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CENTER FOR EVIDENCE-BASED CORRECTIONS

The Prison Rape Elimination Act: A Consideration of Research Issues

presented to

The California Department of Corrections and Rehabilitation

By

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Cambria, California

Objectives:

- 1. Introduce PREA
(Professor Barbara Owen)**
- 2. Introduce “Evidence-Based Corrections”
(Professor Ryken Grattet, Assistant Secretary,
Office of Research)**
- 3. Introduce the UCI research team, its
objectives, and discuss current plans for
research**



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).

Highlights of the PREA

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



Where We Enter:

Legislative Mandate

- 1. Although the issue of prison rape has been studied, Congress has noted in its finding that "insufficient research" has been conducted and "insufficient data reported."**
- 2. One of the reasons for passing PREA was to "increase available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities."**

Where We Enter: **Legislative Mandate**

- 3) Section 4 of the PREA mandates the development and implementation of a major research effort. While a significant portion of this work is to be carried out by BJS, the Attorney General is also authorized to provide grants to carry out research. NIJ was tasked with processing and awarding these research grants.**

- 4) Enter the UCI proposal (handout).**



Why Research?

- CDCR's commitment to "evidence-based corrections"
- 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!**



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 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.**



Current Federal Research

- 1. BJS "shall carry out a comprehensive statistical review and analysis of the incidence and effects of prison rape." Includes national inmate survey with a sample of 10% of ~8,700 facilities nationwide, with at least one facility in every jurisdiction.**
- 2. Mark Fleisher, Case Western Reserve University, is conducting an anthropological study of inmate culture. This work was funded by the NIJ in Fall 2003, immediately after the passage of the PREA and includes hundreds of interviews with inmates, including inmates in California prisons.**
- 3. 1997 Inmate Survey done by BJS.**

➔ Allegations of inmate-on-inmate sexual violence reported by State or Federal prison authorities, by type, 2004

	Prisoners in custody 6/30/2004	Reported inmate-on-inmate non-consensual sexual acts				Reported inmate-on-inmate abusive sexual acts			
		Allegations	Sub- stantiated	Unsub- stantiated	Unfounded	Allegations	Sub- stantiated	Unsub- stantiated	Unfounded
Total	1,318,616	1,246	152	392	322	287	93	126	22
Federal ^b	151,650	17	0	--	--	66	36	--	--
State	1,166,966	1,229	152	392	322	221	57	126	22
Alabama ^c	24,768	6	2	2	1	--	--	--	--
Alaska	3,158	0	0	0	0	0	0	0	0
Arizona	26,833	18	4	12	2	1	0	1	0
Arkansas	12,655	4	1	0	3	4	0	1	3
California	160,703	23	23	0	0	--	--	--	--
Colorado ^e	16,609	5	3	1	1	--	--	--	--
Connecticut	18,814	6	0	5	0	0	0	0	0
Delaware	6,778	3	0	2	1	2	0	2	0
Florida ^c	77,647	75	2	56	4	--	--	--	--
Georgia ^g	44,026	51	0	16	4	--	--	--	--
Hawaii	3,877	6	0	6	0	0	0	0	0
Idaho ^{f,g}	4,621	3	3	--	--	--	--	--	--
Illinois	44,379	17	1	12	2	3	0	2	1
Indiana ^c	21,236	18	0	16	1	--	--	--	--
Iowa ^f	8,611	4	4	--	--	10	10	--	--
Kansas	9,181	21	2	8	11	12	6	5	1
Kentucky	10,814	7	2	4	1	3	0	2	1
Louisiana ^h	16,672	1	0	0	1	1	0	1	0
Maine	1,986	0	0	0	0	0	0	0	0
Maryland ^c	23,622	3	1	2	0	--	--	--	--

