

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.

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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 5: Implications of Institutional Culture

**The Project on Addressing Prison Rape
February 2014**

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Training Objectives

Define and identify components of institutional culture

Define how institutions perceive sexuality and sexual violence

Understand staff perspectives on inmate sexuality and sexual violence

Training Objectives

Understand the collision of institutional culture, the code of silence and responses to inmate sexual violence

Define the impact of staff and agency culture on addressing sexual violence

Institutional Culture

An institution's culture is the sum total of the attitudes, beliefs, traditions, symbols, ceremonies and prejudices of current and past staff, the character of the surrounding community and work environment, the history of the operations and the events in the institution and the personalities and ethics of leaders, formal and informal, both past and present

Components of Culture

Beliefs: Shared Explanations of Experience

- Example: You can't be promoted by always bringing the boss bad news

Values: What is considered right and good

- Example: If its offenders vs. staff, the decision supports the staff member

More Components

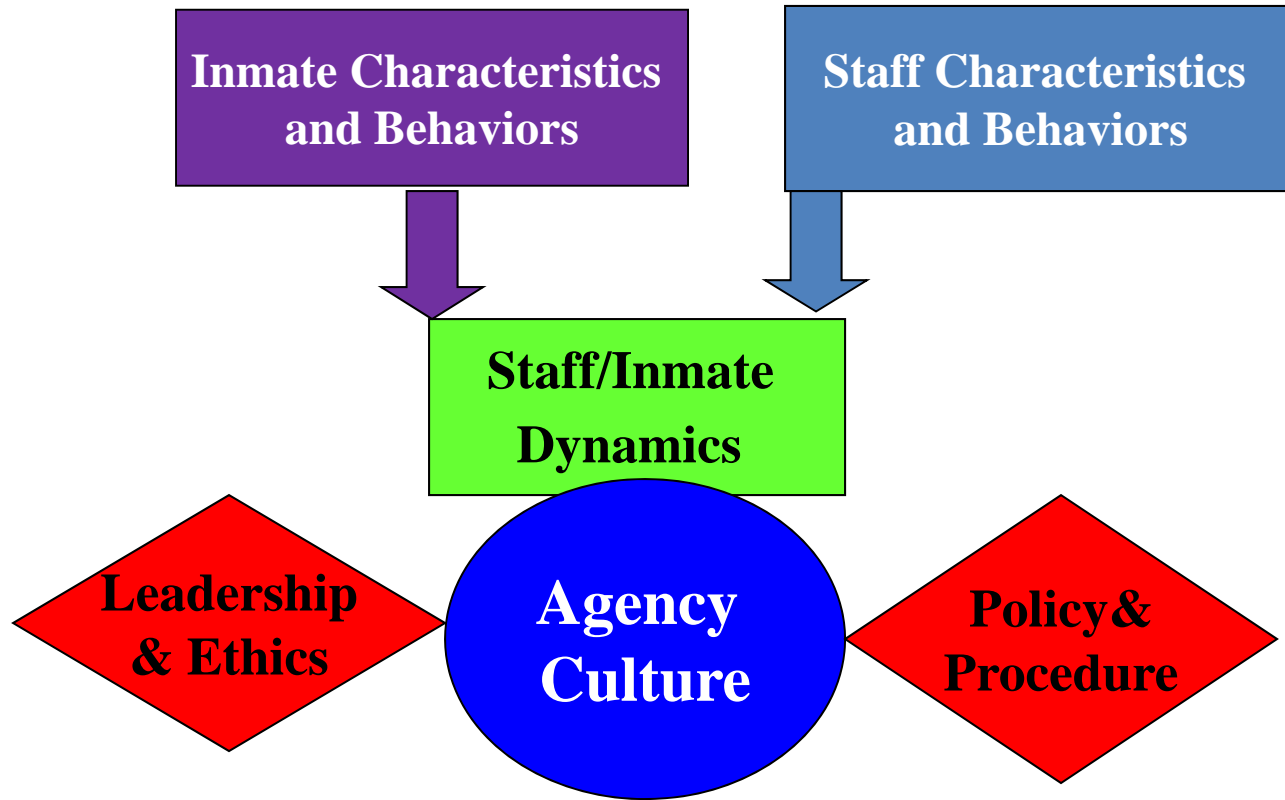
Norms: Shared Rules, “the way things are done”

