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CENTER FOR EVIDENCE-BASED CORRECTIONS

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

By

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Inmates

- Hundreds whose names will remain confidential

Highlights of the PREA

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

Sexual Abuse in Detention Elimination Act

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

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

--Stop Prisoner Rape

Panel on Prison Rape Hears Victims' Chilling Accounts

Officials Admit They Don't Know Extent

By CAROLYN MARSHALL

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

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

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

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

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

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

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

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

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

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

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

"Prison rape is a symptom of American society's retreat from rehabilitation toward a system that relies purely on punishment," he said.

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

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

"We need a system that can report and handle the cultural classifications of the population," he added.

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



Photographs by Peter Dasilva for The New York Times

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Barbara Lee, a California Democrat who was an initial co-sponsor of the 2003 law, equated prison rape with human rights violations. She and other prison rights advocates have stressed the need for "zero tolerance" and a corrections system that accommodates different sexual and cultural orientations.

"By doing nothing," Ms. Lee said, "we condone this inhumane and abusive behavior. Indifference, deliberate or not, violates the Eight Amendments of the Constitution banning cruel and unusual punishment."

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

"We don't want a first-time offender charged with drunken driving to be housed next to a guy who has committed multiple armed robberies, and who has been in and out of the system for years," said Bart Lanni, the sheriff's deputy for Los Angeles County.

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

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

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

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

"We don't really know the prevalence right now."

--Judge Walton



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

Source: New York Times. 08/20/2005

Why Research?

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

Evidence-Based Corrections: From Principle to Practice

The CDCR Mission:

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

What is “Evidence-Based Corrections?”

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

Wooden and Parker (1983)

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

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

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

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

(continued)

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

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

Overview:

The UCI Team's Research

Current State Research

Protecting Inmates and Safeguarding Communities FY 2004 Awards

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

Purpose of the Study

Key Questions:

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

Main Objective:

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

Scope Conditions

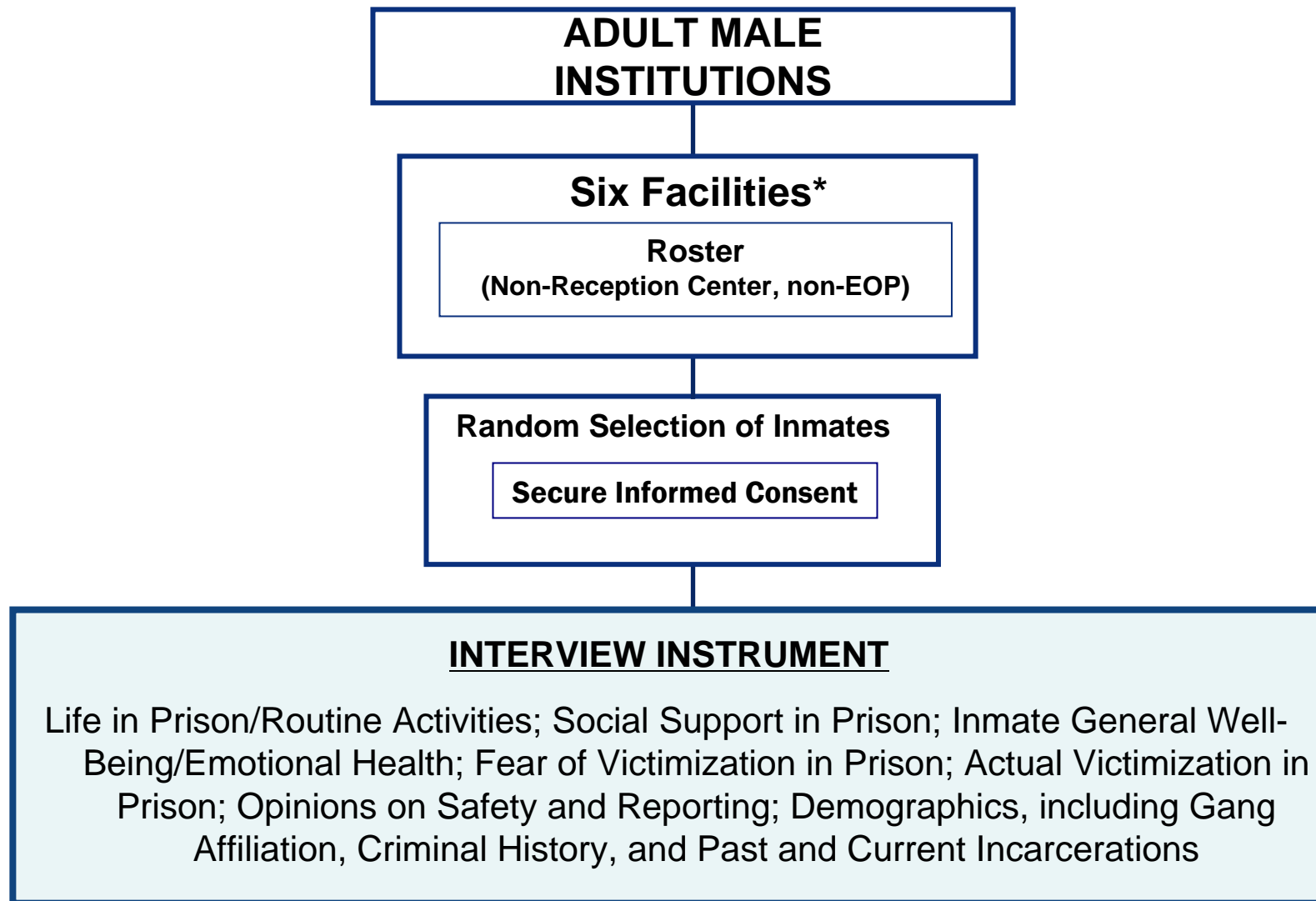
Target Populations

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

Target Behaviors

- Inmate-on-inmate sexual assault
- Inmate-on-inmate non-sexual assault (for comparative purposes)

Research Design



* Data were also collected from a seventh prison in order to over sample transgender inmates.

