

PRISON SEX

PRACTICE AND POLICY

EDITED BY
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NONCONSENSUAL SEXUAL BEHAVIOR

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For decades, a cancer has gone untreated and has overtaken the ability of U.S. corrections institutions to provide safe and humane treatment for its charges—in direct opposition to the Constitution's Eighth Amendment guarantee against cruel and unusual punishment. In early 2001, startling headlines flooded the national media with cries of concern and calls for reform. Morse (2001) argued that "savage prison gang rapes turn many run-of-the-mill prisoners into violent felons in waiting" (21). Lehrer (2001) opined that "prison rape may be America's most ignored crime problem" (24).

In April 2001, the Supreme Court of Canada rebuked the U.S. criminal justice system by unanimously ruling to block the extradition of four men accused of a multimillion-dollar telemarketing scam in the United States. The Court held that the reason for this action was that Pennsylvania prosecutor Gordon Zubrod had violated the Canadian Charter of Rights guarantee to life, liberty, and security of the person in 1997 by threatening, "You're going to be the boyfriend of a very bad man if you wait out the extradition" (a reference to sexual abuse in prisons) (Bailey, 2001: A8).

Two international organizations also raised the alarm about sexual violence in U.S. prisons. Amnesty International (2001) issued *Broken Bodies, Shattered Minds: Torture and Ill-Treatment of Women*, and Human Rights Watch promulgated *No Escape: Male Rape in U.S. Prisons* (Mariner, 2001). What is most disturbing about these two reports is not simply that they document horrific sexual violence upon inmates by other inmates but by correctional custodial staff as well. Until 1999, as noted by Goering (2001), "sexual abuse of prisoners

by correctional officials was not even a criminal offense in 14 states" (18).

Adding to this concern has been the flood of incarcerated inmates pouring into U.S. correctional institutions, derailing any attempt at providing sound, safe, therapeutic environments. Sadly, the United States currently ranks first worldwide in the number of inmates it incarcerates and ranks first in its imprisonment rate per 100,000 people (Beck and Harrison, 2001; Gardner, 2000; Walmsley, 1999). On December 31, 1999, the overall number of incarcerated persons in the United States was an astounding 2,026,596 persons, a 39.2 percent increase since 1990 alone (Beck and Harrison, 2001).

INMATE SEXUAL ASSAULT

In dealing with the issue of inmate sexual assault, one must be aware that the definition of what this actually means is itself a problem. How is "sexual assault" defined? Can a man be raped? Is forced oral or anal sex considered rape? These kinds of questions reflect the general confusion and misunderstanding that exists. Over the years, the definitions of terms such as "rape," "sexual assault," "sodomy," "sexual abuse," and "coercive sex" have taken on expanded meanings, which can even differ depending upon the perspective (medical, legal, etc.) being employed. Although there has been an attempt to more accurately define rape and sexual assault in order to reflect a more precise understanding of this phenomenon, these definitions continue to confound and frustrate efforts to effectively intervene with victims.

In both common language and in the medical arena, there has been a transition from a singular definition of rape—"sexual intercourse with a woman forcibly against her will" (Book Essentials Publications, 1987)—to one that is gender neutral (can be male or female) and generally includes the following specific elements that must be proven beyond a reasonable doubt to support a conviction: (1) unlawful, (2) penetration of any orifice, (3) against a person's will, and (4) with the use of threat or force (Brown, Esbensen, and Geis, 1998).

However, in the legal arenas, there is still no consensus on the definition of rape. Although many states employ the four elements noted above (such as Massachusetts General Law, Chapter 265, Section 22), not every state utilizes this definition or any of its elements, nor does the United States Penal Code. Brown, Esbensen, and Geis (1998), using an adaptation of Klotter (1994), note that the common-law definition and elements of rape remain "the act of having unlawful carnal knowl-

edge by a man of a woman, forcibly against her will," whose elements include "1. unlawful; 2. carnal knowledge (or sexual intercourse); 3. by force or fear; and 4. without the consent or against the will of the female" (37). Even the Federal Bureau of Investigation has maintained this archaic definition of rape in the Uniform Crime Reports, which has been the standard for the reporting of criminal offenses by local police, organized by states, since 1930. Such discrepancies in definitions result in the inability to establish national standards for arrest and prosecution of rape cases in the community and especially in incarcerated settings.

If an inmate sexual assault occurs in a city or county jail or a state prison, the criminal justice professional should consult the specific statutes of the state, as state law takes precedence. Researchers, though, continue to struggle to determine exact, systematic definitions of sexual assault and may wish to utilize the specific language employed by Struckman-Johnson and Struckman-Johnson (2000a, 2000b) as well as Struckman-Johnson et al. (1996).

