

*The Sexual Assault of Male Inmates in Incarcerated Settings**

ROBERT W. DUMOND

Massachusetts Department of Correction, U.S.A.

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Sexual victimization of male inmates in incarcerated settings is a phenomena which is popularized in the media, in anecdotal accounts of prison life, and by correctional/criminal justice professionals. Certainly a "malignancy" which in part is the result of the prison experience, it may also represent a wound waiting to erupt in both the individual victims of such events and within the institutions in which they occur. In the last 20 years there has been attention to systematically identifying this phenomenon and to suggesting changes in both clinical intervention strategies as well as prison management policies. Despite these efforts, much misunderstanding, under-reporting, continued victimization and mismanagement within prison institutions continues. Such conditions portend serious consequences for the victim inmate, prison staff and administration and society as a whole.

Epidemiology of Sexual Victimization of Males in Prison

Systematic study of sexual victimization in prison settings has become increasingly important among both psychological and criminal justice professionals. Ground breaking work was developed by a number of individuals, including Fuller & Orsagh (1977), Lockwood (1978, 1980), Moss *et al.* (1979), Nacci & Kane (1982, 1984) and Cotton & Groth (1982, 1984). Despite this wealth of research, Cotton & Groth (1984) note that "the actual extent of male sexual assault in jails and prisons remains unknown." Estimates vary from a very small amount to the staggering assertion (Donaldson, 1984) that 18 adult males are raped every minute. In order to assist in

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documenting the variability of the data presently available. Table 1 outlines an extensive literature search in the last 20 years regarding this matter.

As we examine this data, how can we interpret its significance? Does it accurately portray the nature of this problem? Or, like much data regarding crime victimization, is the reported incidence only a shadow of the reality (Sommer, 1975)?

National incidence data is generally unavailable. The *Uniform Crime Reports* (UCR), compiled by the Federal Bureau of Investigation from state-wide reports to local/state police departments, does not include any specific discussion of this phenomenon. In a recent review of violence in prison, *Corrections Compendium* (Herrick, 1989) does not specifically identify inmate rape/sexual assault. The single biggest violence-related problem, reported by at least 16 states, was "inmate-on-inmate assaults", which, by definition, includes sexual assault. Yet, no conclusive data exists.

At the state level, similar difficulties are encountered. For example, the Massachusetts Department of Correction does not maintain any separate data regarding inmate sexual assaults (Holt, pers. comm.), nor does its health services contracted agency, Goldberg Medical Associates. The best "guesstimate" of male sexual victimization in Massachusetts incarcerated settings was provided by Veronica Ryeback (pers. comm.), Director of the Rape Crisis Intervention Program at the Beth Israel Hospital, who indicated that her unit served 25 male rape victims in 1989. Many of these victims were presented from the County Houses of Correction and the Massachusetts Department of Correction (the state prison system).

This situation is further compounded by the fact that many anecdotal reports abound about the frequency of sexual victimization. In a decision against the Texas Department of Correction, federal Judge William W. Justice noted that brutalization of inmates by other inmates, including forced coercive sexual assault was often "routine" (*Ruiz v. Estelle* 1980). Similarly, in a *Pulitzer Prize* series about "Rape in the County Jail" for the *Washington Post*, Tofani (1982) noted that despite an official figure of less than 10 rapes per year among male inmates, on the record interviews with 10 guards, 60 inmates and one jail medical worker noted that there were "approximately a dozen incidents a week in the Prince George's County Detention Center".

Lerner (1984) identifies that *Corrections Magazine*, in a court-ordered investigation of conditions in one Florida prison in 1980, found that "assaults, rapes, robberies, shootings and stabbings were commonplace even in high-confinement, lock-down areas". So prevalent was the issue of sexual assault that one correction officer quoted in a report to a state legislator said that a young inmate's chances of avoiding rape were "almost zero . . . He'll get raped *within the first twenty-four to forty-eight hours*. That's almost standard" (Lerner, 1984).

Given the disparity of both the perception and reporting of male sexual victimization in incarcerated settings, one must search deeper into the root of

Table 1. Epidemiology of sexual victimization of males in prison

Author(s)	Year	Setting	Rate of victimization
A. J. Davis	1968	Prison (Philadelphia)	<ul style="list-style-type: none"> • 2000 assault/1500 victims • Over 26 month period • <i>c.</i> 1000 annually
D. Lockwood	1978	State prison (New York State)	<ul style="list-style-type: none"> • 28% of prisoners targets of sexual aggression at least one time
C. S. Moss, R. Hosford & W. Anderson	1979	Federal prisons	<ul style="list-style-type: none"> • 12/1100 in 12 months • 0.5-3.0% annually
D. Lockwood	1980	State prison (New York State)	<ul style="list-style-type: none"> • At least two out of 10 inmates are sexual assault targets
P. Nacci & T. Kane	1982	Federal prisons	<ul style="list-style-type: none"> • 9.0% targets in prison • 2.0% targets in federal institution • 0.6% victims in federal prison • 0.3% raped in federal institution
C. Bartollas & C. Sieverdes	1983	Juvenile Corrections (Southeastern U.S.)	<ul style="list-style-type: none"> • 9.1% of residents reported sexual victimization
S. Donaldson	1984	State and local facilities	<ul style="list-style-type: none"> • 18 adult males raped every minute
T. Pierson & D. Spieker	1988	State prison (Missouri)	<ul style="list-style-type: none"> • 118 forcible sexual misconduct violations committed by 0.9% of prison population
M. Forst, J. Fagen & T. S. Vivona	1989	Juveniles in adult prisons and juvenile institutions	<ul style="list-style-type: none"> • Sexual assault was five times more likely among youth in prison than training schools

the problem. One of the earliest accounts of sexual behavior in prison was noted by J. F. Fishman (1934), a one-time Inspector of Prisons. West (1977) poignantly describes the prison subculture and notes Fishman's charge that prison guards "turn a blind eye to sexual abuses".

