

# Understanding Rape in Prison

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Sexual assault is one of the most underreported crimes in the U.S., with an estimated 65% unreported (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics [BJS], 2011). The reality is that sexual abuse in detention is a widespread, systemic problem. With more than 7 million Americans confined in U.S. correctional facilities or supervised in the community (Glaze, L. & Parks, E. 2012), and approximately 95% returned to the communities after serving their sentences, this is an issue society cannot afford to ignore. Sexual assault makes correctional environments more dangerous for staff as well as prisoners, consumes scarce resources, and undermines rehabilitation. It also carries the potential of devastating the lives of victims (National Prison Rape Elimination Commission, 2009).

In May 2012, the Bureau of Justice Statistics (BJS) released the findings of a survey of former state prisoners; 10% reported one or more incidents of sexual victimization while incarcerated. Of the inmates reporting sexual abuse, 31% were victimized three or more times (Beck, A.J. & Johnson, C., 2012). The Bureau of Justice Statistics found that 4% of federal and state prison inmates (and 3% of county jail inmates) reported experiencing one or more incidences of sexual victimization by another inmate for facility staff in the past 12 months or since incarceration, if less than 12 months (Beck, et al., 2013). Other independent research indicates that one in five male inmates faces sexual assault behind bars (Struckman-Johnson & Struckman-Johnson, 2006). While estimated rates of sexual abuse at women's prisons vary widely, at the worst facilities, as many as one in four prisoners are victimized (Struckman-Johnson & Struckman-Johnson, 2002). Regardless of the accuracy or lack of accuracy of the statistics, studies have concluded that even if the incidence of sexual victimization in prisons is relatively low, the pervasive fear of such victimization dictated inmate behavior and dominated a majority of inmate interactions (Fleisher & Krienert, 2006).

Several factors contribute to violence in correctional institutions. Under current conditions, over-crowding and the rising prison and jail populations are a critical factor when discussing safety and violence. Housing inmates in facilities that were designed for many fewer human beings, operating facilities with inadequate numbers of staff, who often work overtime, and reducing program and treatment opportunities because of budget shortfalls each contribute to a context of potential violence (Owen, 2006). It has also become a national health issue with sexually transmitted diseases often going undiagnosed and inmates returning to the general population.

The term **sexual violence** covers a continuum of behaviors which include rape, incest, child sexual assault, ritual abuse, date and acquaintance rape, statutory rape, marital or partner rape, sexual exploitation, sexual contact, sexual harassment, exposure, and voyeurism.

Generally speaking, sexual assault occurs when the act is intentional and is committed either by:

1. Physical force, violence, threat, or intimidation; b) ignoring the objections of another person
2. Causing another's intoxication or impairment through the use of drugs or alcohol
3. Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

*The PA DOC defines sexual contact as: "Any behavior directed towards an inmate and includes, but is not limited to: rape, any acts or attempts to commit acts which involve sexual contact; sexual abuse or assault; the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thighs, or buttocks"* (Pennsylvania Department of Corrections [PA DOC], 2008). It is the policy of the Pennsylvania Department of Corrections to prohibit any form of sexual harassment or sexual contact with an inmate. Anyone who engages in, fails to report, or knowingly condones, sexual harassment or sexual contact with an inmate shall be subject to disciplinary action and criminal prosecution (PA DOC, 2008).

## PRISON CULTURE

Understanding rape in prison requires advocates to gain insight into prison culture, which is completely unique.

Prison culture comes from a combination of influences. First, inmates bring into prison the characteristics, norms and values from their diverse lives. Second, prison culture is shaped by the fact that it is an isolated and segregated society. Lastly, the culture is shaped by the architecture, policies, and practice of the prison itself.

Culture is a combination of ideology and rules. The rules guide behavior and ideology interprets it. Within correctional institutions, verbal messages are the single most important dynamic in the transmission of culture. New inmates do not learn how to behave in prison or to 'think like inmates' through inmate handbooks. Additionally, a high number of inmates are illiterate, making verbal transmission a necessity. Inmates learn the prison culture through conversations, gossip, rumors, and through listening to the day-to-day living of other prisoners (Fleisher & Krienert, 2009).

## PRISON CULTURE'S SEXUAL WORLDVIEW

*"Learn to behave, but learn quickly. Don't get too comfortable with people; they could be deceptive and cunning and want to exploit you. Avoid behaviors that won't be tolerated, such as debts and theft. Protect yourself physically and mentally. Stay strong. Handle your own battles. Be confident and decisive. Finally, sexual temptation increases with time; if you try it, you might enjoy it"* (Fleisher & Krienert, 2006, p. 132).

Prisoners' views on sexual violence are radically different from that of larger society. The prison culture is based on assumptions about a person's physical and mental weakness; victims are weak. A victim-blaming philosophy exists along with a lack of sympathy for the victim's pain and suffering (Fleisher & Krienert, 2006).

Several studies have suggested that the fear of sexual assault shapes prison culture as much as actual incidents. Interviews of inmates from a mid-western maximum security facility revealed the fear of sexual assault inmates feel. Fear, researchers concluded, dominated new inmate's concept of prison life. Fear leads to isolation.

## HOMOSEXUALITY

Prison culture has a defined social category known as homosexual, but all inmates who engage in same-sex behavior are not considered homosexual. Prison culture refines the category of homosexual into specific groups known as homosexuals, gays, queens, and straights:

Homosexuals	Gays	Queens	Straights
A homosexual male inmate expresses his sexuality, but does not exhibit any feminine characteristics.	A 'Gay' exhibits female or feminine characteristics. Gays prefer same-sex relations and publically express this preference through characteristics such as arched eyebrows and a "gay walk."	'Queens' are "women" and homosexuals, but all homosexuals are not queens.	'Straights' are not involved with the public sex scene, but may quietly engage in same-sex behavior, attempting to hide their behavior from public view.

### The "Inner Homosexual"

Prison culture has a unique rationale for same-sex behavior: the "inner homosexual." A study of inmate's narratives led to this concept. The following prisoner narratives illustrate this theory:

*"Every man is a homosexual. Every man has sexual fantasies about a man"* (Fleisher & Krienert, 2006, p. 148).

*"Everyone is willing to do something; it's whether he's willing to hold it deep inside him"* (Fleisher & Krienert, 2006, p. 148).

*"It's (homosexuality) something in that individual. I don't take credit for that. They are probably not facing whatever's inside of them. I believe there is something in you. Eventually, if you never got locked up, you would have experimented. Eventually they'll let themselves out of the closet. They try to hide it to prevent others from knowing what they really are instead of coming out with it from the beginning. They hide it and it makes it look badder on the person when they do find out. They'd be more respected if they just let others know"* (Fleisher & Krienert, 2006, p. 147).

*"Time will get you..." (...meaning the longer a man remains inside the more likely he'll engage in same-sex relations)* (Fleisher & Krienert, 2006, p. 147).

