



Staff Perspectives

SEXUAL VIOLENCE IN ADULT PRISONS & JAILS

PRISON RAPE ELIMINATION ACT

March 2009, Volume 3

Sexual Violence in Women's Prisons and Jails: Results From Focus Group Interviews

Message From the Director

The Prison Rape Elimination Act (PREA) of 2003 charged the National Institute of Corrections (NIC) with the responsibility of assisting the corrections field in addressing the problem of sexual violence. A key element of NIC's assistance has been increasing our knowledge about the current barriers to preventing and responding to sexual violence and developing blueprints for change. While it is important to solicit the views of various experts, it is equally important to understand the issue from the perspective of correctional staff. Realizing this, NIC decided early in its PREA initiative to interview staff at correctional facilities across the country.

This bulletin presents staff perspectives on critical differences between male and female facilities, including more openness among women inmates in terms of relationships, less frequency and violence involved in sexual abuse, and a greater focus on staff sexual misconduct as opposed to inmate-on-inmate sexual assault. It is our hope that the information and insights contained in this bulletin will assist agencies as they develop strategies to address the serious problem of sexual violence in our nation's correctional facilities housing women.

**Morris L. Thigpen, Sr., Director
National Institute of Corrections**

On September 4, 2003, President George W. Bush signed into law the Prison Rape Elimination Act (PREA), the first piece of federal legislation in the nation's history to address sexual assault in correctional settings. PREA requires the National Institute of Corrections (NIC) to provide information and assistance to the corrections field in the areas of prevention, investigation, and punishment of sexual abuse.

As a part of its response to this mandate, NIC awarded a cooperative agreement to The Moss Group, Inc. Under this award, The Moss Group conducted a series of facility focus groups with prison and jail staff. The focus group interviews documented staff perspectives on inmate-on-inmate sexual violence in the correctional environment, including knowledge of, and responses to, sexual violence. Staff sexual misconduct also emerged as a discussion topic in many facilities.

The focus group interviews were conducted in 12 jail and prison facilities; two of these facilities held female inmates. These 12 sites were chosen by a purposive sampling method, resulting in a sample that contained both large and small jails and prisons and housed male and female inmates. A structured protocol developed by The Moss Group was used to conduct the interviews. Using open-ended questions, this protocol elicited staff perspectives on the dynamics of sexual assault, staff knowledge of training and procedures, problems and successes in responding to sexual violence, and recommendations for improving this response. Information obtained through the interviews was transcribed and then analyzed using Ethnograph, a qualitative analysis software package.

This bulletin is the third in a series that summarizes the findings of the focus group interviews.¹ It describes the findings from interviews with 74 staff from the 2 women's facilities (1 jail and 1 prison). Approximately half of the staff

¹ The first bulletin in the series, *Trends From Focus Group Interviews*, presents an overview of the research findings; the second bulletin, *Investigating Sexual Assaults in Correctional Facilities*, reports staff perspectives on investigations, a critical issue in the correctional response to sexual assault (see "Resources," page 17).

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were female and half were male, with almost half of the staff identifying themselves as white and about one-third identifying themselves as African American. The prison staff had worked in the facility an average of 8.7 years, with another 6.9 years' experience on average in other facilities. In the women's jail, 75 percent of the interviewed staff were female. Jail staff were more evenly split between white and African American, at around 40 percent each. The jail participants had worked in that facility an average of 5.9 years, with another 9.1 years' experience in other facilities. Custody staff represented about half of the participants in both settings.

Summary of Findings

Multiple themes emerged across all the facilities participating in the focus groups. Staff respondents in women's facilities shared many perspectives with their colleagues in male facilities, including:

- A belief that sexual violence is a very serious problem and that preventing and responding to such violence was part of their job.
- Difficulty in determining the origin and nature of sexual acts, particularly in discerning the differences between consensual and coerced acts.
- A belief that sexual assault and other forms of sexual violence are relatively infrequent but that the actual occurrences are difficult to measure.
- Awareness of a need for more information and targeted training in preventing and responding to sexual assault.
- Identification of staff shortages, design flaws, and crowding as factors contributing to the potential for sexual violence.
- Experience of the following challenges in responding to sexual abuse and assault:
 - Problems in inmate reporting, including reluctance to report and lack of knowledge about the reporting process.
 - False claims.

