Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations

Notification of Curriculum Use
April 2014

The enclosed Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations curriculum was developed by the Project on Addressing Prison Rape at American University, Washington College of Law as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The Prison Rape Elimination Act (PREA) standards served as the basis for the curriculum’s content and development with the goal of the Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations curriculum being to satisfy specific PREA standards requirements.

It is recommended that the Responding to Sexual Abuse of Inmates in Custody: Addressing the Needs of Men, Women, and Gender Nonconforming Populations curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials require either acknowledgement during their presentation or removal of the PRC and Project on Addressing Prison Rape logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval, at which point the BJA logo may be added.

Note: Use of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find that a facility “meets standards.” Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.

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Training Curriculum:
Responding to Sexual Abuse of Inmates in Custody:
Addressing the Needs of Men, Women and Gender Non-Conforming Populations

Module 4:
Sexuality and Sexual Behaviors in Institutional Settings
The Project on Addressing Prison Rape
February 2014

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Training Objectives

Identify and discuss key issues related to sexuality including:

- The definitions, development and relationship of sex, gender and sexuality
- How biological sex, gender expression, sexual orientation and sexual acts work together
- Sexual orientation
- Gender and sexual minorities
- Trends and factors related to sexuality
- Discussing sexuality
- When reality meets sexuality
Training Objectives

Explore and discuss the continuum of sexual behavior in institutional settings

Define sexual behavior in institutional settings

Identify perceptions about sex in prison

Discuss sexual activities of men, women and gender non-conforming inmates

Discuss the risk of sexual violence in correctional settings
Disclaimers

Pretty explicit language

Not the way you or I talk every day

Meant to give you a sense of the language and culture that has developed around sex in institutional settings
Sexuality is made up of several factors including biological sex, gender, gender expression and sexual acts. Each factor has a set of independent issues to consider:

Sex (what you got or what you get)
- Biological and anatomical identity assigned at birth (sometimes earlier)
  - Chromosomes, external sex organs, internal sex organs, reproductive organs
  - Historically, only two options – male or female recognized by law and society
  - Historically, initial determination lasts once determination is made at birth
  - Today, sex can be reassigned surgically and/or chemically after initial determination
  - Increasing recognition of intersex conditions
Human Sexuality

Gender (Outside-In)
- The set of qualities and behaviors expected by society
- Expectations based on sex determination
- Communicated via images, language, text, media, symbols
- Can vary widely within and among cultures, religions, nations, and families structures and institutional settings
- Impacted by factors such as past experiences, education, physical abilities and/or economics.
- Can evolve over time

Gender Expression/Identity (Inside/Out)
- The way a person communicates sexual and/or gender identity via behavior, attitude, conduct, and language
- Can be verbal and non verbal, conscious or unconscious, intentional or unintentional, sexual or non-sexual
- What a person communicates and what the world perceives may not be the same thing
- Sexual minorities may or may not conform to gender expectations
Human Sexuality

Sex Acts (What you do)
- Any form of intentionally sexual physical conduct including masturbation, oral sex, anal sex, intercourse, and frottage
- Can be consensual or non-consensual or something in between
- May be consistent with traditional expectations established by one’s gender and gender expression, biological sex
- Sexual minorities may engage in sex acts that are inconsistent with traditional expectations established by one’s biological sex, gender and gender expression

Sexuality
- Catch-all phrase used to describe the interplay of physical, psychological, social, emotional, and spiritual makeup of an individual
- Can encompass sex, gender, gender expression, sexual orientation, sexual preference, and social norms as they affect physical, emotional, and spiritual life
- In addition (or in lieu of) physical conduct, sexuality can involve sexual thoughts, desires and longings, erotic fantasies, turn-ons and past experiences – positive and negative
INDICTIA OF BIOLOGICAL SEX

- Penis
- Testicles
- Scrotum
- Vas Deferens
- Adam’s Apple
- Facial Hair
- Uterus
- Breasts
- Clitoris
- Vagina
- Fallopian Tubes
- Ovaries
- Labia

POSSIBLE BIOLOGICAL SEX DETERMINATIONS

MALE

FEMALE

INTERSEX

Once determination is made, societal expectations on biological, physical, emotional, intellectual gender, sexual conduct and sexuality quickly attach.

Societal Expectations = Gender
Biological Sex and Gender: Indicia of Gender Expectation

- Blue is for boys and pink is for girls
- Boys don’t cry/girls are emotional
- Boys are good at sports/girls are good at art
- Toys (baby dolls, trucks, animals, guns)
- Girls are quiet
- “Be a man” or “Be a lady”
- Girls are feminine/boys are masculine
- Sweet sixteen v. 1st sexual conquest
- Bar Mitzvah v. Bat Mitzvah
- Girls like boys and boys like girls
- Women have sex with men
- Men have sex with women
- Girls wear dresses and boys wear pants
Biological Sex and Gender: Indicia of Gender Expression

- Sexual orientation
- Appearance/style
- Personal hygiene
- Body movements
- Bathroom habits
- Athleticism
- Sexually aggressive v. coy
- Masculinity v. femininity
- Intelligence v. caring
- Emotional v. physical
- Career v. homemaker
- Protector v. vulnerable
- “I wear the pants here!”
- Passive v. aggressive
- Sexual conduct
- Sexuality
- Muscles v. curves
Gender, Gender Expression, Sexual Acts and Sexuality

**MALE**
- Society stereotyping and influence on behavior
- Sexuality is easily detached from emotional feelings
- Same sex sexual conduct does not equal bisexuality or homosexuality
- Showing any emotion is a form of weakness
- Sex is primarily physical.