- Example: Don’t volunteer for assignments

So deeply held that they aren’t even noticed unless they are violated

Norms are often more powerful than formal sanctions

Factors that Influence Institutional Culture



How Institutions Perceive Sexuality and Sexual Violence

How an institution thinks about sexuality and sexual violence is reflected in their policies

- Visiting – family/ conjugal
- Access to reading material
- Masturbation
- Physical closeness
 - Touching, fondling etc.
- Sexual Assault

Family/Conjugal Visiting Policies

California DOC

Eligible inmates may apply for family visits. These visits take place in an apartment type setting and are for up to 43 hours in duration. Family visits include only the inmates immediate approved family members. The inmate purchases food from the institution. The inmate and their family may review the different menus and make purchases prior to the visit. Minors may not normally participate in a family visit without the presence of another adult member of the inmate's immediate family. Exceptions may be made on a case by case basis.

Family/Conjugal Visiting Policies

Mississippi DOC

Conjugal visits are allowed to eligible legally married inmates (married is defined as the union of a man and a woman). The spouse of the inmate must provide proof of marriage. Inmates are given one hour for a conjugal visit and provided with the following items: soap, condoms, tissue, sheets, pillowcase, face towel and a bath towel. The inmate and spouse are searched before and after each visit for security reasons.

- Offenders must be "A" or "B" custody and/or have at least a Behavior Management Level of 3 to be eligible for a conjugal visit.
- An offender will have no findings of guilt for a Rule Violation Report for six months to be eligible for a conjugal visit.
- Proof of marriage will be required for all conjugal visits

Family Visitation Policies

Ohio DOC

Ohio Reformatory for Women

- **Mom and Kids Day:** During the month of December and for Mother's Day, incarcerated mothers, children, and other family members are permitted to spend the entire day together to celebrate the holiday. A variety of games, conversation, food and entertainment provide the families with an atmosphere of love, closeness, and sharing. This special visitation program promotes family reunification.
- **The Achieving Baby Care Success (ABC'S) Program** allows incarcerated pregnant inmates to maintain custody of their infants after they are born. Each participant has an individualized treatment plan so that the problems that resulted in her incarceration are thoroughly addressed. Hands-on parenting instruction is available for every mother in the program.

Publication Policies

Montana DOC

Prohibits mail, including publications, that contain or feature nudity or sexually explicit material

North Carolina DOC

Prohibit materials which impede inmate rehabilitation

- any item or depiction which encourages or reinforces the perception of other persons as potential objects for physical or sexual aggression.

Masturbation Policies

Ohio DOC

Prohibits seductive or obscene acts, including indecent exposure and masturbation

Arkansas DOC

Does not have a specific rule violation for masturbation but does have rules regarding

- indecent exposure or making profane/obscene gestures to a staff member

Touching Policies

Iowa DOC

Prohibits sexual contact or relationships with another person through gestures, such as, kissing, petting, etc.,

West Virginia DOC

Prohibits "Sexual Acts – Engaging or attempting to engage in any sexual act, including kissing or fondling, with any other person".