The inner homosexual acts as an abstract expression of inmates' same-sex behavior within prison culture; it is a rationalization, an explanation. Within men's prisons it is believed that homosexual tendencies are inherent in everyone and these behaviors may emerge on their own or there may be a catalyst event.

Within women's prisons, the inner homosexual helps explain inmate's attitude toward assault victims. They believe that victims of sexual assault have not accepted their inner homosexual. They are more vulnerable to ridicule and social attack than women who join the sex scene and have friends and lovers watching her back. In sharp contrast to male prisoners, for female inmates, homosexuality appears to be a cultural adaptation to incarceration and a means for obtaining affection and attention (Fleisher & Krienert, 2006). It is not uncommon for women who are heterosexual in the free world, to participate in same-sex relationships in prison and then return to heterosexual lives following their release. Names for this behavior include, "gay for the stay" or looking for "STD" — something to do.

Within the logic of the prison culture, not admitting to your dual sexuality or inner homosexual is a sign of weakness. Men and women who enter prison and admit they are homosexual on the outside are more respected than those who are "turned-out." Open acceptance of their homosexuality means in prison culture that these inmates are "true to themselves," and did not hide or deny their sexual preference.

## SEXUAL VIOLENCE IN THE PRISON ENVIRONMENT

*Randy Payne, 21, convicted of breaking into a warehouse and stealing liquor, was placed in a maximum-security Texas prison. Eight days later, he was dead. He was killed because he would not pay convict gangs for protection. The currency demanded, as most new inmates were informed, was sex. So the gangs jumped him. He was beaten for over two hours by 20 different inmates in a prison day room. The guards claimed they never saw a thing. Randy got the death penalty for a non-violent offense* (Pennsylvania Coalition Against Rape [PCAR], 2004-2005, p. 1).

Within the prisons, we find both consensual and nonconsensual or coerced sexual activity. Most evidence regarding sexual experiences of men in prison is anecdotal or drawn from first-person accounts. The accounts suggest that many rape attempts are perpetrated against young, newly incarcerated individuals who lack experience with violence or prison culture and have few allies in the prison environment, such as gang or race-related affiliates.

Typically, perpetrators use some combination of deception, intimidation, implicit and explicit threats, and in some cases violence to force the target into a sexually submissive role. If the individual is able to resist or repel the attack during these initial confrontations, the individual establishes that he is a "man" and

may be left alone in the future. If the target cannot repel the assault and his assailant(s) succeed in raping him, the victim is said to have been “turned out.” In prison terms, he has become a “punk” and is likely to be targeted for repeated assaults, both by the initial perpetrator(s) and others. In some instances, the victim will be forced to serve as a “sex slave” to men throughout the prison or to a specific prison subpopulation such as a prison gang. Once a prisoner has been turned out, it is very difficult for him to regain his status ‘as a man.’ Some resolve to fight to the death if necessary to avoid further assaults. Sometimes a prisoner-on-prisoner rape is an isolated event used to establish dominance within the prison hierarchy (Pinkerton, Galletly, & Seal, 2007).

Prison culture interprets sexual violence by its context. An act of sexual violence in one context may be interpreted as rape, in another context interpreted as a turn-out, and in still another context may be an act of coming out of the closet.

Prison culture has its own unique view of childhood sexual violence, and how it impacts future assaults. Within prison culture, the belief is held that childhood sexual abuse experiences should have provided knowledge and foresight to enable the inmate to prevent rape. It is believed that an inmate should be strong enough to control his or her own destiny. If rape happens, it happens only because the victim allowed it to happen (Pinkerton et al., 2007).



### **MOTIVATING FACTORS: POWER OR DEPRIVATION?**

Sexual assault theorists have long asserted that sexual assault is always about power and control and that sex is merely the weapon of choice. Within men’s prisons, “the strong preserve their sense of manhood through sexual conquests of the weak. Sexual threats, taunting and assault dominate the scene into which new inmates arrive. In the male prison society, rape or the threat of rape is a mechanism for peer initiated social control wielded by the aggressors. Aggressors are the leaders in this culture and gain power and respect, while the victims are feminized and characterized as weak. The aggressor is never considered to be anything but heterosexual; his “punk” is just a substitute for a woman. Rape in prison is about power, control and sexual gratification” (Van Wormer & Bartollas, 2000).

However, since the 1930s, the dominant theory of prison homosexuality has been deprivation. Researchers argue that the power of deprivation, within prison culture, can make straight men/women gay. David Lockwood (1980), who reaffirmed the deprivation theory in his book, *Prison Sexual Violence* said that the understanding of rape, as explained in rape literature, has little supporting evidence in his study. Lockwood asked, “How can you cope with being sexually deprived for three years, for two, for even five years at a time?” The concern with the deprivation theory is that it not only justifies the nonconsensual acts of sexual aggressors, but can argue that the aggressors are ultimately the victims (Fleisher & Krienert, 2006).

## CONSENSUAL VS. COERCED OR FORCED SEX

Although consensual sex does occur among male inmates, closer examination of the activities are likely to reveal that the behavior appears to be voluntary on the surface, the activity may actually be the result of coercion and manipulation. Inmates within a male facility engage in what appears to be consensual same-sex sexual behavior often in search of protection, security, and financial support. This behavior appears to be the result of the fear of sexual victimization. Research has shown that fear of sexual assaults within male facilities is significantly higher than the actual number of assaults (Hensley & Tewksbury, 2002).

In one of the most comprehensive studies on same-sex sexual behavior in male inmates, 65% of the sample stated that they had taken part in one or more same-sex sexual acts while incarcerated. Most of the inmates in this study self-identified as heterosexual (Hensley & Tewksbury, 2002).

For prison staff, determining the difference between consensual and coerced sex is often complicated. “One of the hard things about this issue is that one does not want to get involved in a ‘lover’s spat’, but at the same time, you have to try and take all claims seriously” (National Institute of Corrections & The Moss Group, 2006, p. 9). Staff interviewed as a part of the National Institute of Corrections and the Moss Group (2006) study felt that sometimes sexual contacts that are initially consensual may devolve into coerced activity. They suggested a variety of reasons for this such as feelings of shame after the initial act, embarrassment or worry about being discovered by other inmates, and feared disapproval by staff or family.

Difficulty in distinguishing consensual from coerced sex was also related to prisoner reporting practices. Prisoners often do not report a sexual act until months after the incident. Additionally, prisoners will recant their allegations claiming that the sexual act was consensual.

