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Crime & Delinquency



Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women and Gender Non-Conforming Individuals

Professor Brenda V. Smith
February 19, 2013

Presented by: The Project on Addressing Prison Rape
in collaboration with the
National PREA Resource Center

Welcome and Agenda for Webinar

PRESENTER:

Prof. Brenda V. Smith, Director
Project on Addressing Prison Rape

AGENDA:

- 2:00 p.m. – 2:15 p.m. Welcome and Conventions
- 2:15 p.m. – 3:15 p.m. PowerPoint and Discussion
- 3:15 p.m. – 3:30 p.m. Questions



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Information about the PRC

PRC was established through a cooperative agreement between the Bureau of Justice Assistance and the National Council on Crime and Delinquency. The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.

The information provided in the webinar is the viewpoint of The Project on Addressing Prison Rape and does not necessarily represent the opinion of the Bureau of Justice Assistance, the Department of Justice, or the PREA Resource Center.



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Conventions

The conventions for this webinar are:

- Your microphone should be on mute.
- If you are joining us by phone and Internet please be sure the telephone button is checked under the audio section of the webinar tool box.
- If you are joining only by phone you are on mute—you will not be able to ask questions, but if you email your question to jyarussi@wcl.american.edu we can address it.
- If you have a question during the webinar, use the chat box feature to send your question to Jaime Yarussi (listed as WCL Organizer).
- If you have technology issues, call Caleb Bess at 202-274-4403.

If your question is not answered during the webinar, we will respond after the session.

We will prioritize pre-submitted questions during the webinar and post them along with the webinar archive.



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Objectives of Webinar

- Begin to tease out what gender responsive approaches addressing custodial sexual abuse looks like for men, women and gender non-conforming individuals
- Review the applicable PREA standards for responding to sexual abuse in custody and their gender impact
- Review the dynamics of custodial sexual abuse of men, women and gender non-conforming populations
- Identify components of institutional culture and their impact on sexual abuse of inmates



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“Gender Responsive ” ??

- When people hear “gender responsive strategies” they generally think about strategies that respond to the needs of women
- When we use the term “gender non-conforming” it is the umbrella term for individuals including lesbian, gay, bisexual, transgender and intersex inmates whose gender expression may be different from their biological sex.



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Vectors of Correctional Sexual Abuse: Gender, Sexuality and Sexualized Environments

- Punishment including institutional punishment has always been gendered
- Correctional institutions have always struggled against sexualization
- Female staff introduced to ameliorate that



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What We Currently Know: BJS Data

Sexual Victimization Reported by Adult Correctional Authorities, 2007-8
Substantiated Incidents of Sexual Abuse

Gender	Inmate on Inmate Abuse		Staff on Inmate Abuse	
	Non-Consensual Sexual Conduct	Abusive Sexual Contacts	Staff Sexual Misconduct	Staff Sexual Harassment
Victims				
Male	92%	62%	65%	50%
Female	8%	38%	35%	50%
Perpetrators				
Male	93%	70%	39%	79%
Female	7%	30%	61%	21%



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What We Currently Know: BJS Data

Sexual Victimization in Prisons and Jails Reported by Inmates,
2008-9
Sex of perpetrator of staff sexual misconduct

Gender	Prison		Jail	
	Male Victims	Female Victims	Male Victims	Female Victims
Male Perpetrator	14.9%	71.8%	18.2%	62.6%
Female Perpetrator	68.8%	9.3%	64.3%	27.7%
Both Male and Female Perpetrators	16.3%	18.9%	17.5%	9.8%



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What We Currently Know: BJS Data

Sexual Victimization in Prisons and Jails Reported by Inmates,
2008-9

National prevalence data for sexual victimization by gender

Gender	Prisons		Jails	
	Inmate on Inmate	Staff Sexual Misconduct	Inmate on Inmate	Staff Sexual Misconduct
Male	1.9%	2.9%	1.3%	2.1%
Female	4.7%	2.1%	3.1%	1.5%



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What We Currently Know: BJS Data

Sexual Victimization in Prisons and Jails Reported by Inmates,
2008-9
Prevalence of sexual victimization by sexual orientation

Orientation	Prisons		Jails	
	Inmate on Inmate	Staff Sexual Misconduct	Inmate on Inmate	Staff Sexual Misconduct
Heterosexual	1.3%	2.5%	1.1%	1.9%
Bi-sexual, Homosexual or Other	11.2%	6.6%	7.2%	3.5%



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Applicable PREA Standards

115.15: Limits to cross-gender viewing and searches

115.21: Evidence protocol and forensic medical examinations.