Sexual Assault Policies

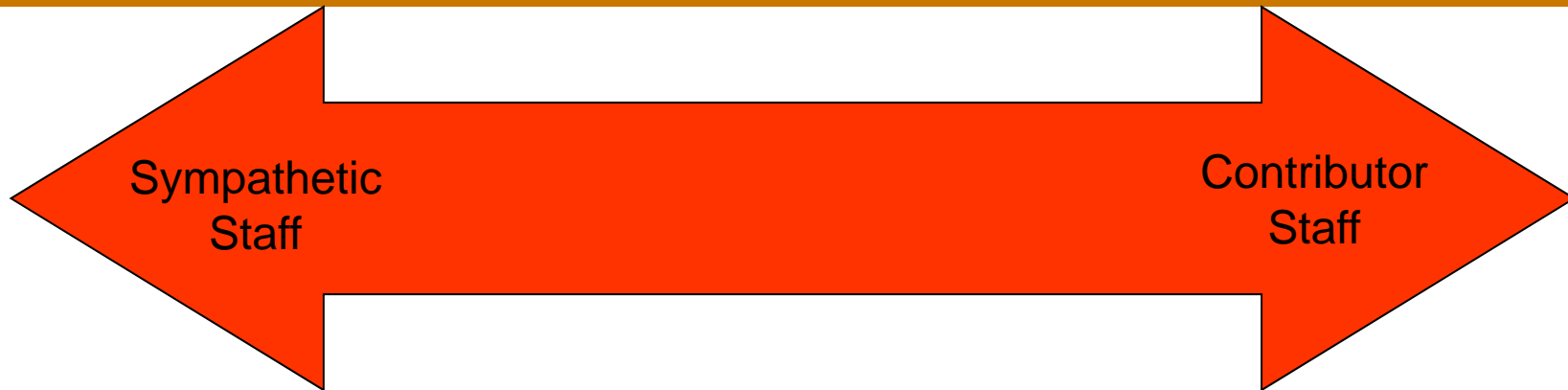
Tennessee DOC

The act of forcing or coercing (through violence or threats of violence) an individual to submit to sexual intercourse (vaginal or anal) or other sexual acts to include cunnilingus and fellatio. It shall also include the sex act of forcibly introducing foreign objects into an individual's body cavity (vaginal or anal) without the victim's consent.

Michigan DOC

Sexual penetration of, or sexual contact with, another person without that person's consent; non-consensual physical contact for sexual purposes.

Continuum of Staff Responses to Sexual Violence



- Well trained
- Recognizes symptoms of sexual assault
- Referrals for medical and mental health
- Takes preventative actions
 - Increases rounds
 - Requests moves for inmate victims
- Sees need for victim services

- Use rape or threat or rape to control
- Uses housing assignments to control inmates
- Threat to house with sexual predators to gain compliance
- Reward predators with "fresh meat" when they comply
- Tolerate coercive sexual activity as part of the divide and conquer technique
- Indicate disrespect for victims by using derogatory names (fag, punk, queen)



Staff Perceptions of Sex and Sexuality have an Impact on Institutional Culture

How Staff Perceive Sex and Sexuality

Influences on staff definitions of rape

- Embarrassment
- Not understanding coerced consent
- Choose to ignore because they feel it is consensual

How Staff Perceive Sex and Sexuality

Attitudes about homosexuality

- Inmates having sex are heterosexual and responding to sexual deprivation
- Heterosexual men may choose to participate in same-sex behavior in certain instances
- Inmates performing sexual acts consensually are homosexual

How Staff Perceive Sex and Sexuality

Attitudes towards prostitution

- Engage in acts of their own free will
- Engage in sex for protection
- Prostitution is not a response to deprivation
- Prostitutes are inmates who need money for survival

How Staff Perceive Sex and Sexuality

Attitudes about inmates as victims

- Complications confirming incident leads to non-belief
- Inmates use claims of sexual violence against inmates they don't like
- Inmates use sexual violence as leverage
 - Move facilities or cells

How Staff Perceive Sex and Sexuality

Attitudes about domestic violence

- Relationships begin as consensual and turn coercive over time
 - There is shame after the initial act
 - Embarrassment or worry about getting discovered
 - Disapproval from family
 - Discomfort with the behavior

How Staff Perceive Sex and Sexuality

Causes of sexual violence

- Interpersonal conflicts
- Exploitive nature of inmate culture
- Pursuit of power
- Respect
- Sex as a commodity
- Forced abstinence

How Staff Perceive Sex and Sexuality

Where sexual violence happens

- Multi-person housing
- Chapel
- Showers
- Kitchens
- Work areas
- Cells
- Day-rooms