## PROTECTIVE PAIRING

*“He was protecting me, he knew my first year was hard on me. He’d make sure no one would bother me anymore. We were friends, he was so nice and kind, and I really thought we were just friends. Then one day he came into my cell and said, Jackie, I have needs and you need to satisfy them. I’ve given you all this stuff, protected you. I told him I’d given him stuff too and that I thought of him like an older brother, he said I could either do it or he’d take it. So I bent over and let him do it to me...Now I just find my own protection. Look for the downest, baddest (expletive)” (Fleisher & Krienert, 2006, p. 155).*

*“It’s better to not be a pin cushion, one pin is better. It’s out of convenience” (Fleisher & Krienert, 2006, p. 155).*

Some prisoners will attempt to avoid or stop rape by aligning themselves with a more powerful inmate. In this relationship, the inmate provides sexual services to a more powerful inmate (commonly used names for inmates engaging in this predatory behavior are daddy, bid daddy, papa, boss, your man, etc.) (PA DOC, 2008) in exchange for protection from random assaults. In these situations, the weaker inmate becomes the sexual property of the more powerful inmate and may be loaned, prostituted, or even sold to others. Commonly used names for inmates targeted as victims or prey are punk, sissy, gumpy, fresh meat, boy, gay boy, young thing, mines, etc. (PA DOC, 2008).

## BARTERING AND TRADING FOR SEX

Bartering and trading sex is a common occurrence among male inmates. Often, the more powerful inmate will offer “gifts” (such as a candy bar or cigarettes) to lure the weaker inmate into trusting him. As already discussed, trading sex for protection also occurs. A grooming process exists that involves approaching a new inmate with offers of help, and perhaps protection from real or imagined threats from others. The ultimate aim is to create an obligation for sexual activity in exchange for these things. This deliberate process unfolds over time and with little overt pressure of violence. The grooming process is described here:

*“Maybe they (new inmate) are naïve. They don’t have an understanding of what can come about. A scheming inmate will go to a naïve inmate and ask if he needs anything...”*  
(National Institute of Corrections & The Moss Group, Inc., 2006, p. 8)

## THE BOTTOM OF THE FOOD CHAIN

Some prison rapes are motivated by animosity toward the target. Persons convicted of sex crimes, especially against children, those identified as “snitches, and those who are not liked or who are perceived as having challenged a more powerful prisoner or prisoner group can be subject to brutal attacks with multiple assailants (Pinkerton, Galletly, & Seal, 2007).

## AN ANALYSIS OF SEXUAL ASSAULT EXPERIENCES BY MEN AND WOMEN IN PRISON

In a study published in 2006 by Cindy and David Struckman-Johnson, the sexual assault experiences of men and women in prison were analyzed. Finding included:

- Analysis of the relationship between victims and perpetrators showed that male inmates were most likely to be assaulted by other inmates who were nearly always male. One fifth of men were victimized by prison staff, which sometimes included female employees. Female inmates were as likely to be assaulted by other inmates, who were nearly always women, as by staff, who could be male or female.
- Men and women were similar in that most had been victimized more than once. Men said they had been victimized an average of nine times in their present facility, while women reported an average of four incidents.
- Compared to women, men are more likely to be threatened with harm, to be physically harmed, and to have a weapon used against them. More men than women reported that they suffered physical injury as a consequence of a sexual assault.
- Men experienced more serious sexual outcomes in their worst-case incidents. A majority of women reported that the outcome involved nothing more than an attempt at sexual touching or an actual touch. A majority of men reported that oral, vaginal (note that some men reported being assaulted by female staff), or anal intercourse (Struckman-Johnson, & Struckman-Johnson, 2006).

The experiences of men and women are very different. Sexual assault in prison is a more violent event for men than women. Men are more likely to have greater levels of force used against them, to endure more physical injuries; and to experience more intimate acts of sexual activity. Women were more likely than men to be victimized by staff who have constant and complete authority over them. Additionally, sexual activities among incarcerated women are largely consensual;

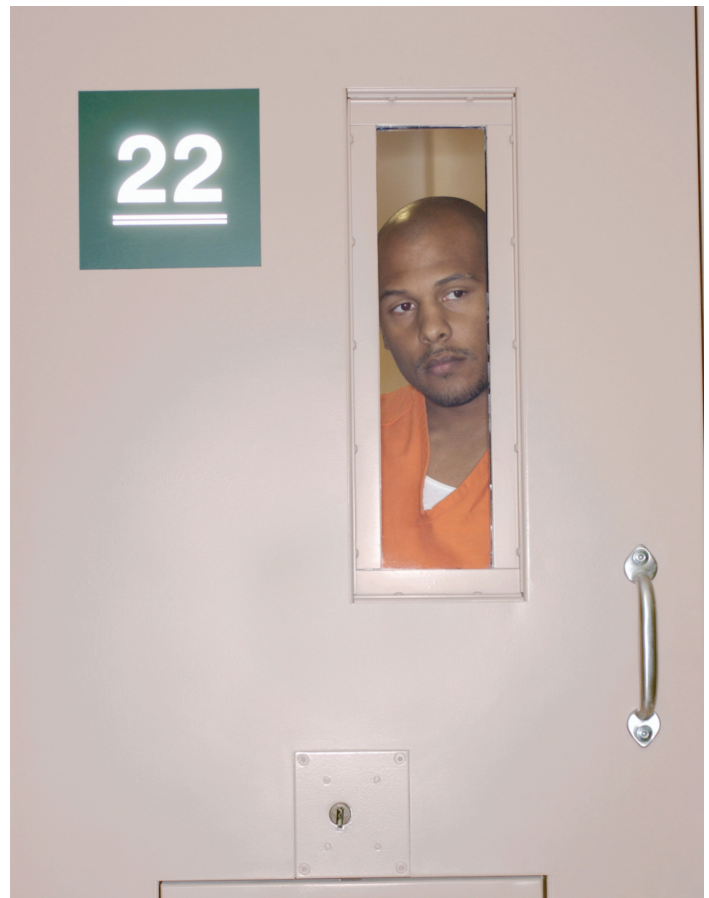
- The culture and social structure of incarcerated women is completely different than that of men.
- Women are far more likely to be victims of domestic or sexual violence prior to their incarceration.

## WHO ARE THE VICTIMS?

A 'boys don't cry' culture exists in men's prisons. The strong inmate is a 'real man' who always hides his feelings and performs like a tough guy. These characteristics are much different from what happens in everyday life in the larger society, where human beings need to be loved, need concern and compassion from others, and express these to others as well.