- Compromised investigations.
- Lack of sanctions for both inmate predators and staff involved in sexual misconduct.
- Recommendations for preventing sexual assault, such as:
 - Increasing staffing.
 - Providing more opportunities for staff development.
 - Increasing rapport with inmates.
 - Educating inmates.
 - Making improvements in housing and classification.

Four critical differences emerged between the information obtained from the female facilities and that gathered from the male facilities:

- More openness among women inmates in terms of relationships.
- The rarity of violent sexual attacks among women and the specific nature of sexual violence among female inmates.
- Greater focus on the issue of staff sexual misconduct.
- A lack of attention in training and information on preventing and responding to sexual assault in women’s correctional facilities and on working with women offenders in general.

Significant differences between the female and male facilities included more detailed discussions on the relational context of women’s institutions and their influence on the complexity of sexual relations and also concerns about “touching” and other physical closeness. Some staff noted that women’s histories of abuse and trauma influenced women’s same-sex behavior while incarcerated. Whereas staff from women’s facilities reported hearing about some sexual intimidation among women offenders, others said serious violence, sexual or otherwise, was rare in female facilities.

Staff sexual misconduct, its impact on overall safety, and issues related to false reports of such misconduct were also seen as significant issues for staff working in female prisons and jails. The issue of staff sexual misconduct was discussed in much more detail in the interviews with female-only facility staff than with staff in male facilities. Concerns about staff sexual misconduct included its frequency, its effect on staff morale, inmate-initiated misconduct, and the consequences of false reporting.

The utility of existing sexual assault training that focused on male-based information was also a topic of discussion. Participating staff said that they received very little information about the dynamics and prevention of sexual assault in female facilities. Many staff participating in these focus groups indicated that they had had very little training in working with female inmates in general.

Because there were no discernible differences between the observations of staff in the prison and jail settings, these findings are combined in this report.

Staff Perspectives on Sexual Assault in Women’s Correctional Facilities

This bulletin reports results from seven focus groups conducted with staff working in a women’s prison and a women’s jail. Staff were asked four questions about their knowledge and perceptions of sexual assault. The first question asked staff to describe their overall knowledge of sexual violence and assault in their facilities. This question elicited the most commentary and was divided into two general sections: female inmate relationships and staff sexual misconduct. The remaining three questions focused on training and procedures, problems and successes in responding to sexual assault, and recommendations for improving this response.

Knowledge About Sexual Assault

Like their colleagues in male facilities, staff in the women’s institutions said that they lacked firsthand

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knowledge about specific incidents and that much of the information about sexual assault was based on their understanding of relationships among women inmates. The majority of interviewed staff said that sexual assault looks different in female facilities; as one participant noted, “I don’t know that there is rape, but we do have inappropriate touching among the offenders.” Almost all staff suggested that sexual and other forms of assault were rare in women’s facilities. Overall, most participants in the focus groups thought that their facility was safe from inmate-on-inmate sexual attacks. Such comments as, “It does not happen here,” or “I have only heard of this one time in 13 years here,” were representative. Although most staff said that they had no direct knowledge of sexual violence or abuse in their facility, participants did say that rumors of both inmate assault and staff sexual misconduct were their primary form of information about these incidents.

Many of the staff indicated that there was very little attention to issues pertaining to female inmates in general and that discussions about sexuality, relationships, and sexual violence were uncommon in their facilities. One participant said that staff do not hear about assaults between female inmates or incidents involving staff sexual misconduct because “it is not spoken of here. It is very sensitive.”

A very small number of staff in both facilities expressed a view that “a woman could not be raped by another woman.” Although clearly in the minority, one staff person said that sex between the women could not really be an assault “because there was no penetration.”

Sexual violence between women was defined as being more difficult to detect and prove, as seen in this comment:

It is not like the male inmates, where there is semen. A girl getting touched is harder to prove as opposed to males. You have to catch women in the act.