The discussion of sexual assault is further confused by the dynamics of life within a correctional institution. Unfortunately, many inmates come into the prison environment without an adequate understanding of the complex sociopolitical structure. As such, many inmates may find themselves in jeopardy. An inmate may unwittingly take items from other inmates, not realizing they will now be indebted to the provider of these goods (Bowker, 1980; Scacco, 1982). Repayment for the used goods, which are often doubled or tripled, can then become problematic. The new inmate must repay their benefactor with sexual favors. In addition, some inmates may be coerced into trading sexual favors for protection, known as "hooking up" in prison jargon (Cotton and Groth, 1982; Dumond, 1992; Wooden and Parker, 1982). While some observers argue that inmates who trade their bodies for protection do so willingly, most analysts agree that protective pairing is anything but consensual (given that outside the coercive conditions of confinement, these individuals would never agree to such an arrangement). We can then conceptualize sexual assault within correctional institutions as a continuum, from consensual sexual conduct to gang rape. In the following sections, we will review the scarce history of sexual assault research in male and female prisons.

Sexual Assault Research in Male Prisons, 1930–1989

The focus on nonconsensual prison sex has been limited due to societal indifference and intolerance, causing the importance of this research to be overlooked. The importance, as it relates to the general public, is

best summarized by Fishman (1968): "The man in jail today is the man who will be out tomorrow. . . . If the treatment which they receive in jail, and the surroundings forced upon them are such as to turn them out with criminal tendencies which were lacking or dormant when they went in, you, Mr. Average Citizen, may be the one to suffer" (249). The importance, as it relates to prison populations, "cannot be overemphasized. . . . Everyone in the prison environment is affected in varying degrees by the influence [of sex]" (Clemmer, 1940: 249).

Sex in prisons, both coerced and noncoerced, is associated with increased health risks of inmates (Blumberg, 1989; Cotton and Groth, 1982; Gido, 1989), increased chances that the victims become victimizers (Chonco, 1989; Lockwood, 1980a, 1982; Smith and Batiuk, 1989), and increased institutional violence (Cotton and Groth, 1982; Fleisher, 1989; Lockwood, 1980a). Further, the lack of research also implicates future measurement problems in that research design and methodology have not been perfected, in addition to not providing support for policy initiatives. For example, even completed prison sex research admits that findings must be regarded as conservative (Davis, 1968), "inconsistent and inconclusive" (Saum et al., 1995; Smith and Batiuk, 1989), or simply unknown (Cotton and Groth, 1982).

Although research on sexual assaults in prison since the 1930s is limited, a handful of authors have engaged in prison sexual assault research to provide others with knowledge of the incidence of sexual assault in prison, as well as the dynamics surrounding nonconsensual prison sex. In one of the earliest studies on prison sex, Clemmer (1940) suggested that sex in prisons has probably always existed and that prison culture really "fosters and tolerates" sexual behavior among inmates. From a self-drop sample of "a few inmates who were aware of the writer's objective interest," Clemmer estimated that about 60 percent of the prison population were "normal," 30 percent were "quasi-normal," and 10 percent were "frankly abnormal" (257). Inmates fitting the normal category did not participate in any type of sexual contact and those who fit the quasi-normal category included inmates who participated in prison sex but used their participation to gain status. Inmates known as "wolves," "jockers," or "daddies" were categorized into this quasi-normal group. Inmates included in the abnormal category included "inverts" (inmates having feminine characteristics) and sexual psychopaths.

In another early study, Davis (1968) reported that 2,000 male inmates were raped while confined in (or being transported to) a Philadelphia jail during a twenty-six-month period. This, however, rep-

resented only 3 percent of the 60,000 inmates who were examined by Davis. Some authors suggest Davis's findings are a conservative estimate (Donaldson, 1995; Nacci, 1978), and Davis (1971) agrees, reporting, "Sexual assaults are epidemic in some prison systems" (n.p.).

In the first major study to assess same-sex sexual activities in federal prisons, the focus was on the dynamics of sexual assault. Nacci (1978) randomly selected and gathered data from 330 male inmates from seventeen different federal institutions. Although forty inmates (12 percent) reported they had sexual contact in their current facility, only two inmates (0.6 percent) reported they were victims of nonconsensual sex. So, although nonconsensual sex does occur, at least according to self-report data, it is far less common than consensual sex among inmates.

In his book *Men Who Rape: The Psychology of the Offender*, Groth (1979) advanced understandings of nonconsensual sex in prison by differentiating characteristics between institutional and community sexual assault against males. His sample included twenty offenders and seven victims who participated in rapes while in prison. All of the offenders committing sexual assault in prison reported they either forced their victim to perform fellatio or penetrated the victim both orally and anally. Further, and most noteworthy as the most differentiating of characteristics between community and institutionalized male rape, was that 80 percent of the prison sexual assaults were gang rapes versus 32 percent gang rapes in the community.

During a yearlong study completed by Moss, Hosford, and Anderson (1979) of 1,100 inmates from a federal correctional institution, only 1 percent (twelve) were identified by correctional officers as having sexually assaulted other inmates. All inmates identified by staff as sexual aggressors were either black (seven) or Chicano (five), whereas all but two of the victims of the assaults were white. Moreover, in all of the cases of sexual assault, the victims and offenders were of different races. The authors, therefore, suggested that the incident rate of sexual assault in federal prisons "may not be a frequent problem," but that the "racial compositions of the assaulters and victims" might be (823).