The UCI Interview Schedule*

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

* A copy of the interview schedule is in Appendix A of the report.

Sexual Assault Victimization Questions

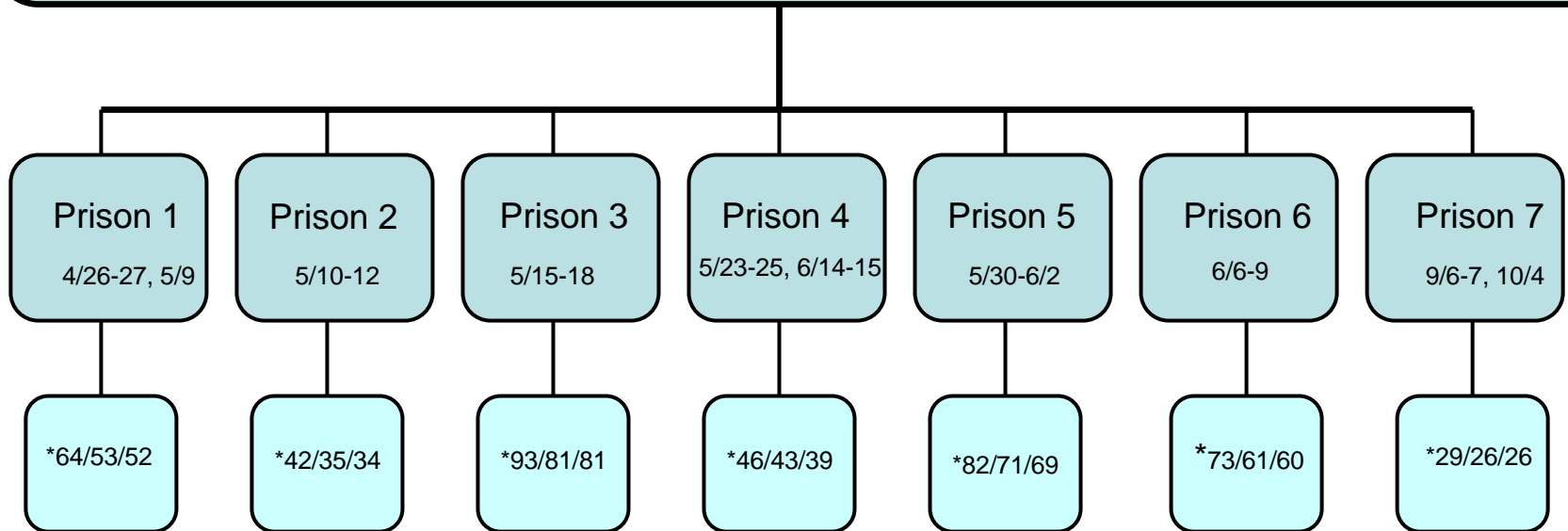
- “Have you ever had to do sexual things against your will with other inmates while incarcerated?”
 - “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”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

PREA Data Collection

(April 26, 2006 – October 4, 2006)

Adult Male Population

(Not in Reception Centers or Fire Camps and Not EOP)



*First number = Total number of inmates seen; Second number = Total number of inmates who consented to be interviewed; Third number = Total number of usable interviews.

Samples: Size and Participation Rate

- Random Sample
 - Total = 322
 - Participation Rate = 83.5%
- Transgender Sample
 - Total = 39
 - Participation Rate = 93.5%

Variables Collected from the CDCR

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

Assurance

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

Comparison of Characteristics

		Total Adult Male Prison Population		Facilities for Random Sample		Usable Random Sample		Usable Transgender Sample	
		N=119,153	mean/%	n=19,584	mean/%	n=322	mean/%	n=39	mean/%
AGE	Mean	119,153	36.6	19,584	37.9	322	39.1	39	39.0
	Median		36		38		39		38
	Std. Dev.		10.83		10.79		10.67		7.55
	Range		18, 92		18, 87		20, 68		24, 61
	18-25	20,579	17.3	2,796	14.3	36	11.2	1	2.6
	26-35	38,623	32.4	5,762	29.4	90	28.0	10	25.6
	36-45	34,906	29.3	6,223	31.8	102	31.7	21	53.8
46+	25,045	21.0	4,803	24.5	94	29.2	7	17.9	
RACE/ ETHNICITY	Hispanic	46,581	39.1	6,392	32.6	92	28.6	8	20.5
	White	30,422	25.5	5,274	26.9	99	30.7	12	30.8
	Black	35,316	29.6	6,806	34.8	116	36.0	14	35.9
	Asian	1,395	1.2	269	1.4	4	1.2	0	0
	Other	5,439	4.6	843	4.3	11	3.4	5	12.8
OFFENSE CATEGORY	Violent	69,436	58.3	10,834	55.3	157	49.1	21	55.3
	Property	20,617	17.3	3,680	18.8	76	23.8	11	28.9
	Drug	20,953	17.6	3,668	18.7	63	19.7	6	15.8
	Other	8,124	6.8	1,393	7.1	24	7.5	0	0
CUSTODY LEVEL	1	22,482	19.2	4,496	23.4	79	25.3	4	10.5
	2	39,127	33.4	5,489	28.6	86	27.6	12	31.6
	3	29,070	24.8	5,136	26.7	90	28.8	11	28.9
	4	26,688	22.7	4,092	21.3	57	18.3	11	28.9
LIFE SENTENCE	Life	26,155	22.0	4,613	23.6	76	23.6	14	35.9
	Life Without Parole	3,067	2.6	578	3.0	14	4.3	0	0
	Death Row	599	0.5	3	0	0	0	0	0
SEX OFFENDER	Yes	18,360	15.4	2,760	14.1	40	12.4	6	15.4
GANG	Yes	15,576	13.1	2,065	10.5	27	8.4	0	0
MENTAL HEALTH PROBLEMS	CCCMS	19,301	16.2	4,845	24.7	91	28.3	17	43.6
	Other Mental Health	486	0.4	65	0.3	2	0.6	3	7.7