115.31: Employee training

115.41: Screening for risk of victimization and abusiveness

115.42: Use of screening information



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Applicable PREA Standards

- 115.81: Medical and Mental health screenings; history of sexual abuse
- 115.82: Access to emergency medical and mental health services
- 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers



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PREA Standards

115.15: Limits to cross-gender viewing and searches

(a) The facility **shall not conduct cross-gender strip searches or cross-gender visual body cavity searches** (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

(b) **As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates**, the facility shall not permit **cross-gender pat-down searches of female inmates**, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

(c) The facility shall **document** all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.



PREA Standards

115.15: Limits to cross-gender viewing and searches

(d) The facility **shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia**, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to **announce** their presence when entering an inmate housing unit.

(e) The facility **shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status**. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

(f) The agency **shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates**, in a **professional and respectful** manner, and in the **least intrusive** manner possible, **consistent with security** needs



PREA Standards

115.21: Evidence protocol and forensic medical examinations.

(a) To the extent the agency is responsible for investigating allegations of sexual abuse; the agency shall **follow a uniform evidence protocol** that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

(b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, **shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,"** or similarly comprehensive and authoritative protocols developed after 2011.

(c) The agency shall offer all victims of sexual abuse **access to forensic medical examinations**, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.



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PREA Standards

115.41: Screening for Risk of Victimization and Abuse

(a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

(b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

(c) Such assessments shall be conducted using an objective screening instrument.



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PREA Standards

115.41: Screening for Risk of Victimization and Abuse

(d) The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- (1) Whether the inmate has a mental, physical, or developmental disability;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively nonviolent;
- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.



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PREA Standards

115.41: Screening for Risk of Victimization and Abuse

(e) The initial screening shall consider **prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency**, in assessing inmates for risk of being sexually abusive.

(f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility **will reassess the inmate's risk of victimization** or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

(g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.



PREA Standards

115.41: Screening for Risk of Victimization and Abuse

(h) Inmates **may not be disciplined for refusing to answer, or for not disclosing complete information** in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.

(i) The agency shall implement **appropriate controls on the dissemination within the facility** of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.



PREA Standards

115.42: Use of Screening Information

(a) The agency shall **use information** from the risk screening required by § 115.41 to **inform housing, bed, work, education, and program assignments** with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

(b) The agency shall **make individualized determinations** about how to ensure the safety of each inmate.

(c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on **a case-by-case** basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.



PREA Standards

115.42: Use of Screening Information

(d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

(e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

(f) **Transgender and intersex inmates** shall be given the **opportunity to shower separately** from other inmates.

(g) **The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status**, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.



PREA Standards

115.31: Employee training

(a) The agency shall train all employees who may have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates' right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;



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PREA Standards

115.31: Employee training

(9) How to **communicate effectively and professionally** with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and

(10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

(b) Such training **shall be tailored to the gender of the inmates at the employee's facility**. The employee shall receive additional training if the **employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates**, or vice versa.



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PREA Standards

115.31: Employee training

(c) All current **employees** who have not received such training **shall be trained within one year of the effective date of the PREA standards**, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

(d) The agency shall **document, through employee signature or electronic verification**, that employees understand the training they have received



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PREA Standards

115.81: Medical and mental health screenings; history of sexual abuse

(a) If the **screening** pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual **victimization**, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a **follow-up** meeting with a medical or mental health practitioner within 14 days of the intake screening.

(b) If the **screening** pursuant to § 115.41 indicates that a prison inmate has previously **perpetrated** sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a **follow-up** meeting with a mental health practitioner within 14 days of the intake screening.



PREA Standards

115.81: Medical and mental health screenings; history of sexual abuse

(c) If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.



