Inmate Sexual Assault in Male Prisons

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Abstract

This paper examines the issues surrounding inmate sexual violence in male US prisons. This paper reviews the prevalence of inmate sexual violence and what contributes to the high incidence rate, as well as the consequences that sexual violence has on inmates and society, and the implementation and requirements of the Prison Rape Elimination Act (PREA) of 2003. A theoretical framework is created that applies feminist theory and routine activities theory to the occurrence of sexual violence between inmates. Haney (2011) argues the concept of hypermasculinity as the driving force behind sexual victimization. Other scholars argue against this theory and offer other suggestions. This paper explores the current prevention initiatives being taken by state facilities and offers recommendations to further the progress of reducing inmate sexual violence.
Inmate Sexual Assault in Male Prisons

Introduction

Statement of the Problem

Rape and sexual assault occur frequently among inmates. The prison population is ever increasing and, as a result, so is the problem of inmate sexual violence. Male prisons have been found to have a higher rate of inmate-on-inmate sexual violence than female prisons (Wolff, Blitz, Shi, Bachman, & Siegel, 2006). Reports say that approximately 20% of male inmates will be assaulted by guards or other inmates during their incarceration (CALCASA, 2010). The US Department of Justice reported that 42% of sexual assaults and rapes in prison are inmate-on-inmate (Rantala, 2018).

In the past, the Bureau of Justice Statistics (BJS) relied on data reported by both prison officials and prisoner surveys. Recently, the BJS has been receiving data only from correctional officials. The last survey of prisoners was conducted in 2012 when the BJS reported that more than 200,000 prisoners are victims of sexual assault each year (Santo, 2018). The problem with relying solely on sexual violence statistics gathered by correctional officers is that most inmates do not report the sexual abuse they experienced. Many correctional facilities and officers do not take sexual assault among inmates seriously. Officers disregard reports of rape and sexual assault and, as a result, most inmates do not bother to report incidents (Human Rights Watch, 2001). Inmates have reported that officers in their correctional facility do not warn inmates of the risk of sexual violence, do not inform inmates of protection methods, and do not advise inmates of any protocol or procedures for reporting abuse (Human Rights Watch, 2001).
Even the incidents that are reported are rarely substantiated. Of the sexual abuse allegations between inmates that the BJS reported between 2013 and 2015, less than one-sixth were substantiated (Rantala, 2018). However, prisoners have nothing to gain by making false allegations of sexual abuse. In fact, there are many reasons for inmates to remain quiet about the abuse they have endured, such as being labeled a snitch, the risk of retaliation, and being seen as weak and not masculine. Allegations of sexual victimization between inmates increase each year. The BJS reported 24,661 allegations of sexual assault in both state and federal prisons and jails in 2015; that is an increase of nearly 6,000 reported incidents from the previous year (Human Rights Watch, 2001). The problem of inmate sexual violence is one that many outside the criminal justice system are unaware of and many within the criminal justice system choose to ignore. In fact, nearly half of all state jurisdictions did not actively collect any prison rape statistics before 2003 when PREA was passed (Human Rights Watch, 2001).

Sexual violence in prisons can have serious consequences on the physical and mental health of inmates, prison morale, and the community. Inmates who have been victims of sexual violence have high rates of depression, PTSD, and suicidal thoughts and attempts (Dumond, 2006). Studies have shown that the rape trauma experienced by inmates and the fear of future sexual abuse increases prison violence and recidivism (McGuire, 2005). Approximately 95% of inmates are eventually released from prison and bring the consequences of rape trauma into the world with them (CALCASA, 2010). This causes detrimental effects on the community and public health. Researchers have discovered that after release, most inmates return to the areas where their crime was committed or where they have family ties. These areas are generally disadvantaged, with high rates of drug use and poor health. This puts the community at an even
greater risk of suffering from the consequences brought to them by sexually traumatized ex-inmates. STDs caught as a result of inmate sexual violence can spread to a community at a high rate and ex-inmates suffering psychological issues from victimization can recidivate at a higher rate (Wolff et al., 2006). The more sexual violence in prisons is seen as normal, the more inmates will use sexual violence in free society (Nielsen, 2017).

**Purpose of the Study**

The purpose of this study is to address prison rape and sexual assault of and by inmates in medium security male prisons. This problem does not receive adequate attention by those within the criminal justice system or by scholars and deserves to be taken more seriously. Using data consisting of inmate sexual violence statistics, prison rape prevention initiatives, conclusions drawn from case studies and governmental reports, and previously recorded interviews and narratives from current and ex-inmates and their families, this research paper will present some of the most important topics surrounding the issue of inmate sexual violence.

This paper will identify weaknesses of current literature on the subject, such as that of Sutton and Sutton (2016), who aim to expand the definition of sexual violence. Additionally, this research will provide possible theoretical explanations for inmate sexual violence and explore prison rape prevention strategies based on those theories. This research will analyze the current rape prevention strategies and identify the benefits of those programs. Ultimately, the purpose of this paper is to generate a dialogue about the significance of the issue of inmate sexual violence, provide education about potential causes of the problem, and offer recommendations for effectives solutions.
Methods of Approach

The first method of approach will entail a literature review that defines inmate sexual violence and the associated terms. A discussion of the types of sexual violence that occur between inmates will be included, as well as how sexual abuse between inmates plays a role in prison culture. Statistical and empirical data will be introduced in order to establish prevalence. Information will be gathered from case studies and previously recorded eyewitness and victim testimonies to demonstrate the adverse effects inmate sexual violence has on multiple groups of people. Governmental reports, case studies, and other literary and empirical data will be analyzed in an effort to describe current policies and programs surrounding inmate sexual violence, and what components of those programs may require improvement.

The introduction of a theoretical framework will be the second method of approach. This framework will be designed to help explain possible reasons behind the occurrence of inmate sexual abuse. Suggestions regarding why inmates sexually abuse each other will be explored. The theories outlined in the framework will be applied to the typical male medium security inmate and the environment of a medium security prison in an effort to understand how sexual violence between inmates became part of prison culture.

Extended family visits, casually referred to as conjugal visits, will be explored to determine what components do not work, and what changes can be recommended to improve such programs. Sexual violence education programs for inmates and staff will also be explored. These programs aim to educate both inmates and staff about the realities of inmate sexual violence, best practices to avoid victimization, and staff training on handling victimization.
Results of the Study

This paper provides a contribution to the criminal justice field by acting as a resource for criminal justice officials and an educational tool for the public to become aware of and knowledgeable about inmate sexual violence. This research analyzes multiple elements of feminist theory to explain the prison culture and sexual hierarchy. This study also applies routine activities theory as an explanation for the risk of sexual victimization during incarceration. This study applies the most recent data available to emphasize the negative effects that inmate sexual violence has on inmates and the community, and to highlight the most effective components of current and potential sexual violence prevention programs in prisons. Statistics from facilities that have implemented prevention programs are compared to those with no prevention programs to illustrate the effectiveness of such programs. This study examines the strengths and positive effects of extended family visit programs and outlines ideal extended family visit programs. This paper analyzes the elements of current staff training and inmate education programs that aim to reduce inmate sexual violence. Recommendations for effective programs for all state prisons are based on these findings.
Literature Review

Prevalence of Inmate Sexual Violence

Prison rape between male inmates has been recorded by scholars since the late 1960’s (Wyatt, 2006). Of the 24,661 allegations of sexual violations in correctional facilities in 2015, 42% of them were inmate-on-inmate. After the 2012 implementation of the National Standards to Prevent, Detect, and Respond to Prison Rape, allegations of prison sexual violence increased by 180% (Rantala, 2018). It is difficult to accurately identify or predict the rate of inmate sexual violence because it is a crime that largely goes unreported, uninvestigated, and/or unsubstantiated. Reports have estimated that roughly 20% of male inmates will be sexually victimized by guards or other inmates during incarceration (CALCASA, 2010). Of the allegations that were reported to the BJS between 2013 and 2015, less than one-sixth were substantiated (Rantala, 2018). However, prisoners have nothing to gain by making false allegations of sexual abuse. In fact, there are many reasons for inmates to remain quiet about the abuse they have endured, such as, being labeled as weak or not masculine.

The National Standards to Prevent, Detect, and Respond to Prison Rape outline what type of data must be recorded and reported to the BJS, requires facilities to provide mental and medical care for victims, requires facilities to provide sexual assault education to inmates, and requires a complete investigation of every allegation (Rantala, 2018). During the years 2012 through 2015, nine percent of allegations were not formally investigated, and more than half of the allegations that were investigated were either unfounded or unsubstantiated. Between 2011 and 2015, the number of unsubstantiated incidents increased by 63% (Rantala, 2018).
In 1996, it was reported that 22% of male inmates were sexually victimized by fellow inmates (Dumond, 2006). Today, that number has nearly doubled. The Prison Rape Elimination Act of 2003 reported the total number of prison inmates who had been sexually assaulted between 1986 and 2006 was over one million (Wyatt, 2006). PREA’s estimate of sexual violence in prisons is 13% (Jenness & Smyth, 2011).