Staff had difficulty in distinguishing between coerced relationships and those that appear to be consensual and in determining the relational context of institutional life among women inmates. Much of the overall discussion

centered on making the distinction between consensual and coerced sexual acts among female offenders. As has been well established, female inmates seek relationships as a way of “doing their time.” These relationships are somewhat more open and public than those among male inmates and thus create an additional layer of complication in responding to inmate sexual activity. As one person suggested:

With hundreds of women, there is a lot of talk about who is coupling with who. I see it that [when working with female offenders], you have friendship and then you have sex.

Consensual sex was often seen as a given in this population, as illustrated by this comment:

Sex here is not a violence thing. They are not interested in that. The ladies feel safe here.

The following comment supports this view:

Most of our problems are with staff. Most of the [inmate] sexual behavior here is mostly consensual. I might be naive but I don’t think a lot of it [assault] goes on around here. . . . There is very little violence—I think there are a lot more facets to these relationships than we can put labels on. It was very surprising to me how prevalent these relationships [among the inmates] are.

However, another participant appeared to be less certain about this assessment, saying that staff “make the assumption that it [sexual behavior] is consensual, but I am not sure that is always the case.”

In discussing homosexuality among female inmates, many staff agreed with the comment that it was “difficult to separate a lifestyle choice from assault.” Another participant suggested that females “are more open to discuss[ing their homosexuality],” and, “if they come here longer than a week, they will have a girlfriend.” Another comment suggested that in prison, “women have to be in a relationship, whether it is positive or negative.” A minority expressed the idea that many female inmates are “prostitutes that will do it [have sexual relations] with men or women for commissary.”

The majority of the staff agreed that same-sex relations were “much more obvious” among women than men. Most staff members rarely described the nature of interactions between women as aggressive. Some of the staff said that displays of physical affection and touching among the women were an accepted part of life among women inmates, and that “homosexuality was more accepted among women than men.” However, many staff objected to the practice of allowing women to engage in these acts. While sexual relationships of any kind were rule violations in both facilities, most staff said these rules were unevenly enforced. Some indicated that they were ambivalent and conflicted about their role in writing disciplinary reports about physical contact between women in a relationship. Staff also noted that the “straight females get mad when the homosexual women do their thing in the shower. It bothers them.”

Problems in inmate relationships were tied to conflicts among women. The distinction between sexual assault between women who did not have some form of relationship and “domestic violence” that occurs in the context of these institutional relationships was made by several participants. As one staff person said, “There is very little violence, but these relationships are about power and control.” While few staff said that these conflicts resulted in serious sexual violence, most felt that relationships were the primary source of any form of physical violence among the women, as suggested in the following observation:

When I first came here, I was told that anything that goes wrong here can be traced back to an inappropriate relationship. Fighting, stealing—it all goes back to these relationships.

Another staff person said that, after a lot of discussion about an incident involving two women inmates who were in a relationship and then later broke up, “we found out it was not as bad as it looked at first.” Investigations often reveal that claims of assaults were grounded in a relationship that was “breaking up” and that the accusations of violence were unfounded:

No, we don’t see much violence with the women offenders, but if a relationship goes bad, it becomes a

verbal circus. Staff spend a lot of time on the fallout from these relationships. There is a lot of verbiage, but I don’t find them to be violent even when they break up.

Staff assignment has some influence on how much experience a staff person might have with issues involving sexual assault. Predictably, those with direct contact with women inmates (e.g., housing officers, mental health workers, and medical staff) indicated a more immediate awareness of such incidents. Staff in administrative positions and some supervisors had little daily contact with inmates but received this information through reporting channels or written reports.

One of the problems with staff knowledge is assessing the veracity of any information, particularly in the area of staff sexual misconduct. Problems with credibility troubled many staff and created some hesitancy in trusting a sexual assault report, as illustrated in this comment:

I hear hearsay but no factual stories. So except for the stories, I have not dealt with it much. You can’t believe everything you hear here.