The findings of Moss and colleagues were also supported by the work of Carroll (1977). As an observer in a prison housing 200 prisoners, Carroll did not notice any acts of sexual assault even though informants estimated at least forty sexual assaults occurred per year. However, in his observations and via informant suggestions, Carroll notes the "biracial character of sexual assaults" and the supposition that

racial hostility forms an underlying current for such assaults (418–419). The interracial nature of nonconsensual prison sex was one of the most strongly established facts of early prison sex research.

At approximately the same time, Lockwood (1980a) and Bowker (1980) published their well-known research on violence in prisons. Lockwood drew on a sample of male inmates from New York State prisons. In one portion of his research, eighty-nine inmates were selected at random from two institutions (Coxsackie and Attica). Of the seventy-four inmates who agreed to an interview, 28 percent reported they were targets of sexual aggressors in prison, though only one target reported he had been a victim of a completed assault. According to Lockwood (1980a), these same inmates reported fifty-one total incidents of sexual assault or other physical violence (35 percent of total incidents) and ninety-seven incidents of less aggressive behaviors. Further, almost one-half of the violent incidents involved “fairly high levels of force, i.e., sexual assault, stabbing, clubbing, or beating” (21). In simple terms, inmates were fairly forthcoming in reporting regular violent victimizations, but not so for sexual victimizations.

Bowker’s (1980) research focused on the broader issue of violence and victimization in prisons. He, too, found that violence is a rather common occurrence and not infrequently involved older inmates offering protection to younger inmates in exchange for sexual favors. However, what ties these two pieces of research together are their conclusions that violence of all forms in prisons can be either for purposes of obtaining desired rewards (instrumental violence) or for communicating a position of strength to others (expressive violence).

Wooden and Parker’s (1982) survey of 200 inmates from a medium-security California prison resulted in their expression of alarm based on their findings of 14 percent of inmates being sexually victimized. Furthermore, 52 percent of the inmates responded they had been pressured into having sex. The authors also interviewed a sample of eighty self-identified homosexuals, of which 40 percent had been forced to have sex while incarcerated, 95 percent had performed oral sex, and 98 percent had had anal sex while in prison.

Nacci and Kane’s (1983, 1984b) research on sexual victimization drew on interviews with 330 randomly selected inmates and 500 correctional officers from the Federal Bureau of Prisons. Twelve percent of inmates reported they had participated in at least one homosexual act during their current incarceration; more than twice as many inmates (29 percent) had been propositioned for sex. Seven percent responded they were pressured into sex through some seductive means (i.e., offering of

gifts or favors), and only one respondent stated he was a willing participant (to avoid a violent assault). Two (0.6 percent) of the inmates stated they were coerced to perform sexual acts in prison, and only one (0.3 percent) reported he was raped while in a federal institution.

The 1980s ended with Tewksbury’s (1989a) study of 150 Ohio inmates. This study focused on reports of sexual assaults, forceful sexual approaches, and sexual propositions provided by inmates. Interestingly, none of the offenders reported having been sexually assaulted or raped even though 14.4 percent reported having been approached for sex with force. Yet Tewksbury found that the measure of nonforceful or consensual sex patterns of the inmates yielded a much higher percentage of participation (between 25 and 40 percent).

Throughout the 1980s, research on sexual assault in prisons provided criminologists and correctional practitioners with a breakdown of incident rates and patterns of coerced sex. The variability in measurement of sexual assaults in these studies is also noteworthy because even with more than thirty years of studies, researchers are not able to accurately portray the nature of the problem (Dumond, 1992). However, the research is not limited to unsuccessful portrayal of sexual assault incidents. Much of the research did successfully record the dynamics of nonconsensual prison sex (i.e., participant demographics and actions leading up to the assault). Focus on these issues of prison sexual assault will be addressed later in the chapter.

Sexual Assault Research in Male Prisons, 1990–2000

Research on prison sex in the 1990s was limited. Yet one of the primary themes in this literature (in addition to HIV/AIDS) was the incidence of sexual assaults (Tewksbury and West, 2000). More recently, *The Prison Journal*, a leading publication in the field of criminal justice, dedicated an entire volume in December 2000 to issues of sex in prison.

In 1995, Saum et al. interviewed 101 inmates in a medium-security state prison over a one-year period to assess inmates’ perceptions of sexual assaults. Forty percent of these inmates reported personally knowing of forced sexual assaults taking place, and only 4 percent reported they had personally seen a rape occur during the previous year. More interesting is that although the majority of offenders (60 percent) reported “not knowing of sexual assaults taking place,” 38.7 percent of the inmates responded they “thought that rape takes place once a week or more” and 15.9 percent believed “rape to be a daily occurrence” (423). These data suggest we should question why there is such a dis-

crepancy between what the inmates in this study reported "knowing," and how frequently they believed rape was occurring.

In a study of 528 inmates (486 males and 42 females), Struckman-Johnson et al. (1996) estimated that 20 percent of inmates in one institution were coerced into having sex and usually on more than one occasion. In fact, victims of sexual assault were coerced into sex an average of nine times. One-third of the inmates reported being a victim of coerced sex one time, whereas 4 percent reported being assaulted an alarming fifty-one to 100 times! Most commonly, male victims were forced to engage in anal sex (52 percent of victims), and three female victims were forced into genital touching or attempted sexual contacts.