Correctional officials have admitted to underreporting sexual assault incidents, saying that it is sometimes unclear whether a sex act was forced or consensual, and due to the fact that most inmates do not admit to being sexually assaulted due to fear of consequences. In fact, inmates have a tendency to consent to sexual acts for fear of what may happen to them if they refuse or fight back, making it even more difficult for officers to recognize if there is a problem (Wyatt, 2006). Another reason sexual victimization is difficult to detect is because the sexual assaults most often occur during the night or in areas of the facility that are not monitored frequently. Therefore, no one is around to witness the incident (CALCASA, 2010).

A study that took place from 2004 to 2006 found that more than 5,000 reports were made of inmate-on-inmate sexual violence in all 50 states (D’Alessio, Flexon, & Stolzenberg, 2012). The estimated percentage of inmates who experienced sexual victimization can range from one to 41%. The large percent range is due to the incidents being significantly underreported by both inmates and correctional facilities. It is thought by scholars that the rate of sexual victimization increases as the conditions of the prison worsen (Haney, 2011).
Prison Rape Elimination Act

There were three issues that led to the implementation of PREA: 1) interference in correctional operations in the event of inmate sexual violence, 2) effects of sexual victimization, and 3) consequences the community faces when sexually victimized inmates are released from prison (Halley, 2005). PREA was designed by a bipartisan group of individuals consisting of professional, religious and human rights organizations, national legislators, and social scientists. Both houses of Congress passed the Act unanimously, and President Bush signed the bill on September 4, 2003. Jenness and Smyth (2011) recognize four reasons why the unanimous passage of PREA was surprising. First, the Act came into effect in a time when the majority of the population felt a strong indifference towards those incarcerated. Therefore, a unanimous bill aimed towards their protection was somewhat of a shock. Second, the law required Congress to provide funding of more than $60M. This came at a time when the federal budget was already being strained by war efforts and tax breaks. Third, PREA does not “criminalize behavior anew nor does it provide a new cause of action for inmates if and when prison rape occurs “(Jenness & Smyth, 2011), p. 491). Lastly, it is highly uncommon for Congress to pass a new bill near instantaneously.

As a result of PREA’s passage, the American Correctional Association (ACA) revised its standards and created a number of new standards for responding to inmate sexual violence (Dumond, 2006). The passage of PREA prompted many correctional facilities to revise their sexual assault policies (Halley, 2005). According to PREA’s standards, every prison system in the US must treat the prevention of prison rape as its number one priority. Correctional staff
who fail to prevent, detect, and punish inmate sexual violence will face consequences (McGuire, 2005).

Section three of PREA lists the nine primary purposes of the bill:

1. Create a zero tolerance standard for prison rape

2. Ensure that prevention of sexual victimization is a top priority

3. Implement nationwide standards for detecting, preventing, investigating, reducing, and punishing prison rape

4. Make data on incidences of prison rape more readily available for correctional facility administration

5. Develop standard definitions to be used for prison rape data collection

6. Hold prison officials accountable for their failure to prevent, detect, reduce, and punish inmate sexual violence

7. Protect the 8th Amendment rights of inmates at all levels

8. Increase effectiveness of Federal expenditures via grant programs for healthcare, mental healthcare, crime prevention and prosecution, prison operations, and homelessness
9. Minimize costs associated with prison rape and its effect on interstate commerce


Section five of the Act assigns three specific tasks to the National Institute of Corrections (NIC):
1) NIC must submit an annual report to the director of Health and Human Services and Congress “summarizing the activities of the DOJ regarding prison rape abatement” (Halley, 2005, p. 31),
2) NIC must provide training programs to all government agencies who are in charge of preventing, investigating, and punishing prison sexual victimization, and 3) NIC must inform and assist all levels of authorities who are in charge of preventing, investigating, and punishing prison sexual victimization (Halley, 2005). The informational videos aired by NIC can be viewed by anybody free of charge on the NIC website or ordered from the NIC Information Center (Halley, 2005). The Act also states that the high rate of sexual assaults in prisons is a violation of the Constitution, citing Farmer v. Brennan in which the Supreme Court ruled that deliberate indifference to sexual victimization in prisons is a direct violation of the 8th Amendment’s clause that protects against cruel and unusual punishment (Prison Rape Elimination Act of 2003, Pub. L. 108-79, 117, Stat. 978).

Agencies within the DOJ are assigned specific tasks relating to PREA’s intents (Halley, 2005). A prison rape review panel holds yearly hearings as a way to evaluate the prisons with the highest and lowest rates of sexual victimization. The annual reviews required of the BJS are based off of surveys, called Sexual Victimization Surveys (SSV) of at least 10% of all county, state, and federal prisons in addition to a small sample from the municipal prisons. The surveys
are required to include responses from current and former inmates. The SSV was updated in 2013 to show modified definitions for all types of sexual victimization, outcomes of investigations, and new questions. These standards were improved in hopes that an increase in the number of allegations may be seen as well as an increase in prisoners’ willingness to report incidences.

In the years following the updated SSV, there was an increase in allegations, both substantiated and unsubstantiated, particularly for staff-on-inmate victimization (Rantala, 2018). The review of the SSVs is carried out by the Review Panel on Prison Rape (Mair, Frattaroli, & Teret, 2003). Under PREA, Congress has supplied financial resources “to help train and assist prosecutors in investigating and punishing prison rape making it possible for under-resourced prosecutors’ offices to access external monies to help them pursue prison rape cases effectively and efficiently” (McGuire, 2005, p. 78).

The primary objective of PREA is “to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape” (Jenness & Smyth, 2011, p. 490). PREA acknowledges that confining individuals in an environment where there exists a likelihood of sexual victimization is “equal to the imposition of a greater –and unintended- punishment” (Graham & Hastings, 2011, p.42). Thus, the National Prison Rape Elimination Commission (NPREC) was formed and tasked with studying the causes and effects of sexual violence in prison (Graham & Hastings, 2011; Halley, 2005).
PREA declares a ‘zero tolerance’ policy standard for prison rape, requires data collection and analysis of prison rape, provides grants to prevent and prosecute prison rape, and directs the United States Attorney General (AG) to adopt “national standards for detection, prevention, reduction, and punishment of prisoner rape” (Nielsen, 2017, p. 261). PREA does not only address forcible, unwanted penetration, but all forms of sexual assault that occur in jails, prisons, detention centers, and police lockups. However, Nielsen (2017) cites a handful of flaws in PREA’s framework such as, 1) ignoring reform tactics proposed by human rights advocates, 2) attempting to allow correctional facilities to gain control over inmates’ sexuality, 3) ignoring the fact that, oftentimes, staff are the abusers, 4) violating prisoners’ autonomy by proposing an increase in surveillance and control over prisoners, and 5) lacking sufficient means of enforcement. For example, state governors are able to certify compliance with the Act without any evaluation of said compliance (Nielsen, 2017). Nielsen (2017) proposes a number of solutions to inmate sexual violence that go beyond PREA’s requirements. These solutions include conjugal visitation, distribution of prophylactics, improvement in the incident reporting process, body classification systems, and the termination of the regulation of consensual sex between inmates.

**Exploration of the Difficulties of Researching Inmate Sexual Violence**

Operational definitions of sexual assault are inconsistent; therefore, obtaining quality research of the subject is difficult. Some studies have included unwanted touching in the definition of sexual assault, whereas other studies have only included instances of force or violence in their research (Neal & Clements, 2010). Limitations such as this have caused a lack of data about the issue of inmate sexual violence, preventing the implementation of effective
prevention methods prior to the introduction of PREA in 2003 (Dumond, 2006). The biggest challenge for researchers is the differing operationalizations of sexual assault. Definitions that limit sexual assault to acts that are forced or violent show lower statistical rates; broader definitions that include threats of sexual violence, propositions or coercions, and unwanted touching yield much higher estimates (Santos, 2018). PREA defines sexual victimization as the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, a) forcibly or against that person’s will; b) not forcibly or against that person’s will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or c) achieved through the exploitation of the fear of threat or physical violence or bodily injury (Prison Rape Elimination Act of 2003, Pub. L. 108-79, 117, Stat. 978).

Sexual violence is the most underreported crime in the world and victimized inmates are no exception. Unfortunately, this poses methodological problems for researchers. A lack of reporting leads to a lack of data, causing a lack of research. Many of the findings of studies do not have statistical support due to the hidden nature of the crime (Dumond, 2006). When conducting a study in prisons, researchers typically utilize a survey or interview, which may result in over- or under-reporting when one considers the sensitivity of the subject and the populace with whom the researchers are dealing. Many inmates have lived much of their lives as criminals and are experts in lying and misleading. Inmates who are the perpetrators of inmate sexual violence may respond to interview or survey questions in a way that leads the researcher to believe that prison rape is not prevalent. Past studies have utilized face-to-face interviews as the methodological approach, which may not provide the most accurate data. Due to the delicacy
of the topic, victimized inmates may be less inclined to be completely truthful when describing their experiences with prison sexual assault or deny any incidents altogether (Wolff et. al., 2006).