Philadelphia District Attorney Allan Davis (1968) detailed the reality of prison sexual assault. In interviewing over 3000 prisoners and 500 staff, numerous accounts were reported of brutal gang rapes and victimization of young, inexperienced inmates. Of the estimated 1000 assaults which took place yearly, only about 3% were ever reported, due to a variety of conditions. Scacco (1982) notes that sexual violence abounds in almost all institutions—prisons, training schools—where staff are unable/unwilling to adequately protect or help their inmates. Cotton & Groth (1984) further support the argument that correctional facilities are high risk settings for

male rape. They indicate that any "available statistics must be regarded as *very conservative at best*, since discovery and documentation of this behavior are compromised by the nature of prison conditions, inmate codes and subculture, and staff attitudes" (Cotton & Groth, 1984).

Jails and Prison: A Closed Society of Fear, Humiliation and Violence

Jails and prisons are closed, single sex societies in which the "outside world" is but a glimmer of reality in contrast to "life inside the walls". The social stratification of the prison subculture has received much attention by a number of authors (Sykes, 1958; Weiss & Friar, 1974; Sommers, 1976; Von Hirsh, 1976; Fuller & Orsagh, 1977). As a society isolated from the larger community, there exists a pattern of behavior, a hierarchy of players, as well as its own "language", aptly described by Amore & Wolfe (1976). In order to understand the dilemma of identifying the incidence of sexual victimization, one must examine the nature of prison itself.

The prison hierarchy, or "pecking order", reflects the distorted norms, values and mores of the offender. It is a world of "rats", "fags", "punks", "skinners" and "diddlers". Interestingly, while the terms may have changed somewhat over the decades, prison slang defines sexual habits and inmate status simultaneously, using homosexuality "as a means of placing individuals within the inmate caste system" (West, 1977). Table 2 presents a proposed inmate "pecking order" (hierarchy) with the prison term and approximate definition provided. It must be noted that this proposed hierarchy is only an attempt to identify the complex stratification of the prison social system.

These sexual scripts help to define an inmate's orientation within a society which values aggression, power and loyalty—many of the attributes of traditional "masculinity" in society. These characteristic patterns also help to define the treatment which an inmate is likely to receive from other inmates and correction officers. Being a closed society, the roles may shift due to changes in inmate behavior and knowledge about a particular inmate.

Interestingly, this stratification of the prison subculture within the context of sexual roles appears to have cross-cultural validation. Similar constructs have been identified in prison settings in India (Srivastava, 1974), Australia (Richmond, 1978; Prince, 1984), Holland (Swimmen, 1983), Canada (Parizeau, 1984) and France (Claude, 1985). Such information may be particularly helpful in assisting prison administration and clinicians in defining and managing the prison ecosystem/environment.

Parker (1978) notes that "homosexuality is a prominent phenomenon in our correctional system". Additional evidence has been presented which demonstrates that this may be a situational or transitional experience for most men reflecting a manner of releasing sexual tension and physical need (Pierce, 1973; Ibrahim, 1974; Climent *et al.*, 1977; French, 1979; Money & Bohmer, 1980; Popper, 1981; Aldridge, 1983). It appears that most inmates,

Table 2. Proposed inmate hierarchy: terms and their meanings in the prison subculture [Modified from the work of G. Sykes (1958), Amore & Wolfe (1975), West (1977), Wooden & Parker (1982) and Cotton & Groth (1984)]

General characteristics	Term	Definition
Inmates who are loyal to the prison "code" or who maintain status through fear/intimidation.	"Stand Up Guy/Con"	Loyal inmate who functions well under very difficult/hazardous circumstances.
	"Gorilla"	Person who takes what he wants by force.
Heterosexual men who relieve sexual tension by assuming a dominant sexual role with other men.	"Pitcher"	Person who takes the masculine role in sexual victimization; would engage in the role of the aggressor.
	"Daddy"	Person who courts, befriends, or patronizes weaker, inexperienced inmates into sexual gratification.
Heterosexual men (and bisexual in some cases) forced to assume sexually passive/submissive role.	"Kid"	The "sex slave" who submits by providing sexual favors, often in reward for protection.
	"Punk"	Person who submits to sexual acts, after an initial resistance, which finally gives way to force; considered a weakling, someone who can't "do his time"; may also relate to an "informer".
Homosexual men who declare their femininity in behavior affect.	"Fag"	Man who is a "natural homosexual"; a man who engages in homosexuality because he "likes it"; passive homosexual also known as a "girl".
	"Queen"	Homosexual (or transexual) males who adopt stereotype effeminate mannerisms and play a predominate submissive role.
Inmates who have abused their power in sexual conquest of defenseless women and children.	"Skinner"	Sex offender/rapist.
	"Diddler"	Child molester.
Inmates without loyalty to the prison "code" and the inmate "code".	"Rat"	Person who betrays inmates in general, by informing the authorities, or who "gives up" information.
	"P.C."	Person who must reside in Protective Custody environment, as a result of victimization, type of crime (sex crime), pre-prison occupation (police officer) or informing (being a "rat").

as noted by Richmond (1978), "rewrite" their conceptualization of homosexual behavior into the acceptable "masculine" role, which is transient, highly physical and unemotional, retaining power and status, and a "feminine" role, which accentuates cowardice, weakness and submission. Estimates of prison homosexuality have been attempted by several researchers (Sagarin, 1976; Popper, 1981) and it has been noted that there may be approximately 25,000 males presently in such institutions whose initial homosexual experiences took place (or will take place) during incarceration.