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PREA Standards

115.81: Medical and mental health screenings; history of sexual abuse

(d) **Any information** related to sexual victimization or abusiveness that occurred in an institutional setting shall be **strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions**, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

(e) Medical and mental health practitioners **shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting**, unless the inmate is under the age of 18.



PREA Standards

115.82: Access to emergency medical and mental health services

(a) Inmate victims of sexual abuse shall receive **timely, unimpeded access to emergency medical treatment and crisis intervention services**, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

(b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, **security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62** and shall immediately notify the appropriate medical and mental health practitioners.



PREA Standards

115.82: Access to emergency medical and mental health services

(c) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

(d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.



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PREA Standards

115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

(a) The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

(b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.

(c) The facility shall provide such victims with medical and mental health services consistent with the community level of care.

(d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.



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PREA Standards

115.83: Ongoing medical and mental health care for sexual abuse victims and abusers

(e) If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

(f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

(g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

(h) All prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.



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Dynamics, Culture and Victimization



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Gender-influenced Socialization, Communication Styles & Behaviors: Men

- Guard inner feelings
- Emphasis on suppression of emotions considered weak
- Identity based on defining self with focus on independence, self-sufficiency, autonomy
- Reluctant to ask for help
- Non-verbal
- Focus on strategy
- More able to express anger; less able to express fear, anxiety, sadness



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Gender-influenced Socialization, Communication Styles & Behaviors: Women

- Emotionally expressive, even if emotions are displaced or reactive
- Identity based on defining self in relation to others; survival in inter-dependence
- Emphasis on connection
- More likely to ask for help
- Often verbal; attempt resolution thru speech
- More able to express feelings, weaknesses, vulnerability, confusion



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Gender-influenced Socialization, Communication Styles & Behaviors: Gender Non-Conforming

May have communication styles opposite to their gender presentation

May have gender-influenced behaviors that are the opposite of what staff would expect

Abuse Histories: Men

- History of abuse by parents or guardians
- Involvement in subsequent childhood or adolescent aggression & delinquency
- Connection between sexual/ physical victimization & aggressive & self-destructive behavior
- Report past abuse associated with violent crime



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Abuse Histories: Men

- Defend against feelings associated with victimization (shame, stigma)
- Victimization experience falls outside gender role of being strong & in control
- May have fears about sexual identity & preference
- Feel the best defense is a good offense
- May imitate their aggressors



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Implications: Men

- Feel shame & denial
- Felt (or were) unheard & unrecognized as abuse victims
- Guard feelings to mask vulnerability
- Fear that if they come forward they will be seen as homosexual (if abused by another male)
- Often do not define sex with women in authority as abusive



Impact of Victimization in the Correctional Setting: Male Victims

- Connection between sexual/ physical victimization and aggressive & self-destructive behavior
- Report past abuse associated with violent crime
- Defend against feelings associated with victimization (shame, stigma)
- May question sexual identity and preference
- Feel the best defense is a good offense
- May imitate their aggressors
- Acutely aware of the prison code and their ranking



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Abuse Histories: Women

- History of abuse by parents/guardians; other family; friends of family
- Involvement in subsequent childhood or adolescent delinquency & substance abuse
- Often have prior history of abuse in institutional or inpatient settings
- Abuse begins in childhood; continues into adulthood with intimate partners & strangers



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Abuse Histories: Women

- Sexual molestation increases risk for delinquency, addiction, offending, & early offending
- Report violent crime associated with abusive associates, male partners
- May imitate their aggressors
- At risk for unhealthy relationships with authority figures, based on perceptions of their power to harm or to help



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Implications: Women

- Difficulty adjusting to coercive, invasive, restrictive environments
- Lack of right to privacy, cell searches, bodily searches may replicate past abuse
- Concern with how reporting may interrupt relationships (incl. calls & visits)



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Implications: Women

- Faced with Sexual Abuse Situations
 - May not understand it is possible to refuse
 - May lack perception of a 'right' to refuse
 - May believe it is always dangerous to refuse
- Realistic Appraisal of
 - Retaliation by perpetrator or their friends for non-compliance (especially with staff)
 - Lack of safe, non-stigmatizing response options