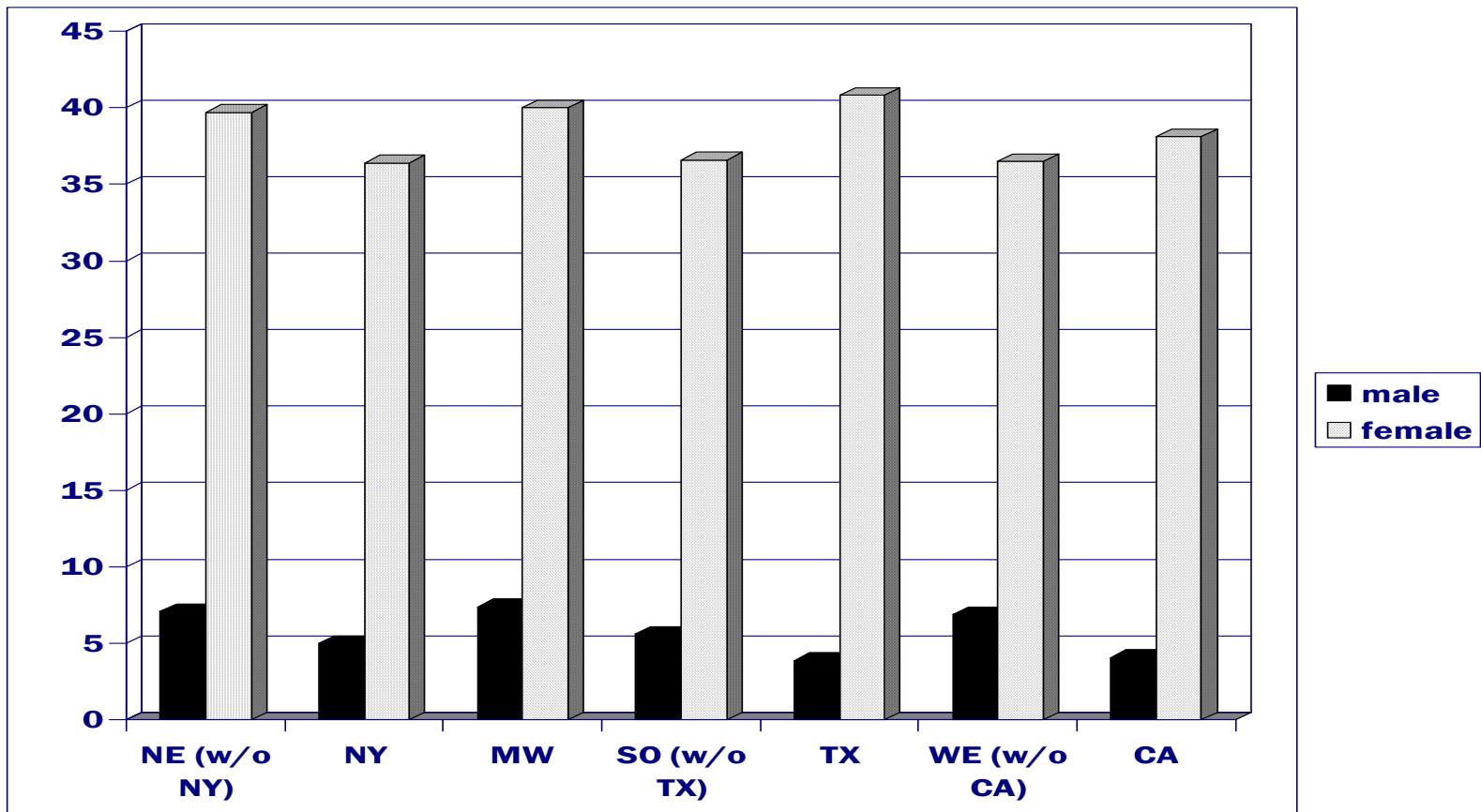
Source: Beck, Allen J. and Timothy A. Hughes. 2005. "Sexual Violence Reported by Correctional Authorities, 2004". Department of Justice. Bureau of Justice Statistics.

(continued)

	Prisoners in custody 6/30/2004	Reported inmate-on-inmate non-consensual sexual acts				Reported inmate-on-inmate abusive sexual acts			
		Allegations	Sub- stantiated	Unsub- stantiated	Unfounded	Allegations	Sub- stantiated	Unsub- stantiated	Unfounded
Massachusetts	10,043	12	2	5	5	23	7	11	5
Michigan ^{a,i}	48,111	39	17	22	0	--	--	--	--
Minnesota	7,827	13	4	6	2	1	0	1	0
Mississippi	11,456	3	0	0	2	0	0	0	0
Missouri	30,139	17	3	11	2	15	1	11	0
Montana ^g	2,074	2	1	1	0	--	--	--	--
Nebraska	4,053	12	0	11	1	0	0	0	0
Nevada ^c	10,152	15	4	2	6	--	--	--	--
New Hampshire	2,426	0	0	0	0	0	0	0	0
New Jersey ^c	23,752	1	0	1	0	--	--	--	--
New Mexico ^{a,i}	3,703	4	1	2	1	--	--	--	--
New York	64,778	15	2	11	0	1	0	1	0
North Carolina ^c	35,219	15	0	7	7	--	--	--	--
North Dakota	1,176	0	0	0	0	2	2	0	0
Ohio	42,231	86	14	18	46	32	4	16	9
Oklahoma	17,727	29	2	17	1	15	1	8	0
Oregon ^g	12,678	16	5	7	3	--	--	--	--
Pennsylvania ^g	39,823	9	3	6	0	--	--	--	--
Rhode Island	3,494	9	3	3	3	1	0	1	0
South Carolina ^g	23,321	14	1	0	7	--	--	--	--
South Dakota	3,157	2	0	0	2	2	0	2	0
Tennessee	14,306	8	2	0	1	--	--	--	--
Texas ⁱ	139,148	550	13	78	197	59	2	51	2
Utah ^c	4,550	18	2	12	1	--	--	--	--
Vermont ^c	1,632	6	1	5	0	--	--	--	--
Virginia	29,514	5	1	0	1	0	0	0	0
Washington ^c	16,765	12	4	0	0	--	--	--	--
West Virginia	3,987	12	11	0	1	16	15	1	0
Wisconsin	21,560	31	7	24	0	17	8	9	0
Wyoming	1,174	3	1	1	1	1	1	0	0