In a subsequent and larger study, Struckman-Johnson and Struckman-Johnson (2000a, 2000b) examined sexual coercion in prison, drawing on data from 1,788 inmates in seven male prisons. Both the incidence of sexual assault and the worst-case incident rates of sexual assault were recorded by individual inmates and correctional officials. The results of this study showed that 16 percent of the inmates report they had been sexually coerced during their current incarceration. However, the rate of sexual coercion varied widely across institutions, ranging from 4 to 21 percent. As in the earlier study by Struckman-Johnson et al. (1996), when inmates were asked to report on how frequent they believed sexual assaults to be occurring, overestimating of sexual assaults was found. For example, both staff and inmates from one of the prison facilities estimated that sexual coercion took place at a far greater rate than was actually recorded by the facility. Again, this discrepancy highlights the problem of inaccurate recording or failure to report incidents of sexual assault; it also suggests potential problems regarding the validity of data obtained with different methodologies.

Sexual Assault Research in Female Prisons

Mainly because research is limited, this section briefly explores the area of coerced sex among women inmates. The following excerpt from *Crucibles of Crime: The Shocking Story of the American Jail* is one of the first to document the problem of inaccurate recording of sex acts—in this case consensual sex—in a female prison (Fishman, 1968):

Mrs. O'Hare complains in her pamphlet of the appalling amount of homosexuality which exists in the women's section of the Missouri Prison, and states that in her opinion fully seventy-five per cent of the inmates are abnormal or subnormal.¹ This figure is entirely too high,

but Mrs. O'Hare was naturally led into such an exaggeration because, having no previous personal knowledge of prisons, she was swept off her feet to find that such things existed. She was utterly amazed when I told her that homosexuality was a real problem in every prison. (101-102)

It is interesting to note that it was a female inmate making the observation of "the appalling amount" of sex among inmates and that in her opinion "fully seventy-five per cent of the inmates" were homosexuals. Meanwhile, although Fishman suggests that 75 percent is too high, he does conclude that consensual sex is a real problem in all prisons, including female prisons.

Studies of sexual coercion among female inmates are scarce. There have been only three studies completed on sexual coercion in female prisons from the mid-1990s through 2000. The first studies, completed by Struckman-Johnson et al. (1996) and Struckman-Johnson and Struckman-Johnson (1999), found that 7 percent of the women surveyed ($n = 93$) in three prisons reported incidents of forced sex. However, and in contradiction to the responses from male inmates (discussed above), the female respondents estimated that the incidence of coerced sex was lower (3 percent) than the reported rate. What might this mean? It could suggest that female inmates are passive to sexual aggressors to avoid confrontation and violence but are not actually condoning the sexual encounter like the female inmate respondents are suggesting. Or, this could suggest that women in prison are less aware of sexual coercion in their institutions.

Using a different approach, Alarid (2000a) sought to describe the incidence of, and issues related to, sexual assault and sexual coercion of incarcerated women by conducting a content analysis of one female inmate's prison letters over a five-year period. Similar to the studies of sexual assault and coercion in male prisons, Alarid discovered an under-reported rate for sexual assaults in female institutions. In fact, Alarid states, "For some women, being a target of sexual coercion by a few female perpetrators was a daily experience" (396). Further, in discussing the occurrence of rape at the prison over the five-year period, she states, "Rape occurred at a much lower rate than other forms of sexual behavior. However, when rapes did occur among women offenders, there were multiple perpetrators rather than a single female offender" (399).

This study goes a step further and also discusses the probable relationship between sexual coercion and later incidents of physical vio-

lence and sexual assault among the female inmates.² Again, this might suggest that female inmates are passive to sexual aggressors in order to avoid confrontation and violence. It also provides reasoning for much of the disparity in sexual coercion rate reporting, as will be discussed in the next section.

REASONS FOR DISPARITIES IN PRISON SEXUAL ASSAULT RATES

Although one reason for inconclusive findings might be the lack of an established and agreed-upon definition of nonconsensual sex (for measurement), a failure to report such incidents is probably the greater problem. Male inmates might fail to report sexual assault because of the perceived stigmas that are associated with being raped, such as being weak or unable to defend one's manhood. It might also be that male inmates fear a more violent assault (whether physical or sexual) as a consequence of reporting a victimization incident. This section utilizes several examples from the research described above to discuss these possible reasons for disparities in sexual assault reporting.

Limitations in methodology and research design clearly have some affect on the disparity of reported rates. For example, characteristics of the sexual assault often are not mutually exclusive to survey categories, which creates a problem for participants to respond accurately. What is more, sexual acts might not be defined clearly, thereby leaving inmates unsure of what acts relate to the definition. And finally, some researchers have consistently used self-administered surveys to measure the incidence of sexual coercion. The problem with this is that approximately 60 to 75 percent of U.S. prison inmates are illiterate (Herrick, 1991; Ryan, 1990), but knowing that such a high percentage of the inmate population is illiterate is sometimes not accounted for in the methodology of prison sex research. For example, Wooden and Parker's (1982) survey on sexual behavior in prison is a twenty-item questionnaire with the following directions: "This is an anonymous survey. Please answer each question by filling in the blank or circling the appropriate response. *Do not* write your name on this paper" (237-238).