**Reporting Inmate Sexual Violence**

Reporting sexual violence is typically done by filing an internal grievance which involves a great deal of paperwork and multistep appeals processes, and more often than not, nothing comes of the matter. Most inmates do not bother to utilize this system for two main reasons: 1) grievances are often automatically denied by prison authorities and 2) this process offers little to no confidentiality. The Prison Litigation Reform Act of 1996 states that “prisoners must exhaust the remedies open to them via internal grievance procedures before they are allowed to file suit in federal court” (Human Rights Watch, 2001).

There are limits to confidentiality when an inmate chooses to report his sexual abuse. Unlike in the free world where sexual assault victims can receive medical care without notifying the authorities of their attack, prison medical and mental health staff are required to notify correctional administration of all inmate sexual violence incidents so that appropriate action can be taken (Dumond, 2006).

The National Standards to Prevent, Detect, and Respond to Prison Rape require prison authorities to provide sexual assault data to the Dept. of Justice upon request, educate inmates and staff on sexual assault, track all data collected by the Survey of Sexual Victimization (SSV), and perform complete investigations on all allegations. The Dept. of Justice saw an increase of reports following implementation of the National Standards to Prevent, Detect, and Respond to
Prison Rape in 2012; however, there are still an abundance of incidents that go unreported (Rantala, 2018).

**Reasons Inmates Do Not Report Attacks**

Most victimized inmates do not report their sexual assaults. Some reasons why inmates choose not to report victimization include guilt, embarrassment, fear, and not wanting to relive the trauma during prosecution and/or medical exams (McGuire, 2005). In fact, the US Department of Justice has cited that only 10% of victimized inmates report their abuse (Wyatt, 2006). Inmates also have a lack of trust and confidence in the prison staff and system as a whole and believe that prison authorities will disregard any allegations (McGuire, 2005; Zweig et. al., 2006).

The main reason for non-disclosure stems from the fear of retaliation. Inmates may be subjected to even more violent attacks or even fatal retaliation if the victim reports his abuser. If inmates could be guaranteed protection from retaliation, they would be more likely to report. However, many inmates feel that protective custody (when it is even offered) is worse than facing sexual assault (Wyatt, 2006; Human Rights Watch, 2001). Some reasons that inmates have given regarding why they do not want to be in protective custody include: no work opportunities, lack of church services, loss of privileges, no educational programs, and no movies (Miller, 2010).

Victimized inmates also choose not to report their abuse lest they be seen as weak or vulnerable, opening them up to further attacks from more inmates. Surveys have shown that 20% of inmates have reported being coerced into performing sex acts in exchange for being kept
safe from gang violence or debt relief (Wyatt, 2006). Many inmates also choose to give in to their attacker because they feel it is easier and safer than fighting back. Victims have trouble reporting these types of incidents because they feel that since there was no force or violence it is not really a reportable offense (Wyatt, 2006).

In the mid-1920’s, Joseph F. Fishman, author of *Sex Practices of Prisoners* and former inspector of federal prisons, was the first to recognize that “the inmate code prevents victims from reporting” (Dumond, 2006, p. 146). The inmate code is “a series of conduct norms that define the proper behavior of inmates” (Wellford, 1967, p. 197). The inmate code is comprised of six factors: 1) informing staff of escape plans and/or the possession of contraband, 2) sex norms, 3) the value of group formation, 4) treatment, 5) worth ethic, and 6) reporting rule violations by other inmates (Wellford, 1967). The last component of the inmate code is the most important one for prisoners. Those who break inmate code are labeled a “snitch”, are immediately moved to the bottom of the prison hierarchy and have a higher risk of becoming victims of violence (Human Rights Watch, 2001).

Other barriers to reporting inmate sexual violence revolve around myth, such as that homosexuals cannot be raped, transgenders and homosexuals like the attention, and that certain inmates (sex offenders) deserve to be raped (Miller, 2010).

**Correctional Officers’ Response to Inmate Sexual Violence**

Prison officials have admitted to underreporting inmate rape because of the difficulty they have in determining whether the acts are consensual or forced. Because many inmates give in to their attacker to avoid further violence or to repay a debt, the inmate appears to be a willing
participant (Wyatt, 2006). Guards often maintain that the sexual act was consensual if the victim shows no visible injuries. Homosexual and bisexual inmates have reported that guards refuse to investigate their claims of sexual violence because the officers feel that all sexual activity by this population is consensual (Hensley, Wright, Tewksbury, & Castle, 2003). Prison officials are often accused of being “unresponsive or unwilling to intervene”, making inmates not want to seek their help (Wyatt, 2006, p. 588). Correctional staff have admitted to not reporting instances of sexual assault between prisoners even when they feel it may be occurring because they are unsure of how to respond to the situation. A former prison guard who was interviewed for a 2006 study stated that she had been aware of certain inmates being raped but felt there was nothing she could do so she ignored the problem. The same individual stated that she witnessed inmates engaging in sexual acts but decided not to inquire about consent because she was embarrassed (Wyatt, 2006). Other correctional officers have admitted to not interfering in incidents of sexual violence because they felt the victimized inmates deserved what was happening to them and would even bully the inmates who did report their attacks by calling them “queens” or “bitches” (Wyatt, 2006).

Correctional officers have almost always downplayed the prevalence of inmate sexual abuse, even though academic studies have shown otherwise. For example, in a 1997 interview between Human Rights Watch and prison officials for various states, such as New Mexico and Nebraska, officials stated that occurrences are rare and minimal. However, a study conducted the year prior found that 22% of inmates had been forced to perform sexual acts with other inmates, and 50% of those had been anally raped at least once. Nationally, more than 140,000 inmates had been forced to have anal sex (Human Rights Watch, 2001).
Scholars believe that victimized inmates’ hesitancy to report their abuse is directly linked to the inadequacy of correctional officers’ responses. According to inmates interviewed by Human Rights Watch, when they reported their abuse, the victimized inmate was moved to another cell but still had contact with their abuser and was retaliated against (Human Rights Watch, 2001). There are prison staff who consider inmate sexual violence part of prison culture and part of offenders’ punishment. There are even staff members who assist in or encourage sexual violence among inmates. These staff members are seldom held responsible for their actions (Neal & Clements, 2010).

Some prison staff use threats of sexual abuse as a scare tactic to control inmates’ behavior. There have been instances, such as in McGill v. Duckworth, where staff had arranged a sexual attack on an inmate by other inmates as a means to discipline. There have been many instances of staff indifference to inmate sexual assault over the decades, such as in Anderson v. Romen, when a guard refused to help an inmate screaming for help and called the inmate a “faggot”. In Redman v. County of San Diego, multiple guards watched a rape occur and refused to intervene (Neal & Clements, 2010).

The deliberate indifference that some prison officials show to the subject of inmate sexual assault only worsens the problem and increases prevalence. One prisoner described a time when he attempted to report his sexual abuse to prison staff and the officer told him “off the record” that he should accept that sexual violence is part of the sentence and he should find a fellow inmate that he is willing to have consensual sex with to avoid forceful sexual assaults (Jenness & Smyth, 2011, p. 498). This same prisoner requested to be placed in protective custody on multiple occasions but was denied, being told that it was unavailable. The inmate
reported that when he refused to enter the cell where his abuser was waiting, he was attacked by guards and taken to segregation (Jenness & Smyth, 2011). At a trial brought on by a victim of prison rape, a warden for an Arkansas prison testified that it is the inmate’s responsibility to defend himself from sexual abuse (Human Rights Watch, 2001).

**Discussion of the Effects of Inmate Sexual Violence**

The consequences of the sexual victimization of inmates take form in multiple aspects: physical health, mental health, and public health and society. Inmates may suffer long term medical consequences, such as HIV/AIDS, which can affect public health upon release. The trauma a rape victim suffers impedes upon that person’s mental health by way of depression, PTSD, anxiety, night terrors, antisocial behaviors, etc. The psychological effects a victimized inmate suffers can follow that person into the free world upon release and pose violent risks upon members of the community. The trauma associated with experiencing sexual abuse can drastically impede a victimized inmate’s ability to handle prison life and his ability to readjust to life after release (Wyatt, 2006).

Researchers have posited that the psychological consequences of inmate sexual violence may actually be more traumatic than what sexual assault victims in the free world experience (Zweig et. al., 2006). Victims of prison rape suffer the same emotional and psychological consequences as victims of rape in the free world but the degrading and violent environment of prison causes increased problems and obstacles. Many inmates have pre-existing substance abuse problems, mental illness, and trauma (CALCASA, 2010). Drug addiction to cope with
rape trauma syndrome is common for inmates who may already have a drug problem and their dependency on substances may worsen.

**Physical health.**

Engaging in sexual acts as an inmate, consensual or not, involves greater risk of STDs and other communicable diseases. The ill effects that sexual assault has on victimized inmates are increased due to the likelihood of a victim suffering from multiple attacks. Inmate rape victims have a high rate of contracting tuberculosis, hepatitis B and C, AIDS/HIV, and other STDs (Dumond, 2006). Many prisoners use intravenous drugs, which may explain why the HIV rate is seven times higher in prisons than in the free world. However, most inmates who are HIV positive did not become so until spending time behind bars. This suggests that prison sexual assault is related to the spreading of HIV (Wyatt, 2006). An Illinois inmate referred to as M.B., reported to have contracted HIV from prison rape. Various others being interviewed shared that they tested negative for HIV upon entering prison, then tested positive for the disease after experiencing numerous rapes (Human Rights Watch, 2001). AIDS is the second leading cause of inmate deaths. Between 1991 and 1995, AIDS was the cause of one in three inmate deaths, whereas one in 10 deaths in the free world were AIDS related (McGuire, 2005).