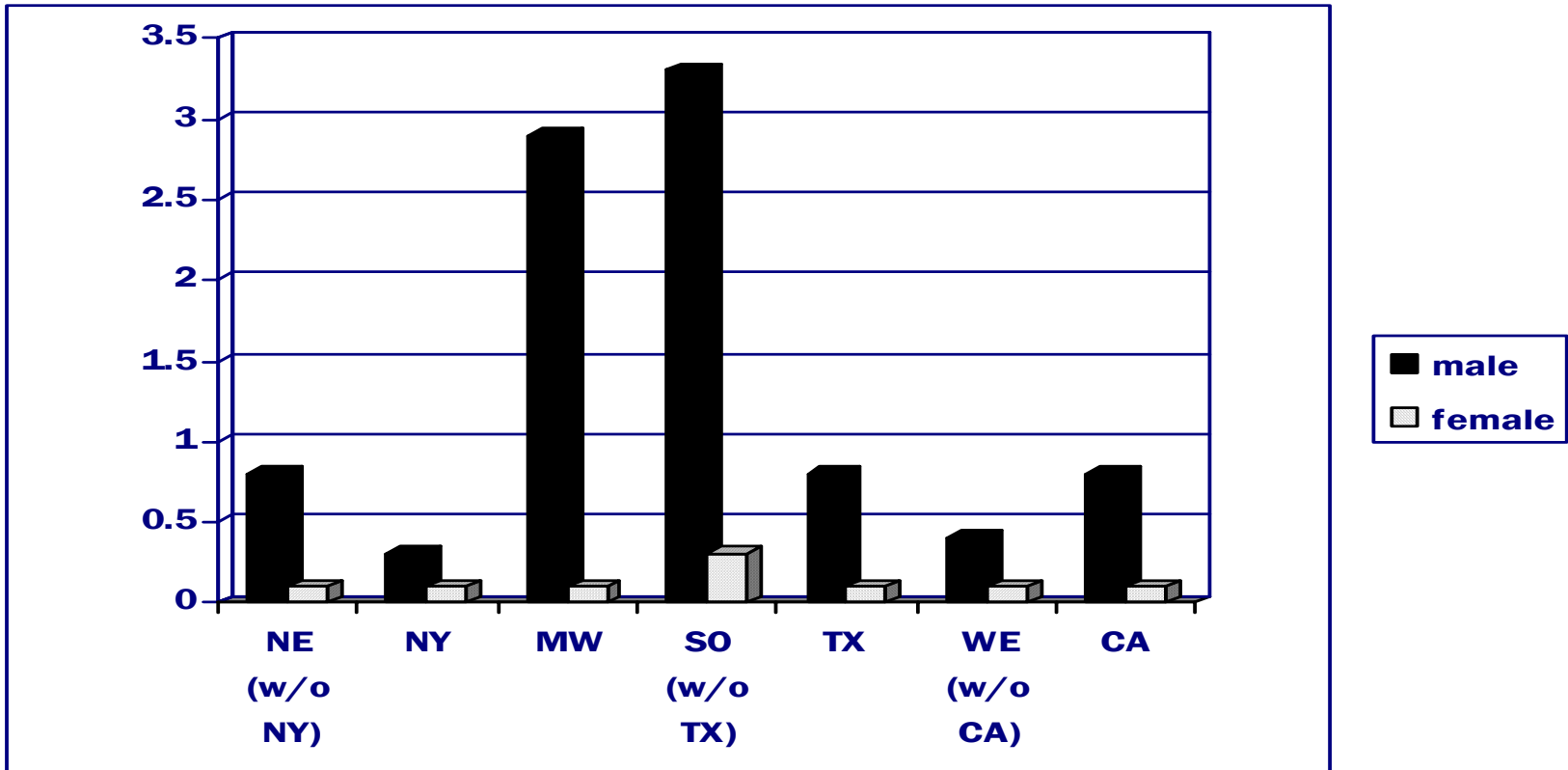
Source: Beck, Allen J. and Timothy A. Hughes. 2005. "Sexual Violence Reported by Correctional Authorities, 2004." Department of Justice. Bureau of Justice Statistics.

➔ **Percent of Inmates within Stratum Responding “Yes” to:
“Before your admission to prison on [date of current incarceration],
had anyone every pressured or forced you to have any sexual
contact against your will, that is touching of genitals”?**



Source: Survey of Inmates in State and Federal Correctional Facilities. 1997. U.S. Department of Justice. Bureau of Justice Statistics.