Since it is difficult to separate social status and sexual behavior in prison (as they are intertwined), the responses of victims vary. These responses reflect the size, physical stature, charisma and social network of the inmate. Cotton & Groth (1984) note that coerced sex in prisons creates a "no-win" situation: inmates will choose a role as either "victim" or "aggressor". Tofani (1982), in describing the inner life of the Prince George's County Detention Center, outlines the profile of Francis Harper, a convicted armed robber, who decided to "teach a lesson" to the inmate who switched the television channel in the county jail by raping him. Harper contended that rape is the best way for an inmate to command fear and respect among other inmates, commenting that "I was aggressive because I was afraid".

Can such anecdotal accounts of male inmate sexual assaults be valid? A number of researchers support this view. Newman (1974) argues that self esteem and level of violence/aggression are central to the criminal's view of the self. Lockwood (1978, 1980) states that targets of sexual aggression often carry out violence, which is supported by peers and staff, as a means of demonstrating that they are "tough", or as a means of resisting further attack. Scacco (1975, 1982) documents the rampant manifestations of this behavior, while Cotton & Groth (1982, 1984) argue that inmate rape is not primarily sexually motivated, but constitutes sexual expression of aggression which may be retaliatory, compensatory and/or erotic. They further state that the behavior is framed within the context of the two primary sources of male identity—sexuality and aggression—which are compromised for victims, and, which may, as a result, further exacerbate the trauma experienced by victims.

Several other investigators, notably Wooden & Parker (1982) and Nacci & Kane (1982, 1984), confirm the aggression of victims and the victim/assaulter transition as a means of saving "face" within the closed community of prison. Prince (1984) also notes the manifestation of "ritualized rapes" as a punishment for contravention of the inmate code of behavior.

Juvenile offenders face greater risks, as they attempt to survive as new "fish" in the murky waters of prison life. Scacco (1975, 1982), Lockwood (1978, 1980), Nacci & Kane (1982, 1984) and Cotton & Groth (1982, 1984) all note this fact with grave concern. Bartollas & Sierverdes (1983) state that one third of sexual assault victims exploit other residents, often as a means of earning respectability and avoiding the bottom of the "pecking order" by

becoming aggressive toward weaker peers. In fact, the same researchers noted above have identified a "prototype victim", described as light, young, white, non-violent, tall and slender. Of even greater concern is the racial characteristic of such crimes: offenders are often clearly delineated by race (Toch, 1977; Carroll, 1977; Moss *et al.*, 1979), forcing gang/group membership and gang sexual violence as a mechanism to demonstrate the inmate's "machismo".

There are even more profound implications for juvenile offenders in adult incarcerated settings which portend concern for society. West (1977) notes that we do not yet have an accurate perspective of the impact of prison homosexual violence upon subsequent sexual behavior patterns, particularly in light of the "yet unsettled behavior patterns" of inmates which may fluctuate as a result of their imprisonment. Nacci & Kane (1982) state that the inmate who commits a crime as a youth and is diverted rather than sent to a training/reform school has a greater chance of abstaining from prison sex as an adult. Researchers, notably Thomas *et al.* (1983) and Forst *et al.* (1989), also note that juveniles in adult prisons appear to suffer increased danger of sexual/physical violence.

One final note of concern. Prisons and incarcerated institutions represent the ultimate of control, helplessness and hopelessness. Cooper (1974) states that depression is the normal rather than abnormal state in prison life, reinforcing the inner feelings of inmate loss of control over their lives. Clearly, such lack of control may fester into violence waiting to erupt, either during the prison experience or subsequent to release.

Clinical Implications of Treating Male Sexual Assault Victims

Sound, methodological protocol in the treatment of female sexual assault victims have been established (Burgess & Holmstrom, 1976; Burgess *et al.*, 1980). Despite our knowledge of the treatment for female rape victims, are there additional concerns which must be considered for male victims of sexual assault? A number of investigators have explored this in detail, using data from prison and other sources. Table 3 outlines the key research in specifically treating male sexual assault victims.

The consistent themes noted in each of these studies demonstrates the complexities of treating the male sexual assault victim. 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. Unfortunately, the negative consequences are compromised both within and outside prison. For the incarcerated male victim, there is an increase of fear, loss of status and feminization, including the threat of continued re-victimation. Even for non-incarcerated males, the response by the intervening social system (hospital, police, court, mental health agency) may reinforce the