Several staff discussed the conflict between inmates’ privacy needs and the need for security. Some staff felt that privacy protections such as “modesty panels,” shower curtains, single showers, and doors to toilet areas interfered with visual surveillance. Staff noted their ambivalence, however, in trying to balance privacy and surveillance concerns:

The females are more affectionate. The doors aren’t good here. You can’t see in the pods. The showers are single-stall showers with short shower curtains. The rooms are not visible. I know women need privacy, but privacy interferes with our job.

Another key difference between female and male facilities in terms of staff or inmate sexual misconduct is found in policies about touching or other physical contact in facilities. Opinions were somewhat split on this issue. Some staff were adamant that there should be no touching or hugging between inmates, whereas others felt touching could sometimes be appropriate. In

some cases, the focus group participants said hugging of inmates should be permitted, as shown in this comment by a female officer:

I give offenders hugs, particularly those with special needs. Special needs inmates are a special case.

A male officer disagreed with this assessment, saying:

Hugging is not OK with me. If they come toward me, I step back. I am not going to touch them, and I don't want them to touch me. [Hugging inmates, especially by] veteran staff sends the wrong message.

There was one point of agreement, however: staff across the board agreed that all reports needed to be taken seriously. This may be a result of training on staff sexual misconduct as well as an increasing awareness of inmate sexual assault.

Inmate Reports of Sexual Violence

Staff generally agreed that female inmates are much more likely to report than male inmates and that typically female offenders were seen to be less influenced by the “no snitching” rule. As one participant noted:

The men would be too embarrassed to tell us if something happened. Women are more likely to say something.

There were various points of view about to whom an inmate is most likely to report such events. Some staff felt that female inmates were more likely to report to female staff or to noncustody staff. The overall point of view was that female inmates will report to staff they trust, particularly when the inmate feels that her report will be confidential. As one custody officer suggested:

[The offender will come to you and say], “Can I tell you something, but I don't want you to tell anybody?” [That is when you know] she wants the help. [The offender will say], “I really need to talk to you but I don't want anyone else to know.”

The staff participants were split between those who felt that female inmates were more forthcoming in their reports because they trusted staff and those who felt that

inmates were untrusting and would not report. Developing rapport was a key element to increasing female inmate willingness to report. While some staff suggested that female inmates were more likely to report than men, others felt that such incidents were “hush-hush” because the victims were afraid of retaliation if they “told.”

Three additional reasons were given by staff for the lack of female inmate reporting. One view was that “offenders don't report because they do not think we will do anything about it.” Another view held that “disrespectful” and “disapproving” attitudes toward women offenders also discouraged reporting. One focus group participant said that female offenders perceive that staff see them as “sluts” and “promiscuous” and because of these attitudes, their reports of sexual assault would be discounted. Finally, staff said that not informing female inmates of the results of an investigation also discouraged any reporting. As one participant stated:

I have three girls on my unit that made an allegation 9 months ago, and they do not know what is happening with the investigation. I think they should know.

Staff in female facilities often heard about claims of sexual incidents (both among inmates and with staff) through third parties. These third-party reports included those conveyed to the authorities by other inmates, described in letters written to other inmates after release, or communicated through family members. It was also suggested that some females were offended by same-sex behavior and would report it to staff. Staff did state, however, that many women were unsure about how sexual misconduct by staff or inmates was defined and how to report it.

As will be discussed in more detail in the following sections on staff sexual misconduct, staff in both jails and prisons were wary and distrustful of inmate reports. In describing one incident, a line officer stated:

I did hear of one incident about offenders, but I am not sure it was sexual. There was a male staff working in the kitchen and he was trafficking drugs with an offender. She claimed that it ended up in a triangle with the staff member and another female offender

and she was held down. But she changed her story about 20 times. We investigated lots of rumors. She claimed that she was assaulted by other offenders that were not even there. And that a lieutenant hurt her, and he was not even there.

The participants also suggested that women offenders had multiple motivations for reporting such contact to staff. Some of these motivations were said to be straightforward, such as a concern about the welfare of other female inmates who were involved in risky relationships with staff and other inmates, or feeling offended by same-sex behavior and wanting it to stop. Other motivations were seen to be more “manipulative.” At times, offenders reported to get other inmates “in trouble,” seeking revenge against another inmate (or staff) for reasons unrelated to sexual violence.

