

Testimony to the Review Panel on Prison Rape
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I am testifying as a prison sociologist who has conducted research in local, state and federal prisons and jails for almost 25 years. As an introduction, allow me to present my credentials. I received a PhD in Sociology from UC Berkeley in 1984, where I conducted research on correctional officer culture. I was employed by the Federal Bureau of Prisons as a research analyst from 1987 to 1990, working in a male institution and the Central Office. Since 1990, I have been a Professor of Criminology at California State University-Fresno, continuing my work in women's prisons and juvenile female offenders. I have also done work with the National Institute of Corrections as a trainer and a researcher, primarily in the areas of operational practice and agency planning in women's prisons, staff sexual misconduct and gender-responsive policy. I have written two books and numerous other publications relating to women's issues, prison culture, drug treatment and other program evaluations. I am currently under contract with the California Department of Corrections and Rehabilitation, examining operational practice in women's facilities. I have conducted research on PREA for the National Institute of Corrections and The Moss Group on staff perspectives on sexual violence and, with the support of the National Institute of Justice, am beginning a study of the context of sexual and other violence in women's jails and prisons.

In this testimony, I will describe my view on factors that shape sexual assaults and the ways in which correctional systems can deter such violence. My written testimony provides significant detail on the research literature on sexual violence in women's facilities for the Panels' review. Today, I will discuss the context of safety and violence specifically. Finally, I will offer some suggestions about training and education for both staff and inmates.

It is my view that the problem of sexual assault must be addressed in terms of the context of correctional settings. This approach sees that organizational, environmental and individual factors contribute to all forms of violence in these facilities. The inmate and staff culture – meaning the values and behaviors related to safety and violence among inmates -- also contributes to this context. While sexual violence among and against inmates is the key focus of the PREA initiative, I suggest that a broader view. The correlates of violence and safety in all facilities across multiple dimensions should be the focus of all deterrence efforts. The attention afforded by PREA should be focused on improving safety in all forms across these multiple dimensions. PREA gives us an opportunity to introduce another dimension of humanity into an environment that sorely lacks it.

Deterring sexual assault should be an integral part of an overall safety strategy. A narrow focus on sexual assault may miss the broader question of general safety in jails and prisons. Prisons and jails that are sexually unsafe are also physically unsafe. Again, I feel that a narrow focus on sexual violence may obscure environmental and cultural factors that contribute to all other forms of violence. Texas, for example, frames their approach to prison sexual assault through their Safe Prisons programs, with an agency-wide strategy and institutional positions dedicated to improving sexual safety in their facilities.

Several factors create and maintain safety and violence in correctional institutions. Under current conditions, crowding and the rising prison and jail populations are a critical factor when discussing safety and violence. Housing inmates in facilities that were designed for many fewer human beings, operating facilities with inadequate numbers of staff who often work overtime, and reducing program and treatment opportunities because of budget shortfalls each contribute to a context of potential violence. While there is much to say about the causes of prison and jail crowding, I will confine my comments here to safety issues. As long as prisons and jails continue to be crowded, safety will continue to be compromised. Humane living conditions, adequate numbers of trained staff and effective programs and treatment services each contribute to deterring violence in these settings.

Other witnesses have described the contribution to this context made by staff culture, administrative leadership, attitudes towards inmates and other agency-related factors Mr. Dumond has provided significant detail on the current research on violent victimization as well. I want to draw your attention to his description of the dynamics of assault – including means, opportunity and vulnerability. The Panel should investigate how these dynamics contribute to an institutional context that promotes or undermines safety.

The other witnesses have described the critical importance of a systemic and policy based approach. I concur with their views. Specifically, Mr. Thigpin has described NIC's experience with these system-wide and policy-based approaches. This approach is consistent with my view on the overall context of violence and safety. I would emphasize that improving reporting mechanisms, developing and providing staff training and inmate education are key aspects to these promising approaches.

Expanding mechanisms that support inmate reporting in safe and confidential environments is critical to improving prevention and deterrence. Research on sexual violence suggests that the majority of assaults occur as a process rather than an isolated incident. In many systems, inmates are given few opportunities to report their concerns prior to an assault and are instead told that they must “name names” and have evidence to support a formal investigation. Expanding reporting mechanisms is a promising approach to increasing inmate safety through prevention and deterrence.