Assessment of Samples

- Random Sample
 - Statistically similar to the population of inmates in the six prisons from which data were collected
 - Statistically comparable to the CDCR population in terms of sex offender registration and “lifer status”
 - Statistically different from the CDCR population in terms of age, race/ethnicity, offense category, custody level, gang status, and mental health problems
 - The magnitude of the statistical differences between the sample and the CDCR population is small, but the study sample has fewer Hispanic inmates and more inmates with officially recognized mental health issues
- Transgender Sample
 - Not designed to generalize to larger populations

Assessment of Interviewer Effects

	Interviewer Characteristics					Potential and Realized Study Participants		
	Age	Sex	Race/ Ethnicity	Professor/ Graduate Student	Language	Inmates contacted by interviewer	Participation Rate (consent granted)	Usable Interviews
1	38	F	White	Graduate Student	English	50	80.0%	80.0%
2	54	F	White	Professor	English	3	100.0%	100.0%
3	45	F	Hispanic	Graduate Student	Spanish	19	89.5%	89.5%
4	29	F	White	Graduate Student	English	98	86.7%	82.7%
5	26	F	Asian	Graduate Student	English	77	83.1%	83.1%
6	25	F	White	Graduate Student	English	26	92.3%	92.3%
7	55	M	White	Graduate Student	English	35	82.9%	82.9%
8	26	M	White	Graduate Student	English	64	87.5%	81.3%
9	43	F	White	Professor	English	57	91.2%	89.5%
	TOTAL					429	86.2%	84.1%

Assessment of Interviewer Effects*

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

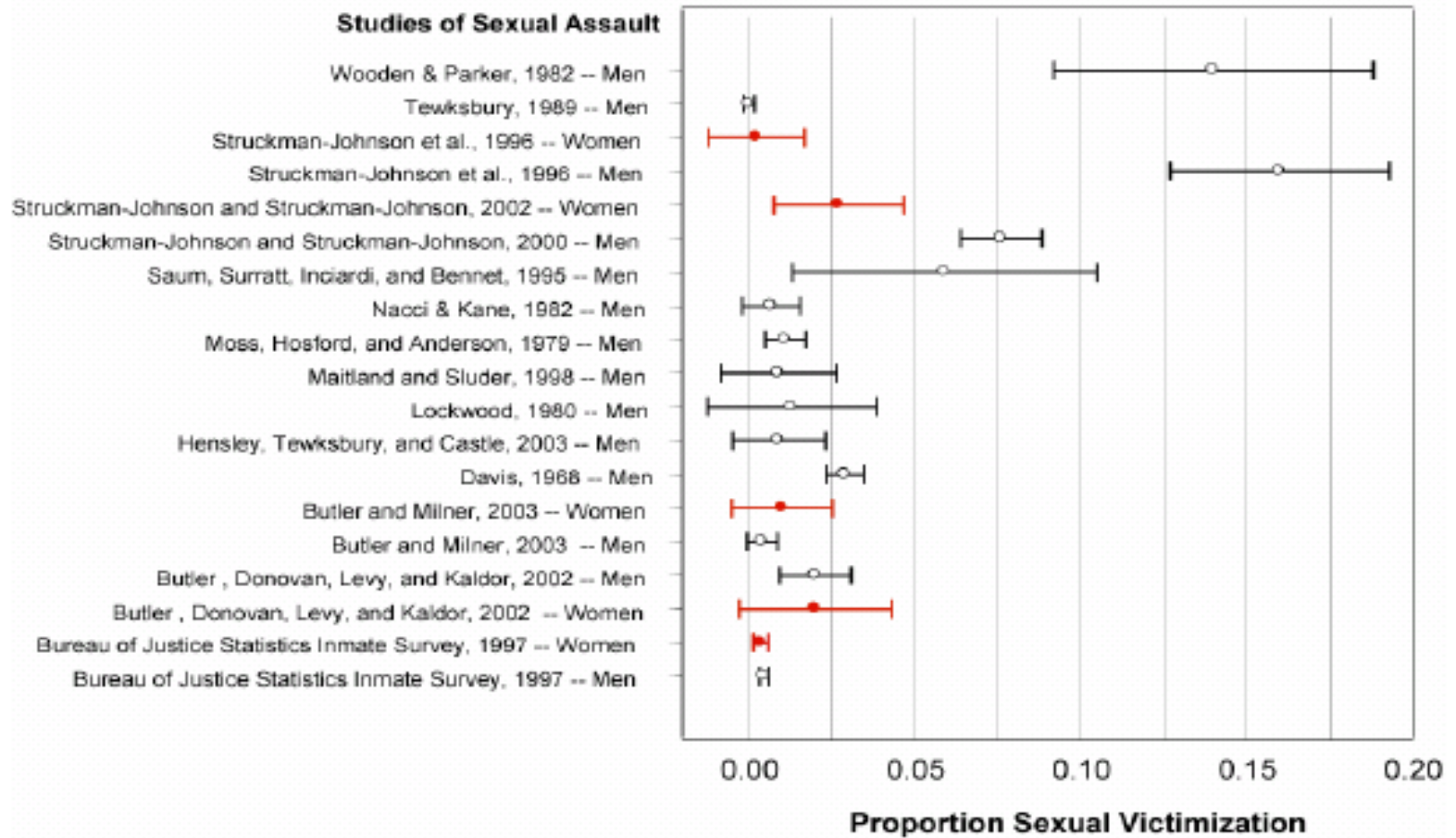
* A series of chi-square tests were used to discern interviewer effects.