Table 3. Summary of key research in treating male victims of sexual assault

Author(s)	Year	Setting	Major findings
D. Lockwood	1978	State prison (New York)	<ul style="list-style-type: none"> • Effects on victims of sexual assault quite severe, including fear, anxiety, suicidal thoughts, social disruption and attitudinal change. Victims manifest higher rates of psychological disturbance and suicidal ideation.
	1980	State prison (New York)	<ul style="list-style-type: none"> • Since this study focused on prison settings, it noted victims major concerns of fear of stigma/revictimization.
A. Kaufman <i>et al.</i>	1980	County Hospital emergency room	<ul style="list-style-type: none"> • Male victims were more likely to have sustained more physical trauma, more likely to have been a victim of multiple assaults from multiple assailants, and more likely to have been held captive longer. Great reluctance in reporting was noted, and denial played a key role in emotional control. Sensitivity of clinicians to "hidden trauma" encouraged in clinicians.
A. N. Groth & A. W. Burgess	1980	Forensic mental health facilities and correctional institutions	<ul style="list-style-type: none"> • Similarities and difference between male and female rape victims were noted. Most male victims, in addition to both the short-term crisis reactions of any victim, experienced concerns about their masculinity, fears about reprisal, reported a loss of status in the prison community, and feared/experienced further victimization.
C. L. Anderson	1981	General population and institutions	<ul style="list-style-type: none"> • States that the phenomenon is virtually ignored in the literature. Male victims suffer the "rape trauma syndrome" as described for female victims, but also experience various forms of stigmatization and secondary trauma. Three phases of the victim experience are provided. Avoidance of the subject itself creates a negative environment for victims.

Table 3. Summary of key research in treating male victims of sexual assault (continued)

Author(s)	Year	Setting	Major findings
A. Scacco (editor)	1982	Prisons, training schools and mental hospitals	<ul style="list-style-type: none"> Identifies the pervasiveness of male rape, noting the reality that "young rape old, blacks rape whites, whites rape blacks, juveniles rape juveniles, men rape men and boys". Identifies the enhancing of identity through victimization of others. With the ability to rape as the ultimate test of one's strength.
D. Cotton & A. N. Groth	1982	Prison populations	<ul style="list-style-type: none"> In addition to the trauma experienced by the male victim, which is similar to the female victim of sexual assault, the experience may be more devastating, since the victim is devalued in regard to the two primary sources of his male identity: sexuality and aggression. In addition, the victim often continues to reside in the same institution as the offender.
D. Cotton & A. N. Groth	1984	Correctional settings	<ul style="list-style-type: none"> In further expanding upon their earlier work (1982), the authors note that victims have no good options in responding to sexual attacks. If they fight back, they risk greater physical injury. If they submit, they may be labeled as vulnerable. If they go into protective segregation, they cut themselves off from many inmate services.
D. Calderwood	1987	General population	<ul style="list-style-type: none"> Problems in treating the male rape victim include the reluctance of many men to report the sexual assault, as well as lack of facilities for helping men, and lack of knowledge. Reconfirms that most males are raped by other men, and that males often sustain more injuries than females. Presents a three phase model of the rape trauma syndrome.
G. Mezey	1989	Survey of 22 victims	<ul style="list-style-type: none"> The immediate and long-term responses were very similar to those described by female victims of rape.

victim's negative self perception and encourage victims not to report their trauma.

Cycles of Victimization: The Trauma That Continues to Hurt

The issue of male sexual assault, particularly in an incarcerated setting, has profound impact upon the inmate victims, other inmates and staff, the institutions themselves and ultimately society. These cycles of victimization are manifest in both primary and secondary areas, as well as a cycle of re-victimization (which may be manifest within and without the institution). Figure 1 provides an overview of the dimensions of this trauma.

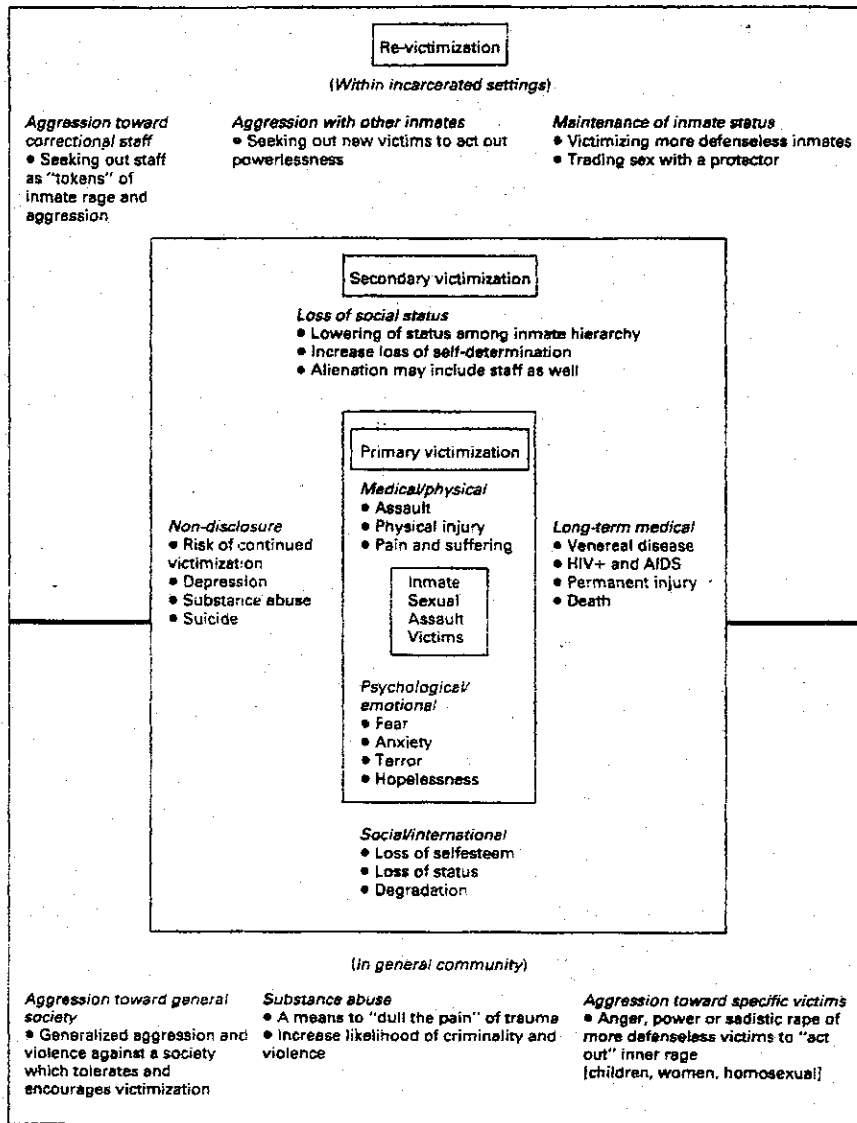
As one examines the levels of victimization, one can easily observe the dimensions of pain, suffering and humiliation experienced by the victim. On a primary dimension, there is the immediate affect in the psychological/emotional sphere, the social/interpersonal sphere and the medical/physical sphere. As can be observed, there exists clear dilemmas for the inmate victim. A number of researchers have observed that male rape victims experience significant physical trauma and injury in addition to the complex psycho/social/sexual crisis of victimization within a closed, tightly knit society.