➔ **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*)?**

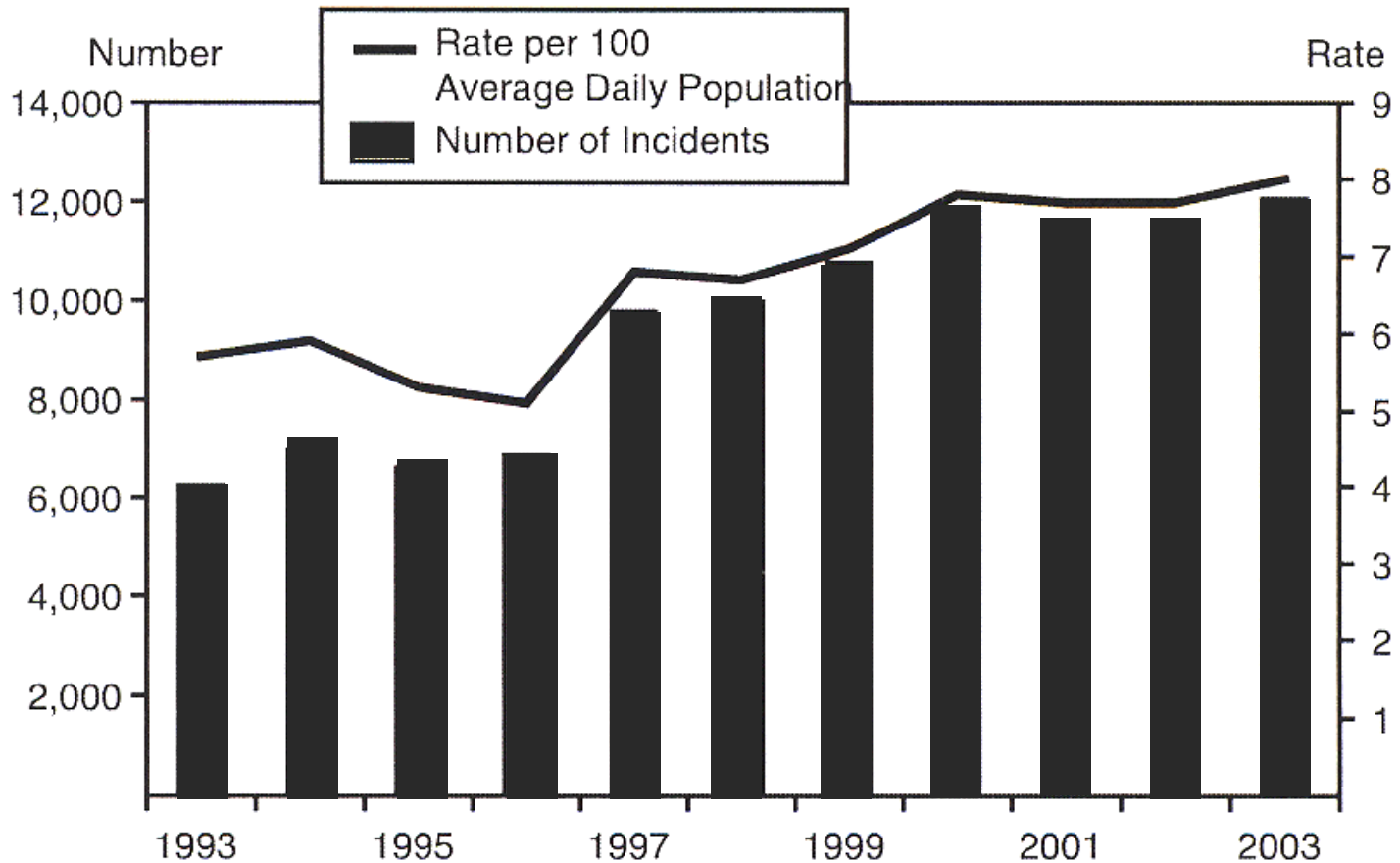


Source: Survey of Inmates in State and Federal Correctional Facilities. 1997. U.S. Department of Justice. Bureau of Justice Statistics.

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



Number and Rate of Inmate Offenses Increased, 1993-2003



Source: California Department of Corrections. Reported in *Judicial & Criminal Justice, 2005-06 Analysis*. Legislative Analyst's Office. State of California.

➡ Assaults in California Surpass Other Large Correctional Systems

System	Prison Population (2003)	Inmate Assaults	
		Number (2000)	Per 100 Inmates (2000)
Federal	170,461	2,538	1.7
Texas	164,222	3,885	2.5
California	163,361	7,210	4.4
Florida	80,352	2,840	4.0
New York	65,914	1,640	2.3

Source: California Department of Corrections. Reported in *Judicial & Criminal Justice, 2005-06 Analysis*. Legislative Analyst's Office. State of California.



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Overview:

