Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault

By
Valerie Jenness, Cheryl L. Maxson, Kristy N. Matsuda, Jennifer Macy Sumner

Center for Evidence-Based Corrections
Department of Criminology, Law and Society
University of California, Irvine

May 16, 2007
Acknowledgments

CDCR
- Bubpha Chen
- John Dovey
- Sharon English
- Nola Grannis
- Nancy Hardy
- Kimberly Kaufman
- Sandi Menefee
- Wendy Still
- Jeanne Woodford
- Wardens and other prison administrators and correctional officers at seven prisons from which data were collected

Research Consultants
- Allen Beck
- Mark Fleisher
- Alexander L. Lee
- Merry Morash
- Andie Moss

Stop Prisoner Rape
- Lovisa Stannow
- Lara Stemple

UC Research Team/Consultants
- Victoria Basolo
- Lyndsay Boggess
- Philip Goodman
- Ryken Grattet
- John Hipp
- Lynn Pazzani
- Joan Petersilia
- Amelia Regan
- Michael Smyth
- Rebecca Trammell
- Susan Turner
- Sylvia Valenzuela
- Guadalupe Vidales

Inmates
- Hundreds whose names will remain confidential
Highlights of the PREA

- Supports the elimination, reduction, and prevention of sexual assault within corrections system
- Mandates several national data collection activities
- Creates a national commission to develop standards and accountability measures
- Provides funding for program development and additional research
Sexual Abuse in Detention Elimination Act

“…the purposes of which would be to protect all inmates and wards from sexual abuse while held in institutions operated by the Department of Corrections and the Department of the Youth Authority…”

“This law lays the foundation for California, the largest prison system in the country, to be a national leader in the fight to end prisoner rape”

--Stop Prisoner Rape
Panel on Prison Rape Hears Victims’ Chilling Accounts
Officials Admit They Don’t Know Extent

By CAROLYN MARSHALL
SAN FRANCISCO, Aug. 19 — T.J. Pursell, a 23-year-old inmate at San Quentin prison, is lucky.

He was incarcerated for 72 hours in April 1973, when he was arrested as an 18-year-old at a party and was told by another inmate that he had hashish. The charges were dropped, but Mr. Martin’s three days in jail nearly ruined his life.

On a purely emotional level, he said after testifying, “I have issues with self-confidence and trust that day.”

Mr. Martin echoed others’ statements when he faulted a deteriorating prison system and what he described as a society that is indifferent, and at times disdainful, of people who have been incarcerated.

“Prison rape is a symptom of American society’s retreat from rehabilitation toward a system that relies purely on punishment,” the Special Commission investigating prison sexual abuse and rape in the state of California’s report said.

Mr. Pursell, now 45, and a successful software executive who lives on Long Island, was one of six victims of prison rape to relate disturbing accounts with a bipartisan panel of the National Prison Rape Elimination Commission here.

“While my friends prepared for our high school prom, I was being gang raped,” Mr. Pursell testified on Friday to a Congressional hearing.

The secretary of the California Department of Corrections and Rehabilitation, Roderick Q. Hickman, told the panel that California was trying to quantify the problem. But he said outdated prison designs, inadequate electronic surveillance systems and an antiquated and computer database had stalled progress.

The information technology “system in California is completely inadequate,” Mr. Hickman said.

“We need a system that can report and handle the sexual classification of the population,” he added.

Mr. Hickman, appointed last month, said he was working to streamline and centralize procedures to investigate accusations of sexual abuse that were previously handled by individual prisons.

To address guard insufficiency, the department has established training programs intended to break what Mr. Hickman called “the code of silence” among guards, behavior that has helped conceal prison rapes.

Representative Barbara Lee, a California Democrat who was an initial co-sponsor of the 2000 law, expanded the prison rape with human rights violations. She and other prison rights advocates have stressed the need for “zero tolerance” and a corrections system that accommodates different sexual and cultural orientations.

“By doing nothing,” Ms. Lee said, “we condone this inhumane and abusive behavior. Indifference, deliberate or not, violates the Eighth Amendment of the Constitution banning cruel and unusual punishment.”

In the afternoon, the panel heard criminologists, law enforcement officials and leaders of transgender, lesbian, gay and bisexual groups about the need for better inmate classification.

“We don’t want a first-time offender charged with driving while drunk to be housed next to a guy who has committed multiple armed robberies, and who has been in and out of the system,” said coinsurance Ron L. Linn, the sheriff’s deputy for Los Angeles County.

Mr. Linn said that inmates with a history of violent crime had an increased risk of being a target of sexual abuse.

“Prison rape is a symptom of American society’s retreat from rehabilitation toward a system that relies purely on punishment,” the Special Commission investigating prison sexual abuse and rape in the state of California’s report said.

Mr. Pursell, now 45, and a successful software executive who lives on Long Island, was one of six victims of prison rape to relate disturbing accounts with a bipartisan panel of the National Prison Rape Elimination Commission here.

“While my friends prepared for our high school prom, I was being gang raped,” Mr. Pursell testified on Friday to a Congressional hearing.

The secretary of the California Department of Corrections and Rehabilitation, Roderick Q. Hickman, told the panel that California was trying to quantify the problem. But he said outdated prison designs, inadequate electronic surveillance systems and an antiquated and computer database had stalled progress.

The information technology “system in California is completely inadequate,” Mr. Hickman said.

“We need a system that can report and handle the sexual classification of the population,” he added.

Mr. Hickman, appointed last month, said he was working to streamline and centralize procedures to investigate accusations of sexual abuse that were previously handled by individual prisons.

To address guard insufficiency, the department has established training programs intended to break what Mr. Hickman called “the code of silence” among guards, behavior that has helped conceal prison rapes.

Representative Barbara Lee, a California Democrat who was an initial co-sponsor of the 2000 law, expanded the prison rape with human rights violations. She and other prison rights advocates have stressed the need for “zero tolerance” and a corrections system that accommodates different sexual and cultural orientations.

“We don’t really know the prevalence right now,” said Judge Walton.

“The Secretary of the California Department of Corrections and Rehabilitation, Roderick Q. Hickman, told the panel that California was trying to quantify the problem.”

“We don’t really know the prevalence right now.”

--Judge Walton
Why Research?

1. CDCR's commitment to "evidence-based corrections"

2. [But] A lack of evidence
   - In March 2004 NIJ published a comprehensive literature review of the existing research titled "Prison Rape: A Critical Review of the Literature," which:
     - Describes research conducted since 1968
     - Describes both convergence and divergence across findings, noting the difficulties encountered when comparing across facilities of different sizes, security levels, missions, types of inmates, etc.
     - Describes how conducting such research presents a unique set of challenges
     - Offers suggestions to help guide future research
     - But, only one prison in California studied!
Evidence-Based Corrections: 
From Principle to Practice

The CDCR Mission:

The overarching mission is to improve public safety through evidence-based crime prevention and recidivism reduction strategies.

What is “Evidence-Based Corrections?”