Major Findings

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

1. Prevalence

Sexual Assault Victimization Prevalences



Source: Gaes, G.G., & Goldberg, A.L. (2004). *Prison Rape: A Critical Review of the Literature*, Working Paper, National Institute of Justice, Washington, D.C.

Headlines

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

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

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

--MSNBC.com, January 17, 2006

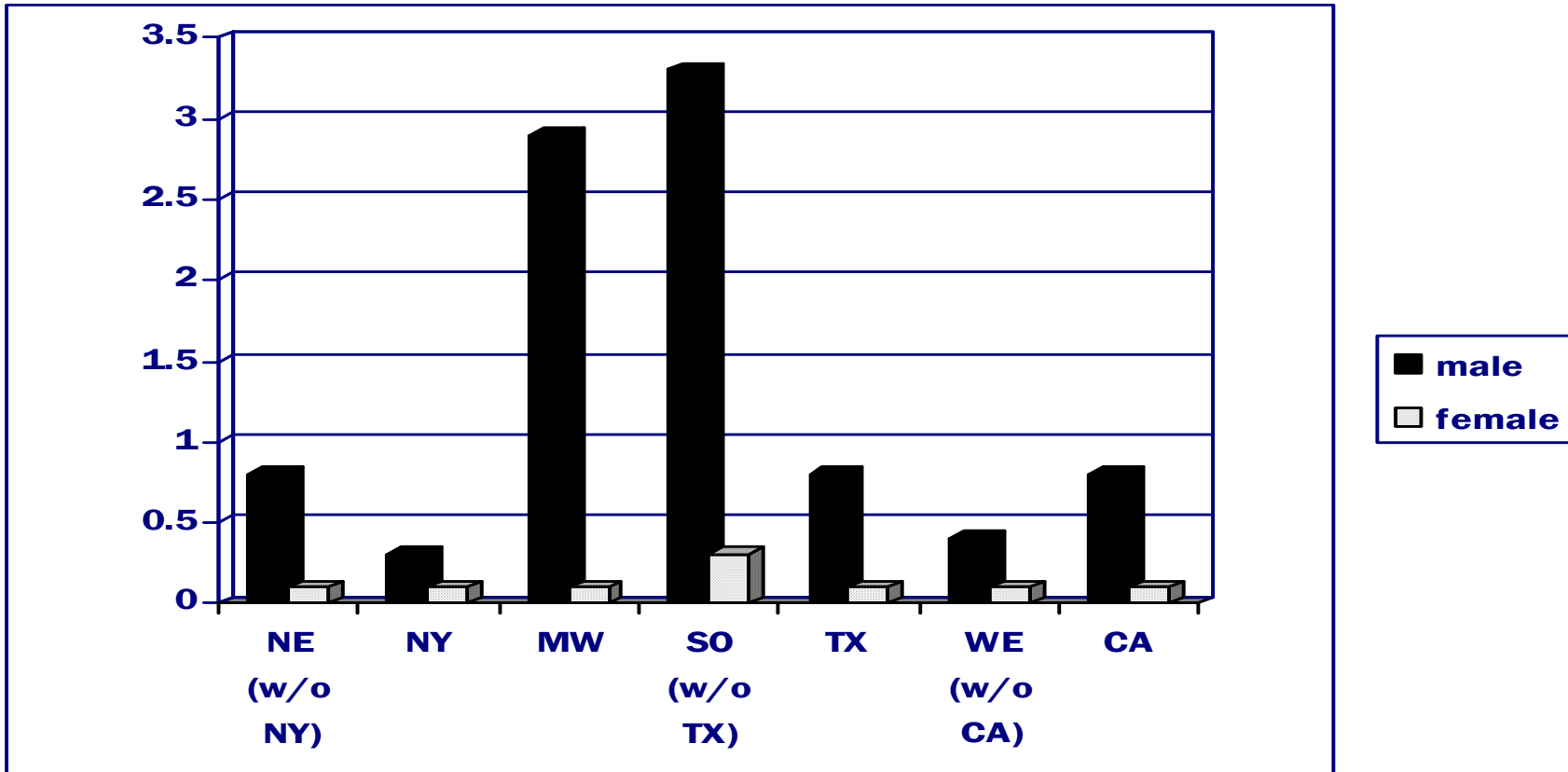
Study Claiming Rape Rare in Prisons Disputed by Experts

--Associated Press, January 26, 2006

Prevalence

- In the randomly selected sample:
 - 4.4% (14) of the inmates reported experiencing sexual assault
 - 1.3% (4) inmates reported engaging in sexual acts that they do not define as against their will, but nonetheless would rather not do
- In the transgender sample:
 - 59% (23) reported experiencing sexual assault
 - 48.3% (14) reported engaging in sexual acts that, from their point-of-view, were not against their will, but nonetheless they would rather not do