While any prisoner can become a rape victim, certain categories of prisoners appear to be at greater risk, including prisoners with intellectual or physical disabilities or mental health issues. The National Prison Rape Elimination Commission Report states:

- Youth, small in stature and lacking experience in correctional facilities, appear to be at increased risk of sexual abuse by other prisoners.
- Physical and developmental disabilities and mental illness can significantly affect an individual's ability to function and remain safe in a correctional facility. Individuals with severe developmental disabilities are at especially high risk of being sexually abused. Their naivety, tendency to misinterpret social cues, and desire to fit in make many developmentally disabled individuals at risk for manipulation and control by others. If they have previously lived in a group home or other institutions, they may have been conditioned to follow directions from others without regard to their best interests or safety and may have a history of mistreatment and abuse by the time they enter a correctional facility.
- For prisoners with serious mental illness, both the disease itself and the treatment can put them at risk. Symptoms ranging from hallucinations and paranoia to anxiety and depression may make it difficult to build the kind of supporting social networks that could protect prisoners from sexual abuse. Moreover, the medications used often have side effects, such as sleepiness, slowed reactions, uncontrolled movements and withdrawal that increase a person's risk (National Prison Rape Elimination Commission, 2009).
- In addition to young non-violent prisoners, sexual abuse of lesbian, gay, bisexual transgender and queer (LGBTQ) inmates constitutes one of the highest rates of victimization in prison. In a 2007 study by the California Department of Corrections and Rehabilitation of six California men's prisons, 67% of inmates identified as LGBTQ reported sexual assault by another inmate during incarceration, a rate 15 times higher than for the inmate population overall (Jenness, Maxson, Matsuda, & Sumner, 2007).
- Research shows that juveniles incarcerated with adults are five times more likely to report being victims of sexual assault than youth in juvenile detention facilities (Forst, Fagan, & Vivona, 1989).



## SEXUALLY AGGRESSIVE INMATES

Within the language and culture of sexual aggression in prisons across the country, we find a variety of players on the scene. Some are at risk, the punks, sissies, and girls; some are violent, the rapists and the bootie bandits; others are con men, the turn-out artists. Rapists, bootie bandits, and turn-out artists are discernible social categories.

### CHARACTERISTICS OF SEXUALLY AGGRESSIVE INMATES

The characteristics of a sexually aggressive inmate include, but are not limited to the following (Ohio Department of Rehabilitation and Correction, n.d.):

- Between the ages of 27 and 45
- Medium to large build and possessing physical strength
- Aggressive in nature
- Having limited ties to outside family and friends and having no outside means of financial support
- Incarcerated for sex offenses or other violent offenses
- More streetwise and gang affiliated
- More accustomed to prison life
- May have difficulty controlling anger
- May display poor coping skills/strategies
- May exhibit voyeuristic/exhibitionistic behavior
- Doing a substantial amount of time
- Established himself by power and strength within the prison inmate hierarchy

### Rapists

Based on inmates' narratives, rapists are repellant and socially marginalized within prison for their behavior. If they have social ties, they are linked to other marginalized inmates. Thus, rapists find themselves in a network of marginal and weak inmates. As a consequence, narratives noted that rapists do not have allies to protect them. Well-connected, mainstream inmates will not risk their reputation and their affiliation with other allies to help protect them. Rapists can find themselves the victim of retaliation. According to inmates, rapists do not retaliate when assaulted.

Inmates' narratives on rapists:

*"It is like a circle, get him (rapist) out of the circle. Nobody wants them (rapists) in group. They are pushed away"* (Fleisher & Krienert, 2006, p. 138).

*"Cowards, he gots to get up outta here, person gets caught, it gets around the yard, he gots to go or he's going to get killed"* (Fleisher & Krienert, 2006, p. 138).

### Turn-Out Artist

Inmates' perceptions are that a turn-out artist has smooth social skills and coaxes, often in a matter of days, his prey into sexually compromising situations. An inmate who accepts a chocolate bar or stamps or joins a friendly game of cards has indebted himself and the debt must be repaid. 'Rough turn-out artists' use harsh coercion or threats to gain their prey. A rough turn-out artist escapes the label of rapist if he's well liked, doesn't bully or stalk his victims, and doesn't show mental signs of weakness. Turn-out artists

move freely through the general population; have companions, and do not avoid social interactions. Although known as a turn-out artist, the behavior carries no negative stigma.

Prison culture does not believe that all turn-outs are rapists. Inmate narratives have said that a skilled turn-out artist is not a rapist and does not carry a rapist's negative social stigmatism.

Inmates' perceptions of Turn-Out Artists vs. Rapists:

*"OK, see I'm going to break it down for you. Turning out is when a person gonna come in and if you want to have it, you do it by choice, rape is when a person don't want to get turned out and a dude forces himself on him, if you won't give it voluntarily I'm going to take it, to rape it" (Fleisher & Krienert, 2006, p. 141).*

*"Yes, one used finesse, another can use strength but the result is the same" (Fleisher & Krienert, 2006, p. 142).*

*"Yes, it's the same. Cause they taking advantage of you" (Fleisher & Krienert, 2006, p. 142).*

### **Rapist vs. Bootie Bandit**

The distinction between a rapist and a turn-out artist becomes clearer in the comparison of a rapist and a bootie bandit. Old-school inmates, those who have served decades inside prisons, distinguish bootie bandits from rapists. They say rapists stalk their prey and do not fight for sex if a victim resists. This supports that prison culture asserts a man cannot be raped unless he wants to be and that a man doesn't have sex unless he wants to. Inmates said that when confronted by forceful resistance, the rapist will merely move on until he finds a less resistant target. However, a bootie bandit thrives on resistance to his sexual advances and does not back off if a victim fights back. He sees the interaction as a game.

Although old-school inmates distinguish between rapists and bootie bandits, younger inmates use the terms synonymously. Old-school inmates characterize rapists as dark, foreboding, and violent; whereas a bootie bandit, in contrast, displays a cavalier attitude. Even though a rapist and a bootie bandit have committed similarly violent sexual assaults, the behavior of the bootie bandit was interpreted by old-school inmates as comedic, a sexual clown figure of prison culture. Based on the inmate narratives, a bootie bandit seems to have traits from both an aggressive turn-out artist and a rapist (Fleisher & Krienert, 2006).

## **JUVENILES**

At any given time, more than 100,000 juveniles under the age of 21 are incarcerated in the United States, with more than 10,000 detainees under the age of 18 held in adult prisons and jails (Pasion, 2006). Whether in adult or juvenile facilities, juvenile detainees are at serious risk for sexual violence.

On January 2010, the federal Bureau of Justice Statistics released the National Survey of Youth in Custody (NSYC). This report represented approximately 26,550 adjudicated youth held nationwide in state operated and large locally or privately operated juvenile facilities. Overall, 91% of youth in these facilities were male; 9% were female. An estimated 12% of youth reported experiencing one or more incidents of sexual victimization by another youth or facility staff in the past 12 months. In contrast to adult correctional facilities, the majority of staff (42%) were women (Beck, Harrison, & Guerino, 2010).

In juvenile detention facilities, boys are more likely to be sexually assaulted by other boys, while girls are at greater risk for abuse by male staff. Like in the adult institutions, LGBTQ youth are disproportionately



victimized. In girls' facilities, girls known to have a history of prostitution are at serious risk of abuse by male staff (Beck et al., 2010).

