

Sexual Violence in U.S. Male Prisons: Dynamics, Policy, and Practice

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Objectives

1. Identify the cultural dynamics of, and systemic contributions to sexual violence in male prisons
2. Recognize the individual and collective effects of SV in prisons
3. Describe current policies in place to combat the problem
4. Understand barriers to research and barriers to treatment of SV in prisons

Prevalence

Prevalence Studies

- Davis, 1968 – **4.7%**
- Carroll, 1977 – **20%**
- Fuller & Orsagh, 1977 – **5.8%**
- Lockwood, 1980 – **28%**
- Wooden & Parker, 1982 – **14%**
- Nacci & Kane, 1982 – **9%**
- Tewksbury, 1989 – **4.5%**
- Struckman-Johnson et al., 1996 – **22%**
- Struckman-Johnson & Struckman-Johnson, 2000 – **21%**
- Hensley, Tewksbury, & Castle, 2003 – **14%**
- Hensley, Koscheski, & Tewksbury, 2005 – **18%** and **8.5%**
- Struckman-Johnson & Struckman-Johnson, 2006 -- **21%**
- Beck & Harrison, 2007 – **0-16%**

Prevalence

- Average number of assaults:
 - 9 times
 - Some male prisoners experience up to 100 sexual assaults annually
- Available stats must be considered conservative

Cultural Dynamics

Sexual Violence in Prisons is...

- Demonstration of:
 - Power
 - Strength
 - Dominance
 - Control

(Brownmiller, 1975; Mariner, 2001)

Characteristics of Victims

- Young
- Caucasian
- First-time offender
- Small in stature
- Perceived as weak and/or passive
- Gay, bisexual, transgendered
- Feminine characteristics
- Convicted of a sex crime against a minor
- Mental illness or developmental disability

(Chonco, 1989; Nacci & Kane, 1984; Tewksbury, 1989; Struckman-Johnson et al., 1996; Struckman-Johnson & Struckman-Johnson, 2000; Mariner, 2001; Hensley, Tewksbury, & Castle, 2003; Hensley, Koscheski, & Tewksbury, 2005)

Characteristics of Perpetrators

- Under 35 years old
- Larger and stronger than victims
- Physically aggressive
- Gang members
- Convicted of violent crimes
- Heterosexual
- Black or Hispanic

(Chonco, 1989; Nacci & Kane, 1984; Tewksbury, 1989; Struckman-Johnson et al., 1996; Struckman-Johnson & Struckman-Johnson, 2000; Mariner, 2001; Hensley, Tewksbury, & Castle, 2003; Hensley, Koscheski, & Tewksbury, 2005; Smith, 2008)

Prison Argot

Victims

- Mark
- Turn out
- Ride
- Punk
- Snitch

Aggressors

- Bootie bandit
- Predator
- Pirate
- Wolf

(Fleisher & Kreinert, 2006)

Relationships

- Power Play
 - Hero → Friend/Protector → Perpetrator
- Cellmates
- Escalating harassment
- Inmate hierarchy

Tactics & Scenarios

Consent vs. coercion

“I’d never been to prison before. I ended up with a roommate who took advantage of my situation. He made me feel protected, but at the same time he let me know he could beat me up, if he wanted. One night he told me he could help me overcome my sexual inhibitions, if I would let him. I was surprised he would come on to me, however I felt very much in danger if I did not give in to him. I was very scared. I ended up letting him penetrate me anally. After this, I would feign sleep at night when he would come in. There were several more times he forced me to perform sexually.”

(Mariner, 2001)

Tactics & Scenarios

- Violently forced assaults
- Continuing sexual abuse
- Slavery

(Mariner, 2001)

Slavery

- Victim may be used by the perpetrator for:
 - Income
 - Repaying debts
 - Domestic duties
 - Personal needs
 - Sex

Perceptions of Inmates

- Fear of rape and concern for safety
- Rationalization of incidents
- Survival
- Safety is their personal responsibility
- Policies and procedures can protect them

(Jones & Schmid, 1989)

Systemic Contributions

Perceptions of Prison Employees

- 46% of 166 correctional officers in TX believed some inmates deserved rape
- 209 Midwestern correctional officers:
 - 95% believed rape involves physical force or threat of bodily harm
 - Less sure when coercion was involved
 - Believed prostitution is a choice but 98% recognized that inmates do this for protection

(Eigenberg, 1989; Eigenberg, 1994; Eigenberg, 2001)

Institutional Factors

- Changes in criminal justice policies have led to:
 - Increased rates of incarceration
 - Overcrowding
 - Understaffing
 - Increased racial tensions
- No official monitoring body

(Mariner, 2001; Hensley, et al., 2004)

Society's Perception

“The opposite of compassion is not hatred, it's indifference.”