**FEMALE**
- Sexual acts historically connected to reproduction not pleasure
- Physical intimacy is often connected to emotional intimacy
- Sexuality is linked to attraction and feelings of love
- Intimacy between women more acceptable than between men
Other Factors Affecting Sexuality

Race
• African American
• Hispanic
• Caucasian
• Asian
• Native American

Religion and Ethnicity
• Jewish
• Hindu
• Muslim
• Christian

Class
• Housing
• Access to health care
• Education
• Neighborhoods
• Career Goals

Geography
• Urban v. rural
• South v. northeast v. mid west v. west coast
Sexual Orientation

- Straight
- Gay/Lesbian
- Bisexual
Gender, Sexuality and Terminology

A person is a gender and/or sexual minority when their actual or perceived gender expression, sexual conduct and/or sexuality are inconsistent with traditional expectations established by biological sex.

**LGBTI**: An acronym that refers to sexual minorities, including lesbian, gay, bisexual, transgender and intersex

**Gender expression**: a person’s expression of his/or gender identity, including appearance, dress, mannerisms, speech, and social interactions

**Gender identity**: distinct from sexual orientation and refers to a person’s internal, deeply felt sense of being male or female

**Gender non-conforming**: gender characteristics and/or behaviors that do not conform to those typically associated with a person’s biological sex
Gender, Sexuality and Terminology

**Questioning**: active process in which a person explores her or his own sexual orientation and/or gender identity and questions the cultural assumptions that they are heterosexual and/or gender conforming.

**Intersex**: an individual born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female.

**Transgender**: person whose gender identity differs from their birth sex.
- **Transgender woman**: person whose birth sex was male but who understands herself to be, and desires to live her life as, a female.
- **Transgender man**: person whose birth sex was female but who understands himself to be, and desires to live his life as, a male.
The Greatest Generation
• No sex before marriage
• Vaginal intercourse is the only sex
• Sex is for procreation

Baby Boomers
• Sex, drugs and rock and roll
• Free love
• Hippies
• Experimentation
• Women’s Movement

Birth Control Pill
• Abortion legalized
• Sex without life changing consequences
• Title 9
Current Trends Affecting Sexuality

Gen X and/or Y

- HIV/AIDS
- “Post” civil rights era
- High divorce rate/single parent homes/dual income Families
- Multiple partners
- Experimentation is accepted and expected
- Shifting gender expectations
- Improved sex reassignment procedures and medications
- War on drugs and increase in incarceration rates and length of sentences
Current Trends Affecting Sexuality

Gen NEXT

• HIV/AIDS
• Constitutional protection for same-sex sexual conduct
• Several states recognize same sex marriage, domestic partnerships, or civil unions
• Divorce as the norm with single parent homes
• Multiple partners
• Experimentation is accepted and expected
• Oral/ Anal sex is not sex
• Internet/Virtual Sex
Discussing Sexuality

Step 1: Know Yourself
- Do you have sufficient relevant information to discuss this?
- What is your sex, gender and sexuality?
- What makes you uncomfortable?
- What are your strengths and limitations?
- What are your values?

Step 2: Know your Context
- What is the objective(s) of the discussion?
- What is the location/physical setting?
- What is your role?
- What are the parameters/boundaries at play?
Step 3: Know your audience
- Age, language, culture, setting, identity
- What are the specific characteristics of your audience that will impact a discussion on sexuality?
- What are the most effective forms of communicating with your audience.

Step 4: Connecting
- Use cultural references to represent healthy and non-healthy representations of sexuality.
- Avoid making superficial cultural references.
Discussing Sexuality:
When Reality Meets Sexuality

Sexuality issues are relevant to every stage of life– there are few, if any, contexts, where sexuality issues are not at play.

Discussions about sexuality can be unsettling, comforting and/or challenging.

Right and wrong answers should not be the objective--there are no absolutes.
Strategies for Discussing Sexuality

Determine whether given the time, place, situation and parties involved it is appropriate to discuss sexuality.

Determine your objective – security, information sharing, exertion of power.

Determine whether the situation requires attention to issues unique to sexual minorities.
Talking about Sex and Sexuality

Who
• Issues related to sexuality impacts all humans at every stage of life and beyond. Language, age, race, societal factors, power dynamics will all impact on who is the appropriate participant in sexuality discussions.

What
• All aspects of sexuality require attention to the facts, the audience, and the context. The discussants should also note the role that society, biology, emotional and physical desire play in determining the content of the discussion.