Impact of Victimization in the Correctional Setting: Female Victims

- At risk for unhealthy relationships with authority figures, based on perceptions of their power to harm
- Difficulty adjusting to coercive, restrictive environments
- Lack of right to privacy, cell searches, bodily searches may replicate past abuse
- Concern with how reporting may interrupt relationships
- Vulnerable to abusive authority figures



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Additional Concerns of Gender Non-Conforming Inmates

- Use of isolation for protection
- Pairing for protection
- Not reporting due to fear of retaliation
- Being marked as a victim
- Suicide risk
- Physical violence/ partner violence
- Belief that they are being abused
- Trans-phobic attitudes of staff or other inmates
- Cross-sex supervision



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Additional Concerns of Gender Non-Conforming Inmates

- Improper classification and housing
 - Classification by biology not gender
- Stigmatization
 - Perception that they are asking for abuse
 - Perception that they are going to perpetrate abuse
- Victimization
- Isolation



The Impact of Being Incarcerated and Being a Survivor

- More likely to experience physical trauma
- Systemic infliction of psychological trauma
- Retaliation and/or retribution
- Lack of autonomy and safety
- General distrust (staff, reporting structure, investigation, prosecution)
- Feelings of disorientation and anxiousness may make people unable to follow rules
- Sharing or talking about feelings may be a safety risk for an inmate
- Isolation may be a relief but it could also cause further trauma
- Increased anger may cause acting out
- Complex nature of “consent” can lead to self-blame
- Multiple traumas exacerbate symptoms



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Why this is Important in the Correctional Context

If an individual has a concerning history of being victimized

- he or she may be suffering from posttraumatic stress symptoms
- may present with sleep disturbance
- may refuse to shower
- adopt other oppositional behaviors to keep safe

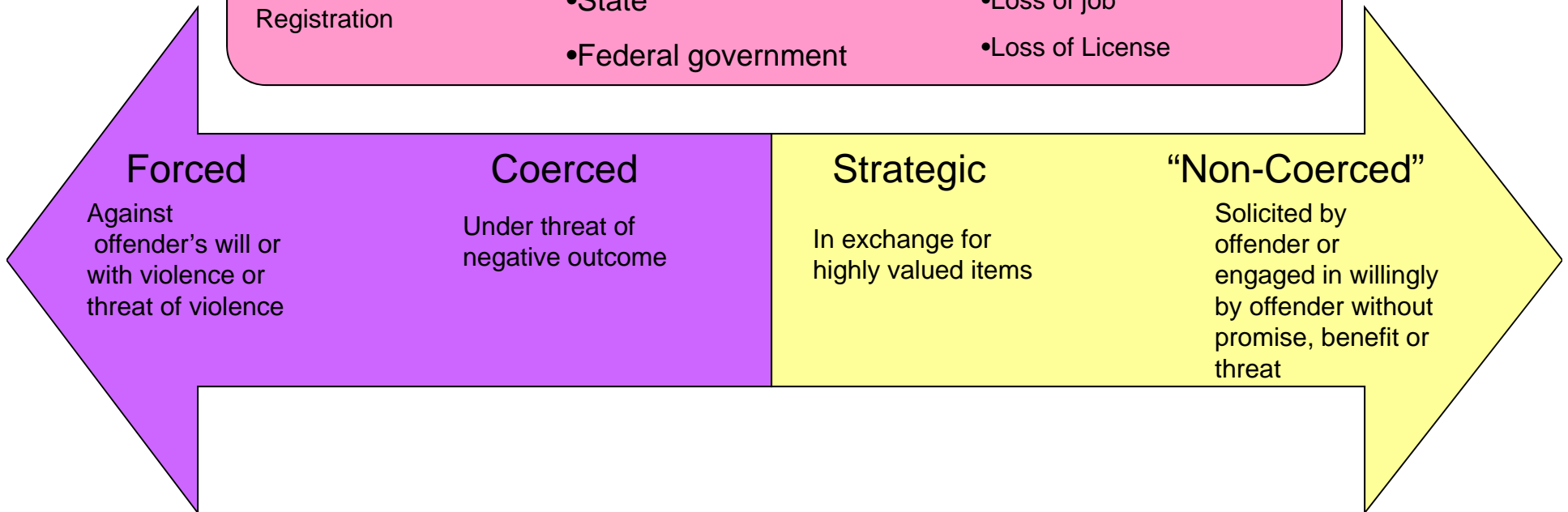
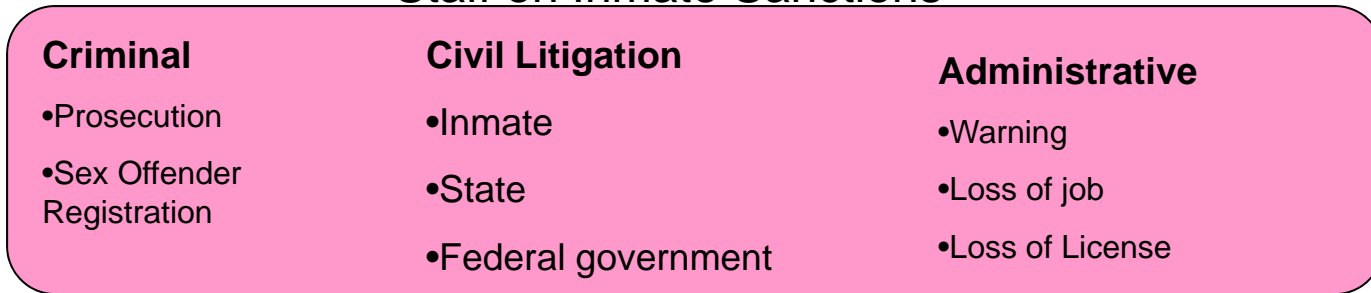
When an individual has a concerning history or is at risk as a perpetrator