These alarming statistics are still considered to be the tip of the iceberg since the majority of sexual assaults are not reported. Youth face a number of barriers in reporting sexual violence in detention, such as fear of stigma and other assaults. Additional barriers faced by youth include: lack of experience in the corrections setting, and a common fear and mistrust of adult authority figures.

Although the Juvenile Justice and Delinquency Prevention Act prohibits detaining juveniles with adults except in very limited circumstances, this protection does not apply to youth who are prosecuted as adults (Beck et al., 2010). A 1989 study by a team of researchers compared how youth reported being treated at a number of juvenile institutions, with those serving time in adult prisons. Five times as many youth held in adult prisons answered yes to the question "has anyone attempted to sexually attack or rape you" than those held in juvenile institutions. Close to 10% of the youth interviewed reported a sexual attack, or rape attempt had been levied against them in the adult prisons, while closer to one percent reported the same in the juvenile institution (Forst, Fagan, & Vivona, 1989).

## COMMON REACTIONS TO VICTIMIZATION

A rape victim will often describe the assault as "a loss of their soul" whether it is conducted by a friend, acquaintance, or a stranger. Many factors can influence an individual's response to, and recovery from, sexual assault. These may include the age and developmental maturity of the victim; the social support network available to the victim; the victim's relationship to the offender; the response to the attack by law enforcement (or in this case prison staff), medical personnel, and victim advocates; the response to the attack by the victim's loved ones; the frequency, severity and duration of the assault(s); the setting of the attack; the level of violence and injury inflicted; the response by the criminal justice system. Some victims of sexual assault will find they can recover relatively quickly, while others will feel the lasting effects of their

victimization throughout their lifetime. In the aftermath of a sexual assault while incarcerated, victims not only face the above reactions, but the very real threat of further violence and abuse.

*Some possible physical effects of sexual assault may include:*

- Pain
- Injury
- Soreness
- Nausea
- Headaches
- Vomiting

*Much has been written about the psychological trauma associated with sexual assault. Some common reactions include:*

- Shock/denial
- Irritability/anger
- Depression
- Social withdrawal
- Numbing/apathy (detachment, loss of caring)
- Restricted affect (reduced ability to express emotions)
- Nightmares/flashbacks
- Difficulty concentrating
- Diminished interest in activities or sex
- Loss of self-esteem
- Loss of security/loss of trust in others
- Guilt/shame/embarrassment
- Impaired memory
- Loss of appetite
- Suicidal ideation (thoughts of suicide and death)
- Substance Abuse

*There are various stereotypes and myths that impact male victims' ability to face their sexual assault. These include:*

- Men are immune to victimization.
- Men should be able to fight off attacks.
- Men shouldn't express emotion.
- Men enjoy all sex, so they must have enjoyed the assault.
- Male survivors are more likely to become sexual predators.

*These stereotypes and myths can then lead to certain outcomes for male victims of sexual assault, including:*

- Dramatic loss of self-esteem and belief in their masculinity
- Exaggerated self-blame
- Feelings of shame, guilt, anger
- Feelings of powerlessness, apprehension, withdrawal, and embarrassment
- Fears that they won't be able to protect and support their families
- Symptoms of Rape Trauma Syndrome
- Sexual difficulties
- Self-destructive behavior (drinking, drugs, aggression)

*For the incarcerated victim, some typical reactions may include:*

- Depression
- Social withdrawal – fear to be in certain less supervised areas of the prison
- Fear, paranoia or anxiety
- Lashing out in anger or frustration
- Acting out to get to the restricted housing unit (RHU) or in an effort to be transferred
- Refusal to shower
- Increased medical complaints and attention, particularly increased concerns about sexually transmitted diseases (PA DOC, 2008).

Survivors of sexual violence in detention are also faced with the often unavoidable proximity of the offender and/or the offender's friends.

## INMATE VICTIMS REPORTING SEXUAL ASSAULT

Most accounts from prison-insiders, both employees and inmates, revealed that under-reporting is in part because complaints are either ignored or handled improperly and perpetrators almost never face criminal charges.

*Male victims who spoke to Human Rights Watch (HRW) said their claims were often met by insensitive officers who told them to “be a man” and protect themselves or insinuated that the victims were willing, homosexual participants. If their claims were acknowledged, they faced seclusion (protective custody) – a devastating consequence in the aftermath of abuse and one that emboldens perpetrators because they know victims are discouraged from speaking out. Victims have reported that the consequences were even worse if the perpetrators found they had been “ratted out” (PCAR, 2004-2005, p. 8).*

### RELUCTANCE TO COOPERATE

It is difficult within the prison environment to confirm reports of sexual assault. Reports often cannot be substantiated through physical evidence, witness statements, or identification of the perpetrators. Inmates may refuse to submit to a medical exam or recant their original report during investigation. Often refusal to cooperate in the investigation is tied to another element of inmate culture: fear of retaliation.

### FEAR OF RETALIATION

*“Inside, a snitch is the lowest on the totem pole and is not respected by anyone. There are two groups: 1) those in power—COs and any officers and 2) cons. If you’re a con, you don’t snitch on another con. If you do, then you won’t last a long time” (Mary\_Magdalene, 2009).*

During the NIC focus groups, staff at all levels agreed that inmates are afraid to report that they, or other inmates, have been sexual assaulted due to their fear of retaliation by the perpetrator(s) or other inmates who object to “snitching.” In every facility, staff said that inmates who reported any kind of sexual assault were subject to more violence or feared they would be the target of continued violence. In most participating facilities, victims may refuse medical or mental health care and are not obligated to cooperate with the investigation. Staff expressed concern that inmates would typically refuse the collection of forensic evidence.

## FALSE REPORTS

*“So where does this start and where does this end? We had an offender popped on the butt with a towel and now he is claiming sexual assault and protection. Inmates will manipulate any system for their own gain (Mary\_Magdalene, 2009).*

Corrections staff in the focus groups indicated that inmates will use claims of sexual assault against other inmates that they “don’t like;” or “want to get into trouble;” or as “leverage for something else” (National Institute of Corrections, & The Moss Group, 2006, p. 7). The inmate’s motivation may be getting a new cell, a new “cellie” or to be placed in protective custody. These false accusations are often frustrating to staff. They create additional investigative work and they make it difficult to believe inmates when reports are valid. “Not knowing the validity of inmate’s stories,” was identified as a problem across facilities (National Institute of Corrections, & The Moss Group, 2006, p. 7).