Prisoners are generally not in the best health to begin with, so when a group of unhealthy people are housed in close quarters, combined with unprotected forced and consensual sexual acts, diseases spread like wildfire. Inmates tend to have a high rate of hepatitis B and C and syphilis, and the rate of tuberculosis is four times greater in prisons than in the free world. Unprotected sex/rape and exposure to blood enhances the spread of hepatitis. The free world’s
hepatitis C infection rate is 1.8%, while New York prisons showed a staggering 14% infection rate, 28% in Texas prisons, and 33% in California prisons in 2005 (McGuire, 2005). Syphilis, herpes, HIV, gonorrhea, and Hepatitis B are only some of the diseases spread through sexual contact. According to McGuire (2005), “the high incidence of infections among prisoners combined with the unavailability of condoms in prison make even consensual sex behind bars a risky proposition in terms of disease transmission” (p. 75).

A rape that occurs during a physical altercation can be extremely violent. Inmates are at risk of suffering from broken bones or fractures, lost teeth, concussions, gashes to their body, and even death. A Texas inmate reported to Human Rights Watch that he has scars under his heart, on his neck, and under his arm. These are just a few of the injuries he sustained while trying to defend himself from sexual attacks (Human Rights Watch, 2001). The rape itself causes severe injuries. Forced anal rape can cause extreme pain around the anus, abrasions, bleeding from the rectum, and tearing of the anus (Human Rights Watch, 2001). Inmates who attempt to fight off their attackers suffer from physical internal and external injuries and/or are rendered unconscious. A 2009 study found that one-third of sexual assault victims required medical attention, and one-fifth of those required hospitalization outside of the prison (Neal & Clements, 2010). Many researchers have stressed that sexual violence in prisons increases physical violence because inmates are constantly on edge and worried that they might be the next rape victim. Research has also shown that victims of prison rape often become the attacker. The thought process is “it won’t happen to me if I’m doing it to others” (Neal & Clements, 2010).

Studies indicate that men who have reported sexual assault are often in poorer health than those who have never reported (Tewksbury, 2007). Male rape and sexual assault tend to be more
aggressive and violent than the sexual victimization of women, causing a greater number of and more severe injuries. A 2000 study in a Denver hospital reported that 35% of male rape victims suffered severe genital and/or rectal trauma and 33% of victims suffered from general injuries (Tewksbury, 2007). The most frequently seen form of injury is a soft tissue abrasion or laceration around the anal or perineal areas. Other commonly seen injuries of male rape victims include anal fissures, discoloration with pain, erythema, engorgement, hematoma, friability, and the presence of dirt or hair inside the anus. Symptoms commonly reported by male rape victims include ulcers, nausea, tension headaches, colitis, constipation, weight loss, vomiting, decreased appetite, abdominal pain, fecal incontinence, and insomnia (Tewksbury, 2007).

Mental health.

Many victims of rape suffer from rape trauma syndrome (RTS), which shows symptoms such as depression and anxiety, and is considered a type of PTSD. RTS in some degree affects nearly all victims. The effects of RTS can worsen for those who have experienced multiple rapes or rape attempts, such as what inmates experience. Victims who are unable to remove themselves from a high rape fueled environment are likely to suffer from a more debilitating form of RTS (Mair, Frattaroli, & Teret, 2003). Ten percent of victims in a study showed no signs of RTS, 55% showed their behavior to be moderately affected, and 35% showed severe signs of RTS (Human Rights Watch, 2001).

Since men do not grow up fearing the possibility of rape and sexual assault like women do, the effects to their ego and mental state can be elevated due to the shock of the experience (Dumond, 2000). There are three stages of psychological trauma of the male rape victim: 1)
short-term reaction, 2) intermediate-term reaction, and 3) long-term reaction. Symptoms of short-term reaction are worry, shame, suspicion, fear, severe depression, and sleep disturbances (Human Rights Watch, 2001). Signs of intermediate-term reaction include obsession over the parts of the body involved in the rape, neurotic behaviors, anger, anxiety, self-contempt, and self-blame. During the intermediate stage, victims may also experience sexual dysfunction, resistance to intimacy or social settings, and distrust (Calderwood, 1987). Symptoms of long-term reaction can be exhibited for decades after the incident. These include self-destructive behavior, feeling of numbness to the experience of rape while complying with sexual demands, and being hyperalert to danger (Calderwood, 1987).

When inmates receive no help from prison staff, they are left feeling betrayed and alienated by the ones who are responsible for ensuring their safety (Dumond, 2006). Thus, the victim may become codependent on his attacker via traumatic bonding and will associate his attacker with the protection he provides within the prison (Mignon, Larson, & Holmes, 2002). Victims often feel as though they did not put up enough of a fight against their attacker and begin to feel shame, guilt, anger towards themselves, self-blame, loss of manhood, and begin to question their sexuality. Inmates who make the decision to give in to their attacker rather than face extreme violence or even death, often feel even more that they are to blame for allowing the incident to occur. These men often feel extreme shame and embarrassment and have reported obsessing over what they could have done to prevent the attack rather than complying (Human Rights Watch, 2001). Inmates also reported feeling extreme worry. In an interview, a Texas inmate stated, “I go through nightmares of being raped and sexually assaulted. I can’t stop
thinking about it. I feel everyone is looking at me in a sexual way” (Human Rights Watch, 2001).

Victimized inmates are not the only ones susceptible to PTSD. Those who have simply witnessed incidents are likely to experience symptoms (Neal & Clements, 2010). Although PTSD was originally meant as an approach to the traumatized mental state of war veterans following the Vietnam War, more rape victims are diagnosed with PTSD than any other group of traumatized individuals (Bueschen, Sales, & Koss, 1998). Treatment for PTSD may include cognitive therapy, psycho-education, anxiety management training, and exposure therapy (Neal & Clements, 2010).

The stress involved in sexual victimization may often lead to suicide; the third leading cause of death for inmates (Human Rights Watch, 2001). Nineteen prisoners who allowed Human Rights Watch to interview them stated that they have attempted suicide following their victimization – some with multiple attempts. The rate of suicide in prison is drastically higher than in the free world (approx. 50%), which is shocking considering that inmates are rarely alone and have limited tools with which to commit suicide (Human Rights Watch, 2001). It is not uncommon for prison rape victims to be placed in psychiatric hospitals following suicide attempts as a result of rape trauma (CALCASA, 2010). Victims of prison sexual abuse often display feelings of intense anger towards their perpetrator and the guards who failed to protect them. One Texas inmate stated, “It’s fixed where if you’re raped, the only way you [can stop the abuse is if] you rape someone else…After it’s over, you…realize you’re not powerless and that you can deliver as well as receive pain” (Human Rights Watch, 2001). Prison expert and psychiatrist James Gilligan posits that shame is the main cause of violence, and this theory has
shown to be consistent with inmates’ experiences (Human Rights Watch, 2001). During an interview, a Vermont prisoner stated “When I came out of prison, I remember thinking that others knew I had been raped just by looking at me. My behavior changed to such cold heartedness that I resented anyone who found a reason to smile, to laugh, and to be happy” (Human Rights Watch, 2001). This inmate eventually committed rape after his release, describing it as a “revenge on the world” (Human Rights Watch, 2001).

Homophobia is commonly seen among male rape victims whose attacker was also male. This stems from the victim being “tainted by homosexuality, regardless of how coerced the victim may have been, which likely contributes to the stigma victims feel” (Neal & Clements, 2010, p. 12). Regardless of whether others view the victim as homosexual following the incident, he often feels as though he is perceived that way, causing feelings of hatred and anger towards homosexuals (Neal & Clements, 2010).

An inmate sentenced to prison for his third DUI provided Jenness and Smyth (2011) with an account of his experiences with inmate sexual violence. In his statement, he explained his choice to not fight back in order to prevent severe damage to his body. He stated, “Though in not fighting, it caused my heart and spirit to be raped as well. Something I don’t know if I’ll ever forgive myself for” (Jenness & Smyth, 2011, p. 498). This statement is an example of self-blame and spirit crushing. An important step in rape trauma recovery is gaining a sense of control over one’s life. However, prison rape victims have little to no control over any aspect of their daily life due to incarceration. This makes the healing process slower and more difficult (CALCASA, 2010). Researchers have claimed that there is no single emotional response to sexual assault. “Responses range from apparent calm and composure to near complete emotional
breakdown” (Tewksbury, 2007, p. 28). Tewksbury (2007) also states that male victims of sexual abuse are more likely to show signs of psychological distress than men who have never been sexually victimized. Depression is a common consequence of sexual victimization, which leads to self-medication, which has the potential to lead to addiction to drugs and alcohol (Tewksbury, 2007).