When
• Timing issues are important to engaging productive discussions of sexuality and/or sexual conduct.
Talking about Sex and Sexuality

How
• With Knowledge, respect, and appreciation for differences and challenges of discussing sexuality.

Where
• The location of discussion of sexuality is important in determining parameters of discussions on sexuality. The Institutional, educational, private, medical settings will all impact who, what, when and why and how.

Why
• It is important to understand how attitudes about sex impact our lives and work and how their role in society in order to keep ourselves and others safe and healthy.
Sexual Behaviors in Institutional Settings
Continuum of Sexual Activity: Adult Offenders

Staff on Inmate Sanctions

**Criminal**
- Prosecution
- Sex Offender Registration

**Civil Litigation**
- Inmate
- State
- Federal government

**Administrative**
- Warning
- Loss of job
- Loss of License

**Forced**
Against offender’s will or with violence or threat of violence

**Coerced**
Under threat of negative outcome

**Strategic**
In exchange for highly valued items

**“Non-Coerced”**
Solicited by offender or engaged in willingly by offender without promise, benefit or threat

Inmate on Inmate Sanctions
# Sexual Behavior in Institutional Settings: Descriptive Language

## Men
- **Turn out**
  - hetero pressured into sex in prison
- **Ass Chaser**
  - sexual predator
- **Fag**
  - man who is weak and coerced into sex
- **Hard addict**
  - a man who does what he has to for drugs
- **Housewife**
  - a fag who cares for a man’s cell

## Women
- **Boo**
  - love name for women inmates
- **Bull-Dagger**
  - masculine woman
- **Bushwacker**
  - sexual predator
- **Femme**
  - girly girl
- **Garbage Disposal**
  - sleeps around
- **Strictly Dickly**
  - A woman who does not engage in homosexual behavior
Sexual Behavior in Institutional Settings: Descriptive Language

Men
- Skull
- Hitting it
- Leave it at the gate
- Lock Up
- Lose Manhood
- Shoot
- Take it
- Cap

Women
- Fist F*%&ing
- Hitting it from the back
- Riding the dome
- Ride Head
- Marry
Sexual Behavior in Institutional Settings: Descriptive Language

Slang for actions of both men and women can include:

- Graveyard Love
- Running a Game
- Rape
- Thirsty
- Beat it
- Break the Back Door
- Hustle
- Pressure
- Shoot
Perceptions of Sex in Prison: Generalizations about Potential Victims

- Used for sex
- Treated as a commodity
- Young; new to incarceration
- Weak; inexperienced; naïve
- Disabled (mentally, physically, etc.)
- History of abuse
- Sex offenders
Perceptions of Sex in Prison: Generalizations about Potential Victims

Racial and ethnic minorities within prison walls

Stigmatized by their status as victims

Soft; feminine in appearance

Used in games of extortion and for exploitation

Gender non-conforming/ LGBTI
Perceptions of Sex in Prison: Generalizations About Potential Predators

- Likely to be older
- Have been incarcerated for longer period of time
- Have street history of rape and assault
- Physically aggressive, manipulative
Perceptions of Sex in Prison: Generalizations About Potential Predators

Masculine in appearance

Protected by physical strength, reputation as dangerous

Adept at extorting and exploiting victims

Members of a gang
Why Women may Engage in Sexual Activity in Custody

- Inappropriate sexualization
- Sex defined as “love” or as a commodity
- Boundary issues
- Challenges in defining domestic violence
- Fears about disclosure & reporting
- PTSD and re-traumatization
- Crisis and long-term treatment issue
- Trauma remains untreated and cycle continues
Which Women May Engage in Sexual Activity

- History of previous confinement
- Longer sentences
- Arrested earlier
- Higher levels of aggression
Why Men May Engage in Sexual Activity

Want
Deprivation
Companionship
Favors or Benefits
Protection
Force
Which Men May Engage in Sexual Activity

Aggressors are men in a racial or ethnic majority within the facility—victims are in the racial or ethnic minority

Older inmates

Violent offenses

Not gang affiliated
Why Gender Non-Conforming Inmates may Engage in Sexual Activity

Sex defined as “love” or as a commodity
Boundary issues

Fears about disclosure & reporting

History of previous confinement and/ or longer sentences

Want/ need

Favors or benefits

Protection

Force
Challenges for Administrators

Allowing conjugal visits

Training officers to know the difference between forced, coerced, and non-coercive sex

Housing and treatment of sexual minorities

What is permissible sexual behavior
Strategies for Responding to Inmate Sexual Violence

- Establish zero-tolerance initiatives for all sexual violence
- Increase sanctions for inmate predators
- Establish preventative measures
- Increase facility staff coverage & visibility
- Decrease inmate idle time
- Enhance family visiting programs
- Investigate all reports of sexual violence
- Develop and enforce protocols & policy
- Educate and train staff about inmate sexual violence
- Educate inmates about resources, steps, protections, and preservation of physical evidence


Summary

What are the differences between gender, sexual orientation and sexuality?

What are some differences between the sexuality of women, men and gender non-conforming individuals in custody?

What are some strategies to discuss the sexual activity of inmates?

How can you implement these strategies in your agency?