The UCI Team's Research

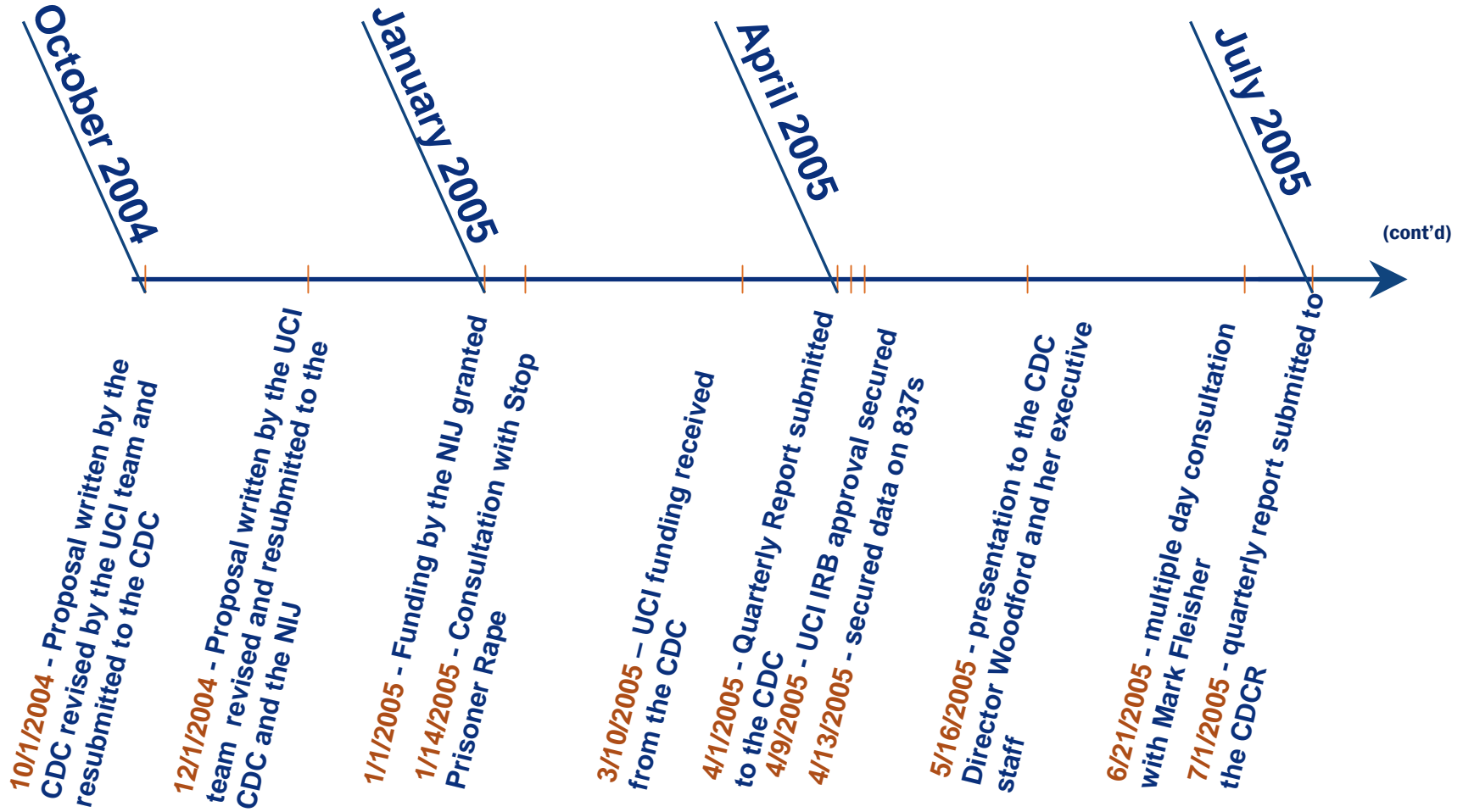


Current State Research

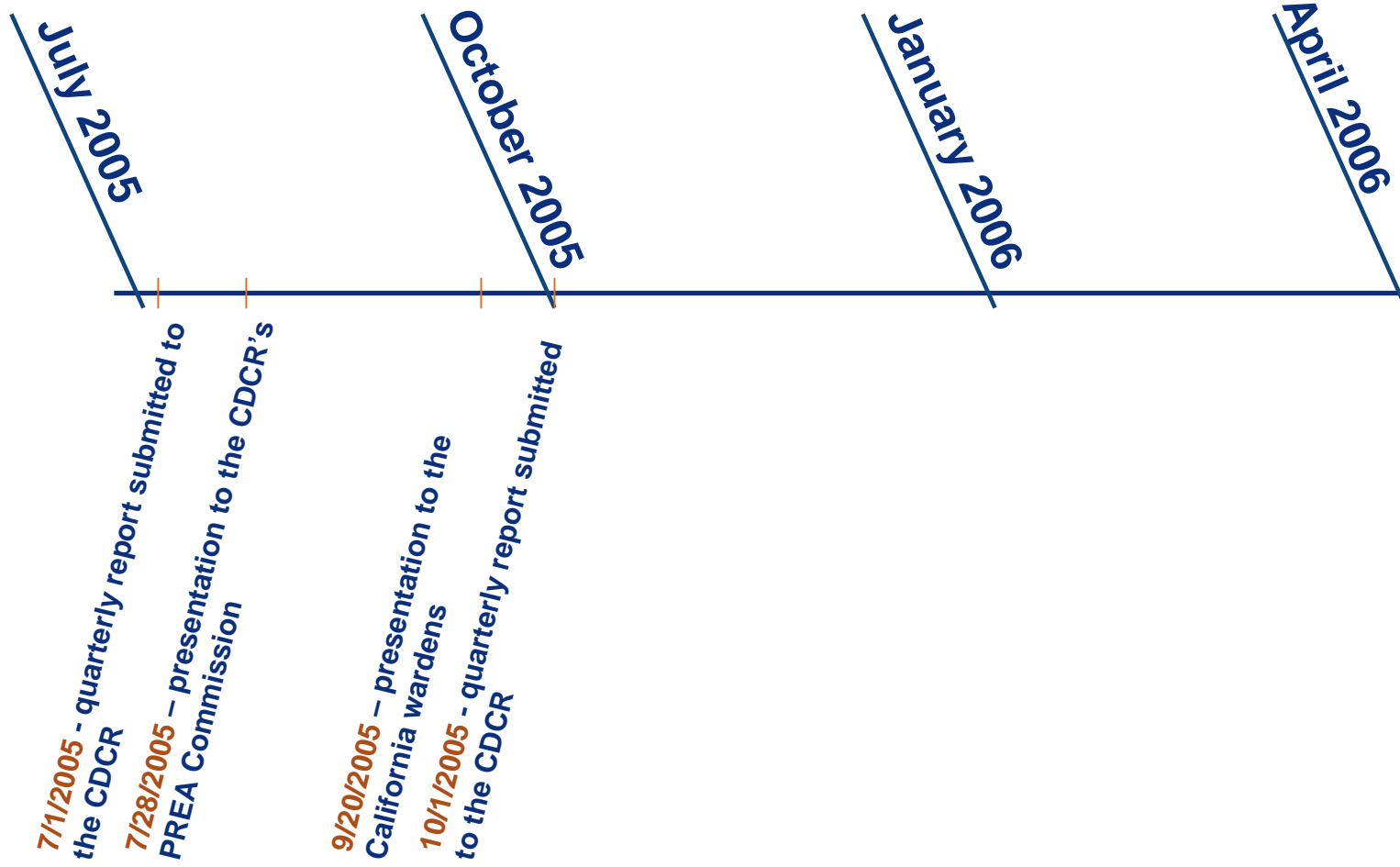
Protecting Inmates and Safeguarding Communities FY 2004 Awards

Grantee	Award Amount
California Department of Corrections	\$500,000
Colorado Department of Corrections	\$254,455
Idaho Department of Correction	\$370,784
Iowa Department of Corrections	\$1,000,000
Louisiana Department of Pubic Safety And Corrections	\$998,646
Michigan Department of Corrections	\$1,000,000
Missouri Department of Corrections	\$688,330
Nebraska Department of Correctional Services	\$197,207
New Jersey Department of Corrections	\$602,207
New York State Department of Correctional Services	\$1,000,000
Ohio Department of Rehabilitation and Correction	\$542,080
Pennsylvania Department of Corrections	\$580,312
Rhode Island Department of Corrections	\$599,090
Texas Department of Criminal Justice	\$1,000,000
Vermont Department of Corrections	\$361,967
Washington State Department of Corrections	\$1,000,000
Total	\$10,695,078

Timeline (October 2004 - July 2005)