- take action to make all staff aware of the risk
- take steps to ensure that he or she is not given time or opportunity to act out against another



Continuum of Sexual Activity Involving Adult Offenders

Staff on Inmate Sanctions



Criminal
Administrative



Criminal
Administrative



Administrative



Administrative

Inmate on Inmate Sanctions



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Generalizations About Who Potential Victims Are

- Young
- Inexperienced with the criminal justice system/ new to incarceration
- Weak
- Disabled (mentally, physically, etc.)
- History of victimization
- Sex Offenders
- Sexual Minorities (LGBTI)
- Racial and ethnic minorities within prison walls



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Generalizations About Who Potential Predators Are

- Likely to be older
- Incarcerated for longer period of time
- History of violent crimes
- Masculine in appearance/ Physically aggressive
- Manipulative
- Members of a gang



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Why Male Inmates may Engage in Sexual Activity

- Want/ need
- Deprivation
- Companionship
- Favors or benefits
- Protection
- Force



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Why Female Inmates may Engage in Sexual Activity in Custody

- Inappropriate sexualization
- Sex defined as “love” or as a commodity
- Boundary issues
- Challenges in defining domestic violence
- Fears about disclosure & reporting
- PTSD and re-traumatization
- Crisis and long-term treatment issue
- Trauma remains untreated and cycle continues
- History of previous confinement and/ or longer sentences
- Higher levels of aggression