The conscientious, explicit, and judicious use by correctional administrators of current best research evidence in selecting programs designed to manage offenders, reduce recidivism, and increase public safety (Grattet 2005).
Wooden and Parker (1983)

- Research on sexual behavior and victimization in a California medium security prison between 1979-80
- The prison held 2,500 inmates;
- The prison was used to house an overrepresentation of self-avowed homosexual and vulnerable inmates in single cells;
- Researchers distributed 600 questionnaires to a random sample of inmates and received 200 back;
- 65% of respondents report having sex in prison;
- 14% of respondents report having been the victim of sexual assault or pressured to engage in sexual activity;
- Much of their analysis is dedicated to describing and explaining (what is assumed to be) homosexual behavior that occurs in prison.
## Allegations of inmate-on-inmate sexual violence reported by State or Federal prison authorities, by type, 2004

<table>
<thead>
<tr>
<th>Prisoners in custody 6/30/2004</th>
<th>Reported inmate-on-inmate non-consensual sexual acts</th>
<th>Reported inmate-on-inmate abusive sexual acts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allegations</td>
<td>Substantiated</td>
</tr>
<tr>
<td>Total</td>
<td>1,318,616</td>
<td>1,246</td>
</tr>
<tr>
<td>Federal</td>
<td>151,650</td>
<td>17</td>
</tr>
<tr>
<td>State</td>
<td>1,166,966</td>
<td>1,229</td>
</tr>
<tr>
<td>Alabama</td>
<td>24,768</td>
<td>6</td>
</tr>
<tr>
<td>Alaska</td>
<td>3,158</td>
<td>0</td>
</tr>
<tr>
<td>Arizona</td>
<td>26,833</td>
<td>18</td>
</tr>
<tr>
<td>Arkansas</td>
<td>12,655</td>
<td>4</td>
</tr>
<tr>
<td>California</td>
<td>160,703</td>
<td>23</td>
</tr>
<tr>
<td>Colorado</td>
<td>16,609</td>
<td>5</td>
</tr>
<tr>
<td>Connecticut</td>
<td>18,814</td>
<td>6</td>
</tr>
<tr>
<td>Delaware</td>
<td>6,778</td>
<td>3</td>
</tr>
<tr>
<td>Florida</td>
<td>77,647</td>
<td>75</td>
</tr>
<tr>
<td>Georgia</td>
<td>44,026</td>
<td>51</td>
</tr>
<tr>
<td>Hawaii</td>
<td>3,877</td>
<td>6</td>
</tr>
<tr>
<td>Idaho</td>
<td>4,621</td>
<td>3</td>
</tr>
<tr>
<td>Illinois</td>
<td>44,379</td>
<td>17</td>
</tr>
<tr>
<td>Indiana</td>
<td>21,236</td>
<td>18</td>
</tr>
<tr>
<td>Iowa</td>
<td>8,611</td>
<td>4</td>
</tr>
<tr>
<td>Kansas</td>
<td>9,181</td>
<td>21</td>
</tr>
<tr>
<td>Kentucky</td>
<td>10,814</td>
<td>7</td>
</tr>
<tr>
<td>Louisiana</td>
<td>16,672</td>
<td>1</td>
</tr>
<tr>
<td>Maine</td>
<td>1,986</td>
<td>0</td>
</tr>
<tr>
<td>Maryland</td>
<td>23,622</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Prisoners in custody 6/30/2004</th>
<th>Reported inmate-on-inmate non-consensual sexual acts</th>
<th>Reported inmate-on-inmate abusive sexual acts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allegations</td>
<td>Substantiated</td>
<td>Unsubstantiated</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>10,043</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Michiganb</td>
<td>48,111</td>
<td>39</td>
<td>17</td>
</tr>
<tr>
<td>Minnesota</td>
<td>7,827</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>Mississippi</td>
<td>11,456</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Missouri</td>
<td>30,139</td>
<td>17</td>
<td>3</td>
</tr>
<tr>
<td>Montanaa</td>
<td>2,074</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Nebraska</td>
<td>4,053</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Nevadac</td>
<td>10,152</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>2,426</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>New Jerseyd</td>
<td>23,752</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>New Mexicoe</td>
<td>3,703</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>New York</td>
<td>64,778</td>
<td>15</td>
<td>2</td>
</tr>
<tr>
<td>North Carolinae</td>
<td>35,219</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>North Dakota</td>
<td>1,176</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Ohio</td>
<td>42,231</td>
<td>86</td>
<td>14</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>17,727</td>
<td>29</td>
<td>2</td>
</tr>
<tr>
<td>Oregon</td>
<td>12,678</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Pennsylvaniae</td>
<td>38,823</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>3,494</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>South Carolinae</td>
<td>23,321</td>
<td>14</td>
<td>1</td>
</tr>
<tr>
<td>South Dakota</td>
<td>3,157</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Tennessee</td>
<td>14,306</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Texasf</td>
<td>139,148</td>
<td>550</td>
<td>13</td>
</tr>
<tr>
<td>Utahg</td>
<td>4,550</td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td>Vermonte</td>
<td>1,632</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Virginia</td>
<td>29,514</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Washingtone</td>
<td>16,765</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>West Virginia</td>
<td>3,987</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>21,560</td>
<td>31</td>
<td>7</td>
</tr>
<tr>
<td>Wyoming</td>
<td>1,174</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

Overview:
The UCI Team’s Research
## Current State Research

### Protecting Inmates and Safeguarding Communities FY 2004 Awards

<table>
<thead>
<tr>
<th>Grantee</th>
<th>Award Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Department of Corrections</td>
<td>$500,000</td>
</tr>
<tr>
<td>Colorado Department of Corrections</td>
<td>$254,455</td>
</tr>
<tr>
<td>Idaho Department of Correction</td>
<td>$370,784</td>
</tr>
<tr>
<td>Iowa Department of Corrections</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Louisiana Department of Public Safety and Corrections</td>
<td>$998,646</td>
</tr>
<tr>
<td>Michigan Department of Corrections</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Missouri Department of Corrections</td>
<td>$688,330</td>
</tr>
<tr>
<td>Nebraska Department of Correctional Services</td>
<td>$197,207</td>
</tr>
<tr>
<td>New Jersey Department of Corrections</td>
<td>$602,207</td>
</tr>
<tr>
<td>New York State Department of Correctional Services</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Ohio Department of Rehabilitation and Correction</td>
<td>$542,080</td>
</tr>
<tr>
<td>Pennsylvania Department of Corrections</td>
<td>$580,312</td>
</tr>
<tr>
<td>Rhode Island Department of Corrections</td>
<td>$599,090</td>
</tr>
<tr>
<td>Texas Department of Criminal Justice</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Vermont Department of Corrections</td>
<td>$361,967</td>
</tr>
<tr>
<td>Washington State Department of Corrections</td>
<td>$1,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,695,078</strong></td>
</tr>
</tbody>
</table>
Purpose of the Study

Key Questions:
1. What proportion of inmates in California prisons housing adult males has been sexually assaulted in a California correctional facility?
2. What are the demographic characteristics of victims?
3. What are the contextual and relational characteristics of the sexual assault/misconduct incidents reported by inmates in California prisons housing adult males?