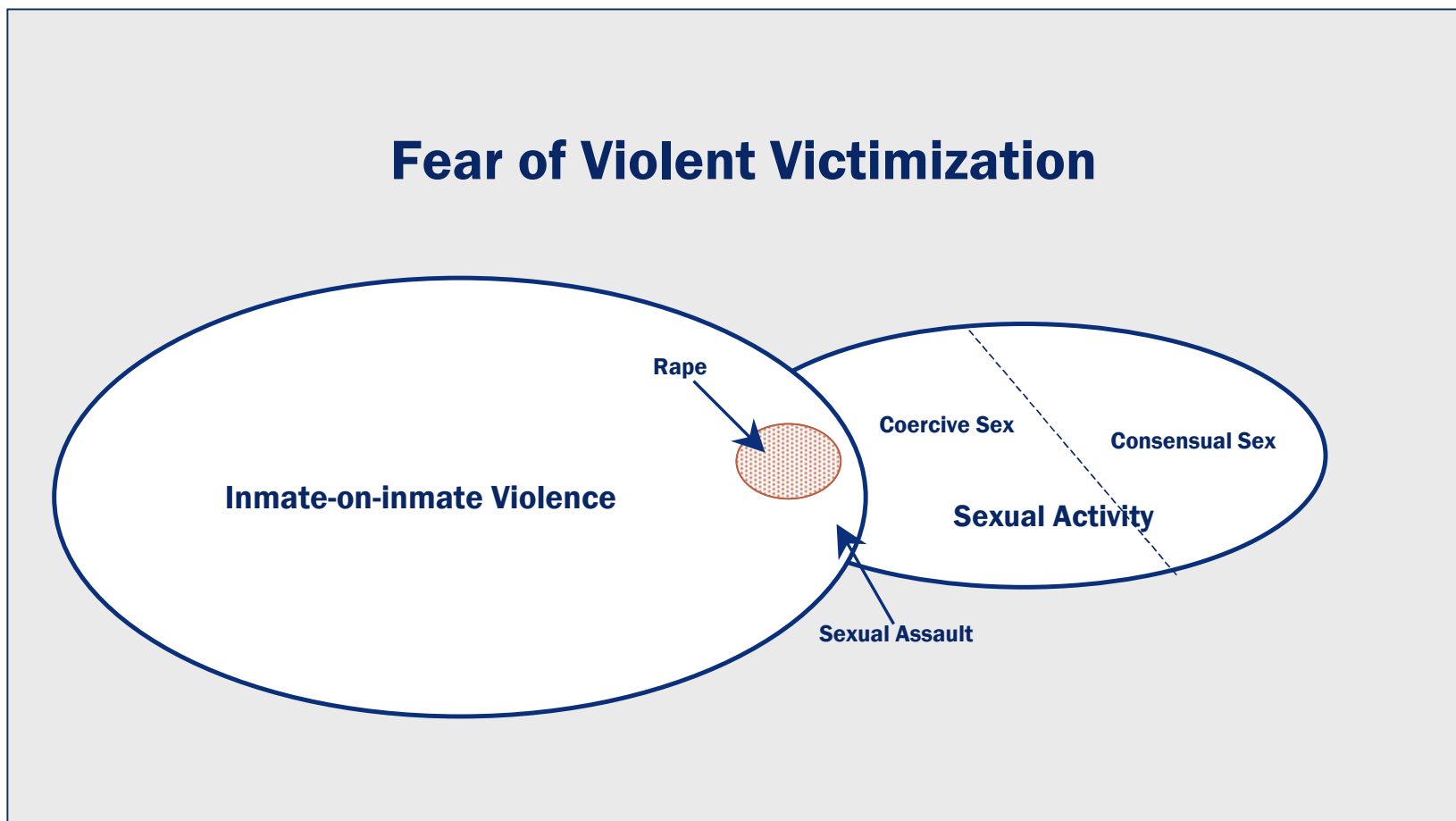


Timeline (July 2005 →)