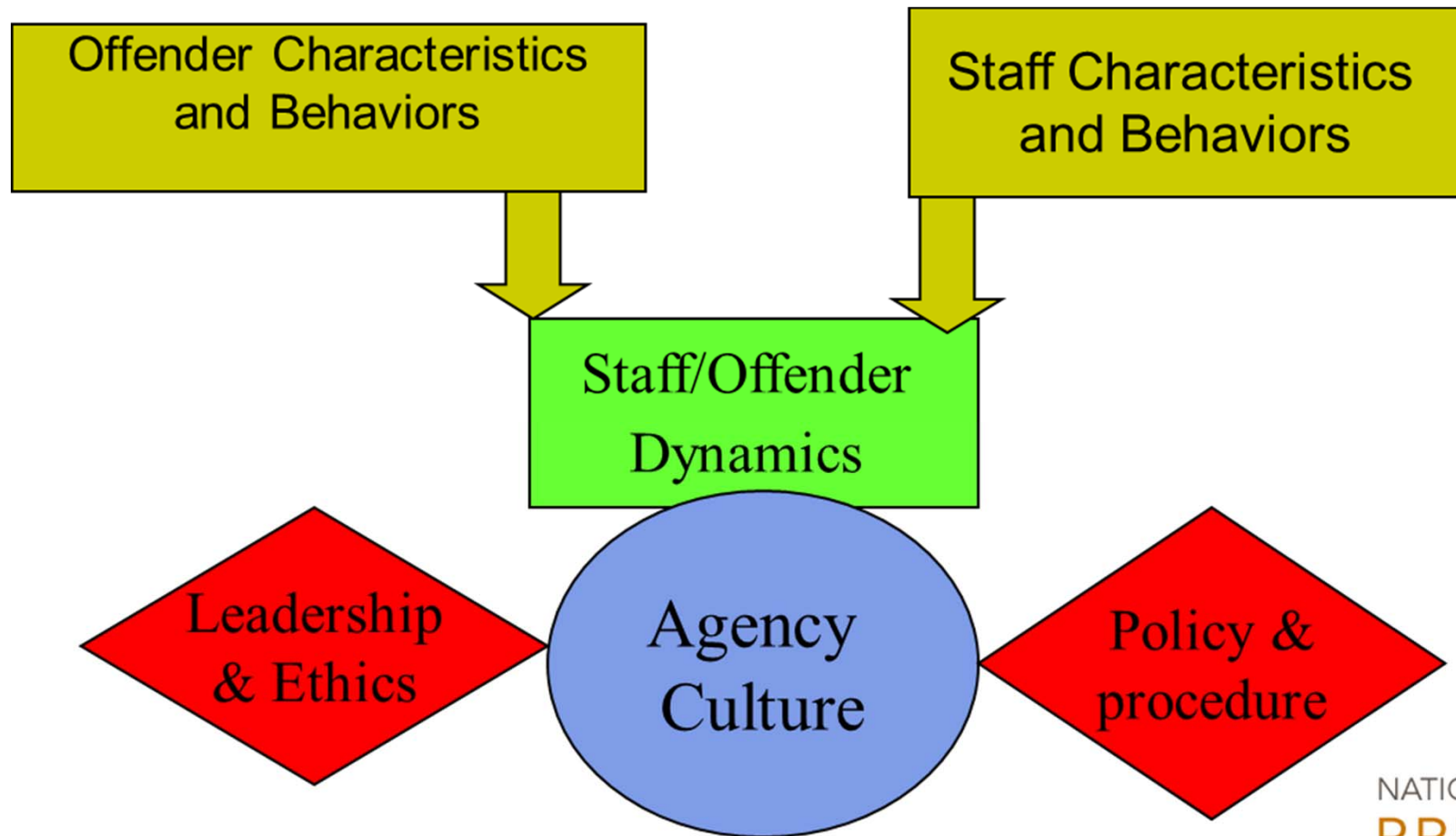
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Why Gender Non-Conforming Inmates may Engage in Sexual Activity

- Sex defined as “love” or as a commodity
- Boundary issues
- Fears about disclosure & reporting
- History of previous confinement and/ or longer sentences
- Want/ need
- Favors or benefits
- Protection
- Force

The Impact of Culture



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Institutional Culture: Perceptions of Sexuality and Sexual Violence

How an institution thinks about sexuality and sexual violence is reflected in its policies

- Visiting – family/ conjugal
- Access to reading material
- Masturbation
- Physical closeness
 - Touching, fondling etc.
- Sexual Abuse



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Staff Culture: Perceptions of Sexuality and Sexual Violence

Influences on staff definitions of rape

- Embarrassment
- Not understanding coerced consent
- Choose to ignore because they feel it is consensual



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Staff Culture: Perceptions of Sexuality and Sexual Violence

Attitudes about homosexuality

- Inmates having sex are heterosexual and responding to sexual deprivation
- Heterosexual men may choose to participate in same-sex behavior in certain instances
- Inmates performing sexual acts consensually are homosexual

Attitudes towards prostitution

- Engage in acts of their own free will
- Engage in sex for protection
- Prostitution is not a response to deprivation
- Prostitutes are inmates who need money for survival



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Staff Culture: Perceptions of Sexuality and Sexual Violence

