Barred and Dangerous

Infected in jail, rejected in court

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For the incarcerated, justice can be as rare as a decent meal. Michael Blucker was jailed in 1992 for burglary and auto theft; he was paroled five years later, allegedly a survivor of sexual slavery and multiple rapes that left him infected with HIV. But the former Illinois inmate found no relief when he accused Menard Correctional Center officials of not only allowing the crimes but transferring known rapists to his cell.

A federal jury rejected Blucker's claims against five officials, and deadlocked on two others. Both sides agreed – after some debate – that he became infected while an inmate, but Big House attorneys argued that the act was consensual. The former prisoner, who asked for $1.5 million in damages, is seeking a second trial. "This decision will allow prison administrators to keep their heads buried in the sand as to the extent of sexual violence inside," said Jack Beck, an attorney at the legal Aid Society's prisoners' Rights Project. "It's a virtual certainty that HIV transmission is occurring in prison due to rape." Sex assaults in the slammer are next to impossible to prove due to prisoners' fear-driven reluctance to come forward, beck added. Aggravating matters is the policy nixing condom distribution – based on the official delusion that sex is prohibited among prisoners and therefore they never have it.

A Menard spokesperson spun the jury's judgement as proof that present policies adequately protect prisoners, while Republican state legislators seized on the high-profile case to call for segregation of prisoners with HIV. But Deborah Jacobs, executive director of the ACLU Eastern Missouri, said, "That would only perpetuate harassment and increase stigma." It would also violate the law that prohibits public ID'ing of PWAs. The Illinois Department of Corrections recently instituted forced testing of prisoners.

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