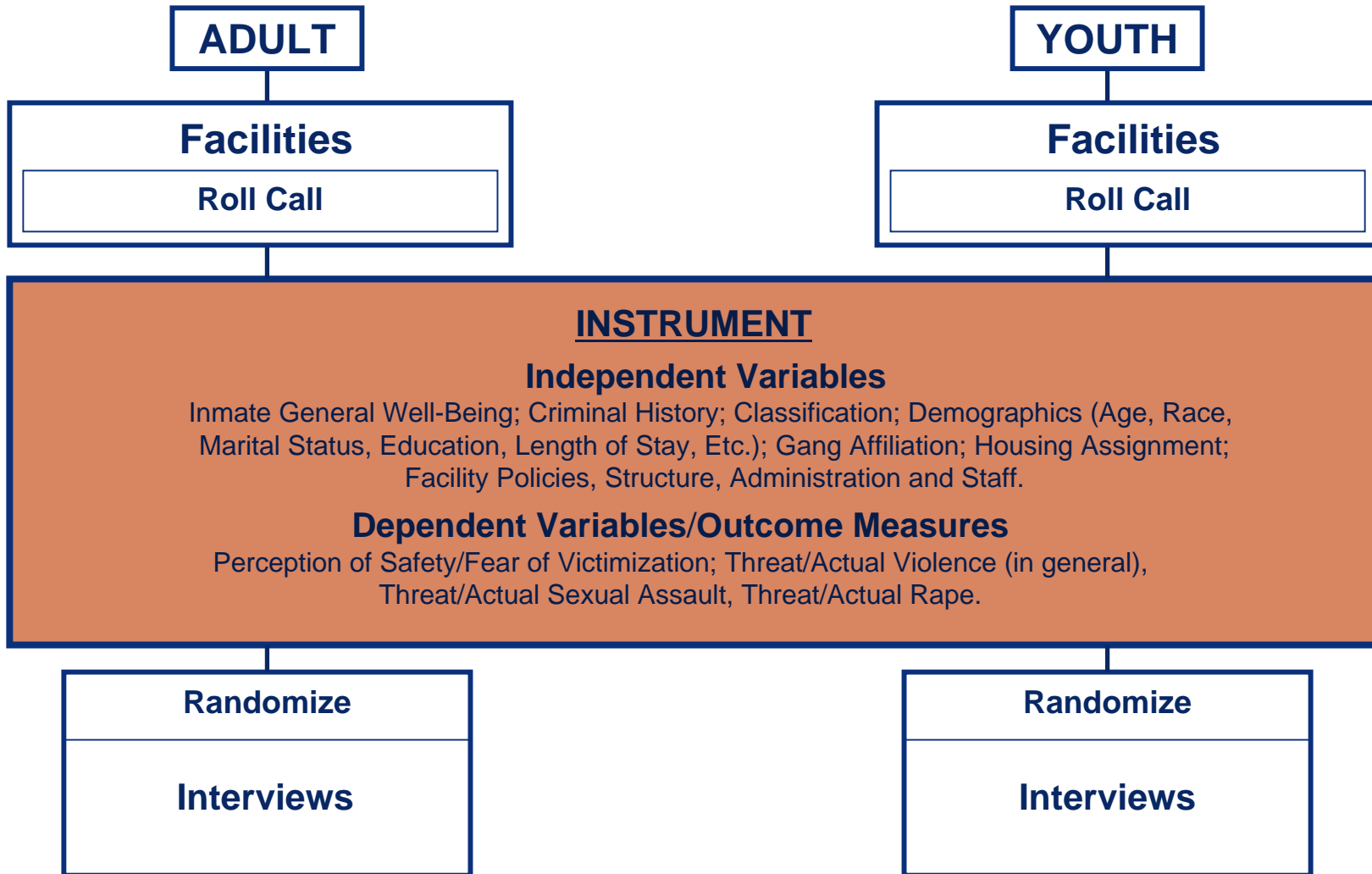




Conceptualizing the Problem



➔ Research Design



The UCI Interview Schedule:

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

Panel on Prison Rape Hears Victims' Chilling Accounts

Officials Admit They Don't Know Extent

By CAROLYN MARSHALL

SAN FRANCISCO, Aug. 19 — T. J. Parsell was a lanky pimple-faced adolescent bent on mischief. So when he found a toy gun one evening in 1978 while wandering home from a high school party, he thought nothing of pointing it at a store clerk and grumbling, "Your money or your life."

He got \$50 for what he now calls "a stupid impulsive prank." The incident landed the 17-year-old Parsell in an adult jail, where on his first night, an older inmate spiked his drink with Thorazine and sexually abused and raped him.

"While my friends prepared for our high school prom, I was being gang raped," Mr. Parsell testified on Friday to a Congressional commission investigating prison sexual abuse and rape.

Mr. Parsell, 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.

"What they took from me went beyond sex," Mr. Parsell said. "They'd stolen my manhood, my identity and part of my soul."

The panel, which also heard from state and federal legislators, law enforcement and prison officials and mental health experts, has been investigating the prevalence, cause and possible solutions to a problem that many experts say has escalated as the prison system is collapsing. Overcrowding, staff shortages and budget cuts have contributed to an often taboo topic.

"As a society, we have an obligation to protect the people we lock up, even though they have harmed society," the commission chairman, Judge Reggie B. Walton of Federal District Court in Washington, said. "Some people say inmates get what they deserve. But they don't think about the overall impact on society."

The body, created by the Prison Rape Elimination Act of 2003, was appointed by President Bush in June

he was incarcerated for 72 hours in April 1973, when he was arrested as an 18-year-old at a party where another guest 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 since 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," he said.

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 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 cultural classifications of the population," he added.

Mr. Hickman, appointed last month, said he was working to



Photographs by Peter D'AsiNva for The New York Times

A victim of prison rape when he was 17, T. J. Parsell, testifying yesterday to a Congressional panel.

2004, focusing on questions like inmates' physical and mental problems after being released and economic burdens.

Judge Walton, speaking before the meeting here, the second in a national series, conceded in an interview that the government did not know the magnitude of prison rape.

"We don't really know the prevalence right now," he said. "But I've been in the criminal justice system for 20 years and I have always believed the anecdotal evidence."

On July 31, the Justice Department released its first statistical report on prison rape and inmate sexual abuse, a report also required under the 2003 act. It estimated that there were at least 8,210 reported incidents of sexual abuse and rape a year within a prison population that exceeds 2.1 million.

According to the National Prison Project of the American Civil Liberties Union, prison assaults rose 26 percent from 2000 to 2004.

Kendell Spruce told the commission that he was infected with H.I.V. after having been raped at knifepoint in 1991 in an Arkansas state prison. Mr. Spruce, who was convicted of forging a check to buy cocaine, said that in one nine-month period he was raped by at least 27 inmates. He was 28 years old and weighed 123 pounds.

"The physical pain was devastating," he said. "But the emotional pain was even worse."

A spokeswoman for the Arkansas Correction Department told The Associated Press that the accusations were untrue that she believed that Mr. Spruce initiated the activity or was a willing participant. After his five-year term, Mr. Parsell returned to society as an addict of drugs, to "drown out the memories and pain."

He continues to hold back tears as he says he still struggles with the emotional residue of rape, a crime that tarnished his self-esteem and ability to trust.

Chance Martin, 50, an advocate for the homeless here, told the panel that

streamline and centralize procedures to investigate accusations of sexual abuse that were previously handled by individual prisons.

To address guard intransigence, 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 2003 law, equated 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 Eight 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 drunken driving to be housed next to a guy who has committed multiple armed robberies, and who has been in and out of the system for years," said Bart Lanni, the sheriff's deputy for Los Angeles County.

Mr. Lanni said misplaced inmates ran an increased risk of being a target of sexual abuse.

"Predators looking to rape someone tend to pick people without close ties or a gang affiliation," Dr. Terry A. Kupers, a psychiatrist and an expert on prison rape, said.

All the victims testifying on Friday said that they might have escaped their rapes if the authorities had placed them with inmates of similar age, race, sexual orientation and the same categories of crime.



Three prison rape victims at the San Francisco hearing on the problem. From the left, Cecilia Chung, Hope Hernandez and Chance Martin.



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