Main Objective:
By addressing these questions, this study sheds insight into the contours of sexual assault in order to contribute to ongoing efforts to create viable interventions designed to prevent and respond to sexual assault in ways that are humane, effective, and constitutional.
Scope Conditions

Target Populations
1. Adult male inmates residing in California state prisons (including “ad seg” and SHU) who are not housed in reception centers or camps and who are not classified as “EOP”
2. Adult transgender inmates housed in a single California prison
3. English and Spanish-speaking inmates.

Target Behaviors
- Inmate-on-inmate sexual assault
- Inmate-on-inmate non-sexual assault (for comparative purposes)
Research Design

ADULT MALE INSTITUTIONS

Six Facilities*

Roster
(Non-Reception Center, non-EOP)

Random Selection of Inmates

Secure Informed Consent

INTERVIEW INSTRUMENT

Life in Prison/Routine Activities; Social Support in Prison; Inmate General Well-Being/Emotional Health; Fear of Victimization in Prison; Actual Victimization in Prison; Opinions on Safety and Reporting; Demographics, including Gang Affiliation, Criminal History, and Past and Current Incarcerations

* Data were also collected from a seventh prison in order to oversample transgender inmates.
The UCI Interview Schedule*

1. Preamble/Consent
2. Life in Prison/Routine Activities
3. Social Support
4. General Well-Being/Emotional Health
5. Fear of Victimization
6. Actual Victimization
7. Inmate Opinion on Safety and Reporting
8. Demographics
9. Criminal History
10. Past and Current Incarceration

* A copy of the interview schedule is in Appendix A of the report.
Sexual Assault Victimization Questions

• “Have you ever had to do sexual things against your will with other inmates while incarcerated?”
  – “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”
• “Well, what about sexual things (with other inmates while incarcerated) that were perhaps not against your will, but you would have rather not done?”
• “Of all the things that have happened to you, including what you’ve just told me, what was the worst sexual thing that has ever happened while incarcerated?”
• “Have you ever had to do sexual things against your will with staff”?
PREA Data Collection
(April 26, 2006 – October 4, 2006)

Adult Male Population
(Not in Reception Centers or Fire Camps and Not EOP)

*First number = Total number of inmates seen; Second number = Total number of inmates who consented to be interviewed; Third number = Total number of usable interviews.
Samples: Size and Participation Rate

- **Random Sample**
  - Total = 322
  - Participation Rate = 83.5%

- **Transgender Sample**
  - Total = 39
  - Participation Rate = 93.5%
## Variables Collected from the CDCR

<table>
<thead>
<tr>
<th>Information Collected</th>
<th>Official Variable Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CDC Number</td>
<td><em>CDCNO</em> and <em>LIFENO</em></td>
</tr>
<tr>
<td>Name (last, first, MI)</td>
<td><em>NAME</em></td>
</tr>
<tr>
<td>Race/Ethnicity</td>
<td><em>ETHNIC</em></td>
</tr>
<tr>
<td>Date of Birth</td>
<td><em>BIRTHDAY</em></td>
</tr>
<tr>
<td>Height</td>
<td><em>HEIGHT</em></td>
</tr>
<tr>
<td>Weight</td>
<td><em>WEIGHT</em></td>
</tr>
<tr>
<td>Term Start Date</td>
<td><em>ADM_DATE</em></td>
</tr>
<tr>
<td>Min. Adjusted release date/ EPRD</td>
<td><em>EPRD</em></td>
</tr>
<tr>
<td>Length of Current Sentence</td>
<td><em>SENTENCE</em></td>
</tr>
<tr>
<td>Current Location</td>
<td><em>LOC</em> and <em>LOC2</em></td>
</tr>
<tr>
<td>Current Commitment Offense</td>
<td><em>OFFSCAT</em> and <em>OFFSGRP</em></td>
</tr>
<tr>
<td>Sexual Offender Registration</td>
<td><em>SR_FLAG</em></td>
</tr>
<tr>
<td>Mental Health (institutionally verified)</td>
<td><em>MHCODE</em></td>
</tr>
<tr>
<td>Most Recent Classification Score</td>
<td><em>NSCORE</em></td>
</tr>
<tr>
<td>Custody Level</td>
<td><em>NLEVEL</em></td>
</tr>
<tr>
<td>Gang (institutionally verified)</td>
<td><em>GANGT839</em> or <em>GANGV839</em></td>
</tr>
<tr>
<td>Age at 1st Arrest in California</td>
<td><em>AGEARR839</em></td>
</tr>
<tr>
<td>Three Strike Status</td>
<td><em>HSTRIKE</em></td>
</tr>
<tr>
<td>Lifer Status</td>
<td><em>LIFER</em></td>
</tr>
</tbody>
</table>
Assurance

All the data were collected in a way that ensured the CDCR did not/does not know which inmates participated in the study.
## Comparison of Characteristics

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Adult Male Prison Population</th>
<th>Facilities for Random Sample</th>
<th>Usable Random Sample</th>
<th>Usable Transgender Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N=119,153 mean/%</td>
<td>n=19,584 mean/%</td>
<td>n=322 mean/%</td>
<td>n=39 mean/%</td>
</tr>
<tr>
<td><strong>AGE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>119,153 36.6</td>
<td>19,584 37.9</td>
<td>322 39.1</td>
<td>39 39.0</td>
</tr>
<tr>
<td>Median</td>
<td>36</td>
<td>38</td>
<td>39</td>
<td>38</td>
</tr>
<tr>
<td>Std. Dev.</td>
<td>10.83</td>
<td>10.79</td>
<td>10.67</td>
<td>7.55</td>
</tr>
<tr>
<td>Range</td>
<td>18,92</td>
<td>18,87</td>
<td>20,68</td>
<td>24,61</td>
</tr>
<tr>
<td>18-25</td>
<td>20,579 17.3</td>
<td>2,796 14.3</td>
<td>36 11.2</td>
<td>1 2.6</td>
</tr>
<tr>
<td>26-35</td>
<td>38,623 32.4</td>
<td>5,762 29.4</td>
<td>90 28.0</td>
<td>10 25.6</td>
</tr>
<tr>
<td>36-45</td>
<td>34,906 29.3</td>
<td>6,223 31.8</td>
<td>102 31.7</td>
<td>21 53.8</td>
</tr>
<tr>
<td>46+</td>
<td>25,045 21.0</td>
<td>4,803 24.5</td>
<td>94 29.2</td>
<td>7 17.9</td>
</tr>
<tr>
<td><strong>RACE/ETHNICITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>46,581 39.1</td>
<td>6,392 32.6</td>
<td>92 28.6</td>
<td>8 20.5</td>
</tr>
<tr>
<td>White</td>
<td>30,422 25.5</td>
<td>5,274 26.9</td>
<td>99 30.7</td>
<td>12 30.8</td>
</tr>
<tr>
<td>Black</td>
<td>35,316 29.6</td>
<td>6,806 34.8</td>
<td>116 36.0</td>
<td>14 35.9</td>
</tr>
<tr>
<td>Asian</td>
<td>1,395 1.2</td>
<td>269 1.4</td>
<td>4 1.2</td>
<td>0 0</td>
</tr>
<tr>
<td>Other</td>
<td>5,439 4.6</td>
<td>843 4.3</td>
<td>11 3.4</td>
<td>5 12.8</td>
</tr>
<tr>
<td><strong>OFFENSE CATEGORY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent</td>
<td>69,436 58.3</td>
<td>10,834 55.3</td>
<td>157 49.1</td>
<td>21 55.3</td>
</tr>
<tr>
<td>Property</td>
<td>20,617 17.3</td>
<td>3,680 18.8</td>
<td>76 23.8</td>
<td>11 28.9</td>
</tr>
<tr>
<td>Drug</td>
<td>20,953 17.6</td>
<td>3,668 18.7</td>
<td>63 19.7</td>
<td>6 15.8</td>
</tr>
<tr>
<td>Other</td>
<td>8,124 6.8</td>
<td>1,393 7.1</td>
<td>24 7.5</td>
<td>0 0</td>
</tr>
<tr>
<td><strong>CUSTODY LEVEL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life</td>
<td>26,155 22.0</td>
<td>4,613 23.6</td>
<td>76 23.6</td>
<td>14 35.9</td>
</tr>
<tr>
<td>Life Without Parole</td>
<td>3,067 2.6</td>
<td>578 3.0</td>
<td>14 4.3</td>
<td>0 0</td>
</tr>
<tr>
<td>Death Row</td>
<td>599 0.5</td>
<td>3 0</td>
<td>0 0</td>
<td>0 0</td>
</tr>
<tr>
<td><strong>LIFE SENTENCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>18,360 15.4</td>
<td>2,760 14.1</td>
<td>40 12.4</td>
<td>6 15.4</td>
</tr>
<tr>
<td>Gang</td>
<td>15,576 13.1</td>
<td>2,065 10.5</td>
<td>27 8.4</td>
<td>0 0</td>
</tr>
<tr>
<td><strong>SEX OFFENDER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>19,301 16.2</td>
<td>4,845 24.7</td>
<td>91 28.3</td>
<td>17 43.6</td>
</tr>
<tr>
<td><strong>MENTAL HEALTH PROBLEMS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCCMS</td>
<td>486 0.4</td>
<td>65 0.3</td>
<td>2 0.6</td>
<td>3 7.7</td>
</tr>
</tbody>
</table>
Assessment of Samples