**Public health and safety.**

Ninety-five percent of inmates will, at some point, be released from prison and take all of their experiences and diseases from prison with them into the free world. Inmate sexual violence threatens public health by contributing to the spread of sexually transmitted diseases and communicable diseases (Mair, Frattaroli, & Teret, 2003). An increase in the spread of disease leads to an increase in expenditures for healthcare. Additionally, victimized inmates are more likely to require government assistance than non-victimized inmates, increasing the government’s welfare expenditures (Mair, Frattaroli, & Teret, 2003). Researchers have noted that male inmates who are sexually victimized while incarcerated enter the free world upon release even more anti-social, angry, and violent than when they entered prison. This phenomenon is known as the brutalization effect (McGuire, 2005).

The brutalization effect resulting from prison sexual violence may be particularly detrimental because most prison rape victims are “young, non-violent, first-time offenders for whom rehabilitation probably holds the most hope” (McGuire, 2005, p. 76). By turning the non-violent and “most promising” inmates into violent, abused individuals, the potential rehabilitative effects which prison sentences are meant to have may be drastically undermined.
Additionally, there has been evidence that sexually victimized inmates tend to be aggressive and violent towards their intimate partners upon release. Because victimized inmates have grown accustomed to the dangerous environment of prison, they may view the world as a dangerous place and resort to using violence or force to achieve goals (McGuire, 2005).

**Theoretical Framework**

**Sexual Violence as it Relates to Prison Culture**

A total institution is one that is single-sex, closed off, and removed from free society in all aspects. Prisons are considered total institutions because the government has complete control over the facility, the staff, the prisoners, and the prisoners’ sexuality. Most correctional facilities have policies against consensual sex and even masturbation (Hensley et. al., 2003). Prison inmates live under conditions that almost completely eliminate their privacy and control over every aspect of their daily life. These conditions strip inmates of their masculinity, autonomy, and self-worth (Haney, 2011). Because the institution sees inmates as less than human, they begin to see each other in the same way and feel as though fellow inmates are “somehow deserving of the degraded and diminished treatment they receive” (Haney, 2011, p. 127). Sexual violence is a way for an inmate to feel empowered and show his empowerment even though he is powerless due to incarceration (Human Rights Watch, 2001).

The inmate code allows inmates opportunities to obtain power and status, lessen their sense of social rejection, and neutralize their loss of autonomy. With the inmate code, comes slang, or argot, which is primarily used by prisoners as a means of labeling or classifying one another. Only the victimizing inmate holds the power to apply a specific label to a victimized
inmate. Prison sexual hierarchy is based on these labeled sex roles, and relationships and certain behaviors are expected depending on where an inmate stands in the hierarchy (Hensley et. al., 2003).

According to the sexual hierarchy, threats of or actual physical violence is an acceptable and often used means of obtaining sexual gratification and increased status. An inmate’s status, sense of manhood, role, label, etc. are largely based on his sexuality as it is seen within the prison hierarchy. Therefore, the sexuality of inmates is of much higher importance than a person’s sexuality in free society (Keys, 2002). The number one motivation for inmate-on-inmate sexual victimization is to achieve power, status, and dominance in a way that is most masculine for the victimizer and most humiliating for the victimized (Man & Cronan, 2001). Gender roles and sexual roles play an important part in inmates’ “business transactions” (Keys, 2002). Because inmates have very little or no money, sex acts are a form of currency inside prison walls. Inmates may be forced to become sex slaves owned by another inmate who will sell or rent out the slave in exchange for money, drugs, candy, or extra commissary (Human Rights Watch, 2001).

Victimized inmates who become the property of the victimizing inmate are seen as the wife and are made to take on the role of the female in the “relationship”. Inmates may often submit to this scenario in exchange for protection and safety against other inmates or gang violence. Because the prison is comprised entirely of males, there is still a need for both masculine and feminine gender roles; the masculinity turns into hypermasculinity, leaving all other roles to be feminine (Keys, 2002). The sexual roles that inmates take on are assigned to them based on their reaction to sexual attack or the set-up of a sexual transaction (Man &
Once an inmate has been raped, or “turned out”, he takes on his role as a homosexual or woman. Inmates who have been given the role of “wife” must perform non-sexual “wifely” duties such as cleaning the cell and making the beds. The role an inmate is assigned can very rarely be changed (Human Rights Watch, 2001).

Inmates often disagree on whether a particular act is defined as rape or another type of sexual aggression. A primary way they distinguish between the various forms of sexual aggression is based on the victim’s response toward the victimizer after the act takes place (Fleischer & Kreinert, 2006). Sexual attacks in prison are not random, chance encounters as they often are in free society. Much of what happens is a somewhat lengthy process of the victimizer luring the victim in with acts of kindness, protection, and gift-giving until the victimizer feels entitled to repayment in the form of sexual acts (Fleischer & Kreinert, 2006). A common theme in inmate interview is “time will get you”, meaning the longer an inmate spends in prison, the more likely he is to engage in homosexual relationships, even if he has to force another inmate to be his partner (Fleischer & Kreinert, 2006, p. 166).

**Feminist Theory**

Feminist theory has been used to examine sexual assault in many scenarios such as, campus rape, military rape, pre-marital and marital sexual violence, and sexual assault of acquaintances. The foundation of feminist theory to explain sexual victimization is rooted in the assumption that the problem lies within the entire social structure where one individual uses sexual violence to assert dominance over a weaker, more vulnerable individual (D’Alessio, Flexon, & Stolzenberg, 2012). Research supporting feminist theory “suggests that there is a
linkage between cultural messages of dominance and the incidence and promotion of sexual violence in society (D’Alession, Flexon, & Stolzenberg, 2012, p. 4).

Under feminist theory, femininity must exist in order for masculinity to exist, in the prisoner’s mind. The victimizer must devalue the opposite sex in order to feel masculine; however, in a single-sex prison where the only women are staff, inmates must force other inmates to act as surrogate females by taking on the role of the woman (Man & Cronan, 2001). Rape and sexual violence toward women are meant to show the woman who is the boss. Men will often rape women whom they feel threatened by; those who may “achieve equality or superiority over them” (Man & Cronan, 2001, p. 148). The rape or assault is a way to force the victim back into their rightful place below the victimizer. It is known that women are not the only targets over whom men seek to assert their dominance. Victims of prey can also include weak, shy, and effeminate men and homosexuals. “The exertion of physical power over men resembles the rape of females in that it reinforces the attacker’s sense of masculinity by making him feel powerful” (Man & Cronan, 2001, p.149). The rape or sexual assault of a man is often viewed by rapists as an even bigger conquest because they were able to overpower someone more powerful than a woman, thus proving their masculinity on a higher level (Man & Cronan, 2001).

According to feminist theory, inmate sexual assault would not be influenced by more lenient rules regarding consensual sex, allowing masturbation, or conjugal visitations because the crime is one of dominance and power rather than sexual gratification. Because men have a stronger tendency to accept rape myths, it is often seen that victimizing inmates rationalize the actions they have taken with their victim. Men are also more likely than women to have themes
of dominance be prominent in their sexual fantasies (D’Alessio, Flexon, & Stolzenberg, 2012). Nielsen (2017) refers to Alice Ristroph’s *Sexual Punishments*, which stresses that incarceration is a sexual experience by way of inmates losing total control over their bodies and their sexuality. Prison culture ranks prisoners based on their sexual preferences and the sexual roles that inmates are inherently forced to assume (Nielsen, 2017). Feminist concepts that are applied to rape in free society can also be applied to prison rape. Some of these concepts include constant abuse by the same attacker, physical violence accompanying rape, unclear ideas of consent, the nonexistence of sexual autonomy, and brutal repercussions following any attempts of sexual autonomy (Nielsen, 2017).

Those who support feminist theory “have long argued against rape statutes that require force or the serious threat of bodily harm, while excluding other forms of coercion like verbal extortion”, such as Model Penal Code § 213.1 (1)(a) (Nielsen, 2017, p. 247). This code makes no mention of coercion or a victim choosing submission to avoid even more brutalization. The Prison Litigation Reform Act (PLRA) made proof of physical injury mandatory before filing a claim of mental or emotional damage following an incidence of sexual victimization. This means that unless a victim could show proof of physical injury, not including penetration, he or she had no claim (Nielsen, 2017). An amendment to the Violence Against Women Act (VAWA) eliminated this requirement by disallowing courts to define sexual violence as “less than physical injury” (Nielsen, 2017, p. 247).

Some feminists do not consider any sexual acts between inmates consensual because of the sexual hierarchies that contribute to the inequality. Most states have laws against sexual relations in prison even if it is consensual. However, California prisons must now provide
prisoners with condoms after a reformation to their laws was made. Reformations popular among feminists include conjugal visits; distribution of latex gloves, dental dams, and condoms; improvements in sexual victimization reporting processes; body classification systems; and eliminating the regulation of consensual sex between inmates (Nielsen, 2017).