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



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

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

Prevalence of Rape

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

Important Consideration

**Statistics Means Never
Having to Say You're Certain**

Estimated Prevalence of Sexual Assault & Rape (in six prisons from which data were collected)

	n (%) [*]	Lower bound ^{**}	Upper bound ^{**}
Sexual Assault	14 (4.4%)	499	1,416
Rape, inmate defined	7 (2.2%)	190	883
Rape, researcher defined^{***}	10 (3.1%)	317	1,116

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

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

*** Operationalized as “oral or anal penetration by force or threat of force.”

Estimated Prevalence of Sexual Assault & Rape (in the CDCR Target Population*)

	n (%)**	Lower bound***	Upper bound***
Sexual Assault	14 (4.4%)	3,038	8,615
Rape, inmate defined	7 (2.2%)	1,156	5,374
Rape, researcher defined****	10 (3.1%)	1,930	6,792

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

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

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Rape, inmate defined	2 (2.2%)	1,116	5,374
Rape, researcher defined****	10 (3.1%)	1,930	6,792

Proceed with Caution!!!

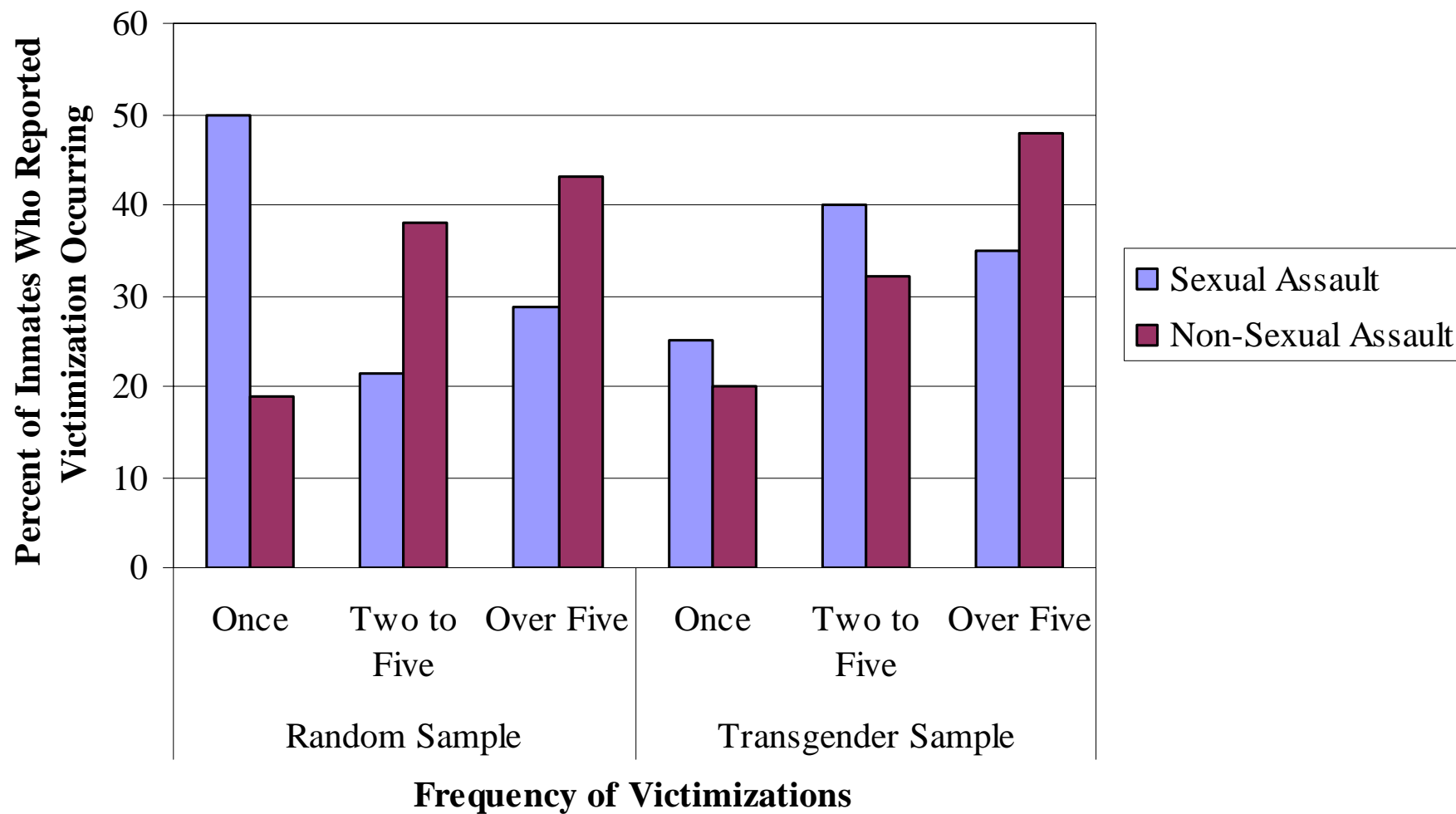
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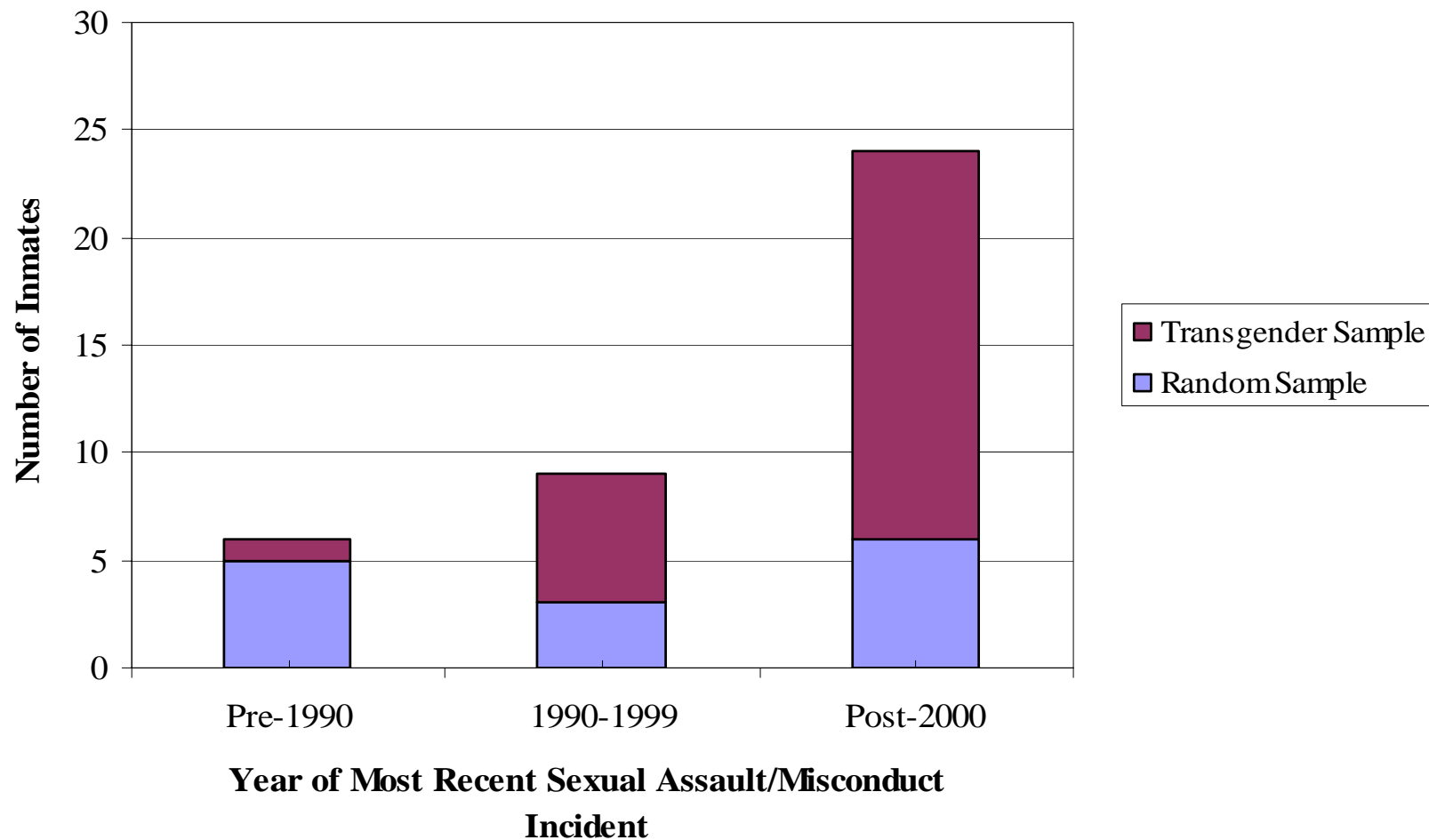
*** Lower and upper bounds calculated using the adjusted Wald method for 95% confidence intervals.