Primary victimization affects all victims of sexual assault; in an incarcerated setting, however, the impact is exacerbated by the social milieu. Interestingly, in studies of sexual molestation of men by women (Sarrel & Masters, 1982; Masters, 1986), the post-trauma reaction affected both the victim's sexual functioning and psychological state. In fact, Masters (1986) reports that more difficulties were encountered in returning to each man his sense of personal dignity and confidence in his masculinity. The additional trauma of victimization experienced *as a male* adds to the impact of the primary victimization experience.

Secondary victimization includes the long-term results of such trauma, both on the individual inmate victim and the larger community (within and without the walls). The longer term results of sexual victimization includes the loss of social status by the inmate victim (with both staff and inmates), long-term medical issues and the associated risks in the scenario of disclosure (and potential prosecution) or non-disclosure.

In the environment known as the "neglected asylum" (Briar, 1983), the "rule of the cruel" (Lerner, 1984) pervades prison institutional life. The results for the victim who is incarcerated can include substance abuse (Akers *et al.*, 1974) or suicide as a coping mechanism. Rowan & Hayes (1988) identify victims of homosexual rape at high risk of suicide in incarcerated settings. Suicidal behavior among inmates represents a major problem in prisons/jails. Saliva *et al.* (1989) identify the rate of 40 suicides per 100,000 male inmates per year (1979 to 1987) in the Maryland State Prison System, which is substantially higher than the rate in the general population in

Figure 1. Cycles of victimization in the sexual assault of inmates.



Maryland (22 suicides per 100,000 people per year) *even when race and age are taken into account*. Williams (1989) notes that at least 400 people kill themselves each year in the nation's jails and detention centers. Herrick (1989) notes that between 110-136 inmates have committed suicide in prison annually between 1984-1989. While there is no specific indication as to the rationale for each of these suicides, it is reasonable to assume that in at least some of these cases, the suicide was prompted by an inability to escape from the pain, humiliation and degradation of sexual assault in prison.

In addition to the potential of suicide, male sexual victimization is dangerous from a purely public health perspective. The issue of HIV+ infection and AIDS is an area of grave concern among all criminal justice professionals. Male sexual victimization represents a likely source of infection, among already "at-risk" groups: intravenous drug users, promiscuous individuals and men who engage in "unsafe" homosexual behavior. Glaser *et al.* (1989) further noted the increasing risk among rape victims, including male victims, for the acquisition of many sexually transmitted conditions, including *Neisseria gonorrhoeae*, *Chlamydia trachomatis*, herpes simplex virus, human papillomavirus, *Treponema pallidum*, hepatitis-B and other infections prevalent among homosexual men.

The final dimension of the cycle of victimization is the area of re-victimization. This dimension manifests itself both within the incarcerated setting, as well as in the general community. As such, there are profound implications for management of prisons themselves, as well as for the potential for re-victimization of others (inmates, staff, innocent community members).

In outlining the dilemma of male sexual assault, Cotton & Groth (1984) offer some important observations of the phenomena:

"Although a number of researchers have addressed this issue, it continues to remain a subject more of academic interest than of practical concern. Yet inmate sexual assault is a serious problem that constitutes a major undercurrent in incidents of institutional violence, a problem that can only escalate as correctional institutions become more crowded."

Is the evidence clear and convincing regarding the potential danger of sexual assault of male inmates? A number of researchers offer important clues to this debate. Sylvester *et al.* (1977) note that homosexual activity was the leading motive of inmate homicides in American prisons. Toch (1977) also confirms prison homosexuality as a motivating factor in prison violence. Like its counterpart in heterosexual communities, feelings of rejection, jealousy and refusals appear to play a significant role in generating violent episodes.

Herrick (1989) analysed prison violence for *Corrections Compendium*, noting a decline in the total number of violent deaths and inmates killed by other inmates in the last 5 years (1988 v. 1984). However, as previously identified, at least 16 states noted "inmate-on-inmate assaults". Of striking importance

is the experience of the state of Arkansas, which reported the highest number of assaults on staff by inmates resulting in injury and non-injury of all the states in the United States (1113 in 1988). Arkansas identified homosexuality as the *single biggest cause* of violence.