**Hypermasculinity.**

The theory of hypermasculinity argues that the goal of the victimizer is not one of sexual gratification, but of dominance, conquest, the assertion of his masculinity, and the humiliation of the victim (Neal & Clements, 2010). The labels that are applied to the victimizers (“wolf”, “joker”, “top men”) and the victims (“punk”, “kid”, “girls”, “fags”) are not sexual terms which denotes that the motivations behind the act are not sexual (Neal & Clements, 2010). Haney (2011) defines hypermasculinity as “the exaggerated, aggressive form of masculinity that is often displayed among prisoners” (p. 132). Most of the male inmates who exert hypermasculinity have experienced the “traditional male socialization”, which teaches men to attach importance to their masculinity and physicality (Haney, 2011, p. 122). By the time of incarceration, many of the men who have learned traditional male socialization have experienced emasculation and structural marginalization in the free world and use fear and/or aggression to hide those experiences (Haney, 2011).

In correctional facilities, particularly male, the most physically and psychologically violent territories are the masculinity and power of the confined individuals. Most male inmates have their first experience with imprisonment during their early 20’s, when they are still struggling to find themselves and appoint a role or identity to their being. The prison
environment only makes this struggle more difficult and confusing. The environment of prison has been described by countless researchers as transformative and dehumanizing. Fearful, non-violent men enter prison and are released as violent predators (Haney, 2011).

The age at which most men enter prison is the age at which their sexual needs are at their height. Inmate victimizers are only such due to the lack of available females inside the prison walls, and would not display such hypermasculinity, homophobia, and “sexual prowess” in the free world. Therefore, according to Haney’s (2011) research, hypermasculinity and temporary modifications of sexual identities inmates display within prison walls suggest just how powerfully transformative the environment and experiences of prison can be.

Haney (2011) has found that the incarcerated sex offenders and homosexuals are typically not permitted to engage in the “power dynamics” and are typically located at the bottom of the totem pole. Therefore, those who participate in these acts have no experience in sexual violence or homosexuality, and it is the prison environment that “renders them capable of both” (p. 128). According to Haney (2011), which specific conditions that act as the breaking point to engage in these acts can vary; in some, it may be fear. In others, it may be trauma, distrust, “restricted emotionality, lack of empathy, acceptance of aggression”, or feeling threatened (Haney, 2011, p. 129).

**The prison sexual hierarchy.**

Upon entering prison, inmates are disassociated from free society and submerged into the process of prisonization (Keys, 2002). During prisonization, inmates learn the rules of the prison
and the inmate code. This process includes sexualization, where new inmates learn the sexual aspect of prison culture is vital for an inmate’s survival (Hensley et. al., 2003).

The sexual hierarchy in prisons and the sexual activity between inmates are meant to make up for the unavailability of females (Keys, 2002). Because women tend to be the center of men’s masculinity and sexuality, their absence in prison forces men to compensate by forcing male inmates into roles that females typically hold. Inmates who sit high in the hierarchy and hold the masculine role are aggressive and dominant with regards to sex acts, whereas those who are low in the hierarchy and hold the feminine role are expected to be submissive during sex acts (Dumond, 1992). The role that each inmate is assigned is dependent upon his reaction to a sexual attack or the set-up of sexual attack (Man & Cronan, 2001). The sexual role that each inmate portrays defines their position in the hierarchy. The sexual hierarchy consists of three main tiers: wolves, fags, and punks. Within those tiers are various subcategories (Hensley et. al., 2003).

Wolves are divided into either aggressive wolves or nonaggressive wolves, called teddy bears. Teddy bears look for closeted gays or any inmate who is willing to engage in homosexual relationships during incarceration. Most of the teddy bears involved in a 2003 study stated that they entered prison as a straight man, but now identify as bisexual because they have had an opportunity to explore their sexuality (Hensley et. al., 2003).

Sexually aggressive inmate are known as wolves or jockers, and prey on new, young, inmates. Inmates who take on the role of a wolf are usually gang leaders or members and “organizers of aggressive activities such as the smuggling of contraband, protection rackets, and
prostitution rings” (Man & Cronan, 2001, p. 155). Although wolves engage in same-sex acts, their violent and aggressive behavior allows them to avoid being labeled as homosexual (Hensley et. al., 2003). The wolf’s engagement in same-sex acts is accepted because it is situational; the wolf would not engage in sexual acts with men if women were readily available (Hensley et.al., 2003). The aggressor “achieves masculine status through displays of physical strength and dominance” (Neal & Clements, 2010, p. 18). The way to do this is by sexually overpowering another inmate and asserting control over him.

When a straight inmate has been given the role of the female, he is said to have been “turned out”. Once an inmate has been turned out, he is seen as a target for other wolves unless one wolf takes complete ownership of him (Neal & Clements, 2010). In the majority of cases, the victim will become a sex slave for the wolf. Sometimes, the victim is forced into a sex trade within the prison, and acts as a prostitute that is sold or rented to other inmates in exchange for goods that are given to the victim’s “owner” (wolf) (Human Rights Watch, 2001). Inmates may also engage in protective pairings. In this situation, the wolf offers his victim protection from physical and sexual violence from other inmates in exchange for sexual favors. Although the victim is protected from beatings from other inmates, the protective pairing relationship still comes with physical abuse. Protective pairings have been described as imitating a domestic violence situation, in both the behavior of the aggressor and the effects it has on the victimized inmates (CALCASA, 2010).

Fags are the second tier of the sexual hierarchy and are divided into either fish or closet gays. Fish are those who fulfill the stereotypical homosexual appearance and behavior (Hensley et. al., 2003). In a 2003 study, fish were found to wear make-up, have female nicknames, and
display feminine mannerisms. Fish would either enter into a relationship with a teddy bear or sell themselves for cigarettes, money, or items from the canteen (Hensley et. al., 2003). Closet gays are believed by other inmates to have a hidden homosexual preference and are thought to be able to be both dominant and submissive in sexual acts. Although closet gays display masculinity in their mannerisms and appearance, the 2003 study by Hensley et. al. (2003) found them to actively seek other closet gays to form a relationship. Although fags are technically second in the hierarchy and wolves are first, Hensley et. al.’s (2003) study found that fish and aggressive wolves were seen as having equal status and were ranked higher than closet gays and teddy bears.

Straight men who engage in same-sex acts with wolves either by force, threat, or coercion are known as punks. Punks do not have any subcategories; they sit at the bottom of the hierarchy and are seen as weak cowards. If punks are not forced into a “relationship” or protective pairing, they often sell themselves in exchange for protection. Punks do not have any feminine characteristics like fags do (Hensley et. al., 2003). Aside from sexual duties, punks are often required to take on a female name and perform chores for his wolf, such as cooking, laundry, cleaning the cell, and giving massages (Man & Cronan, 2001; Neal & Clements, 2010).

**Routine Activities Theory**

Routine activities (RA) theory argues that three specific factors must be present in order for crime to take place: a motivated offender, a suitable target, and the lack of a capable guardian. This theory assumes that crime occurs during the daily routine of the offender and is based on opportunity and self-interest of the offender (Tibbetts & Hemmens, 2015). Unlike most
criminological theories, which focus on the motivations of the offender, RA theory focuses on the environment and timing of crime (Miro, 2014). In order for a crime to occur, the target and offender must be in the same place at the same time with either the absence or negligence of a capable guardian (Eck & Weisburd, 1995). The researchers behind RA theory, Lawrence E. Cohen and Marcus Felson, formulated two ideas in relation to the occurrence of crime: 1) the opportunity to commit a crime may be dependent on “the configuration of distinct…elements of the aggressor” and 2) the absence of either the aggressor or the target, or the presence of a capable guardian would prevent the crime from occurring (Miro, 2014, p. 2).

Felson and Cohen specifically labeled the target as “suitable” in order to draw attention to the “characteristics of the potential targets of crime” (Miro, 2014, p. 2). The suitable target is one who is threatened by the aggressor. There are four attributes that are applied: value, inertia, visibility, and access (VIVA) (Miro, 2014). Miro (2014) explains the attributes in VIVA. They explain that the value is what the offender obtains from the target and can be tangible or symbolic. Inertia refers to the physical aspects that may impede the offender perceiving the target as suitable. Visibility refers to the offender’s exposure to the target, and access refers to the placement or accessibility of the potential target (Miro, 2014).

A capable guardian has two subcategories: 1) place manager and 2) intimate handler. Place managers are those who act as supervisors of a particular location, such as doormen, security guards, and bus drivers. Intimate handlers can be parents, friends, relatives, or intimate partners. These guardians may act as the protector of a potential target and their presence hinders the offender’s ability to attack, or they may be someone who aims to prevent the offender from deviancy, such as a disapproving parent (Miro, 2014).
According to Schwartz, DeKeseredy, Tait and Alvi (2001), the most important aspect of RA theory is that there must be individuals who are likely to commit a crime if given the opportunity. Prisons are hot spots for crime to occur as every resident is a motivated offender of one crime or another. All three elements of RA theory are present within prisons. In the situation of prison sexual assault, the motivated offenders are the aggressors; the lack of suitable guardians is the absence or corruption of security guards or lack of security cameras. In the tight quarters of incarceration, motivated offenders are always watching the suitable targets and analyzing their behaviors, habits, and routine activities. This allows the motivated offenders to zero in on the best opportunity to attack (Sykes, 1958). Because the routine daily activities in prison are always the same for all inmates, suitable targets are subject to repeat and frequent attacks by motivated offenders.

