the DOC’s own policy, the DOC was required by law to complete their investigation into the sexual abuse within 60 days. When more and more weeks went by with no official response to my claim, I was forced to take matters into my own hands by filing a federal pro se prisoner rights lawsuit in the Eastern District of New York (*See Caballero v. City of New York, et al., No. 18-02397 (PKC)(RML)*). Despite the added pressure from Judge, the DOC consistently filed reports containing no information as to the progress of the investigation. Although I would later settle this case against the City of New York, it would take the DOC well over 420 days to close the investigation into the assault. The DOC decided to render my claim as “unsubstantiated,” despite noting that a previous investigator failed to retain video evidence.

In addition to the sexual assault by the officer, on at least eight separate occasions I was forced to strip completely naked, bend forward at the waist, and spread my buttocks so that officers could look inside my anus for contraband. This violated the DOC's own policy, not to mention the U.S. Constitution, which only allows for a search without a visual body cavity inspection when there is no reasonable and articulable suspicion of contraband. Contraband was never found in my cell or body, and I was completely free of disciplinary infractions at BKDC. This was clearly retaliatory behavior for standing up for my rights as a pretrial detainee.

Prior to my incarceration, I was diagnosed with PTSD and depression. What I experienced at BKDC was not only traumatic but posed a major setback to overcoming my depression. The abuse I experienced aggravated my PTSD, which resulted in feelings of isolation, fear, self-blame and difficulty trusting. In order to cope with these harms and survive the remainder of my sentence, I engaged in a dozen therapy sessions with a specialist at the Crime Victims Treatment Center.

Although these experiences were severely traumatic, they led me to pursue a career in the legal field. I currently work a Paralegal for the Abolitionist Law Center, a public interest law firm committed to ending mass incarceration and fighting for the rights of incarcerated individuals, and I am in the process of applying to law school. Sexual abuse serves no legitimate penological purpose, and I have made it part of my mission in life to do everything I can to put a stop to the pattern of trauma that is compounded by sexual assault in prison.

Thank you for allowing me to tell my story.

Sincerely,

Jonas Caballero