The ability of all inmates, especially the illiterate inmates, to complete this self-administered document is questionable. Therefore, one must consider the problems associated with the validity of this survey and how these problems might be associated with under-reporting or inaccuracy of reporting sexual assault. Moreover, by not including this

dimension of the prison population, researchers are not able to get an accurate representation of the aggregate prison population.

Failure to completely define research terminology also presents problems that can lead to highly dispersed incident rates. Although many authors cite in their literature reviews a high percentage of non-consensual sex—28 percent is often used from Lockwood's (1980a) research—in actuality this is a very broad interpretation of the research. Lockwood actually reports that only one inmate out of eighty-nine was actually raped (1.3 percent). The 28 percent was attempted but not completed sexual assaults. The following excerpt (Saum et al., 1995) describes the problem of definitional clarity:

A large majority of studies do not make any effort to define the sexual terminology either to the inmates who are being interviewed or to the readers who must interpret the researchers' findings. Some analyses have measured rape in the broadest sense, as any act of coercion. Other studies break down these acts of coercion into categories such as forcible rape, sexual assault, sexual aggression, sexual solicitation, and attempted sexual acts. Perhaps even more damaging, researchers have failed to distinguish between consensual acts and acts of rape. (418)

This lack of definitional clarity hinders researchers from accurately reporting the incidence of prison sexual assault.

Victims of sexual assault might also fail to report their victimization due to concerns with repercussions that might arise from reporting sexual assault. These repercussions may be from both inmates and correctional officers (Moss, Hosford, and Anderson, 1979; Wooden and Parker, 1982). Cotton and Groth (1982) suggest that reporting a sexual assault puts the victim in a "no-win" situation and that this becomes the primary reason for not reporting the victimization. For example, one-half of the no-win situation could stem from staff members' discomfort in dealing with the sexual assault, which might lead to poor communication between the staff and the victim, or it might simply be that because of the actions staff need to take after having a sexual assault reported, they regret that any action has to be taken at all. The second half of the no-win situation involves the victims' options after the report has been made. That is, the victim is usually either sent to protective custody or transferred to another facility (Chonco, 1989). In either case, the victim is further victimized via segregation from the general population or by being transferred to another facility where the "I've been raped and reported it" label is sure to follow.

Another reason for nonreport of sexual assault is that inmate victims might be embarrassed to admit they were forced into a sexual act or raped. Often these victims are harassed with labels of "homo" or of being a "punk" (Smith and Batiuk, 1989). There is a stigma that is primarily associated with male inmates who are victimized. A desire to avoid this negative label might cause an inmate to not report a rape in order to avoid being labeled as a "snitch" (Eigenberg, 1994). Victims might also fail to report their victimization because they would be admitting weakness to the sexual aggressor (Toch, 1977). Often prison subcultural norms and codes of conduct serve as a barrier to reporting sexual assault. For example, Wooden and Parker (1982) stated:

The prison subcultural norms and codes of conduct are rigid and traditional. Based primarily on power and dominance with the physically strong preying on the weak, the convicts settle their own disputes and handle their own social problems. The guards and prison officials encourage this rule. . . . Patterns of intimidation, exploitation, and even sexual assault are likely not brought to the attention of the guards. (33)

Building on this idea, Smith and Batiuk (1989) discussed underreporting of sexual assaults as an effect of the "inmate code of conduct": "This pervasive fear of sexual victimization leads to a performance which emphasizes strength and masculinity and de-emphasizes characteristics which are considered weak or feminine. The new inmate learns quickly that there are a wide range of behaviors and emotions which he must not communicate" (32).

STRATEGIES USED BY VICTIMS TO PROTECT AGAINST FORCED SEX

Inmates who might be considered targets for sexual assault might fight off possible assaults by showing strong masculine behavior, or "fronting," by physically fighting back or by attempting to sexually assault another inmate (as a way to display their own strength). To defend against unwanted sexual attacks, the targets might present, or front, a strong masculine, even macho demeanor. This masculine presentation of self is often believed to mask what might be considered by other inmates as feminine (or "femme") characteristics or simply boy-like features. In Smith and Batiuk (1989), two inmates discussed the

need to front their masculinity and not portray any signs of weakness or emotions:

You can't show any fear, they pick up on that. You gotta show strength. You gotta say it in a strong way and look 'em in the eye. Never look down, like you're afraid to look 'em in the eye. That's a sign of weakness. I'd never hug a friend. Let's say he got a parole and I was happy for him. I'd still play it cool with him. You can't do any physical contact. . . . If you show people that you care about them or are Mr. Niceguy, that will get you in trouble. They will come after you to get whatever you got, like vultures swooping in. Another thing is to never show fear or any kind of weakness. You gotta be a man all the time, and a man according to the standards in here. (33)

Masking of feminine or boylike characteristics might not be as easy as putting up a tough front, however. Some targets for sexual assault turn to violence as a way to protect themselves from being victimized (Chonco, 1989; Lockwood, 1980a).