Schwartz et. al. (2001) apply RA theory to sexual assault on college campuses. The factors that contribute to sexual assault on college campuses mirror those that occur in prison. For example, there are large amounts of drugs and alcohol circulating the facility, and although there are no women in prison, there are vulnerable inmates who take on the role of the female (Schwartz, et. al., 2001). These inmates are seen as suitable targets by motivated offenders. Additionally, the absence of capable guardians that Schwartz et. al. (2001) describe on college campuses is similar to that of prisons. Prison staff are not constantly watching over all of the inmates and areas of the facility, allowing offenders to attack their targets.
Current Prevention Programs

As a result of PREA’s passage, many states have implemented programs designed to educate and train staff and inmates on the dangers of inmate sexual violence. These programs focus on preventing, reducing, responding to, and intervening in sexual violence inside the prison walls. This section of the paper will provide an overview of some of the programs that state correctional facilities are utilizing.

Sexual Violence Education and Training Programs for Inmates and Staff

Most states have implemented staff training programs that specialize in sexual violence. Case studies were conducted in 11 states. These states were shown to require “all staff, contractors, and volunteers to take part in training in preventing and responding to sexual violence” (Mukasey, Sedgwick, & Hagy, 2008, p.4). Some of the instructional strategies and techniques used include refresher courses, classroom setting learning environments that utilize lecture and PowerPoint presentations, take home reading materials, demonstrative videos, self-taught computer training programs, and role-playing. Ten of the 11 states in the 2008 case study incorporate specific topics from PREA into their trainings, consequences of sexual victimization, recognizing victims, investigating rape, addressing the safety needs of inmates, and the dynamics of prisoner rape. Additionally, all 11 states in the study have developed comprehensive education programs for inmates during orientation. Some states even have videos on sexual violence for new inmates to watch (Mukasey, Sedgwick, & Hagy, 2008).

Oregon’s plan that has been in effect since 2005 is called Oregon’s Accountability Model. This program raises awareness about the issues of prison sexual violence and puts in
place a zero tolerance policy (Mukasey, Sedgwick, & Hagy, 2008; Zweig, Naser, Blackmore, & Schaffer, 2006). The Idaho correctional system has initiated a program named Maintaining Dignity, which aims to change the culture of prison and the attitudes of staff and inmates. The Maine Correctional Center (MCC) developed a four hour training course on sexual violence and designed a manual on staff sexual misconduct (Mukasey, Sedgwick, & Hagy, 2008).

Minnesota’s “Crossing the Line” program incorporates discussions on how to avoid set-ups, what life is like inside prison, and sexual misconduct. The Minnesota Dept. of Corrections provides inmates with written materials to keep with them, and also provide oral education about how to prevent, intervene, and protect themselves and each other from sexual violence (Mukasey, Sedgwick, & Hagy, 2008). Inmates are required to watch a video about staff sexual misconduct and receive a brochure discussing intervention and prevention of sexual abuse. In their orientation packet, inmates receive a pamphlet called Sexual Abuse/Assault Prevention and Intervention. This provides more in-depth information about the prevention of sexual assault by staff and inmates (Minnesota Department of Corrections, 2012). Inmates also learn how to report incidents, identify victims, and what defines false accusations and the penalties for making a false accusation (Mukasey, Sedgwick, & Hagy, 2008). The Minnesota Dept. of Corrections also distributes a handbook entitled Adult Facilities Offender Handbook, which includes a brief overview of the DOC’s policies regarding sexual abuse and the acts that are included. The handbook also offers a helpline phone number that inmates can call free of charge to report sexual assault (Minnesota Department of Corrections, 2012).

Ohio’s action plan has been in effect since in 2004 and is run by the Sexual Abuse Oversight Committee, which was formed specifically for the program. The program focuses on
training in investigative procedures, compliance with PREA’s guidelines, identification and
electronic tracking of victimizers, prisoner education, data collection, victim support, and audits
(Zweig, Naser, Blackmore, & Schaffer, 2006). In 2005, Ohio implemented a mandatory
screening process for all new inmates. The screening tests for “violence indicators, including
sexual predatory behaviors” (Zweig, Naser, Blackmore, & Schaffer, 2006, p. 24). Inmates also
undergo a mental health screening to conclude if they are at risk for victimization. Results of
these tests determine administrative decisions, such as housing assignments (Zweig, Naser,
Blackmore, & Schaffer, 2006). Ohio also works to address the mental health needs to victimized
inmates by collaborating with “community-based assault service organizations to provide rape
advocates for inmate victims” (Zweig, Naser, Blackmore, & Schaffer, 2006, p. 50). When a
victimized inmate is transported to a hospital, an advocate will go to the hospital to provide
assistance and counseling. Similar to Ohio, Utah’s Victim Service Coordinators work with rape
recovery centers to provide support to victimized inmates even after release (Zweig, Naser,
Blackmore, & Schaffer, 2006).

Since 2007, the Sexually Abusive Behavior and Intervention Policy set in place by the
Massachusetts Dept. of Corrections has aimed to provide continuous education to staff,
volunteers, and contractors regarding sexual assault. The educational program focuses on the
responsibility of staff, volunteers, and contractors in preventing, responding to and detecting
incidents, increasing reporting of incidents, identifying and monitoring at-risk inmates and
aggressors, providing information to new inmates about how to avoid victimization, and
providing treatment/rehabilitation for victimized inmates. This policy also requires inmates to
undergo a screening process to test for sexually abusive behavior. Inmates showing signs of this

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behavior will be assessed, monitored, and counseled by a mental health professional (Commonwealth of Massachusetts Department of Corrections, 2007).

The Texas Department of Criminal Justice (TDCJ) had been under the watch of a US District judge since 1981 following a 1972 lawsuit regarding the poor conditions of Texas prisons. In 2001, following PREA, the TDCJ took even more steps to improve their system by creating The Safe Prison Program Management Office to oversee their new Safe Prisons Program initiative. This plan focuses specifically on sexual violence, extortion, and life endangerment. Notable parts of this program include a peer education program called “Walk Talk” and a Visual Tracking Grid to monitor gang violence (Zweig, Naser, Blackmore, & Schaffer, 2006).

**Extended Family Visits**

Many European countries, such as Sweden, Denmark, and Spain allow conjugal visits to their prisoners as a right. Spain’s program allows close friends and extended family to attend extended family visits in addition to immediate family. The programs in Spanish prisons were abolished for a period of time but were re-implemented after inmates told prison authorities that finding sexual release was their top priority. Since the program’s reintroduction, the inmates have reported to have an improved quality of life inside prison (Wyatt, 2006).

Brazil and Mexico also offer conjugal visits, and Mexico even allows wives of inmates to live with their husbands on the prison grounds. Prisons in the Philippines consist of cottages and apartments where inmates can live with their children and spouses. Prison staff have claimed that the presence of children helps to maintain good behavior of inmates and prevent their
involvement in violence. Although there is little formal research on the prevalence of male inmate sexual assault in these countries, prison authorities maintain that the rate of prison rape is substantially lower than in countries that do not, as a whole, allow extended family visits, such as the US (Wyatt, 2006).

In the 1990’s, there were 17 US states that provided conjugal visitation programs. Now, only four states offer them – California, New York, Connecticut, and Washington. These programs are only available in medium or lesser security state prisons; no federal prisons offer such visits. Not all inmates are eligible to participate in these programs. Inmates serving time for violent acts or sexual crimes against a minor or family member, and those serving life sentences are not eligible to participate (Mullane, 2014).

Sexual release is not the main purpose of conjugal visits, which, according to Goldstein (2015) are officially named family visits. Only approximately one-third of the visits that take place in Washington are between spouses, and in Connecticut, spouses are not permitted to come alone; children of the inmate must attend the visits as well (Goldstein, 2015). Studies have shown that extended family visits “allow prisoners to keep their sense of masculine identity through normal healthy relationships with women, and not through distorted, power based sexual relations with unwilling victims” (Wyatt, 2006, p. 601).

The first conjugal visit program in California was implemented in 1968 at the Tehachapi Institute and now has 32 programs in other California facilities. These visits can last as long as 43 hours and allow inmates to spend time with siblings, spouses, parents, and children in a modular home on the prison grounds (Wyatt, 2006). The California prisons require inmates and
visitors to undergo inspection every four hours (Goldstein, 2015). The program offered in New York’s state prisons is called the Family Reunion Program. This program has proven successful in reducing prison sexual violence by acting as a motivation for good behavior. Inmates wishing to participate must have no major disciplinary actions against them and must have either completed or pursued programs that are part of the Program/Earned Eligibility Plan. Participation in the Family Reunion Program also requires that inmates be incarcerated for at least six months and be married at least six months (New York Department of Corrections and Community Service, 2014; Wyatt, 2006).

In Connecticut, the only visitors allowed to participate in family visits are spouses, children, the children’s legal guardians, the parents or legal guardians of the inmate, grandparents, grandchildren, and siblings. Inmates are permitted four family visits per year; however, they must be no less than 90 days apart (Reinhart, 2014). The visita tion units at the MacDougall-Walker Correctional Institution in Connecticut are designed to look like homes, complete with two bedrooms, a living room containing a TV and DVD player, playing cards, board games, and a functioning kitchen (Goldstein, 2015).