**** Operationalized as “oral or anal penetration by force or threat of force.”

Frequency of Victimization



Year of Most Recent Sexual Assault



Prevalence, continued

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

2. Characteristics of Victims

Characteristics of Victims

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

Characteristics of Victims

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

Victims of Sexual Assault by Sexual Orientation and Race

Sexual Orientation of Victim	Race of Victim	Sexual Assault		No Sexual Assault		TOTAL
		n	%	n	%	n
Heterosexual (n=308)	Black	5	4.5	105	95.5	110
	Non-Black	1	.5	197	99.5	198
Non-Heterosexual (n=12)	Black	4	80.0	1	20.0	5
	Non-Black	4	57.1	3	42.9	7

3. Characteristics of Incidents

Incident Data

Total # of incidents reported = 627

- Random sample
 - 36 incidents of sexual assault/misconduct
 - 463 incidents of non-sexual violence
 - » 355 not riots
 - » 108 riots
- Transgender sample
 - 76 incidents of sexual assault/misconduct
 - 52 incidents of non-sexual violence
 - » 46 not riots
 - » 6 riots

Characteristics of Incidents: Context

Where

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

Characteristics of Incidents: Context

When

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

Characteristics of Incidents: Context

Involvement and Use of Weapons

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

Characteristics of Incidents: Context

Officer(s) Awareness of the Incident

- In the random sample:
 - Officers were *aware* of the assault in 60% of the cases.
- In the transgender sample:
 - Officers were *unaware* of the assault the majority of times (70.7%)

Characteristics of Incidents: Context

Provision of Medical Attention (if Needed)

- For inmates in the random sample:
 - In 70% of the cases, medical attention *was* provided if needed.
- For inmates in the transgender sample:
 - In 64% of the cases, medical attention *was not* provided when it was needed

Characteristics of Incidents: Context

“What do you believe this was about?”

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

Characteristics of Incidents: Relational Features

Number of Parties Involved

- The vast majority of incidents involve two parties: a single perpetrator and a single victims.

Characteristics of Incidents: Relational Features

Racial/Ethnic Composition

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

Characteristics of Incidents: Relational Features

Gang Membership

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

Characteristics of Incidents: Relational Features

Relational Distance

- For the random sample inmates there is a fairly even distribution along the continuum of relational distance wherein the perpetrators are “all or mostly strangers” (25.8%), “all or mostly [people who are] identifiable” (22.6%), “all or mostly acquaintances” (25.8%), and “all or mostly well known” (25.8%).
- However, for the transgender inmates, the relational distance is skewed toward familiarity, with over 70% of the perpetrators being known well or an acquaintance of the victim.