• **Random Sample**
  – Statistically similar to the population of inmates in the six prisons from which data were collected
  – Statistically comparable to the CDCR population in terms of sex offender registration and “lifer status”
  – Statistically different from the CDCR population in terms of age, race/ethnicity, offense category, custody level, gang status, and mental health problems
  – The magnitude of the statistical differences between the sample and the CDCR population is small, but the study sample has fewer Hispanic inmates and more inmates with officially recognized mental health issues

• **Transgender Sample**
  – Not designed to generalize to larger populations
## Assessment of Interviewer Effects

<table>
<thead>
<tr>
<th>Interviewer Characteristics</th>
<th>Potential and Realized Study Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>Sex</td>
</tr>
<tr>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>1</td>
<td>38</td>
</tr>
<tr>
<td>2</td>
<td>54</td>
</tr>
<tr>
<td>3</td>
<td>45</td>
</tr>
<tr>
<td>4</td>
<td>29</td>
</tr>
<tr>
<td>5</td>
<td>26</td>
</tr>
<tr>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>7</td>
<td>55</td>
</tr>
<tr>
<td>8</td>
<td>26</td>
</tr>
<tr>
<td>9</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Assessment of Interviewer Effects*

- Characteristics of the interviewer—such as age, sex, race/ethnicity, occupational status, or language—did not have an impact on inmates’ willingness to participate in the study and complete an interview;
- Interviewer characteristics did not have an impact whether inmates reported sexual assault/misconduct or current street or prison gang membership (so-called “sensitive questions”);
- In the random sample, no interviewer effects were found for reporting sexual assault/misconduct or non-sexual violence, but younger and non-White interviewers were more likely to receive reports of consensual sex than their older and White counterparts;
- In the transgender sample, no interviewer effects were identified for reporting of sexual assault/misconduct, non-sexual assault, or consensual sex.

* A series of chi-square tests were used to discern interviewer effects.
Major Findings

1. Prevalence of Sexual Assault/Misconduct
2. Characteristics of Victims
3. Characteristics of Incidents
4. The Lived Experience
1. Prevalence
Sexual Assault Victimization Prevalences

Headlines

“It Ain’t Happening Here”: Working to Understand Prison Rape

--Jessie L. Krienert and Mark S. Fleisher, 2005

Disputed Study: Prison Rape, Sexual Assault Rare
Government Report Finds Sex Behind Bars Usually By Choice

--MSNBC.com, January 17, 2006

Study Claiming Rape Rare in Prisons Disputed by Experts

--Associated Press, January 26, 2006
Prevalence

• In the randomly selected sample:
  – 4.4% (14) of the inmates reported experiencing sexual assault
  – 1.3% (4) inmates reported engaging in sexual acts that they do not define as against their will, but nonetheless would rather not do

• In the transgender sample:
  – 59% (23) reported experiencing sexual assault
  – 48.3% (14) reported engaging in sexual acts that, from their point-of-view, were not against their will, but nonetheless they would rather not do
Percent of Inmates within Stratum Responding “Yes” to:
“Before your admission to prison on [date of current incarceration],
had anyone ever pressured or forced you to have any sexual contact
against your will, that is, touching of genitals” (while incarcerated*)?

Justice. Bureau of Justice Statistics.

* Not necessarily in the same state in which inmate is currently incarcerated.
Prevalence of Rape

- 2.2% (7) of the inmates from the random sample designated at least one sexual assault incident to be rape
- 41.2% (14) of the transgender inmates designated at least one sexual assault incident to be rape
- 3.1% (10) of the inmates from the random sample were raped at least once when rape was defined as “oral or anal penetration by force or threat of force”
- 50% (18) of the inmates from the transgender sample were raped at least once when rape was defined as “oral or anal penetration by force or threat of force”
Important Consideration

Statistics Means Never Having to Say You’re Certain
## Estimated Prevalence of Sexual Assault & Rape (in six prisons from which data were collected)

<table>
<thead>
<tr>
<th>Category</th>
<th>n (%)</th>
<th>Lower bound</th>
<th>Upper bound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>14 (4.4%)</td>
<td>499</td>
<td>1,416</td>
</tr>
<tr>
<td>Rape, inmate defined</td>
<td>7 (2.2%)</td>
<td>190</td>
<td>883</td>
</tr>
<tr>
<td>Rape, researcher defined***</td>
<td>10 (3.1%)</td>
<td>317</td>
<td>1,116</td>
</tr>
</tbody>
</table>

* Percent calculated using the randomly sampled inmates from six prisons.
** Lower and upper bounds calculated using the adjusted Wald method for 95% confidence intervals.
*** Operationalized as “oral or anal penetration by force or threat of force.”
## Estimated Prevalence of Sexual Assault & Rape (in the CDCR Target Population*)

<table>
<thead>
<tr>
<th></th>
<th>n (%)**</th>
<th>Lower bound***</th>
<th>Upper bound***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>14 (4.4%)</td>
<td>3,038</td>
<td>8,615</td>
</tr>
<tr>
<td>Rape, inmate defined</td>
<td>7 (2.2%)</td>
<td>1,156</td>
<td>5,374</td>
</tr>
<tr>
<td>Rape, researcher defined</td>
<td>10 (3.1%)</td>
<td>1,930</td>
<td>6,792</td>
</tr>
</tbody>
</table>

* Inmates housed in CDCR prisons for adult males who are not in reception centers or fire camps and who are not classified as EOP.