Nacci & Kane (1982, 1984), who have contributed greatly to our understanding of male inmate sexual victimization in federal institutions, were initially charged with the task of examining the phenomenon following violence at the United States Penitentiary in Lewisburg, Pennsylvania. Within a 26 month period, ending in 1979, there had been eight inmate murders and numerous inmate-on-inmate assaults referred to the Federal Bureau of Investigation (FBI). Of the eight homicides noted, five were linked to sexual motivation, including sex pressuring, unrequited love and jealousy. Additionally, a quarter of the major assaults reported were linked to inmate homosexual activity (Nacci & Kane, 1982).

Clearly, the area of male sexual victimization in incarcerated settings represents a major security concern in most prison institutions. It represented such a major breach of safety that it caused at least one judge, Justice Robert Gardner (1975) of the Court of Appeals, Fourth District, Southern California, to rule that conditions can get so bad that the prisoner has the right to leave, rather than submit to rape. Justice Gardner noted, however, that the prisoner "must do everything possible to defend himself against the attack". This case resulted in a spirited debate in legal circles about the viability of this defense (Schermer, 1977), but it served to document the importance of this issue.

The cycle of victimization comes full circle when one considers that for some victims of male sexual assault, there is little opportunity to heal or to manage the dramatic primary and secondary victimization experienced. If, in fact, an unknown percentage of male inmates are exposed to violent, brutal victimization while incarcerated, is it not reasonable to assume that for some of these individuals they will leave prison more embittered, angry and violent? If the ethos of prison has created a "victimize or be victimized" mentality, and a hierarchy of, as one inmate client has characterized, "the weak victimizing the weaker", have we not exacerbated the deleterious effects of prison institutionalization, potentially creating a genre of "time bombs" waiting to explode?

How many innocent victims will fall prey to inmates full of rage and anger at a system that did not protect them? How many inmate victims will perpetuate violence upon more defenseless inmates, or against staff randomly in retribution for the violence they experience. Will the denial of prison staff and administration in meeting this crisis lead to a further level of victimization and violence? Such questions need to be asked.

It is curious that despite the large amount of attention which has been brought to bear on this issue, most prison settings have not responded with a practical protocol. In fact, the National Institute of Corrections was only

able to identify one prison protocol, the *San Francisco Jail Protocol for Victims of Sexual Assault* (1979), which had been developed by D. J. Cotton with a grant from the NIMH's National Center for the Control and Prevention of Rape (October 1978), and which served as a model for the work of Cotton & Groth (1982, 1984).

Strategies for Change: Can Prisons Respond Affirmatively to Handling This Issue, or Is the Response Too Little, Too Late?

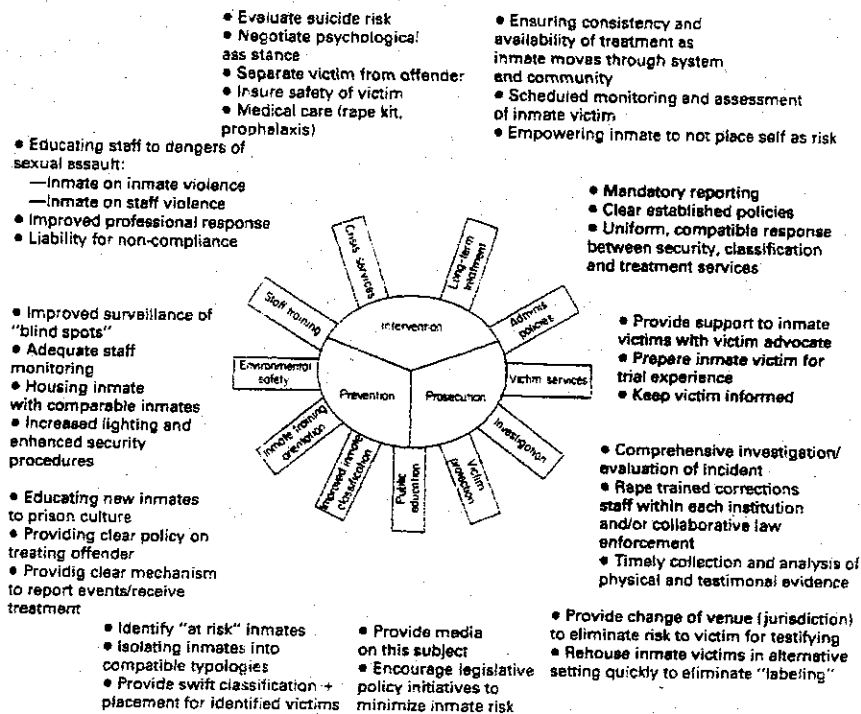
Cotton & Groth (1984) identify a variety of institutional responses to the issue of male sexual victimization. They correctly identify three primary areas of responsibility in dealing with male assault cases: (1) prevention, (2) intervention and (3) prosecution. These issues are becoming increasingly more important for prison administrators, because correctional institutions are being held liable for punitive damages for failure to provide the adequate care, custody and control of inmates under their supervision.