How Staff Perceive Sex and Sexuality

Challenges for staff

- Knowing and understanding their own values and attitudes
- Reporting may be at odds with ethical obligations
- Identifying consent and non-consensual sexual activity

How Staff Perceive Sex and Sexuality

Attitudes specific to staff in women's facilities

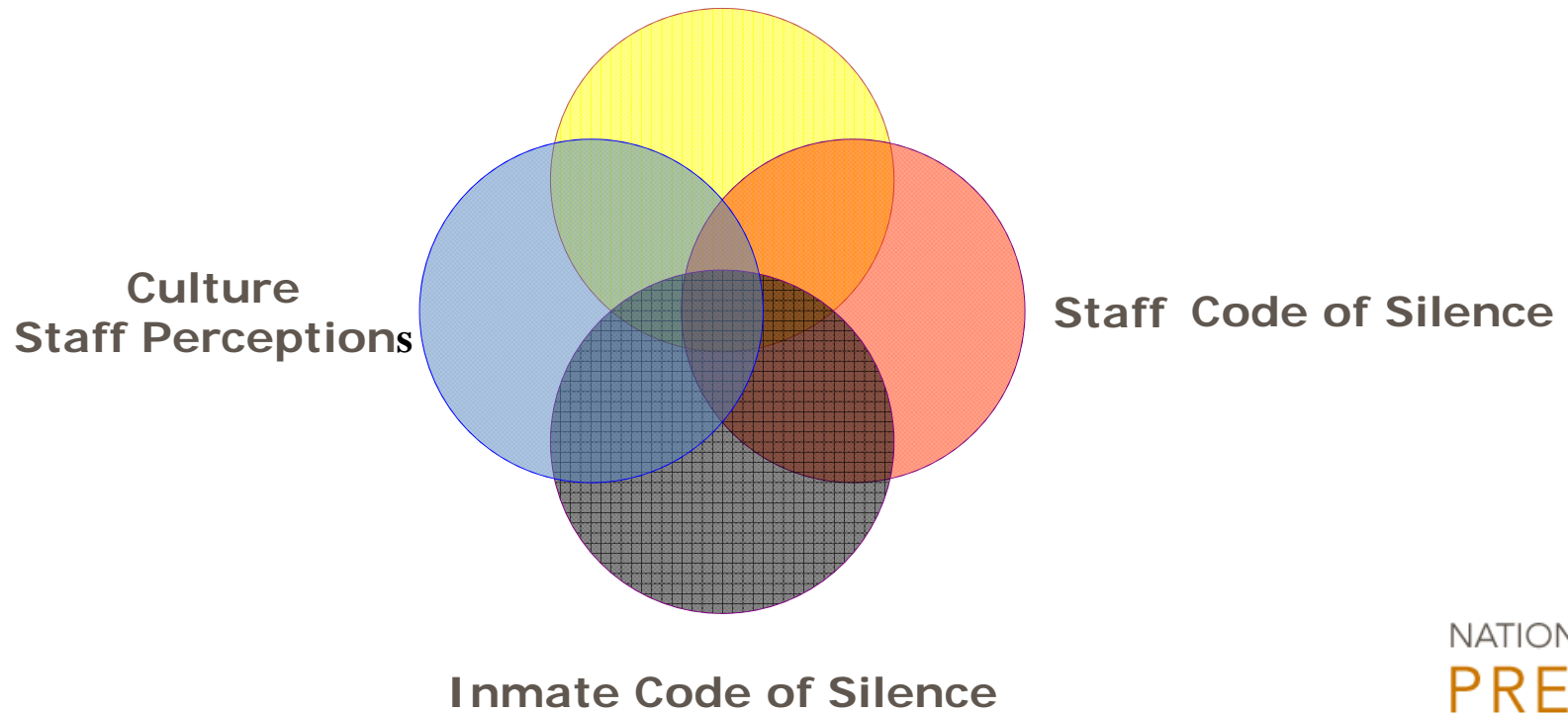
- Dynamics of female sexual violence are not known
- Sexual coercion happens more than violence
- Aggressive women are not always coercive
- Intimidation is the most used form of coercion
- Sexual violence is too difficult to detect
- More likely to report abuse- do not abide by the no snitching rule

What Does this Have To Do with Culture?