Staff training has been recommended as part of a systemic approach. Here I emphasize the importance of providing information and skills to all staff—not only custody and medical-- about the context of sexual assault and their role in creating and maintaining safe correctional environments. The NIC report on “Staff perspectives on sexual assault” provides more detail on specific training topics.

A similar recommendation relates to inmate education. Inmates should be educated at orientation and throughout their sentences about the ways to protect themselves and the

systems' commitment to safety in all forms. In addition to education opportunities provided by staff, inmate peer education has also been used to good effect.

I would also add that the gendered issues relating to women offenders and safety and violence should also receive specific attention from the Panel. I have provided some detail in this written testimony. I would also like to call the Panels' attention to specific issues in the juvenile justice systems about which much less is known.

To conclude, the best deterrence is an emphasis on safety for all inmates and staff. While no system has defined inmates as unworthy of protection, I suggest that an renewed emphasis on safety ---for inmates and staff-- should be promoted on all fronts. The discussion, in my view, should revolve around the elements of safety in all forms. From system-wide policy to individual post-orders, the emphasis on safety goes beyond a narrow definition of security. A safer environment not only protects inmates and staff from violence, it is also more conducive to rehabilitation and treatment .I would urge the panel to investigate strategies that measure and move toward improving safety as a primary way to deter sexual violence.

Thank you for the opportunity to appear before the Panel.

A Brief Review of Research on Sex and Sexual Assault in Prison in Women's Facilities

Gaes and Goldberg (2004) have reviewed the bulk of the literature on sexual behaviors, including sexual assault in prison, and have found that this research is fraught with methodological difficulties. They show that the various studies have "used different questions," and that definitions "vary from rape to sexual pressure" (2004, p. 2). Multiple factors affect reporting behaviors to researchers and to authorities: internal elements such as admitting socially undesirable behavior; feeling that privacy is invaded; and external factors (institutional procedures, such as investigation or disciplinary housing) and cultural factors such as prohibitions against reporting or loss of status/reputation.

In this review, Gaes and Goldberg (2004) state that the few studies mentioned indicate that the prevalence of sexual victimization appears to be lower than men's. Struckman-Johnson et al (2002) reported on a study of a few prisons for women and the prevalence rates for sexual assault ranged from 0 to 5 percent (in three institutions). The reports of sexual coercion ranged from 11 percent to 21 percent in the same institutions.

Hensley and Tewksbury (2002) have argued that sexual coercion in female prisons is by far the most neglected topic of prison researchers. In another study Hensley, Tewksbury, and Koscheski (2002) found that 45.5% of female inmate respondents participated in a homosexual behavior in the prison setting. In a study of 35 female inmates in Midwestern correctional institutions Greer (2000) found that while the majority of female inmate respondents did not wish to become involved in an intimate relationship with other female inmates, they were extremely prevalent. Greer (2000) also found that over 71 percent of female inmate respondents believed that sexual relationships were based on manipulation rather than genuine attraction. Alarid (2000) suggests that some passive female inmates submit to verbal sexual coercion by becoming involved in a sexual relationship.

Alarid (2000, p. 401) states that, “Institutions with a greater proportion of open dormitory-style housing seemed to have more incidences of sexual coercion and sexual assault than areas with one or two person cells.” Other social institutional factors may also play a large role in the underreporting of coercive sexual encounters by female inmates. Calhoun and Coleman (2002) found that the female inmates in their study agreed that the consequences of exposing sexual assault are too costly to both the inmate and the staff, and therefore underreported. Hensley, Tewksbury, and Koscheski (2002) suggest that the lack of female inmate’s reporting sexual coercion may be due to fear of repercussions, and wanting to protect their social image or reputation to other inmates as being a victim may be seen as a sign of weakness.