**Percent calculated using the randomly sampled inmates from six prisons.

*** Lower and upper bounds calculated using the adjusted Wald method for 95% confidence intervals.

**** Operationalized as “oral or anal penetration by force or threat of force.”
# Estimated Prevalence of Sexual Assault & Rape (in the CDCR Target Population*)

<table>
<thead>
<tr>
<th></th>
<th>n (%)**</th>
<th>Lower bound***</th>
<th>Upper bound***</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>14 (4.4%)</td>
<td>3,028</td>
<td>8,615</td>
</tr>
<tr>
<td>Rape, inmate defined</td>
<td>7 (2.2%)</td>
<td>1,156</td>
<td>5,374</td>
</tr>
<tr>
<td>Rape, researcher defined</td>
<td>10 (3.1%)</td>
<td>1,930</td>
<td>6,792</td>
</tr>
</tbody>
</table>

* Inmates housed in CDCR prisons for adult males who are not in reception centers or fire camps and who are not classified as EOP.
** Percent calculated using the randomly sampled inmates from six prisons.
*** Lower and upper bounds calculated using the adjusted Wald method for 95% confidence intervals.
**** Operationalized as “oral or anal penetration by force or threat of force.”

---

**Proceed with Caution!!!**
Frequency of Victimization

- Frequency of Victimization Occurring

Percent of Inmates Who Reported Victimization Occurring

<table>
<thead>
<tr>
<th></th>
<th>Sexual Assault</th>
<th>Non-Sexual Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td>Once</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Random Sample</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over Five</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transgender Sample</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two to Five</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frequency of Victimizations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Year of Most Recent Sexual Assault

Number of Inmates


Year of Most Recent Sexual Assault/Misconduct Incident

Transgender Sample
Random Sample
Prevalence, continued

- 50% of the inmates who reported being sexually assaulted while in a California correctional facility were assaulted once.
- 20% reported being sexually assaulted between two and five times; 30% were assaulted more than five times.
- 75% of the transgender inmates reported being sexually assaulted on multiple occasions.
- When samples are combined, the majority of inmates who reported being sexually assaulted while in a correctional facility were sexually assaulted recently (i.e., since 2000).
- For the vast majority of randomly sampled inmates, prison violence is overwhelmingly non-sexual; few inmates report experiencing both sexual and non-sexual victimization; 37% report never experiencing violence in a California correctional facility.
- For the vast majority of the transgender inmates, prison violence is overwhelmingly sexual; 53% report being sexually and non-sexually victimized; only 13% report never experiencing violence in a CA facility.
2. Characteristics of Victims
Characteristics of Victims

- Almost every type of inmate reported being sexual assaulted
  - With the exception of Asian inmates, all racial/ethnic groups of inmates are represented in reports of sexual assault victimization
  - Inmates of varying ages (26-35, 36-45, and 46 and older) reported being victims of sexual assault/misconduct (inmates between 18 and 25 did not report being victimized)
- Both gang and non-gang affiliated inmates reported sexual victimization
- Inmates at all custody levels reported experiencing sexual assault
- Over 66% of the inmates (in both samples) who reported being sexually assaulted have/had mental health problems
- 66% of the randomly sampled inmates who reported sexual assault victimization were sentenced for violent offenses
Characteristics of Victims

- Sexual assault/misconduct victimization in correctional facilities is more prevalent among transgender inmates; transgender inmates report sexual assault by a factor of 13.4 (i.e., 4.4% to 59%) compared to inmates in the random sample.
- Non-heterosexual inmates are more vulnerable to sexual assault than heterosexual inmates: 67% of the non-heterosexual inmates in the random sample reported sexual assault (compared to 2% of the heterosexual inmates).
- African American inmates are more vulnerable to sexual assault than other races or ethnicities: 50% of the non-heterosexual inmates assaulted are African American; 83% of the heterosexual inmates assaulted are African American.
- In logistic bivariate models, physical stature and mental health status are robust predictors of sexual assault while in a correctional facility.
## Victims of Sexual Assault by Sexual Orientation and Race

<table>
<thead>
<tr>
<th>Sexual Orientation of Victim</th>
<th>Race of Victim</th>
<th>Sexual Assault</th>
<th></th>
<th></th>
<th>No Sexual Assault</th>
<th></th>
<th></th>
<th>TOTAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Heterosexual (n=308)</td>
<td>Black</td>
<td>5</td>
<td>4.5</td>
<td>105</td>
<td>95.5</td>
<td>110</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Non-Black</td>
<td>1</td>
<td>.5</td>
<td>197</td>
<td>99.5</td>
<td>198</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Heterosexual (n=12)</td>
<td>Black</td>
<td>4</td>
<td>80.0</td>
<td>1</td>
<td>20.0</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Non-Black</td>
<td>4</td>
<td>57.1</td>
<td>3</td>
<td>42.9</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3. Characteristics of Incidents
Incident Data

Total # of incidents reported = 627

• Random sample
  – 36 incidents of sexual assault/misconduct
  – 463 incidents of non-sexual violence
    » 355 not riots
    » 108 riots

• Transgender sample
  – 76 incidents of sexual assault/misconduct
  – 52 incidents of non-sexual violence
    » 46 not riots
    » 6 riots
Characteristics of Incidents: Context

Where

• Most incidents occur in prisons as compared to any other correctional facility
• Incidents occur most often in dorms and cells for the randomly selected inmates; and most often in cells and showers for transgender inmates
• Rape specifically occurred most often in cells and “other” locations (such as “school restroom” or “behind the stage”) for the random sample of inmates; and in the cells and showers for the transgender sample
Characteristics of Incidents: Context

When

- Sexual assault/misconduct occurs most often at night, though can occur any time of day or night
Involvement and Use of Weapons

• Most incidents do not involve weapons
• When weapons are involved, whether or not they are actually used varies by sample, with the random sample inmates reporting they were actually used about 20% of the time and the transgender sample reporting they were actually used about 75% of the time
Characteristics of Incidents: Context

**Officer(s) Awareness of the Incident**
- In the random sample:
  - Officers were *aware* of the assault in 60% of the cases.
- In the transgender sample:
  - Officers were *unaware* of the assault the majority of times (70.7%)
Characteristics of Incidents: Context

Provision of Medical Attention (if Needed)

• For inmates in the random sample:
  – In 70% of the cases, medical attention was provided if needed.

• For inmates in the transgender sample:
  – In 64% of the cases, medical attention was not provided when it was needed.
Characteristics of Incidents: Context

“What do you believe this was about?”