Attitudes about inmates as victims

- Complications confirming incident leads to non-belief
- Inmates use claims of sexual violence against inmates they don't like
- Inmates use sexual violence as leverage (e.g. to move facilities or cells)

Attitudes about partner violence

- Relationships begin as consensual and turn coercive over time
 - There is shame after the initial act
 - Embarrassment or worry about getting discovered
 - Disapproval from family
 - Discomfort with the behavior



Staff Culture: Perceptions of Sexuality and Sexual Violence

Causes of sexual violence

- Interpersonal conflicts
- Exploitive nature of inmate culture
- Pursuit of power
- Respect
- Sex as a commodity
- Forced abstinence

Where sexual violence happens

- Multi-person housing
- Chapel
- Showers
- Kitchens
- Work areas
- Cells
- Day-rooms



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Staff Culture: Perceptions of Sexuality and Sexual Violence

Attitudes specific to staff in women's facilities

- Dynamics of female sexual violence are not known
- Sexual coercion happens more than violence
- Aggressive women are not always coercive
- Intimidation is the most used form of coercion
- Sexual violence is too difficult to detect
- More likely to report abuse- do not abide by the no snitching rule



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Staff Culture: Perceptions of Sexuality and Sexual Violence

Challenges for staff

- Knowing and understanding their own values and attitudes
- Reporting may be at odds with ethical obligations
- Identifying consent and non-consensual sexual activity



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The Impact of Staff Culture on Responses to Prison Rape

- If staff don't define conduct as rape and inmates don't think staff will report or respond there will be a culture of silence and denial
- Culture plays a role in sexual violence in prisons and jails
- Can either support or obstruct efforts to address sexual violence
- Culture has an impact on:
 - Safety, security, reporting, investigatory practices, support for the victim



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Why Understanding Perceptions is Important?

- Provides a context for behaviors of staff and inmates
- Attitudes and conduct are shaped by the culture
- Addressing the problem in a systematic way is about cultural change
 - Involves shifting the existing norms
- Culture change is the challenge for leadership



Why this is Important in the Correctional Context

- Some individuals are drawn to work in custodial settings because they want access to vulnerable populations
- Supervisors and coworkers need to be aware of the possibility that abuse and maltreatment may be taking place
- This is not to create an environment of suspicion and mistrust, it is meant to be a collective effort to keep people in custodial care safe



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Resources

GOVERNMENT REPORTS

- United States. The Department of Justice/ Bureau of Justice Statistics. Sexual Victimization Reported by Adult Correctional Authorities 2007-2008 . Comp. by Allen Beck et. al. Washington, DC. January 2011.
- United States. The Department of Justice/ Bureau of Justice Statistics. Sexual Victimization in Prisons and Jails Reported by Inmates 2008-09. Comp. by Allen Beck et. al. Washington, DC. August 2010.
- United States. The Department of Justice/ National Institute of Justice. Risk Markers for Sexual Predation and Victimization in Prison. Comp by Warren et.al.. Washington, DC. May 2010
- United States. The Department of Justice/ National Institute of Justice. Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities (Part I: Improving Security in Women's Facilities). Comp by Owens et.al.. Washington, DC. November 2008.
- United States. The Department of Justice/ National Institute of Justice. Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities (Part II: Focus Group Methodology and Findings). Comp by Owens et.al.. Washington, DC. November 2008.
- United States. Department of Justice/ National Institute of Justice. The Culture of Prison Sexual Violence. Comp. Mark Fleisher and Jessie Krienert. Washington, DC: November 2006.
- United States. National Institute of Corrections. Staff Perspectives: Sexual Violence in Adult Prisons and Jails. Developed by The Moss Group Inc., under NIC cooperative agreement 05S18GJ10. Washington, DC: June 2006.

PUBLICATIONS FOR CORRECTIONAL PROFESSIONALS

- Levan Miller, Kristine. "'The Darkest Figure of Crime: Perceptions of Reasons for Male Inmates to Not Report Sexual Assault", Justice Quarterly, 27: 5, 692 — 712 (2010).
- Moster, Aviva N. and Elizabeth L. Jeglic. "Prison Warden Attitudes Toward Prison Rape and Sexual Assault: Findings Since the Prison Rape Elimination Act (PREA)" The Prison Journal, 2009.
- Hensley, et. al.,. "Examining the Characteristics of Male Sexual Assault Targets in a Southern Maximum Security Prison." Journal of Interpersonal Violence. 20:6 (June 2005): 667-679.