One of the current issues in administering women’s prisons is the prevalence of cross-sex supervision. From the early 1900s to the late 1970s female officers guarded most female prisoners in this country. Since the late 1970s most states have allowed male officers to work in prisons for women. Today in many states, over 50 percent of the custody force in prisons for women are men (Pollock 2002). This has led to male officers strip searching and conducting intimate pat-downs of female offenders. When female inmates challenge such treatment utilizing right to privacy arguments, some courts have agreed that women and men are different and experience different realities. In this instance, the fact that so many women in prison have experienced sexual abuse by men arguably makes them different from male prisoners who do not share that history and, therefore, do not experience the same level of anxiety or violation as do women when undergoing a search conducted by a guard of the opposite sex (Pollock, 2002).

The negative reaction of some female prisoners to their male guards is supported by recent findings that indicate that sexual abuse and exploitation of women in prison has and continues to occur across the country. In the last ten years, the problems of correctional staff sexual misconduct have been given significant attention by the media, the public and many correctional systems. Misconduct can take many forms— including inappropriate language, verbal degradation, intrusive searches, sexual assault, unwarranted visual supervision, denying of goods and privileges, and the use or threat of force (Human Rights Watch Women’s Rights Project, 1996). It includes disrespectful, unduly familiar or threatening sexual comments made to inmates or parolees. It is also important to note that female officers have also been found to be involved in this serious misconduct, although the typical pattern appears to be male staff with female inmates. The problem can be aggravated by poor grievance procedures, inadequate investigations, and staff retaliation against inmates or parolees who “blow the whistle.” Standard policies and procedures in correctional settings (e.g., searches, restraints, and isolation) can have profound effects on women with histories of trauma and abuse, and they often act as triggers to re-traumatize women who have PTSD. Struckman-Johnson and Struckman- Johnson (2000) findings indicated that 45 percent of reported incidents by inmates of sexual coercion involved staff as perpetrators. Calhoun and Coleman (2002) studied staff-inmate sexual conduct in a female correctional facility in Hawaii. The authors argue that staff-inmate sexual contact is not a rare occurrence, but not publicly recognized. Their female respondents described three types of sexual abuse in prison: trading, love, and in the line of duty. Reasons for female inmate “trading” of sexual acts are generally to gain access to material goods or services regularly denied to inmates such as food, clothes, or drugs. Calhoun and Coleman (2002) suggest that inmate “trading”

does not constitute consensual sexual acts because of the power relationship between staff and inmates in the prison setting. Their respondents suggest that “love” between staff and inmates can occur but it is rare. The social context of “in the line of duty” was heavily centered on searches or pat down. Their female respondents indicated that searches often made them feel humiliated, sexualized, and powerless.

The Panel has received a copy of the work James Wells and I conducted for NIC. Here, we conducted a series of structured focus group interviews. Using open-ended questions, this protocol elicited staff perspectives on the dynamics of sexual assault, staff knowledge of training and procedures, problems and successes in responding to sexual violence and recommendations for improving this response.

Findings from these interviews include the following:

- Sexual assault training typically focuses on male-based information and staff receive very little information about the dynamics and prevention of sexual assault within facilities for women. Many staff from mixed or facilities for women indicated that they had had very little training on working with female inmates in general.
- Staff felt that sexual assault and other forms of sexual violence were relatively infrequent, but most felt that the actual occurrence was difficult to count.
- Staff in every facility discussed the role inmate culture plays in sexual violence in prison and jails. Definitions of “weak” and “tough” inmates shape the context of victimization and strong prohibitions against informing on another inmate inhibit staff response.
- Staff were aware of the processes known as “protective pairing” and “grooming” for sexual activities. Many suggested that a large part of sexual victimization was tied to “domestic violence” in both male and female institutions and rooted in relationships that may have begun as consensual and turned coercive over time.
- Staff in both facilities for men and women discussed the difficulty in distinguishing between consensual vs. coerced sexual relationships.
- Staff in both female and male facilities also suggested that histories of prior victimization, either through incest, molestation or other forms of sexual assault were more vulnerable to in-custody assault.
- Staff acknowledged that while male staff involvement with female inmates was the more common occurrence, misconduct between female staff and inmates was also a possibility. Staff sexual misconduct was seen as a safety violation and contrary to the purpose of the job itself.
- Staff also expressed great concern over the validity of claims of staff sexual misconduct and the damage such false accusations could create. Credibility was also an issue in reports of staff sexual misconduct. Staff in every facility was very concerned that co-workers would be damaged by falsely accusations.

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