• For both samples, the modal response was that it was “sex-related.”
• For inmates in the random sample:
  – 69.0% of the sexual assault/misconduct incidents were about sexual orientation.
  – Other explanations include: retaliation, race, power and control, and mood and emotion.
• For the transgender sample:
  – Sexual assault/misconduct is understood to be about a more diffuse set of dynamics: disrespect, retaliation, debt, illicit substances, gangs, race, drug debt, power and control, mood and emotion, and games and/or objects (e.g., disputes over chess, card games, handball games, and toilet paper).
  – 70.6% of the incidents in the transgender sample were reported not to be about sexual orientation.
• For both samples, the vast majority of incidents were not about race or gangs.
Number of Parties Involved

- The vast majority of incidents involve two parties: a single perpetrator and a single victim.
Racial/Ethnic Composition

• For both samples, the vast majority of incidents were not seen to be about race; that is, inmates rarely attribute racial motives to sexual assault
  • In the random sample, 82.8% of the incidents were intraracial
  • In the transgender sample, 36% were intraracial
Characteristics of Incidents: Relational Features

Gang Membership

- For both samples, the vast majority of incidents were not seen to be about gangs; that is, inmates rarely attribute gang-related motives to sexual assault.
- In a little over half (51.5%) of the incidents in the random sample, all of the perpetrators involved in the incident were gang members; at the same time, in a little less than half (45.5%) of the incidents none of the perpetrators involved in the incident were gang members.
- Among incidents of sexual assault/misconduct in the random sample, two-thirds of the incidents include gang members as at least one of the parties involved and nearly half of the incidents (45.5%) involve the sexual assault of a non-gang victim by a gang member.
- The magnitude of gang involvement in sexual assault/misconduct is similar among the transgender inmates: 58.9% involve gang members on at least one side, with proportionally fewer (33.9%) incidents involving gang members assaulting non-gang victims.
Characteristics of Incidents: Relational Features

Relational Distance

• For the random sample inmates there is a fairly even distribution along the continuum of relational distance wherein the perpetrators are “all or mostly strangers” (25.8%), “all or mostly [people who are] identifiable” (22.6%), “all or mostly acquaintances” (25.8%), and “all or mostly well known” (25.8%).

• However, for the transgender inmates, the relational distance is skewed toward familiarity, with over 70% of the perpetrators being known well or an acquaintance of the victim.
FYI

A. There are more findings in the report.

B. There are more data to be analyzed (that are not addressed in the report).

C. There is much more to be said about the relationship between sexual and non-sexual violence.
4. The Lived Experience
The Lived Experience

- The provision of sex for valued commodities
- Verbal harassment coupled with sexual groping
- Requests/mandates for oral sex
- Unwanted sexual attention in the context of the demise of a (reported to be) consensual relationship
- Attempted rape
- Forced oral and anal penetration
The Lived Experience

• “You can’t rape the willing. If someone tries to rape me, I’ll get out of it. I’ll fight.”
• “It was this guy. He was ugly, real ugly. But he was beneficial to me. He had tobacco, ducats, coupons for the canteen, clothing, cosmetics, weed, etc. He came on to me. I figure I’ll work him. If I do it right, I don’t do anything that I don’t want to do…It’s like casual prostitution.”
• “Sometimes you’ll get an officer that lets you keep the door open. He’s [the other inmate] a sugar daddy, a trick. We make him feel like a man. I believe rape is when someone has done something to you against your will.”
• “People in prison can easily become suckered into a lifestyle that they don’t want if they accumulate debt and owe favors.”
• “The rubbing? Hundreds of times.”
• “Telling won’t help. There’s nothing they can do.”
The Lived Experience

• “He raped me. This goes on for a year. Every day he's raping me in the shower. I was seeing a counselor, but I don't tell her. I was too afraid. I told her I was just getting beat up.”
• “I’m asleep and people jump on top of me. You keep your mouth shut. Take it. Get it over with. No fight. If I fight it I go to the hole and lose programming—no visits in ad-seg.”
• One interviewee described being penetrated anally by all four men as a “part of prison life.”
• “This is not real sex.” Real sex involves “penetration.”
• “It was kind of my fault because an officer asked me if I was going to be okay and I say ‘yes.’”
• “Prison laws have changed and made it safer. Now this would never happen. Anyone can do time in prison without worrying about it.”
The Lived Experience

- Considerable gray area between forced, coercive, and non-coercive sexual interactions
- A range of undesirable sexually-charged situations often seen as “a fact of prison life”
- A number of inmates who have been sexually assaulted while incarcerated blame themselves
- Few inmates see correctional personnel as allies in the pursuit of physical safety
Now what?

Research Recommendations
Policy Recommendations
More Research!
Recommendations: Research

• Research on other incarcerated populations, such as women and juveniles
One Youth’s Account of Horror in Texas Detention

By RALPH BLUMENTHAL

HOUSTON, March 7 — Joseph Galloway says he was molested at 15 by a female corrections officer in a Texas Youth Commission detention center and later raped by a fellow inmate as guards stood by.

“That’s when I started to try to kill myself,” Mr. Galloway, now 19, said by telephone from another youth facility as he waited late Tuesday to be interviewed by the Texas Rangers.

Mr. Galloway’s account is among about 150 new complaints that have merged from 44 secure state schools, halfway houses and residential youth care programs in Texas, a result of several overlapping inquiries into accusations of sexual abuse and other mistreatment there.

A senior investigator, speaking anonymously because he was not authorized to talk to news organizations, said that only Wednesday, a registered sex offender was found to be working at the Coke County Juvenile Detention facility, near San Angelo, a Youth Commission facility operated by a private contractor.

“The good news is we’re finding plenty to inquire about,” said Jay Umphres, the special master appointed by Gov. Rick Perry to investigate after a scandal broke last month with news reports that the Commission had covered up repeated sexual encounters between at least 10 boys and 2 administrators at the West Texas State School, in Yoyle, from 2003 to 2003. More recently, officials said that at least three girls had been sexually abused by a corrections officer at another

Joseph Galloway, now 19, who has been in the custody of the Texas Youth Commission for years.

youth officials took the unusual step of allowing Mr. Galloway to speak to reporters who requested interviews.

That attack, Mr. Galloway said, was not the first in which he was raped. As an 8-year-old, he said, he was sodomized by the 16-year-old brother of a playmate. “He put me in a headlock, and he told me he would youth walked in on them, but the episode was never reported, he said.

Not long afterward, Mr. Galloway said, he was written up for fighting and sent to a more secure unit. But it was overcrowded, he said, and when a youth in one cell screamed out that he wanted the new arrival put in with him — the inmate used crude sexual at seven in the last 10 years, with one fatality involving the excessive use of force by guards and the others suicide or medical problems.)