FYI

- A. There are more findings in the report.
- B. There are more data to be analyzed (that are not addressed in the report).
- C. There is much more to be said about the relationship between sexual and non-sexual violence.

4. The Lived Experience

The Lived Experience

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

The Lived Experience

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

The Lived Experience

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

The Lived Experience

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



Now what?

Research Recommendations

Policy Recommendations



More Research!

Recommendations: Research

- Research on other incarcerated populations, such as women and juveniles

One Youth's Account of Horror in Texas Detention

By RALPH BLUMENTHAL

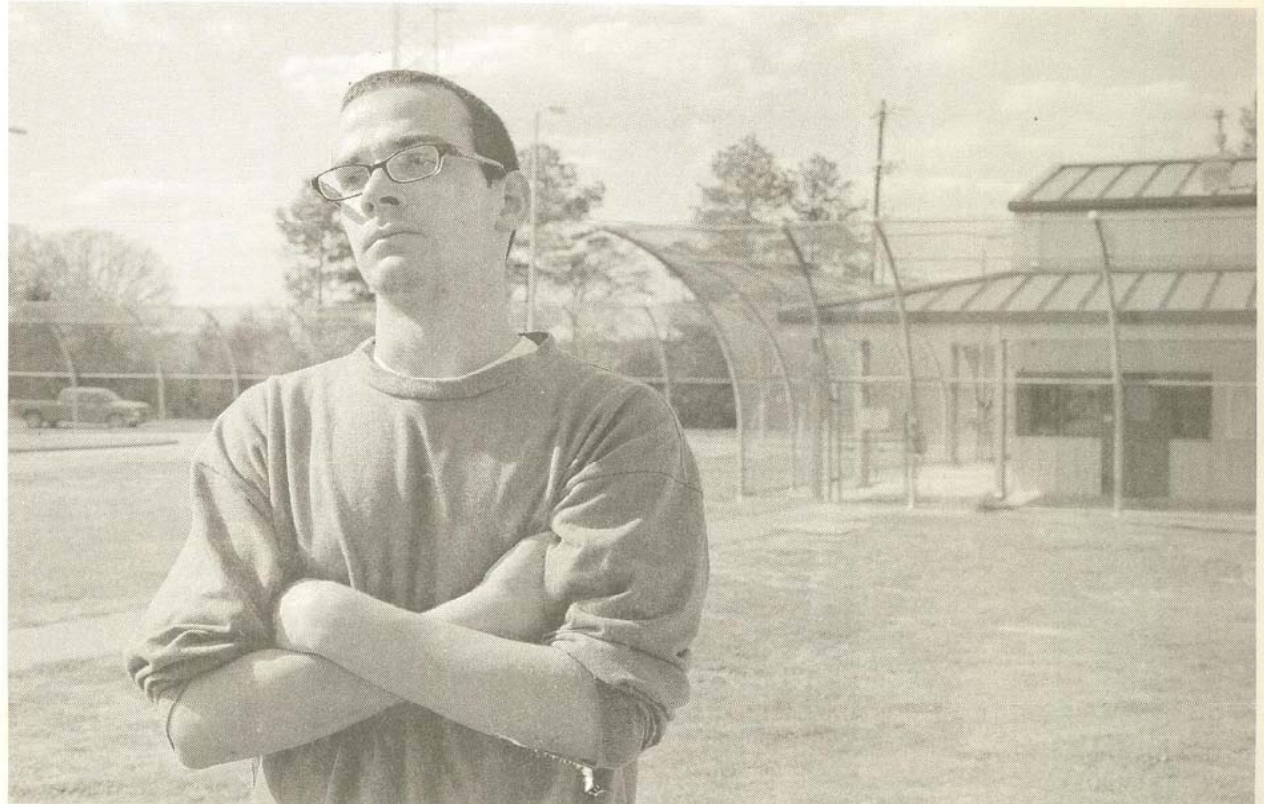
HOUSTON, March 7 — Joseph Galloway says he was molested at 15 by a female corrections officer in a Texas Youth Commission detention center and later raped by a fellow inmate as guards stood by.

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

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

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

"The good news is we're finding plenty to inquire about," said Jay Cimbrough, the special master appointed by Gov. Rick Perry to investigate after a scandal broke last month with news reports that the commission had covered up repeated sexual encounters between at least 10 boys and 2 administrators at the West Texas State School, in Poyote, from 2003 to 2005. More recently, officials said that at least three girls had been sexually abused by a corrections officer at another



Michael Stravato for The New York Times

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

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

That attack, Mr. Galloway said, was not the first in which he was raped. As an 8-year-old, he said, he was sodomized by the 16-year-old brother of a playmate. "He put me in a headlock, and he told me he would

youth walked in on them, but the episode was never reported, he said.

Not long afterward, Mr. Galloway said, he was written up for fighting and sent to a more secure unit. But it was overcrowded, he said, and when a youth in one cell screamed out that he wanted the new arrival put in with him — the inmate used crude sexual

at seven in the last 10 years, with one fatality involving the excessive use of force by guards and the others suicide or medical problems.)

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

Recommendations: Research

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

Table 2. Breakdown of Narratives by Primary Category and Victim Characteristics

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

Recommendations: Policy

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

- Given the prevalence estimates reported here, it is useful to affirm the value of this Commission's work and continue to support the Commission's efforts to develop training protocol on prevention, detection, and response for CDCR employees.