- Apathy
- Collective silence
- Belief that prisoners are ‘deserving’
- Jokes
- TV programs, movies

(Sennott, 1994; Mariner, 2001)

Effects of Sexual Violence in Prisons

Individual Level: Physical Health

- HIV/AIDS
- Other STD's
- Physical tension
- Disturbed sleep and appetite
- Physical harm

(Breaking the Silence, 1995; Hammet, Harmon, & Maruschak, 1999)

Individual Level: Interpersonal Health

- Inability to trust others, suspiciousness
- Nervousness around people
- Discomfort with physical intimacy
- Fear of future assaults
- Hostility

(U.S. Department of Justice, 2000)

Individual Level: Mental Health

- Shame/self-blame
- Guilt
- Fear/terror
- Anxiety
- Exaggerated startle response
- Depression
- Anger
- Sense of having lost manhood
- Mood swings
- PTSD
- Addiction
- Suicide
- Helplessness
- Exacerbation of existing psych issues
- Impaired memory and concentration
- Loss of self-esteem

(Scarce, 1997; U.S. Department of Justice, 2000; Mariner, 2001; Preble & Groth, 2002; Dumond & Dumond, 2002)

Collective Level

- 95% of prisoners are released back into the community
- Over 1/2 million released annually
- Fosters violence
- HIV/AIDS and other STD's

Legislation and Policy

Human Rights Watch

2001

- First national survey of male prisoners on sexual violence between inmates
- Qualitative report
- Sought to identify systemic weaknesses

(Mariner, 2001)

Prison Rape Elimination Act of 2003 (P.L. 108-79)

- Zero tolerance
- Prevention
- National standards
- Accountability
- Annual statistical review
- Confidentiality and protection
- Prison Rape Elimination Commission

PREA: National Prison Rape Statistics Program

- Five separate data collection efforts:
 - Survey on Sexual Violence
 - National Inmate Survey
 - National Survey of Youth in Custody
 - Former Prisoner Survey
 - Clinical Indicators of Sexual Violence in Custody

PREA: Is It Working?

- First national survey in 2004
 - Over 2,700 correctional facilities
- Definitions
 - Abusive sexual contacts
 - Nonconsensual sexual acts
 - Sexual victimization/sexual assault/sexual violence
- Warden beliefs
- We simply don't know yet...

(Beck & Harrison, 2007; Moster & Jelgic, 2009)

Barriers

Barriers to Research

- Definitions
- Methods of data collection
 - Literacy
 - Prisoners rarely report
- Time periods
- Wardens' beliefs

Barriers to Reporting

- Attitudes and perceptions
- Danger and risk
- Lack of information
- Segregated housing or transferred
- Internal grievance procedure
- Prisoner Litigation Reform Act
- Stigma

Prison Litigation Reform Act

- Passed in 1996
- Exhaustion requirement
- Physical injury requirement
- Fees for indigent prisoners
- Applies to juveniles

Barriers to Treatment

- Underreporting
- Fear of not being believed
- Discomfort in talking about the assault
- Lack of connecting inmates to services in community once released
- Lack of safety

Prevention and Practice

Some Suggestions

Prevention

- Increased surveillance
- Improved classification systems
- Prosecution of offenders, prison officials, correctional officers, wardens
- Staff training
- Orientation for new inmates

Practice

- Adequate medical and mental health care for survivors
- Medical and legal advocacy
- Protective housing that is not punitive
- Establishing safety

Practice: Stages of Recovery

Stage One: Safety

- Name the problem
- Restore control
- Establish safe environment

Practice: Stages of Recovery

Stage Two: Remembrance and Mourning

- Reconstruct the story
- Transform the memory
- Mourning

Practice: Stages of Recovery

Stage Three: Reconnection

- Empowerment
- Reconciliation
- Reconnection with others
- Resolution

Questions?

Comments?

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