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- Hensley, et. al,. "The Evolving Nature of Prison Argot and Sexual Hierarchies." The Prison Journal. 83:3 (September 2003): 289-300.
- Hensley, et. al,. "Masturbation Uncovered: Autoeroticism in a Female Prison." The Prison Journal. 81:4 (December 2001): 491-501.
- Eigenburg, Helen M. "Correctional Officers and Their Perceptions of Homosexuality, Rape and Prostitution in Male Prisoners." The Prison Journal. 80:4 (December 2000): 415-433.
- Struckman-Johnson, Cindy and David Struckman-Johnson. "Sexual Coercion Rates in Seven Midwestern Prison Facilities for Men." Prison Journal, 80:4, 2000. 379-390.
- Struckman-Johnson, Cindy and David Struckman-Johnson. "A Comparison of Sexual Coercion Experiences Reported by Men and Women in Prison." Journal of Interpersonal Violence, 21:12, 2006. 1591-1615.

LAW REVIEWS AND JOURNAL PUBLICATIONS

- Smith, Brenda V. "Uncomfortable Places, Close Spaces: Female Correctional Workers' Sexual Interactions With Men and Boys in Custody" UCLA Law Review UCLA School of Law Los Angeles, CA; Vol. 59 Issue 6: 1690 (2012).
- Tarzwell, Sydney. "The Gender Lines are Marked with Razor Wire: Addressing State Prison Policies and Practices for the Management of Transgender Prisoners." Columbia Human Rights Law Review. 38 (Fall 2006).
- Smith, Brenda V. "Rethinking Prison Sex: Self Expression and Safety." Columbia Journal of Gender and the Law, 15 (2006): 185-234.
- Mann, Christopher and John Cronan. "Forecasting Sexual Abuse in Prison: The Prison Subculture of Masculinity as a Backdrop for Deliberate Indifference." Journal of Criminal Law and Criminology. 92 (Fall 2001).

OTHER

- The Center for Gender and Justice [Stephanie Covington and Barbara Bloom]
<http://www.centerforgenderandjustice.org/>



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Gender Non-Conforming Specific Resources

- Investigating Staff Sexual Abuse of Offenders
<http://www.wcl.american.edu/endsilence/training.cfm>
- Sexual Abuse of Youth in Custody http://www.wcl.american.edu/endsilence/juvenile_training.cfm
- Responding to Inmate on Inmate Sexual Abuse [forthcoming]
<http://www.wcl.american.edu/endsilence/training.cfm>
- Breaking the Code of Silence: Correctional Officers' Handbook on Identifying and Addressing Sexual Misconduct <http://www.wcl.american.edu/endsilence/handbooks.cfm>
- Lesbian, Gay, Bisexual, Transgender and Intersex Offenders resource page available at:
<http://nicic.gov/LGBTI>
- Annotated Bibliography of resources available at: <http://nicic.gov/Library/026518>
- Video Broadcast: LGBTI Populations—Their Safety, Your Responsibility
November 7, 2012.
<http://nicic.gov/Library/026763>
- Smith, Brenda V. et. al. Policy Review and Development Guide: Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Custodial Settings (forthcoming) white paper available at:
<http://www.wcl.american.edu/endsilence/webinars.cfm>



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Evaluation and Follow-up

We would like your feedback!

- An evaluation survey is posted at:
<http://www.surveygizmo.com/s3/1162709/Responding-to-Sexual-Abuse-of-Inmates-in-Custody-Addressing-the-Needs-of-Men-Women-and-Gender-Non-Conforming-Individuals-Webinar-Participant-Survey>
- Surveys should be completed by
Friday, March 8, 2013 at 5:00 p.m. EDT.

A follow-up email will be sent immediately following this webinar. That email will include the link for the evaluation survey as well as a link to the recording and PowerPoint for this session.

If you watched this webinar in a group, please forward the link for evaluation to the whole group.



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