Problems with reporting among mentally ill inmates were also mentioned. These inmates, staff suggested, were both more vulnerable to assaults and more likely to commit such assaults.

Sometimes, staff noted, female inmates will report that a sexual act was involuntary when a relationship has soured or when such acts are discovered by staff and may “change their story” upon further investigation. One custody staff member stated:

Females are situational homosexuals. If they get caught or someone gets mad, then they say it was unwanted. Most of our investigations conclude that it was consensual sex.

Staff also reported that proving sexual assault between two female inmates was difficult because of their shifting relationships, “changing stories,” and the lack of physical evidence.

Role of Previous Violence and Institutional Behavior

The majority of staff acknowledged the ways in which a history of abuse can have an impact on women’s vulnerability to inappropriate sexual involvement with

other inmates or staff. Many staff said that they had knowledge of past history of sexual abuse, inappropriate sexualization, and other forms of trauma and abuse among female offenders, as described here:

Women engage in such sexual activity here because of a history of previous abuse and sexual misconduct and are unaware of healthy sexual behavior. Most of the women have been victims; not just in prison but on the outside also. Most women have been victims, and they think that it’s OK [to be sexually assaulted or abused].

One staff participant stated plainly that many of the female inmates had “a screwed-up sexual identity” because of their past histories. Many staff also said that past histories of victimization were related to a level of vulnerability.

In discussing staff sexual misconduct, one participant said:

I see that any form of sexual contact is a threat. Whether it is observing, watching a female inmate from afar is abuse. Because the women here have been involved in sex since infancy—from incest to rape to prostitution—they do not know what is a healthy sex life beyond that. The charges [against the staff] have been minimized because of the consensual issues. But I feel that if an act is happening in this prison, it is unacceptable behavior. Safety is critical in a female environment.

Another participant added that:

So many of these women have been abused at a young age. The women offer themselves, so it appears that it is OK with them. I deal with a lot of sexual connotations on the unit—promiscuity, [sexual] attitudes, and behavior. We deal with being comfortable in coming to staff to discuss sexual issues. We try to discuss what type of relationship is OK and what is not.

In another facility, a staff participant added that most of the women offenders did not know they had the right to say no to such requests or to intimidation:

I find that so many of these women have been victimized so long that they don't think it is wrong [when they are sexually exploited]. They think it has something to do with them, that "maybe it was my fault."

Characteristics of Vulnerable and Predatory Female Inmates

Vulnerable Inmates

In discussing vulnerable female inmates, staff working in women's institutions used terms very similar to those describing vulnerable male inmates: these vulnerable female inmates include youthful females, smaller inmates, and unsophisticated and naive first-time offenders.

Abuse histories and continuing vulnerability to victimization, women's desire to have a "special someone" while incarcerated, and lack of self-esteem were issues said to be specifically related to women inmates. As one participant stated:

Since 80 to 90 percent of the female inmates have been abused, it's difficult to determine what is rape. [So many women think], "I am developing a relationship here because I am scared." They think, "I need to do something for you because you are doing something for me. I need to pay you back."

Responding to this comment, another staff member added:

Part of their self-esteem here is tied up in their sexuality. Female inmates might think, "If I like someone, then I am supposed to do it [have sex]. Sex is my bartering tool. It is the only thing I have to offer in a relationship." We have to ask ourselves if we are looking at a true homosexual relationship here.

Crying and other obvious forms of emotional distress were also said to attract more predatory attention. As one staff person stated:

The [vulnerable] female that is tiny, soft spoken, very petite and first-timers. The larger size female will be attracted to them. The younger one will be scared, and think, "Someone is bigger will protect me. If I just follow what they say, they will protect me."

Another staff member said that vulnerable inmates included those inmates with the "Bambi-type look," those who are emotionally needy, and those who lack self-confidence or self-esteem. These women were seen to be, in the words of one participant, "taken advantage of, and not always just sexually," by more predatory female inmates.