Mr. Galloway said the rape had left him angry and feeling guilty and had prompted him to attempt suicide, using shards from his eyeglasses to slit his wrists and on another
Recommendations: Research

- Research on other incarcerated populations, such as women and juveniles
  - Additional research on transgender inmates, non-heterosexual inmates, inmates of color, inmates with mental health problems, and inmates that are small in stature
- Collect empirical data on a broader range of types of sexual assault, especially
  - staff-on-inmate assault
- Focus empirical research on perpetration as well as victimization to ascertain if there are similar patterns and correlates
- Support studies that assess current efforts to respond to sexual assault in California correctional facilities
Table 2. Breakdown of Narratives by Primary Category and Victim Characteristics

<table>
<thead>
<tr>
<th>Categories</th>
<th>Total</th>
<th></th>
<th>Partner</th>
<th></th>
<th>Nonpartner</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N cases</td>
<td>%</td>
<td>N cases</td>
<td>%</td>
<td>N cases</td>
<td>%</td>
</tr>
<tr>
<td>Jealousy</td>
<td>20</td>
<td>19</td>
<td>14</td>
<td>70</td>
<td>6</td>
<td>30</td>
</tr>
<tr>
<td>Jealously, self-help</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Disrespect</td>
<td>22</td>
<td>20</td>
<td>7</td>
<td>32</td>
<td>15</td>
<td>68</td>
</tr>
<tr>
<td>Disrespect, jealousy</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Disrespect, self-help</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>25</td>
<td>3</td>
<td>75</td>
</tr>
<tr>
<td>Disrespect, self-defense</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>50</td>
<td>1</td>
<td>50</td>
</tr>
<tr>
<td>Disrespect, victim precipitation</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Disrespect, mutual violence</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Self-defense</td>
<td>19</td>
<td>18</td>
<td>7</td>
<td>37</td>
<td>12</td>
<td>63</td>
</tr>
<tr>
<td>Self-help</td>
<td>13</td>
<td>12</td>
<td>4</td>
<td>31</td>
<td>9</td>
<td>69</td>
</tr>
<tr>
<td>Self-help, disrespect</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Self-help, self-defense</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Self-help, victim precipitation</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>100</td>
</tr>
<tr>
<td>Victim precipitation</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>75</td>
<td>2</td>
<td>25</td>
</tr>
<tr>
<td>Victim precipitation, respect</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>100</td>
</tr>
<tr>
<td>Mutual violence</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Illicit gain</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>50</td>
<td>2</td>
<td>50</td>
</tr>
<tr>
<td>Total</td>
<td>106</td>
<td>100</td>
<td>46</td>
<td>46</td>
<td>60</td>
<td>60</td>
</tr>
</tbody>
</table>

In many ways, the policy changes developed by the CDCR PREA Commission that are being implemented constitute a significant advance in the CDCR’s efforts to respond to sexual assault in ways that comply with the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005.

– Given the prevalence estimates reported here, it is useful to affirm the value of this Commission’s work and continue to support the Commission’s efforts to develop training protocol on prevention, detection, and response for CDCR employees.
The CDCR hosts PREA Hearings at Folsom, November 14-15, 2006
Recommendations: Policy

The implementation of policies designed to address overcrowding likely would serve to reduce violence in California correctional facilities; the findings presented here suggest that—because sexual assault and non-sexual assault share common correlates—anything that can be done to reduce violence writ large is likely to reduce sexual assault, too.
## Assaults in California Surpass Other Large Correctional Systems

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>170,461</td>
<td>2,538</td>
<td>1.7</td>
</tr>
<tr>
<td>Texas</td>
<td>164,222</td>
<td>3,885</td>
<td>2.5</td>
</tr>
<tr>
<td>California</td>
<td>163,361</td>
<td>7,210</td>
<td>4.4</td>
</tr>
<tr>
<td>Florida</td>
<td>80,352</td>
<td>2,840</td>
<td>4.0</td>
</tr>
<tr>
<td>New York</td>
<td>65,914</td>
<td>1,640</td>
<td>2.3</td>
</tr>
</tbody>
</table>

Recommendations: Policy

- Revisiting the policy-specified considerations that inform initial and permanent housing assignments in correctional facilities is advisable. Many of the findings presented in this research can be used to inform decisions about “compatibility” when making housing assignments.
  - In addition to the risk factor identified by the Sexual Abuse in Detention Elimination Act of 2005—age, violent or nonviolent offender, prior commitments, and a history of mental illness—sexual orientation, race/ethnicity, and physical stature should be added to the list.
Recommendations: Policy

- It is useful to prioritize this question for further discussion and research: Where should the inmates who report the highest prevalence rate for sexual assault—transgender inmates—be housed and with whom should they be housed?
  - For now, an evidence-based response to this question is not obvious, even as it is entirely clear that transgender inmates’ safety is the top priority and deliberate indifference must be avoided. In light of this, there are two ways to determine what correctional facility environment constitutes the safest environment for transgender inmates:
    - By consulting the social science literature
    - By consulting the voices of transgender inmates themselves, including the ones who participated in this study.
State Prison Officials Not Sure Where to House Transgender Inmate

BALTIMORE - Maryland Division of Correction officials say they have no set policies to deal with transsexual inmates — though they now have one ordered to their custody. “We take them one case at a time,” prison spokesman George Gregory said. Spokeswoman Maj. Priscilla Doggett said prison officials will evaluate Dee Deirdre Farmer, also known as Douglas Farmer, 41, to determine whether she should be housed with men or women. “We will do a full intake and assessment to determine the correct placement,” she said. Farmer was sentenced Wednesday to 18 months in the state prison system, after pleading guilty to faking her own death to avoid other criminal charges. She was transferred from the Baltimore City Detention Center to the Maryland Division of Correction on Thursday, said Barbara Cooper, a spokeswoman for the city jail. Cooper said she could not release whether Farmer was housed with men or women. Farmer presented a forged court order indicating that she had died to the State Division of Vital Records, which noticed something unusual about the order and reported it to the Attorney General’s Office, prosecutors said. The order was a complete fabrication, prepared by Farmer in hopes of being able to use the altered death certificate to get unrelated criminal charges pending against her in federal court and Baltimore County Circuit Court dismissed, according to prosecutors. Farmer was born as a male under the name Douglas Farmer, but had a partial sex change operation and now lives as a woman. A few years ago, Farmer changed her Maryland birth certificate, using a court order from North Carolina, to reflect that she was a woman with the name Dee Deirdre Farmer. Farmer previously sued federal prison officials over a 1989 rape that occurred after Farmer entered a federal prison for men in Terre Haute, Ind. Her lawsuit claimed the government violated the constitution’s prohibition of cruel and unusual punishment by ignoring the risk that she would be raped by other prisoners, because of her feminine appearance. Farmer had been sentenced to a 20-year federal sentence for credit card fraud. Through her attorney, she declined to comment on this story.
Recommendations: Policy

Utilize the Gender Responsive Strategies Commission and the expertise of its members to develop policies designed to enhance the safety of transgender inmates because transgender inmates fit squarely within a larger concern for “gender non-conforming inmates.”
Recommendations: Policy

• The CDCR would be well-advised to consider Stop Prisoner Rape’s warning to avoid excessive reliance on isolation in response to sexual assault.
  – Time and time again, inmates in this study indicated that they did not report sexual assault because they feared doing so would result in being placed in administrative segregation.
Recommendations: Policy

• Inmates generally indicated an unwillingness to report sexual assault to corrections officials, including corrections officers and counselors. Thus, it would be useful to:
  – Assess the degree to which the provisions established by the Sexual Abuse in Detention Elimination Act of 2005 have been/are being implemented and with what consequence.
  – If the Office of the Sexual Abuse in Detention Elimination Ombudsperson is not securing reports of sexual assault, then alternative ways of enabling inmates to report sexual assault to non-CDCR officials should be considered.
Recommendations: Policy

• This research suggests that inmates are, under believable conditions of confidentiality, are willing to report sexual assault.
  – Inmates generally do not believe that reports made to CDCR officials will be taken seriously, kept confidential, and/or result in any tangible positive consequence(s).