Zeringer (1972, 1977) notes such concerns, while Barbash (1983) reported on the United States Supreme Court case, *Smith v. Wade*, which ruled that officials are subject to punitive damages not only when they purposely expose an inmate to an assault, "but also when they act with indifference or with recklessness in a way that results in assault". The High Court ruled in a five to four decision that Daniel R. Wade, an inmate at the Algoa Reformatory in Missouri had been "harassed, beat and sexually assaulted" by two other inmates and that prison guard William H. Smith "knew or should have known" that an assault was likely under the circumstances. The Supreme Court upheld the Eighth U.S. Circuit Court of Appeals assessment of \$25,000 in compensatory damages and \$5000 in punitive damages against Smith.

Figure 2 utilizes the strategies for intervention initially identified by Cotton & Groth (1984) and expands upon their model to elaborate a variety of approaches to ameliorate this problem. By examining the relationships within each broad category (prevention, intervention and prosecution), prison officials may evolve protocols and procedures designed to meet the complex challenge of male sexual victimization in incarcerated settings.

In prevention, a key emphasis has to be on providing a vehicle for staff awareness and responsiveness of the problem. Nacci & Kane (1982) accurately portray correctional officers as "primary agents of influence" on prisoner behavior. They further argue that many correctional officers make the assumption that homosexuality/bisexuality are consensual in *all* cases, which, as has been demonstrated, is an incorrect assumption. One of the ways to ensure prevention is to give officers and prison staff a greater understanding of the outcomes of sexual assault, in particular its relationship to inmate violence and assault on staff. By providing the "Motivation to Protect

Figure 2. Strategies for intervention



Inmates" (as elucidated by Nacci & Kane, 1982), correctional staff may be in a better position to impact upon such behavior.

Additional preventive strategies have been identified by Cotton & Groth (1984) and they include environmental safety, inmate training/orientation and improved inmate classification. By improving the monitoring, lighting, and surveillance of inmates, especially "blind spots" (such as holding cells, shower rooms, stairways and other areas which may be prone to victimization) the correctional environment becomes safer for inmates and staff.

By training and orienting inmates, providing adequate notice and a mechanism to report such events, as well as an introduction to the prison "culture" (such as "do not accept favor or gifts, as there is usually a price"), inmates who may be unfamiliar with the prison ethos may be more prepared to fend off such violence. Certainly, too, identifying "at-risk" inmates, housing inmates with compatible typologies and swift classification/placement for victims of such assaults are critical ingredients of managing the potential difficulties of such events.

Intervention includes a variety of strategies to be implemented by the prison staff and administration, including decisions regarding the inmate victim. These must include crisis services, long-term treatment alternatives and administrative policies designed to meet the dilemmas of such events. Immediate intervention, both medically and psychologically, are critical ingredients of crisis intervention and preservation of evidence. Establishing a clear protocol for meeting the medical, psychological, legal, social and protective needs of the inmate victim in a timely manner is vital to maintaining the safety and security of each correctional institution.

Because of the peculiar nature of prison, protection afforded to inmates usually takes the form of protective custody ("P.C."), which, by definition of the inmate caste system, further alienates and stigmatizes the inmate with both staff and inmate alike. One prison administrator (Thompson, pers. comm.) aptly notes that few options exist for protecting inmate victims outside of protective custody. In fact, the problem with protective custody beds is that the more beds which are available, the more likely such places are to be filled. The American Correctional Association (1983) has examined the issue of *Protective Custody in Adult Correctional Facilities* and concluded that at least 7% of adult inmates are housed in protective custody units for "protection—unspecified", of which some clearly include sexual victimization. The same analysis reported that correctional staff estimated at least 16% of the protective custody inmates were housed in such facilities as "protection from sexual assault".

Protective custody may further victimize inmate victims by limiting access to services, isolating the inmate from the normal "flow" of operations and potentially even exposing the inmate victim to the inmate perpetrator. (Since there is no distinction by reason, many institutional protective custody units also serve as the punitive environment for inmates who have violated institutional disciplinary policy).

As has already been identified, the post-traumatic stress disorder (also identified as the "rape trauma syndrome") experienced by the victim may be manifest for both the short-term as well as the long-term. This presents an interesting dilemma for correctional settings, as well as for consistency of on-going therapeutic services for inmate victims. Procedures must be established to insure continued services to the inmate victim as he may move from institution to institution, as well as to the general community. In addition, emphasis must be placed on "empowering" inmate victims, providing them with skills to not place themselves at future risk, as well as toward identifying and negotiating on-going services when they enter the community.

The arena of administrative policies represents a challenge which must be addressed in order to establish a clear and uniform approach to this problem. Mandatory reporting must be considered as a necessary ingredient of administrative practice when such behavior is identified/implied. At the present time, it is entirely possible (perhaps likely) that many inmates who are

assaulted will endure continued humiliation/violation without any disclosure. This is, as noted by many researchers, supported by the institutional environment and staff who often "penalize" inmate victims when they come forward with such complaints.

A mechanism to reduce this tendency is perhaps to adopt policies such as those promulgated by the Massachusetts Department of Mental Health (1984). *104CMR 24.00(ff)* indicates that the Department of Mental Health (DMH) shall conduct investigations and bring matters to resolution in four circumstances: (1) medico-legal death of a DMH client, (2) whenever there is alleged to have occurred an incident which is dangerous, illegal or inhumane, (3) whenever there is alleged to exist a condition which is dangerous, illegal or inhumane, and (4) in any other case where an investigation would be in the public interest, as determined by the person in charge or by the Commissioner or his designee. As noted by Tink (1990), such a policy eliminates the ethic of violation of disclosure ("ratting" in prison jargon) and mandates staff to respond affirmatively and unilaterally, rather than the present haphazard approach manifest in many correctional settings.