One way some potential targets might strive to present a tough, masculine image is to use tough talk, physical aggression, or violence toward others to discourage forced sexual attacks. Tough talk means learning and using the prison argot. Physical aggression or violence might be in the form of using a knife to attack an aggressor, attempting to turn the tables and physically or sexually assault an inmate who attempts to victimize them, or simply standing up to an aggressor. Sykes (1958) identified an inmate's need to fight back as a form of protection early on, writing: "Sooner or later he will be 'tested'—that someone will 'push' him to see how far they can go and that he must be prepared to fight for the safety of his person and his possessions. If he should fail, he will thereafter be an object of contempt, constantly in danger of being attacked by other inmates who view him as an obvious victim" (77-78).

In an inmate interview, Chonco (1989) also identified the need for a potential victim to fight back to avoid victimization:

If an inmate has to survive in prison, he has to learn to fight or else he will be a faggot until he leaves the joint. The image of a faggot is not a good one because if he leaves a joint still chickening out to fight, if he comes back again he will be a victim. . . . (This guy) told me that if any guy wants to fuck me or fucks with me I must stick him up. "If you do so," this guy says, "no son of a bitch will bother you." I took his advice and no guys ever bothered me again. (78)

In the instance when the target inmate (i.e., potential victim) uses violence/force against the aggressor, the victim then becomes the victimizer. Examples of the victim becoming the victimizer are illustrated in the following excerpts from two separate studies. First, Wooden and Parker (1982) provided an example of a homosexual victim's violent response to sexual intimidation: "A newly arrived homosexual, using a razor, slashed the face of a black jockey who had been intimidating him" (42). Additionally, Groth (1979) showed that coerced sex in prison might be revenge or retaliation, the idea that the victim becomes the victimizer. He highlighted a revenge case utilizing the story of Carlos, a twenty-five-year-old Puerto Rican who raped a twenty-three-year-old inmate.

He was talking about my race, calling me a Puerto Rican pig and a punk. He made comments about my mother. I told him I'd get him when I had the chance. . . . I cornered him in the showers. . . . He was real scared. . . . I told him, "You're going to give me some ass," and I fucked him. It wasn't for sex. I was mad. I wanted to prove who I was and what he was. (127-128)

Thus, victims who become victimizers might not limit their violent response to physical forms of assault but might even respond with forced sexual assaults. In the example above, the victim of verbal sexual assault becomes quietly aggressive as a coping strategy, and this manifested into the behavior of a sexual perpetrator (Cotton and Groth, 1982). Some inmates, however, unwilling or unable to fight against sexual aggressors, consent to sexual victimization to avoid additional and more severe forms of victimization, including economic exploitation, rape, or murder (Nacci and Kane, 1983, 1984b). This leads into our next discussion on strategies used by aggressors to coerce inmates into having sex.

STRATEGIES USED BY PERPETRATORS TO PRESSURE OR FORCE SEX

Reasons and strategies used by perpetrators to pressure or force other inmates into sexual activities include using a "set-up team" (Chonco, 1989), creating power relationships (Cotton and Groth, 1982), and exploitation (Lockwood, 1982). The goal of sexual aggressors is to show who is in control—that is, to show aggression in a power relationship (Cotton and Groth, 1982). This is not unlike sexual assault in the free community. Inmates who sexually assault other inmates might also

engage in sexual assaults or gang rapes as a means to demonstrate their status or gain some group/gang affiliation (Groth, 1979). An inmate might also become a sexual aggressor as a means of gaining status, dominating others, or even (as we saw above in the victim becoming the victimizer) revenge (Cotton and Groth, 1982).

A set-up team includes a group of inmates that plays certain roles, from targeting a victim to completion of the victimization in a planned sexual assault. Several inmates are needed to play the roles of "observers, contacts, turners, and pointmen" for the different stages of "observation, selection, testing, approaching, and actual victimization" (Chonco, 1989: 75). Inmates' discussion of the steps involved in a planned sexual assault have been reported as:

Observation: A guy who knows nothing about prison is followed around by these guys who think they know a lot. They tail him so that they pick something about him they think will make their mission easy. . . . I mean screwing him.

Selection: Guys who are usually selected for victimization are those whose background information is weak. I mean the guys who consciously showed fear, and in trying to suppress that fear he talks too much and tries to be nice or friendly to inmates he meets.

Testing/Approaching: Some other guys like to make friends with newcomers, especially those guys who know nothing about the joint. Them guys give the newcomer things, and the newcomer, without using his mind, accepts the fucking favors. An inmate who is a fool enough to trust the guys in the joint gets stung when his buddy turns against him. I mean when the other guy asks the other dude to produce. . . . I mean when he asks him to sleep with him. (Chonco, 1989: 75-78)

During the actual victimization stage, the target is usually assaulted in what is referred to as a "trouble spot" or a location such as a bathroom, shower, gymnasium, or cell, where correctional officers and others who might intervene are unlikely to be watching (Chonco, 1989: 76). As Chonco explains, "The pointman stands guard and watches whether the target does sexual favors for other inmates or whether he has a record of being sexually assaulted by other inmates" (76).