If staff don't define conduct as sexual abuse and inmates don't think staff will report or respond there will be a culture of silence and denial

The Code of Silence Intersection

Responding to Inmate Sexual Violence



Baron v. Hickey, 242 F. Supp. 2d. 66 (D. Mass. 2003): Facts

Baron, a corrections officer in Suffolk County House of Correction, witnessed a supervisor playing cards with inmates, a violation of facility policy

Baron filed a report, and the supervisor was suspended

Baron claimed that he was ostracized and harassed

- Defaming posters claiming Baron watched child pornography; threatening phone calls; smeared feces on his car; slashed tires.

Hickey, another corrections officer, was the ring leader of the harassment

- Called him a “rat-fink” and threw cheese at him
- “low down Jewish rat bastard coward”

Baron v. Hickey, 242 F. Supp. 2d. 66 (D. Mass. 2003): Facts

Baron verbally complained on 30 separate occasions and submitted 20 reports in writing

- Hickey was ordered to cease harassment, but not discipline
- A supervisor told Baron to “be a man”

Baron was charged, and acquitted of indecent assault and battery

Baron suspended for five days for giving food to a female inmate

He was to be suspended for 20 days for submitting an inmate communication directly to the Boston Police rather than his supervisor, but resigned before the suspension was to take place.

Baron v. Hickey, 242 F. Supp. 2d. 66 (D. Mass. 2003): Outcome

Legal Claims:

- 42 U.S.C. § 1983
- First Amendment
- Due Process
- State law claims

Holding

- The supervisors' tolerance of harassment was a "matter of public concern," sufficient to satisfy a First Amendment claim
- Jury awards Baron \$500,000 for severe harassment
 - Affirmed 402 F.3d 225 (1st Cir.(Mass.))
http://law.justia.com/cases/federal/appellate_courts/F3/402/225/510084

The Impact of Culture on Responses to Sexual Abuse in Custody

Culture plays a role in sexual violence in prisons and jails

Can either support or obstruct efforts to address sexual violence

Culture has an impact on:

- Safety, Security, Reporting, Investigatory practices, Support for the victim

Why is Culture Important?

Provides a context for behaviors of staff and inmates

Attitudes and conduct are shaped by the culture

Addressing the problem in a systematic way is about cultural change

- Involves shifting the existing norms

Culture change is the challenge for leadership

Addressing Culture

- Acknowledge its existence
- Assess the culture
- Education
- Plans of action
- Policies and procedures
- Operations match policies
- Role modeled behavior
- Meaningful zero tolerance with consequences
- Effective investigations
- Protection from retaliation

How to Change Culture

Establish a vision: make it a priority

Redefine the issue:

- It's not about sex, its about public safety and security
- It's not about sex, its about the protection of inmates under our care and control
- Public safety and security are compromised whenever boundaries break down
- Sexual violence is the most extreme form of violation boundaries

How to Change Culture

Educate Staff

- For managers: there is liability
- For supervisors and line staff: it's a security/
public safety issue

Educate Inmates

- Sex in prison is a safety issue
- Sex in prison is a public health issue
- Sex in prison can be life and death

Tools for Changing Culture

Train and support first line supervisors in their efforts to supervise staff, and recognize signs of sexual violence

Ensure that there are open dialogues specific to the issue, using regular staff meetings, regular discussions and sharing of information and concerns, and any other format that will keep staff talking about the issue.

Ensure that practices match policy and procedure

Model ethical behavior and insist that all managers and supervisors do the same.

Summary

What is the culture around inmate sexuality in your agency?

What policies exist in relation to inmate sexuality?

Is there a culture of silence amongst inmates? Amongst correctional officers?

What steps will you take to change the culture in your institution?