• In light of this, a solution is to provide venues for reporting that do not rely on CDCR officials as first responders (to reports), communicators, or adjudicators.
  – As just one example, consider one approach recently adopted in Texas: the use of a hotline run out of the Inspector General’s Office and staffed by employees from the Inspector General’s Office and the state Attorney General’s Office.
Complaints Flood Texas Youth Hot Line

By RALPH BLUMENTHAL

AUSTIN, Tex., March 22 — “Investigations hot line,” said Brian Yasko, answering the phone at the Texas Youth Commission in a windowless command post that officers are calling “the belly of the beast.”

Quickly, Mr. Yasko began scribbling down details of yet another complaint, this one from a mother who said her son at the San Saba State School, now called the John Shero State Juvenile Correctional Facility, had been threatened by a sexually deviant corrections officer.

Yes, said Mr. Yasko, an investigator for the inspector general of the state Department of Criminal Justice; she could remain anonymous.

“What I’ll do is send this out to the field and have investigators interview your son,” he promised.

Since a sexual abuse scandal at the Texas Youth Commission became public last month, prompting mass firings and resignations, more than 1,100 investigations have been opened into new accusations of rape and other mistreatment. At last count 282 cases had been closed without action.

Many of those complaints have been flooding into the makeshift situation room here staffed around the clock by employees of the inspector general’s office of the adult prison system and of the state attorney general’s office.

These officers, in turn, parcel out the cases to about 100 investigators from the two agencies and the Texas Rangers who are interviewing witnesses at 24 youth detention centers and scores of small contract facilities across Texas, where more than 4,000 youths ages 10 to 21 are serving sentences of at least nine months —

there, enforce the law,” said Mr. Moriarity, a former police officer who grew up in the Bronx. “There’s a new sheriff in town.”

Jay Kimbrough, named by Gov. Rick Perry as special master to overhaul the Youth Commission, also voiced determination in a separate interview. “I’m sadder, and I’m madder than I was the day before,” said Mr. Kimbrough, a former deputy state attorney general.

In a commandeered office at the Youth Commission headquarters, eerily empty of senior staff members who were purged in the uproar, bulging cardboard files and intake boxes are marked “New Cases,” “Cases to Be Assigned,” “For Review” and “To Be Closed.”

Against the backdrop of a white board on which is scrawled a toll-free hot line number, and injunctions like “Record Prank Calls on Log, Get Exact Time,” officers with holstered handguns fill the air with investigative crosstalk.

“When are you going to serve it?”
“No, the Ranger has got to go.”
“We want to execute the warrant.”

“Tell him I want him to meet with to get a child to release a mattress he was grabbing. The officer, Mr. Moriarity said, “hit the child.”

A few Youth Commission employees, Mr. Moriarity said, were found to have histories as sex offenders. Job applicants now are subject to background checks with fingerprint searches, he said.

To sort out the complaints, the command center includes four polygraph experts. The inspector general’s office normally investigates complaints in the state’s 106 adult prisons. But a proposal to extend its jurisdiction to youth detention centers is among pending bills in the Texas Legislature that address the abuse of juvenile detainees — now the leading issue of the session.

Among the bills are proposals by Representative Jerry Madden, a Republican from the Dallas area and chairman of the House corrections committee, to extend the attorney general’s jurisdiction and to give a special state criminal justice prosecutor concurrent jurisdiction with local district attorneys in cases of juvenile justice complaints. Currently, outside prosecutors are barred from
Recommendations: Policy

• Develop and implement a peer education program designed to educate inmates about sexuality, bodily integrity, consent, and the ways to avoid coercion in correctional facilities.
  – The objective here is to go beyond current “one-shot” efforts at inmate education—through orientation materials distributed/shown to inmates when they enter a correctional facility—by providing ongoing education about sexual assault (and perhaps violence more generally).
  – One model for how this might be done is provided by Centerforce, which is being used in CDCR prisons and has been positively evaluated.
Finally, it is important to recommend the obvious: CDCR officials should spend more time thinking about how to create carceral environments in which “fighting or fucking” (to quote inmates) are not the only options in some situations.
Recommendations: Policy

• Inmates in correctional facilities need to have those charged with running these institutions publicly demonstrate a commitment to zero tolerance for sexual assault.
  – When an inmate in this study was asked, “How common do you think it is for inmates to be raped by other inmates,” he replied, “It actually happens, but not so much that the administration is forced to do something.”
• The CDCR’s challenge is to prove this inmate wrong.
“The California Department of Corrections and Rehabilitation staunchly supports the Prison Rape Elimination Act. We recognize the need for swift action. And I’ve made a commitment to a strategic planning process for complying with PREA. Not just because it’s the law, but because we have made a commitment to safe prisons and treating inmates humanely.”

- Roderick Hickman

Secretary of the CDCR when the PREA became law
It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change.

- Charles Darwin
Think outside the bowl
Commissioners For Texas Youth Agree to Resign

AUSTIN, Tex., March 14 (AP) — The board of the Texas Youth Commission, which has faced criticism after accusations that young inmates were sexually abused by staff members, will resign Friday, the governor's office said Thursday.

The surprise announcement came after the State Senate voted unanimously to fire and replace the board, which oversees the youth prison system.

The seven-member board is scheduled to meet Friday to approve an agency rehabilitation plan. Once it is approved, the board members are expected to resign, Gov. Rick Perry's office said in a statement. Mr. Perry's office said it had talked by telephone with each member of the board Wednesday.

Several members of the special legislative committee looking into the accusations applauded when they heard the news, but were angered when they learned that the board would still meet Friday.

"This board needs to cease to exist," said the committee co-chairman, Senator John Whitmire, a Houston Democrat. "Those folks are tainted. We don't need them approving any future plan."

The Texas Youth Commission incarcerates about 2,700 offenders ages 10 to 21 who are considered the most dangerous, incorrigible or chronic. Late last month, lawmakers questioned agency staff members about a 2005 investigation that found evidence that officials at the West Texas Texas State School in Pyote had repeated sexual contact with some of the 290 inmates. An internal investi...
Contact information

Valerie Jenness, Ph.D.
Department of Criminology, Law & Society
University of California
Irvine, California 92697-7080
Tel: (949) 824-3017
FAX: (949) 824-3001
E-mail: jenness@uci.edu

Cheryl Maxson, Ph.D.
Department of Criminology, Law & Society
University of California
Irvine, California 92697-7080
Tel: (949) 824-5150
FAX: (949) 824-3001
E-mail: cmaxson@uci.edu