Using a set-up team is only one example of sexual assaults being completed as a group effort. There is also the possibility that inmates will be gang-raped. In the following excerpt, one inmate provides his personal experience of being gang-raped in prison when four offenders sexually assaulted him and his cellmate as a means of showing the victims "who's boss": (Groth, 1979):

The two of us were in our cell, and four black dudes came in. They said, "We're the Black Power." . . . One guy pulled out his cock and told me to suck him or he would kill me. . . . While I was blowing him, I had to massage another guy's cock; then this guy screwed me up the ass. All four guys took turns on me and my cellmate. When they were finished, they said, "Now you know who's boss. If you rat on us we'll break your arms and legs." (129)

The notion of showing the victim who is in control is not limited to these two examples of coerced sex by groups of aggressors. Instead, aggressors on an individual level often use control or a power relationship to force sex. Moreover, an individual inmate knows that by sexually assaulting or simply degrading another inmate, he can gain status for himself.

VICTIM AND PERPETRATOR CHARACTERISTICS

Characteristics of victims and perpetrators of sexual assault are well documented in criminal justice and corrections literature. Being able to recognize characteristics that might be helpful in targeting potential victims or aggressors of sexual assault is important from a policy and a programming standpoint. For example, Donaldson (1995: n.p.) suggests, "If most (victim characteristics) apply, rape becomes a probability."

In general, perpetrators of sexual assault are more likely to be older than their victims yet younger than the general population of the institution (Chonco, 1989). Furthermore, although many researchers characterize perpetrators to be race-defined, one should note that this simply makes the probability of being a sexual aggressor more or less likely. It does not mean or even suggest that all perpetrators are African American, nor in the same vein does it prove that all victims are white. In fact, Chonco (1989) suggests that findings of race-defined characteristics are due to the fact that black inmates start criminality at a very early age and are likely to be more familiar with institutional life and culture. However, Chonco suggests that this is probably also a true characterization for white inmates who are aggressors.

What is more, one should recognize that all inmates who possess many of the characteristics described are susceptible to being sexually assaulted. In fact, very recently a judge in Tampa, Florida, exercised her discretion in sentencing to keep a probable target for sexual assault out of prison and instead sentenced the offender to probation. According to

a transcript from the sentencing hearing, the judge suggested, "He's a small, thin, white man with curly dark hair, and I suspect he would certainly become a target in the Florida state prison system" (*Pensacola News Journal*, January 7, 2001: 2A). However, after less than one month, the judge publicly apologized for making the statement, saying, "Race is never an issue in [my] courtroom" (*St. Petersburg Times*, January 27, 2001: 3B). One might argue the issue seems to be that the judge would have used the same reasoning and discretion in sentencing if the offender had been small, thin, and nonwhite. Again, this shows the importance of recognizing that all inmates who possess many of these target characteristics are susceptible to being sexually assaulted.

EMOTIONAL AND PHYSICAL CONSEQUENCES OF INCIDENTS

It is well known that victims of sexual assault, whether in prison or not, experience a wide range of negative emotional and physical consequences. Victims are likely to experience "physical, emotional, cognitive, psychological, social and sexual" problems associated with sexual assault (Cotton and Groth, 1982: 51). Victims who physically fight back in an attempt to avoid rape are additionally susceptible to being injured or even murdered. Furthermore, the possible health risks associated with sex in prison are staggering. The implications related to inmate sexual assault are confounding not only for the inmates themselves but also for the entire inmate population and the general public.

When focusing specifically on sexual assault of male prison inmates, a number of researchers have argued that the majority of the emotional and psychological consequences of sexual assault concern the masculinity, or loss thereof, of the victimized inmate (Cotton and Groth, 1982; Scacco, 1982; Sykes, 1958). Psychological and emotional stresses may also precede an actual sexual assault. Prior to a "successful" victimization, many targets find it necessary to constantly present a masculine front, always be watchful of potential attacks, and also be wary of the prison culture. In essence, in their attempts to prevent being targeted for sexual victimization, inmates suffer under persistent emotional stresses. Dumond (1992) recognized the need to study the psychological and emotional implications of sexual assault at the individual victim level: "Not only does the terror, trauma and victimization impact upon the victim, but the additional components of one's identity and sense of self must be considered. . . . There is an increase of fear, loss of status and feminization, including the threat of continued re-

victimization" (141). Additionally, the threat of victimization is one that the victim will have to deal with both prior to victimization and after it (Chonco, 1989; Lockwood, 1978). That is, once an inmate is a victim of sexual assault (also known as being "turned out"), that inmate will probably always be a target for sexual aggression (Donaldson, 1995; Lockwood, 1980a).

Victims who physically fight back to fend off sexual aggressors are susceptible to being significantly injured, in addition to having to deal with the stressors associated with imitating an aggressor. In fact, when analyzing homicides at the federal institution in Lewisburg, Pennsylvania, Nacci (1978) reported that five out of eight homicides (62.5 percent) were motivated by homosexual activity. That is, "unrequited love, adultery, and pressuring for sex" were suggested as causes of the homicides (30). In this example, the victims who became victimizers would then have to face both the legal (e.g., additional sentence) and social consequences of their violent actions. Hence, when victims or potential victims fight back, there exists the potential for loss of inmate safety, in addition to heightened personal trauma (Moss, Hosford, and Anderson, 1979).