Some staff members stated that they were uncomfortable about applying the word "predator" to most women's sexual behaviors. For some, the rarity of sexual assault was seen in the same way as the rarity of other violent assaults and gang behavior. One executive manager in a women's facility stated:

We do not have assaults. No gang activity here. They want one personal friend, not part of a group; they have no need for gangs because they are safe here. Things are about power and control, about safety. Even in the juvenile unit, we see no real gang activity. We try to listen constantly and investigate any negative report.

Predatory Female Inmates

Overall, staff felt that vulnerable inmates were more likely to experience various forms of "intimidation" rather than physical assault. Being "worn down" by an aggressive female inmate was judged to be more likely than physical threats.

"Watching offenders" was described as a part of this intimidation:

There are some offenders that watch new offenders come in. They are dominant in their person. And they find someone who they can intimidate. It is the constant intimidation. It is usually not force, but they wear that person down. You get to know once you have been around here who is a dominant. It is a constant wearing down rather than forcible rape—until they become their partner. They wear people down.

This "grooming" process was described by one staff participant in this way:

With these women, especially old-time inmates, it's not rape. It's a mind game. They see you [another

female offender] crying, they are watching everything. You are crying. You don't have commissary. I'm going to befriend you, and then I'm going to start asking you about being with women. So it becomes friendship moving on to something else, to sexual acts. By then, they are consensual. I think that is what most women do here. . . . It moves slowly. I haven't seen any cases where they force themselves on you. [The aggressive inmate will say], "What do you need, paper, pencils? Let me get your tray."

Many participants mentioned the role of power in this intimidation process:

The type of person that is a predator is into power. A lot of time we brush it under the table and don't look at it as we should. Most of these women have always been victims and will act like a victim [without intervention].

Typically, these coerced acts were most likely to occur in the context of an ongoing relationship. As one participant suggested:

Like everyone else [in the focus group], I am not aware of violent, sexual rapes and assaults here. But we do have predatory inmates [who try to take advantage of other inmates].

Staff suggested that, as is the case with predatory male inmates, predatory female inmates were often more experienced offenders who had longer histories of incarceration. Female predatory inmates were also said to be physically larger and "more masculine" than their female partners.

Staff Sexual Misconduct

Staff sexual misconduct involves using power to get what the staff member wants. We are supposed to be taking care of the offenders, not hurting them.

— Focus group participant

In contrast with the male-based focus group data, the issue of staff sexual misconduct was a key element in any discussion of sexual safety and sexual assault. Staff sexual misconduct was discussed in much greater detail and for longer time periods among those working with women offenders. Although such misconduct does occur

in male facilities, the focus groups in female facilities were much more likely to discuss the possibility of staff sexual misconduct. Staff also acknowledged that, while male staff involvement with female inmates was the more common occurrence, misconduct between female staff and inmates was also a possibility. In explaining that female staff can potentially become involved in misconduct, one staff respondent said:

It is not just men. There have been female staff involved, too. There have been more women involved than men.

To a person, all correctional staff remarked that sexual interaction of any kind between staff and inmates was wrong—morally, ethically, and legally. The following are typical comments made by focus group participants:

In our position, it is always assault. It can't be consensual even if the inmate gives consent. It does not matter. It is abuse.

* * *

I see a difference between consensual and assaultive sex with inmates, but we all know that staff-inmate sex is an assault. Even when staff-inmate sex is consensual, the inmates claim they were forced. [But we know that] even if they are not knocked down, it is still assault because inmates cannot consent to any kind of relationship.

* * *

[While] we call it misconduct, it is always rape, and I think the vocabulary minimizes what happens.

* * *

I see them [inmates] as human beings, but I do not look at them as sex objects. Staff are in control of these people [inmates], and there can be no such thing as consensual sexual activity in here. Rape is all about control—it is not about sexual appetite. There is no such thing as willing here.

Although this point of view dominated the focus group interviews, some participants suggested that consensual relationships between staff and inmates were sometimes not punished as severely as those defined as coercive.

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Staff also were highly disapproving of other staff who did become involved with inmates sexually. They said such behavior showed a “lack of respect for the profession” and betrayed other staff as well.