## WOMEN IN PRISON

### PROFILE OF WOMEN IN PRISON

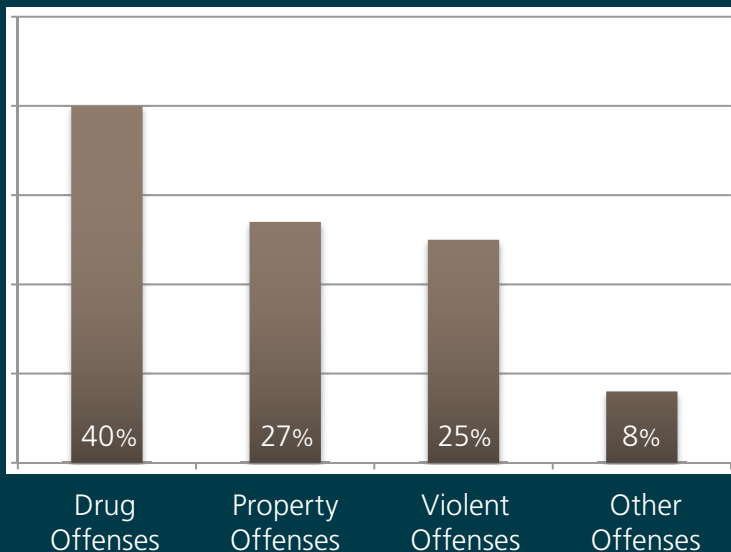
Women are the fastest growing segment of the incarcerated population, increasing at nearly double the rate of men since 1985, to include more than one million women behind bars or under the control of the criminal justice system in the U.S. Nationally, there are more than eight times as many women incarcerated in state and federal prisons and local jails as there were in 1980, increasing in number from 12,300 in 1980 to 182,271 by 2002 (American Civil Liberties Union [ACLU], 2007).

Women in the U.S. are predominantly incarcerated for non-violent offenses with the vast majority of offenses involving drugs, as seen in the chart at right (Amnesty International, 1999):

The rate of women incarcerated for violent crimes is about half the rate of men. Women are far more likely than men to attack people they know than strangers. According to a 1999 national prison survey, nearly two-thirds of women in prison for violent crime had victimized a relative or “intimate” (spouse, ex-spouse, boyfriend, or girlfriend) or someone else they knew. Studies of women who have committed violent crimes show that often they have acted in response to abuse that they suffered (Amnesty International, 1999).

Particularly noteworthy is the fact that the number of racial and ethnic minority women incarcerated far exceeds their representation in the general population. The rate of black women is more than eight times the rate of white women; the rate of Hispanic women is nearly four times the rate of white women (Amnesty International, 1999).

**Offenses of female inmates in state and federal prisons. 1996/97** (Amnesty International, 1999)



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## Children of inmates are five times more likely to be imprisoned during their adult lifetimes.

(Van Wormer & Bartollas, 2000)

One of the most painful stigmas on incarcerated women is that they are bad mothers. When a mother is imprisoned, the separation from her children can be extremely traumatic for all. Contact is often difficult with restrictions on touching and phone calls being limited. Women's prisons are often located in remote, rural areas far away from homes and communities, making visits with families difficult, and jeopardizing successful reunification of mothers and their children. A national study found that more than half of the children of female prisoners did not visit their mothers while they were incarcerated. More than 60% of these children lived more than 100 miles away (Van Wormer & Bartollas, 2000).

Five percent of women enter prison pregnant (Greenfeld & Snell, 1999). In 1997-98, more than 2,200 pregnant women were imprisoned and more than 1,300 babies were born to women in prison. In at least 40 states, babies may be taken from their imprisoned mothers almost immediately after birth or soon after when the mother is discharged from the hospital (Van Wormer & Bartollas, 2000). Pregnancy in prison presents special problems. Any time prisoners must be moved from the institution, security becomes a risk. Stories abound about women giving birth while handcuffed or in shackles.

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"The doctor came and said that yes, this baby is coming right now, and started to prepare the bed for delivery. Because I was shackled to the bed, they couldn't remove the lower part of the bed for the delivery, and they couldn't put my feet in the stirrups. My feet were still shackled together, and I couldn't get my legs apart. The doctor called for the officer, but the officer had gone down the hall. No one else could unlock the shackles, and my baby was coming but I couldn't open my legs...Finally the officer came and unlocked the shackles from my ankles. My baby was born then. I stayed in the delivery room with my baby for a little while, but then the officer put the leg shackles and handcuffs back on me and I was taken out of the delivery room."

"Maria Jones" describing how she gave birth while an inmate of Cook County Jail, Chicago, 1998  
(Amnesty International, 1999, p. 10).

## THE SOCIAL WORLD OF WOMEN'S PRISONS

The culture of women's prisons is vastly different than life in male prisons. In *Women's Prison: Sex and Social Structure*, the authors, Ward and Kassebaum (2007) suggest women participate in a social system that provides a sense of control and belonging.

In this section, we will examine three areas that meaningfully impact life and culture within women's prisons:

1. Social and cultural backgrounds of incarcerated women
2. Pseudo families that develop in prison
3. Prison sexuality

### *Social and Cultural Backgrounds of Incarcerated Women*

To understand the culture within women's prisons, one must examine the lives of women before prison. Studies show us that most female inmates are poor, have relatively low levels of education and vocational skills, and are of a racial or ethnic minority (Amnesty International, 1999). Economic marginalization, histories of physical and sexual abuse, substance abuse, and self-destructive behavior are also defining features of inmate's lives prior to prison ("Prisons," n.d.).

In a study entitled, *Making It in Prison: The Square, the Cool, and the Life*, Heffernan (1972) described how women prisoners organize their prison identities around two things: their pre-prison identities and their differing adaptation to the prison subculture. Women who did not define themselves as serious criminals prior to prison adopted "the Square" orientation to prison life, and continued to hold conventional behaviors and attitudes during their imprisonment. In contrast, women who adapted to prison life as "the Cool" became heavily invested in a prison-based identity and developed a form of doing time that was based on prison values. Finally, some women retained their street identity of the petty criminal and adopted "the Life" as their style of doing time. These three studies found remarkable similarities: Prison culture among women was tied to gender expectations of sexuality and family relationships, and these expectations also shaped the way women developed their lives within prison ("Prisons," n.d.).

Race and class intersect in predictable ways within prison walls. Racial tensions from the outside communities follow inmates into the prisons. However, research tells us that prison subcultures for women are very different from the violent and predatory structure of the contemporary male prison. The presence of gangs and violence – central to the culture of contemporary male prisons - does not have a counterpart in the women's prisons.

### *Incarcerated Mothers*

The majority of women in prison are mothers (Hagan, & Dinovitzer, 1999). Researchers place great importance on this fact because prison inmates with family ties during incarceration have lower recidivism rates and do better upon release than those without them.

