

Roderick and Solange MacArthur Justice Center

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FOR IMMEDIATE RELEASE
Sept. 2, 2016

**SETTLEMENT REACHED IN LAWSUIT ALLEGING
ILLINOIS PRISON OFFICIALS RETALIATED
AGAINST VICTIM OF PRISON RAPE**
***\$450,000 settlement believed to be among the largest
for prison retaliation case***

SPRINGFIELD, IL – The Illinois Department of Corrections (IDOC) has agreed to pay \$450,000 to a man punished and humiliated by prison officials after he reported his Logan Correctional Center cellmate had sexually and physically assaulted him.

The *James Fontano v. Godinez* settlement, which was announced Friday, is believed to be among the largest payments made for a prison retaliation case. Fontano was represented by attorneys from the Roderick and Solange MacArthur Justice Center and the Uptown People's Law Center.

"Whether in prison, in the Catholic church, in a school or anywhere else, any person who reports a sexual assault deserves to be treated with concern and respect," said Locke E. Bowman, Executive Director of the MacArthur Justice Center. "Those in charge must investigate the allegations fairly and aggressively. Sexual predators must be brought to justice.

"The response of prison officials to James Fontano in this case is a model of what not to do," Bowman said. "Instead of concern, James was met with derision and disbelief. The investigation was designed to cover up the rape, not to hold the perpetrator accountable. We need to ask: Just how prevalent is rape within Illinois' prisons?"

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Fontano, who was imprisoned in IDOC for eight months on a minor drug offense, served the majority of his sentence at the Logan Correctional Center in Lincoln.

Fontano was celled with an older, physically larger and stronger prisoner serving a lengthy sentence for armed robbery. In August 2011, shortly before Fontano's scheduled release date, Fontano's cellmate repeatedly raped Fontano over the course of two nights while he and Fontano were locked together in the cell they shared.

Fearing that the assaults would escalate and with nowhere else to turn, Fontano reported the assaults to prison authorities. Although Fontano's report was detailed, graphic and credible, prison officials responded by punishing Fontano, not his assailant. Fontano was forced to spend the rest of his prison sentence in segregation, purportedly because he had lied about being raped.

Eventually, Fontano's report was corroborated by a finding that his cellmate's DNA was present on the rear inside panel of Fontano's underwear. Even with this information, prison officials refused to rescind Fontano's punishment.

Fontano sued Alex Dawson, the former warden of Logan Correctional Center, and Kevin Standley, the IDOC investigator who recommended that Fontano be disciplined. The suit, filed in the federal court in Springfield, claimed that Dawson and Standley retaliated against Fontano for exercising his First Amendment right to report the rape.

"Men in prison learn quickly there are two things you don't want to be known for," said Alan Mills, Executive Director of the Uptown People's Law Center. "First, if other prisoners believe you are a snitch, you are in danger of being beaten, stabbed and worse. Second, if you are viewed as a weakling and easy mark to be used for sex by another man, you will always be in danger of a sexual assault. Those are the reasons – fear of being known as a snitch and weakling – James endured two sexual and physical assaults and decided to seek help when he could break away during the third attack."

"Immediately after James reported the rapes, prison officials punished James, threatened him with extra time in prison and pushed him to withdraw his report," said Sheila Bedi, an attorney with the MacArthur Justice Center. "Enduring this kind of punishment for reporting his rape came at a great cost to James."

"This settlement should serve to motivate IDOC to change its practices," Bedi added. "IDOC needs to do all it can to end sexual assault behind bars, to protect the men and women locked in state prisons, and to encourage victims to report sexual assaults."

About the Roderick and Solange MacArthur Justice Center

The Roderick and Solange MacArthur Justice Center advocates for human rights and social justice through litigation. As one of the nation's premier civil rights organizations, the MacArthur Justice Center has played a prominent role in bringing Chicago police misconduct and torture to the public's attention and has helped wrongfully convicted men and women win multi-million dollar verdicts and settlements as compensation for the time they spent in prison.

For additional information, visit

<http://www.law.northwestern.edu/legalclinic/macarthur/>

About the Uptown People's Law Center (UPLC)

UPLC is a nonprofit legal services organization specializing in prisoners' rights, Social Security disability, and tenants' rights and eviction defense. UPLC currently has nine pending class action lawsuits against the Illinois Department of Corrections.

For additional information, visit www.uplcchicago.org

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