The final area noted by Cotton & Groth (1984) is prosecution. In some respects, while this is the mechanism to ensure compliance and deter potential offenders, it is often the most difficult to achieve in a prison setting. Mechanisms must be established to comprehensively investigate, provide victim advocacy services and ensure protection of the victim. While most correctional institutions have procedures to refer to the District Attorney/prosecutor assaults and other violations of law which occur within correctional institutions, such cases are difficult to prosecute in part due to the nature of the prison subculture. An offender who victimizes another inmate may face both institutional disciplinary proceedings as well as criminal prosecution. Because both procedures will require the participation of the inmate victim, there is an inherent difficulty since, in "ratting", the inmate victim places himself at risk.

Prison staff and administration must develop protocols which enhance the viability of criminal prosecution. Evidence collection and preservation, both testimonial and physical, must conform to legal standards of chain of custody, timeliness of reporting and ethical/legal practice. If intervention in sexual assault cases is not timely, it is likely that much physical evidence may be distorted/lost as a result. Institutions must have appropriately trained correctional staff who are certified in responding to sexual assault victims (as is now required by most local/state law-enforcement agencies), as well as established linkages with independent law enforcement within the jurisdiction of the institution. Additionally, since the court process is usually lengthy and time-consuming, victim advocacy services should be initiated with inmate victims and continued until the conclusion of the court process.

The consequence of loss of self esteem and risk of alienation makes criminal prosecution even more unlikely. Discussions held with the Directors of

the Sexual Assault Units for two prominent Massachusetts District Attorneys (Fallon, pers. comm.; Nigrelli, pers. comm., 1990) revealed that few cases, although referred for prosecution, ever go to trial. The time involved in prosecution, the risk of compromise/further victimization or stigmatization of the inmate victim in other correctional settings and the general lack of credibility of inmate witnesses with the general public may be factors in this process. To alleviate some of these barriers, prosecutors may consider a change of venue (jurisdiction) in which cases are prosecuted, re-housing inmates in alternative institutional settings, perhaps out of the immediate area, to avoid some of the inherent compromises.

The concluding strategy must include public education. Many individuals in society are unaware that such behavior exists, or that it has such a dramatic impact upon both the orderly running of a correctional institution, as well as the potential for future rage erupting into violence/re-victimization. Additionally, since most criminal offenders will return to the community, the potential of enraged, disordered and violent inmates leaving the institutions to perpetrate a new wave of victimization upon society is clearly a concern for society as a whole. It is only in bringing this issue to the public arena that constructive and affirmative change can be initiated.

Summary and Recommendations

The problem of sexual assault of male inmates in incarcerated settings is a serious scourge and indictment of the American criminal justice system. The consequences of this phenomenon are complex and varied. For the inmate victim, there is humiliation, degradation and potential re-victimization in a system that often does not respond affirmatively to such assaults. For the correctional environment itself, the phenomenon has been undoubtedly linked to prison violence and resultant injury/death to inmates and staff. For society, the notion of an inmate victim returning to the community embittered and broken, angry and full of rage portends even greater risk of creating more victims of sexual aggression.

Tom Cahill (pers. comm.) provides support and self-help to countless victims of inmate sexual violence. He contends that it is only with recognition, attention and intervention that we can avoid the label of the "American Gulag". Although there has been considerable attention devoted to this topic in the literature, many correctional institutions *still do not have* meaningful strategies to deal with such circumstances. In light of this fact, prisons/jails/correctional institutions at the local/state/federal level should consider the following recommendations:

- (1) Ascertain in a scientifically valid and accurate manner the incidence of prison sexual violence, utilizing not only "official" reporting, but also inmate/victim surveys, staff/officer interviews and direct observation.

- (2) Establish and implement a comprehensive crisis intervention protocol for inmate victims, patterned after the Cotton & Groth (1984) model, with clear definitive resources within the institution and accessible to inmate victims.
- (3) Provide on-going training and attitudinal development for correctional staff, in an effort to instruct staff in the potential dangers of such phenomenon, as well as encourage a more professional and humane response to inmate victims.
- (4) Provide adequate long-term strategies for inmate victims, especially younger inmates who may be deleteriously impacted by such victimization and may require long-term, comprehensive treatment to provide healing/re-integration.
- (5) Mandate reporting of any incident of sexual assault, particularly as a means of determining potential offenders and ensuring compliance of such a policy through all correctional staff.
- (6) Provide a more efficient, timely and swifter response toward prosecution of such offenses, as well as general informing of the public-at-large of this insidious problem.

No complex problem will be ameliorated by simple solutions. There are no panaceas for us to consider. We must, however, confront this issue openly and directly, in an effort to manage the potential aftermath of such victimization. Interestingly, Justice William J. Brennan, who recently retired from 33 years on the United States Supreme Court, may have aptly stated the dilemma for inmates in a little-noted case recently reported by the *Associated Press* (1990). In the 1986 to 1987 term, Justice Brennan wrote a dissenting opinion on prison inmates which may typify this present crisis:

"Prisoners are persons whom most of us would rather not think about . . .
It is easy to think of prisoners as members of a separate netherworld . . .
Nothing can change the fact, however, that the society these prisoners inhabit is our own."

Society may chose to continue to ignore this dilemma. It may chose to even consider inmate sexual assault as a natural "consequence" of having violated society's norms and mores. Yet, in the end, society's failure to redress the injustice of inmate sexual assault may further victimize a culture struggling to maintain order and compassion in an ever changing world.

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