Researchers are concerned about the effect on the mothers, but also on the children and society as a whole with more and more women being incarcerated for years at a time. When a mother is incarcerated it is often uncertain who will care for her children. In most situations there is no father in the home. The situation is further exacerbated by the fact that there are fewer female prisons. The average female inmate is 160 miles from their home, making contact with their children very difficult (Hagan, & Dinovitzer, 1999, p. 142). Within Pennsylvania there are two women's prisons, SCI Muncy and SCI Cambridge Springs, both of which are in rural areas away from the majority of the Pennsylvania population. The low rate of contact between mothers and their children further erodes family relationships, which causes psychological and emotional damage to the child and the incarcerated mother. Studies show that strong family ties during

incarceration tend to lower recidivism rates, and prisoners with strong family ties during imprisonment do better upon release (Hagan, & Dinovitzer, 1999, p. 142).

The damage done to the children is probably more serious than to the adult when a mother is imprisoned. A number of children display symptoms of post-traumatic stress disorder, such as depression, feelings of anger and guilt, flashbacks about their mother's crimes or arrests, and the experience of hearing their mother's voice. Children of incarcerated mothers display other negative effects such as school-related difficulties, depression, low self-esteem, aggressive behavior, and general emotional dysfunction. In one study of incarcerated mothers, 40% of the boys ages 12 to 17 were delinquent and the rate of teenage pregnancy among female children was 60% (Hagan, & Dinovitzer, 1999, p. 147).

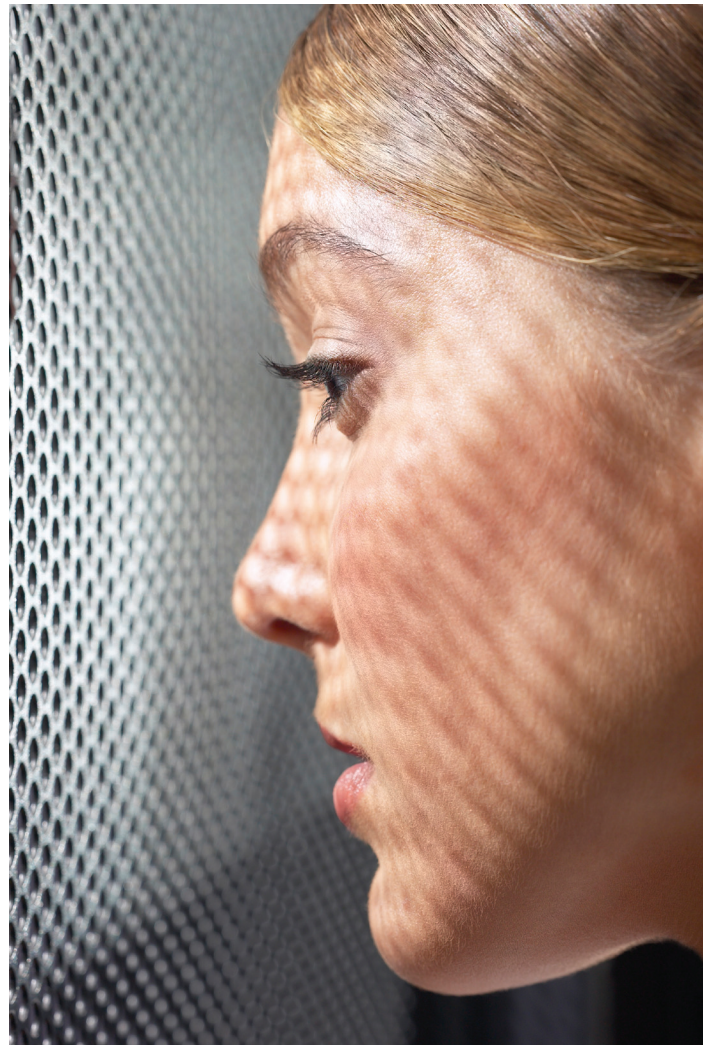
With fathers absent in the majority of the homes, children are often left with a care giving situation that is inadequate or unreliable, causing further long-term damage to the development of the child. Because of these deprivations and traumas, children of incarcerated parents may be six times more likely than their counterparts to become incarcerated themselves. This unwanted, unanticipated effect is part of the collateral damage not only to the child, but also for society as a whole because of the intergenerational risks of imprisonment (Hagan & Dinovitzer, 1999).

### **Prison Families**

One of the most notable behaviors seen in women's prisons is the effort to create an environment that in some ways mirrors their lives in general society. Far from families and loved ones, women in prison tend to develop their own networks of familial ties within the walls of the institutions.

Unlike the culture of men's prison, which is based on power — the strong over the weak — the social structure within women's prisons often replicates the women's lives on the outside. In *Women's Prison: Sex and Social Structure*, Ward and Kassebaum (2007) suggested that women in prison felt a loss of control over their lives and anxiety over the course of their prison term. In order to alleviate these feelings, women participated in a prisoner social system to regain a sense of control and belonging. While in prison, female prisoners develop "pseudo families" and relationships, providing a remedy to feelings of loss and the "affectional starvation" resulting from their separation from family and male partners (Hagan & Dinovitzer, 1999).

Within pseudo families, adaptations of traditional feminine roles, such as mother, daughter, and wife are observed. More dominant or masculine women take on the gender stereotypes of male roles, such as husband, brother, uncle, etc. Older, established "married couples" often assume the parental roles within families. Conversely, younger, newer inmates become the "children." Other roles often include sisters, brothers, aunts, uncles and grandparents. These relationships usually last the duration of a women's incarceration, but roles are flexible and can change over time.



These make-believe families are *rarely* associated with homosexual behavior and membership is infrequently for sexual gratification. Instead, membership provides many of the functions of a traditional family including economic assistance, security, protection, companionship, affection, attention, status, prestige, and acceptance. Prison families are often encouraged by administrations for their social control aspect – keeping members out of trouble. Within these families, relationships can become quite intimate and may include touching or hugging. However, in a climate where homophobia often exists, women are quick to establish that their relationships are sister-sister or mother-daughter, etc.

These pseudo families have been documented in studies of women’s prisons dating back to the 1930’s, providing insight into women’s needs for familial ties and close personal relationships (Hensley & Tewksbury, 2002). Interestingly, similar behaviors were also observed in female prisoners in concentration camps during World War II.

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**Despite the fact that the majority of sexual activity among female inmates is consensual, sexual activity of any kind is against the rules within Pennsylvania prisons.**

### *Prison Sexuality among Female Inmates*

Prior to a discussion of sexual assault in women’s prisons, it important to clarify that according to studies, the majority of sexual activity among incarcerated women is consensual (Hensley & Tewksbury, 2002). A long-term study of women in a California women’s facility showed that most of the women participated in a complex system of interpersonal relationships with other inmates based on emotional, material, sexual, and familial overtones (Hensley & Tewksbury, 2002).

In a random sample of inmates, 65% had taken part in one or more same-sex sexual acts while incarcerated. Ironically, most of the women (78%) identified themselves as being heterosexual (Hensley & Tewksbury, 2002).