The CDCR hosts PREA Hearings at Folsom, November 14-15, 2006



Recommendations: Policy

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

Assaults in California Surpass Other Large Correctional Systems

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

Recommendations: Policy

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

Recommendations: Policy

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

State Prison Officials Not Sure Where to House Transgender Inmate

BALTIMORE - Maryland Division of Correction officials say they have no set policies to deal with transsexual inmates — though they now have one ordered to their custody.

“We take them one case at a time,” prison spokesman George Gregory said. Spokeswoman Maj. Priscilla Doggett said prison officials will evaluate Dee Deirdre Farmer, also known as Douglas Farmer, 41, to determine whether she should be housed with men or women.

“We will do a full intake and assessment to determine the correct placement,” she said.

Farmer was sentenced Wednesday to 18 months in the state prison system, after pleading guilty to faking her own death to avoid other criminal charges. She was transferred from the Baltimore City Detention Center to the Maryland Division of Correction on Thursday, said Barbara Cooper, a spokeswoman for the city jail.

Cooper said she could not release whether Farmer was housed with men or women.

Farmer presented a forged court order indicating that she had died to the State Division of Vital Records, which noticed something unusual about the order and reported it to the Attorney General’s Office, prosecutors said.

The order was a complete fabrication, prepared by Farmer in hopes of being able to use the altered death certificate to get unrelated criminal charges pending against her in federal court and Baltimore County Circuit Court dismissed, according to prosecutors.

Farmer was born as a male under the name Douglas Farmer, but had a partial sex change operation and now lives as a woman.

A few years ago, Farmer changed her Maryland birth certificate, using a court order from North Carolina, to reflect that she was a woman with the name Dee Deirdre Farmer.

Farmer previously sued federal prison officials over a 1989 rape that occurred after Farmer entered a federal prison for men in Terre Haute, Ind.

Her lawsuit claimed the government violated the constitution’s prohibition of cruel and unusual punishment by ignoring the risk that she would be raped by other prisoners, because of her feminine appearance.

Farmer had been sentenced to a 20-year federal sentence for credit card fraud. Through her attorney, she declined to comment on this story.



Recommendations: Policy

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

Recommendations: Policy

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

Recommendations: Policy

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

Recommendations: Policy

- This research suggests that inmates are, under believable conditions of confidentiality, are willing to report sexual assault.
 - Inmates generally do not believe that reports made to CDCR officials will be taken seriously, kept confidential, and/or result in any tangible positive consequence(s).
- In light of this, a solution is to provide venues for reporting that do not rely on CDCR officials as first responders (to reports), communicators, or adjudicators.
 - As just one example, consider one approach recently adopted in Texas: the use of a hotline run out of the Inspector General's Office and staffed by employees from the Inspector General's Office and the state Attorney General's Office.

Complaints Flood Texas Youth Hot Line

By RALPH BLUMENTHAL

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

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

Yes, said Mr. Yasko, an investigator for the inspector general of the state Department of Criminal Justice; she could remain anonymous. "What I'll do is send this out to the field and have investigators interview your son," he promised.

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

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

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



Erich Schlegel for The New York Times

Investigators at the Texas Youth Commission in Austin are reviewing files in more than 1,100 cases involving accusations of mistreatment.

there, enforce the law," said Mr. Moriarty, a former police officer who grew up in the Bronx. "There's a new sheriff in town."

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

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

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

"When are you going to serve it?"

"No, the Ranger has got to go."

"We want to execute the warrant."

"Tell him I want him to meet with

to get a child to release a mattress he was grabbing. The officer, Mr. Moriarity said, "bit the child."

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

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

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

Recommendations: Policy

- Develop and implement a peer education program designed to educate inmates about sexuality, bodily integrity, consent, and the ways to avoid coercion in correctional facilities.
 - The objective here is to go beyond current “one-shot” efforts at inmate education—through orientation materials distributed/shown to inmates when they enter a correctional facility—by providing ongoing education about sexual assault (and perhaps violence more generally).
 - One model for how this might be done is provided by Centerforce, which is being used in CDCR prisons and has been positively evaluated.

Recommendations: Policy

Finally, it is important to recommend the obvious: CDCR officials should spend more time thinking about how to create carceral environments in which “fighting or fucking” (to quote inmates) are not the only options in some situations.

Recommendations: Policy

- Inmates in correctional facilities need to have those charged with running these institutions publicly demonstrate a commitment to zero tolerance for sexual assault.
 - When an inmate in this study was asked, “How common do you think it is for inmates to be raped by other inmates,” he replied, “It actually happens, but not so much that the administration is forced to do something.”
- The CDCR’s challenge is to prove this inmate wrong.

“The California Department of Corrections and Rehabilitation staunchly supports the Prison Rape Elimination Act. We recognize the need for swift action. And I’ve made a commitment to a strategic planning process for complying with PREA. Not just because it’s the law, but because we have made a commitment to safe prisons and treating inmates humanely.”

- Roderick Hickman

Secretary of the CDCR when the PREA became law



It is not the *strongest* of the species that survive, nor the most intelligent, but the one most responsive to change.

- Charles Darwin





UCIrvine

CENTER FOR EVIDENCE-BASED CORRECTIONS

Think outside the bowl



Commissioners For Texas Youth Agree to Resign

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

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

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

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

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

The Texas Youth Commission incarcerates about 2,700 offenders ages 10 to 21 who are considered the most dangerous, incorrigible or chronic. Late last month, lawmakers questioned agency staff members about a 2005 investigation that found evidence that officials at the West Texas State School in Pyote had repeated sexual contact with some of the 250 inmates. An internal investi-

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