Health risks associated with prison sex, namely HIV/AIDS, were a major focus of prison sex research in the 1980s and 1990s (Tewksbury and West, 2000). The majority of the HIV/AIDS research looked at "identifying rates of infection among inmates, patterns in the rates of infected inmates, and information about how potential vectors of transmission could be controlled in prisons and jails . . . [and] management issues that HIV/AIDS presented for correctional administrators" (Tewksbury and West, 2000: 370-371). Again, the implications associated with the spread of HIV/AIDS among prisoners, whether they are raped or are involved in consensual sex relationships, reach far beyond the prison walls. Very simply, most inmates who are, or become, infected while incarcerated will be released from prison. Many of these inmates might have families to return to when they are released. The risk of HIV/AIDS is simply one element that should focus the need for, and move toward, prevention of prison sexual assault.

POLICY RECOMMENDATIONS AND FUTURE RESEARCH

Policy recommendations related to nonconsensual sex in prison have been limited because most such incidents are never reported. This lack of reporting has hindered the ability of correctional officials to proac-

tively address the issue (Cotton and Groth, 1982), yet this need not be the case. This section identifies a number of policy suggestions that may aid correctional administrators in the prevention of prison sexual assaults and the provision of victim services.

Prevention of prison sexual assault must be a two-pronged approach of intervention (or social programming) and administrative enforcement of institutional rules such that the two entities are complementary and form a complete prevention package. Using only a social approach for inmates will not affect the lack of concern by staff, which might not solve the problem of protecting targets in assault situations. For example, inmates in the Wooden and Parker study (1982: 120) suggested that as a means of "humanizing the plight of these sexual victims" (a social aftercare program), staff attitudes must change (administrative regulation). The two-pronged approach encompasses what Smith and Batiuk (1989) call looking at the prison setting "holistically" to show that the threat of sexual violence dominates all facets of the prison.

Prevention programming and victim services are important on an individual level so that inmates might be educated on how to cope with rape trauma and the range of consequences of being raped. Intervention programming could teach psychological and coping strategies that might help inmates manage sexual assault peacefully instead of violently. Lockwood (1982) highlights the need for programs to help inmates deal peaceably with attacks of verbal and physical aggression. He states, "Programs aimed at reducing violence can train participants to respond assertively to unwanted approaches in ways that diminish subsequent escalation" (259). Such programs are examples of human relations training. Goals of the training are to increase interpersonal skills, relieve interpersonal or group tensions, develop individual and group problem-solving skills, and applying these skills to daily life (Lockwood, 1982). Additional educational and vocational training programs, treatment-oriented interventions, and cooperative work experiences might all be utilized as individual or inmate-group strategies to prevent both sexual and physical assaults in prison.

Although there exists a need for prevention, intervention, and victim services for inmates, there is also a need for correctional administrators to implement additional and advanced training for institutional staff. Training should include education on the dynamics and implications of sexual assault (e.g., victim rape trauma) and training on how to both identify and moderate high-risk situations. These are not new ideas. Cotton (Cotton and Groth, 1982) suggests the need for staff to be

comfortable dealing with sexual assault and that the facility should develop a model protocol for crisis intervention and train staff members accordingly. Further, increased surveillance in high-risk areas, such as showers, recreation room, and dorms, is imperative (Cotton and Groth, 1982). Training focused on prevention programming targeted at correctional officers should present a proactive approach that also strives to reduce the possibility of victims becoming victimizers. Finally, in a discretionary decision, administrators might also study the implications of segregating inmates who are at high risk of being a target of sexual assault. Inmates themselves have suggested the need to segregate young and passive inmates (Wooden and Parker, 1982). Administrators may also evaluate whether the segregation of nonviolent and violent inmates might reduce the possibility of sexual assaults.

Policy recommendations to prevent prison sexual assaults must provide both a social service component (prevention, intervention, and victim services) and an administrative component (education, training, and facility rule development and enforcement). Only policies that implement this two-pronged approach are likely to be proactive in preventing prison sexual assault.

CONCLUSION

Nonconsensual sexual behavior pertains less to sex and sexuality and more toward violent behavior, power, and control. Therefore, nonconsensual sex in prison is a major policy issue for correctional administrators, an important and common area of concern for inmates, and yet a relatively infrequently studied and discussed issue. Research specifically addressing nonconsensual sex among prison inmates has been infrequent and often plagued by methodological difficulties. However, scholars and practitioners alike have some understanding of the rate at which such instances occur, who is likely to be involved, and typical dynamics of sexually assaultive incidents.

The fact that nonconsensual sex happens, and happens with some frequency, in U.S. correctional institutions is one of the most serious problems that plagues the criminal justice system. This is a problem that, while it may not be realistic to totally eliminate, can be reduced and controlled. The challenge for practitioners is to use the research that is available to develop prevention, intervention, and victim services to better manage this dilemma. The challenge for scholars is to find ways to produce valid and reliable research concerning nonconsensual sex in

prisons. Both challenges are considerable, but both are also very important.

NOTES

1. Mrs. O'Hare is an inmate at the institution and was convicted under the "special legislation enacted during the war" (Fishman, 1968: 97).
2. In this study, the author distinguishes between sexual coercion (verbal pressure tactics) and sexual assault (rape, forced anal, or oral sex).