However, it cannot be assumed that all sexual acts occur among female inmates without coercion. Decades of studies reported that inmates would use their sexuality to avoid beatings and reap the economic benefits of homosexual behavior. A clear distinction between consensual and coercive sex fades into ambiguity when a coerced inmate seems to consent in exchange for canteen goods or protection. More will be discussed about coercive sexual behavior in the next section.

### **SEXUAL ASSAULT AND COERCION AMONG FEMALE INMATES**

- Many female inmates are victims of sexual abuse by staff, including sexually offensive language, male staff touching inmate’s breasts and genitalia when conducting searches; male staff watching inmates while they are naked; and rape.
- In the overwhelming majority of complaints of sexual abuse by female inmates male staffs are reported to be the perpetrators (Amnesty International, 1999).
- Seventy-nine percent of corrections officers in the U.S. are male, leaving female inmates completely dependent on male corrections officers for most of their necessities (Sumter, 2008)
- Fifty-five to 80% of all sexual coercion was committed by other women offenders (Alarid, 2000).

Academic experts in the area of female prisoner subcultures have recently acknowledged the possibility of female prisoner sexual assault. Two types of sexual assault/coercion have emerged in the literature, inmate-on-inmate and staff-on-inmate. Few existing studies address the prevalence and nature of inmate-on-inmate sexual coercion/assault among female inmates although statistically it is the larger problem.

### ***Inmate-on-Inmate Sexual Coercion***

The first data on sexual coercion among female inmates came from 1994 and 1998 studies, both by Struckman-Johnson (Alarid, 2000). Within their studies, coercion was defined as pressured or forced sexual contact of an inmate within a prison facility. The researchers found that sexual coercion rates reported by female inmates varied among institutions from 6–19% (Alarid, 2000, p. 393). Incidents described by the women, were classified by the researchers. The sexual coercion ranged from “pressure tactics” and genital touching to “force tactics” such as gang rape. Rape rates for women varied from 0 - 5% of the female offender population. Thus, most of the sexual coercion incidents were committed by other women offenders who fondled, seduced, or somehow pressured women inmates into oral and/or vaginal sex (Alarid, 2000).

### ***Staff-on-Inmate Sexual Assault***

Within the past 10 years, organizations such as Amnesty International and Human Rights Watch Women’s Rights Project have increased attention to female offenders who were sexually coerced or sexually assaulted by correctional staff. In 1995, a study asserted that women prisoners are more likely to be sexually abused by staff than are male prisoners (Alarid, 2000). In 1996, The Human Rights Watch Women’s Rights Project (1996) did an extensive study that revealed the extent of guard-on-inmate abuse as “staggering.” This report is astonishing in its graphic descriptions of everyday experiences of women incarcerated in U.S. state prisons. The following is a summary of the report’s findings:

*“The custodial misconduct documented in this report takes many forms. We found that male correctional employees have vaginally, anally, and orally raped female prisoners and sexually assaulted and abused them. We found that in the course of committing such gross misconduct, male officers have not only used actual or threatened physical force, but have also used their near total authority to provide or deny goods and privileges to female prisoners to compel them to have sex or, in other cases to reward them for having done so. In other cases, male officers have violated their most basic professional duty and engaged in sexual contact with female prisoners absent the use of threat of force or any material exchange. In addition to engaging in sexual relations with prisoners, male officers have used mandatory pat-frisks or room searches to grope women’s breasts, buttocks, and vaginal areas and to view them inappropriately while in a state of undress in the housing and bathroom areas. Male correctional officers and staff have also engaged in regular verbal degradation and harassment of female prisoners, thus contributing to a custodial environment in the state prisons for women which is often highly sexualized and excessively hostile” (Van Wormer & Bartollas, 2000, pp. 1-2).*

The frequency of rape in prison is very difficult to determine. Rape is an underreported crime, in general, but in prison it becomes more so. Human Rights Watch has stated, “One of the biggest obstacles to the eradication of custodial sexual misconduct is its invisibility” (Human Rights Watch Women’s Rights Project, 1996, p. 5). Conservative estimates conclude that at least 13% of all inmates have been sexually assaulted while in prison. Other studies indicate that up to 27% of women are sexually assaulted while in custody (Amnesty International, 2005).

## Why Don't Women Report?

Information excerpted from the letters of women inmates suggests that the incarcerated women are desensitized to the definitions of coerced sex. Due to a high percentage of women who have a past history of sexual assault and molestation, these women may be overlooking the fact that they have been coerced into sexual acts or sexually assaulted. In a 1991 study by the U.S. Department of Justice, 43% of incarcerated women in the United States had a history of abuse; 32% said the abuse occurred before the age of 18 (Snell, 1994). Rape during adulthood is also prevalent among incarcerated women, with estimates as high as 25%. Many of these women report multiple past traumas (Islam-Zwart & Vik, 2004).

*"Most [women here] have no concept of a healthy relationship to begin with, and thus do not recognize coerced responses. This I've ascertained via conversations with other women. The saddest component...is the female prisoner basically accepts those relationship behavioral problems in prison, as well as out in society, as 'okay'" (Alarid, 2000, p. 395).*

In women's prisons, the inherent imbalance of power between inmates and guards is compounded by the cross-gender imbalance of power between men and women. Male correctional officers are responsible for almost every aspect of the female inmate's life, and thus exert enormous power over that individual. One of the more frightening aspects of rape in prison is the inmate has no way of escaping her rapist. Anywhere she goes, the officer who raped her has access to her. This ever-present contact also serves to reinforce the fear of retaliation if the woman reports the rape. The fear of retaliation is significant. Women in prison have much to fear, since their rapist (if he is staff) has almost absolute power over them. Human Rights Watch followed up their report on sexual abuse behind bars by examining what happened in one of the Michigan prisons they criticized in their report two years prior. They noted that almost all of the women they had previously interviewed who had reported their rapes had faced retaliation for doing so. Sometimes, the officer who assaulted them would directly retaliate, but often he would convince other officers to retaliate as well, creating less suspicion of the individual guard. This retaliation would take the form of disciplinary acts for violations that never occurred, loss of "good time," verbal harassment, loss of privileges, threats, and additional abuse during pat-frisk searches. The women who reported sexual abuse in prison often were even prevented from seeing their children when they visited. In light of the severity of the retaliation against women who reported sexual abuse in Michigan's prisons, it is easy to understand why this crime is so seldom reported. Actual retaliation may not even be necessary to prevent women from reporting. The threat may be enough (Amnesty International, 2005).

While some sexual relations between correctional staff and inmates occur absent any form of threat, bribe, or coercion, these remain problematic as well. The power correctional staff holds over all inmates makes any true consent impossible. Women in prison do not have their freedom. The correctional officers do. Women in prison are mostly women of color. The correctional officers are mostly white. Women in prison are mostly ill-educated and poor. The correctional officers are not. Prisoners are female. Most correctional officers are male. These are systems of hierarchy, and the women in prison are at the very bottom of each of these (Landis, 2005).

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