The extended family visit policies in Washington allow only immediate family members to participate, and each member must provide legal documentation of his or her relationship to the inmate. Other paperwork that must be provided by visitors includes a visitor acknowledgement form, a medical treatment consent and waiver of liability form, and a medication questionnaire. In Washington, it is possible for inmates convicted of sexual offenses or violent crimes to participate in the program; however the EFV Review Committee must first
review the inmate’s privileges before granting authorization (Department of Corrections Washington State, n.d.).

**Recommendations for Components of Ideal Sexual Violence Prevention Programs**

**Best Practices for Ideal Extended Family Visit Programs**

Researchers have long stressed that allowing inmates emotional and physical connection to their families via conjugal visits greatly reduces the incidence of sexual assault between inmates. A significant amount of quality time spent with family helps to lessen the negative impact that the prison environment has on inmates. It has been suggested that conjugal visits act as a tension reliever for inmates, helping them to abstain from physical and sexual acts of violence (Wyatt, 2006). The majority of prisoners will eventually be released and will return to their families and their community. Success after release partially depends on the strength of the connection an inmate has been able to maintain to family and community during incarceration. Since the 1980’s, studies have shown extended family visits to have positive effects on the behavior of inmates and the strengths of family ties (Boudin, Stutz, & Littman, 2013).

The policies surrounding visitation have great effects on recidivism, quality of life for both inmates and their families, and public health and safety. A successful visit program like New York’s Family Reunion Program, uses this privilege as a reward for good behavior. Prison guards with experience in the Family Reunion Program assert that is has been very successful in managing inmate behavior. The use of conjugal visits as incentives helps inmates develop permanent good behavior patterns that last even after their release. A 1983 study showed that
inmates who participated in these programs showed lower recidivism rates than those who did not participate (Wyatt, 2006).

Since evidence has been found that conjugal visits act as a means to control the behavior of inmates, it is important that all programs have strict measures of qualification. Before Mississippi abolished their conjugal visit program in 2014, the state’s visitation policy denied participation to any inmate who was HIV+ or who tested positive for any STD (Boudin et al., 2013). This is an important safety measure to protect the health and well-being of the public. Based on the findings of a 2013 study, the frequency and quality of family visitation has a significant effect on violence inside prison walls (Boudin et al., 2013). A 2011 study found that regular family visitation reduced recidivism by 13% (Department of Corrections Washington State, 2016). There is no standard definition for “family” or standard length of time for extended visits; each state that allows such visits formulates their own policies. Washington allows inmates to participate in extended family visits once every 30 days (Department of Corrections Washington State, 2016). California’s family program has seen so much success that it has expanded to 32 facilities throughout the state. A component of this program that sets it apart from others is that inmates need not be legally married (Wyatt, 2006).

Although there is little empirical support for conjugal visitations’ effect on the prevalence of inmate rape, prison officials who work in facilities with the programs say they have seen the visitations have a positive effect on the prisoners and the atmosphere of the facility (Wyatt, 2006). Of the inmates who participated in Mississippi’s conjugal visit program, 90% said that the visits helped to reduce tension, and 74% said that they helped reduce same-sex relationships in prison (Einat & Rabinovitz, 2012). D’Alessio, Flexon, and Stolzenberg (2012) found that the
rate of sexual violence in prisons with no conjugal visits was 225.95 per 100,000 inmates, while
the sexual violence rate in prisons with conjugal visit programs was 56.9 per 100,000 inmates.
This study was based on the programs offered in New Mexico, California, Washington, New
York, and Mississippi. Along with Mississippi, New Mexico has since abolished its programs.

Inmate Mentor Programs

Scholars suggest the idea of inmate buddy systems or mentorships that are modeled after
the relationships that inmates create in prison, such a protective pairings and social relationships.
The sexual protective pairings that inmates create are meant to satisfy their needs for status,
safety, and security. Although this form of “hooking up” often appears to be consensual, it is
really a way for inmates to adjust to their environment and survive. Researchers suggest that
correctional authorities should mimic these pairings by assigning new inmates to a “veteran”
inmate who can act as a mentor or guardian (Dallao, 1996). Because the sexual power game in
prison usually involves younger men, the older prisoners should be looked upon to increase
awareness of sexual violence and act as mentors to those affected or at risk because they are able
to view the issue in a more rational manner (Dallao, 1996).

The relationships that inmates form on their own are typically determined by race and
gang affiliation (Man & Cronan, 2001). Partnerships assigned by prison authorities would allow
inmates of all statuses and races to be paired together. Because security cameras and staff are
not always present in all areas of the facility, the presence of experienced mentors allows for an
extra form of guardianship to prevent victimization (Man & Cronan, 2001). According to
routine activities theory, one of the biggest reasons that crimes occur is because of a lack of
guardianship (Eck & Weisburd, 1995; Miro, 2014; Schwartz, DeKeseredy, Tait, & Alvi, 2001). In an inmate mentor program, vulnerable inmates would have an added form of protection to shield them from the advances of motivated offenders.

The protective relationships that inmates create consist of a masculine role and a feminine role. Correctional authorities should create pairings for inmates with roles that consist of an older, more experienced inmate and a younger inmate in need of informal protection and guidance (Dallao, 1996; Keys, 2002). A mentorship program with relationships such as these would still allow inmates to identify with and display their masculinity and status, but in a nonsexual way. Forming relationships similar to families allow inmates to redirect their focus away from sexual propositions and reduce the stresses of the prison environment (Keys, 2002).

Last year, Connecticut’s Cheshire Correctional Institute launched a pilot program called TRUE, which stands for truthful, respect, understanding, and elevating. TRUE is an inmate mentor program in which older, respected inmates are paired up with new, young inmates to serve as mentors and offer guidance (Chammah, 2018). TRUE mentors spend time with their mentees and motivate them to explain what actions of theirs led them to incarceration and why they are seeking to change their behaviors. Prison authorities support and encourage the self-expression of mentees, and even allow them to decorate their cell doors with colored chalk to show positivity (Chammah, 2018). This program is modeled after Neustrelitz Prison in Germany, where the environment, according to Connecticut corrections commissioner Scott Semple, is like that of a liberal arts college (Chammah, 2018).
While it is common for older inmates to prey on younger inmates, prison officials have noted that acts of sexual or physical victimization have not occurred in the TRUE unit. Although TRUE is small, making it difficult to accurately assess its effects on a larger scale, it has reduced prison violence and improved recidivism. Chammah (2018) states that none of the men involved in the program who have been released have returned to prison on new charges. Once the program has been in place for a few years and has expanded, the results will be able to be analyzed in more detail. Still, scholars have praised the program and claim to see a lot of potential in its use (Chammah, 2018). The Vera Institute of Justice assisted in launching TRUE and has since helped to implement similar programs in South Carolina and Massachusetts (Chammah, 2018).

Conclusion

Sexual victimization among inmates is a nationwide issue and an unintended, but very real, consequence of prison sentences. The continuance of the problem is in many ways a direct result of society’s ignorance towards incarcerated individuals and the deliberate indifference that correctional officers have shown towards inmate sexual violence and the victims (Human Rights Watch, 2001; Jenness & Smyth, 2011; Neal & Clements, 2010; Wyatt, 2006). The recommendations outlined in this paper are based on attainable, logical, and empirically supported solutions to the problem at hand.

Inmate mentor programs require little to no financial resources and provide informal guardianship where and when the presence of formal guardianship is lacking (Miro, 2014; Schwartz et al., 2001; Eck & Weisburd, 1995). While extended family visits do require financial
resources from both the facility, and the inmates and their families, the benefits of the programs are well worth the monetary sacrifices (Boudin et al., 2013; Einat & Rabinovitz, 2012; Wyatt, 2006). Awareness of the issue of inmate sexual violence by staff and incoming inmates is only a small step in reducing the number of incidents. Knowledge and training on how to handle and prevent sexual victimization is a crucial part of eliminating the issue. Inmates must also be made to feel safe and comfortable reporting victimization to correctional authorities. The longer incidents go unreported out of fear or embarrassment, and get swept under the rug by prison staff, the longer sexual victimization of inmates will occur (Dumond, 2006; Miller, 2010).

The Prison Rape Elimination Act of 2003 was enacted as a means to draw attention to and combat inmate sexual violence. As a result, most states have taken steps towards confronting the issue (Jenness & Smyth, 2011; Nielsen, 2017; Zweig, Naser, Blackmore, & Schaffer, 2006). However, there are still weaknesses in the bill that must be addressed if prison rape is to be reduced in a most effective and efficient manner (Nielsen, 2017). By ignoring the issue, members of society are not only disregarding the basic civil and human rights of inmates, but they are also hurting themselves by allowing nonviolent offenders to become sexually abused, angry, and violent predators who will return to the community with vengeance on their mind (Human Rights Watch, 2001; McGuire, 2005). Along with their rage, inmates also bring sexually transmitted infections and other communicable diseases they acquired via rape out into the world with them (Mair, Frattaroli, & Teret, 2003; McGuire, 2005). By everyone taking seriously the issue of inmate sexual violence and its devastating effects, inmates, correctional facilities and authorities, and society as a whole will move in a positive direction.
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