In noting that there had been several incidents of staff sexual misconduct over the past 4 years in his prison, this manager said:

No incidents are acceptable, but when you have male supervisors, female and youthful offenders, there will be circumstances where the man will make a mistake.

Staff also recommended avoiding other, less obvious forms of inappropriate interaction between staff and inmates, such as “talking and joking” and discussing personal lives. As one staff person noted:

We are here to do a job. Veteran staff who need their job don't get involved with the offenders. They don't talk to the offenders on a personal level. It is not that we don't care about the offenders, but our job is to keep them safe and not be involved on a personal level.

Another staff person commented:

I am going to tell you the truth—you have good staff and bad staff—just like you have good inmates and bad inmates. A staff person is going to become involved with inmates if they have already made up their minds . . . no matter what training they have. We have had ranking staff become involved with inmates because they have made up their minds to do it. It is up to the person to do what is right.

Staff “loneliness” was also seen as a factor contributing to staff sexual misconduct:

In the prison environment, you cannot look at the inmates as a sexual aspect. Maybe these staff are lonely, and something is wrong in their personal life. They get in here [the facility] and say, “I am in heaven.” They automatically assume that they have free access to these women in this environment.

Although in the minority, one male staff person felt that “how the women dress” was a contributing factor

to staff sexual misconduct, because “you have to have a strong constitution—male or female—to endure what goes on in here. How they dress might trigger something and get someone in trouble when they are coming to work. It might trigger their mind one way or another.”

In this same focus group, another respondent disagreed with this opinion, saying:

I believe that no man looks at a woman because she has on makeup or because [of] the way she is dressed. If he had it on his mind to do that, he will. I don't think clothes stop rape. Some people will tell you that uniforms will prevent rape, and that is not true. Uniforms would give you a better structure and prevent other things but will not stop him if his mind is made up.

Consensual sex with staff was acknowledged as wrong both “morally and ethically,” but some staff noted the role of female inmates in some of the incidents:

[Even] consensual sex is a power struggle here. Inmates do manipulate staff—they look to see who they can break down. That is not rape—it is still sexual misconduct, but it is not rape.

Staff mentioned various causes of staff sexual misconduct such as lax hiring and screening processes, a lack of supervision, and male staff members who see all female inmates as potential sexual partners.

All staff expressed a strong feeling that staff sexual misconduct was wrong and caused significant problems for the staff and the institution. As one staff person remarked, “I am not aware of any rape here, but in the past few years, there have been four incidents of staff sexual issues.”

Consequences

Several participants stressed the need to get “more serious” about staff sexual misconduct, as expressed in the following comment:

There needs to be more serious consequences for staff sexual misconduct. Right now, they only lose their job. They may be embarrassed, but that is it.

Staff need to understand that you will go to prison if you become involved with a female offender.

Some staff suggested that staff involved with inmates in a “consensual” relationship seemed to be penalized less than those in clearly coercive relationships:

Charges have been minimized against staff because of the consensual sex issues. I feel that if any act is happening in this prison, it is unacceptable behavior. Safety is a critical issue here.

Another staff person suggested that attitudes toward female offenders also contribute to staff sexual misconduct:

We have to change attitudes. The assumption is always “What did she do?” or “She is seductive.” It is unfair to pin this on women. Sexual misconduct feeds on the stereotype of the woman offender.

Knowledge of Policy

The majority of participants indicated a solid understanding of the policies and legal components of staff sexual misconduct. Participants at one site reported that they had a “zero tolerance” policy regarding staff sexual misconduct. Even in the face of adequate policy, some respondents thought that misconduct is “human choice,” as suggested in this comment:

I don’t think it [the misconduct problem] is in the policy, but the problem is that we can’t protect the offenders from human fault. The staff is clear about the rules, but it is human fault that people do this. There is no room [in the policy] for confusion. Human fault is the problem.

In this same facility, one staff person suggested that “our policy is fine. [However,] staff sometimes ignore the ‘no touch’ rule.” Some staff said their knowledge of policy was “simple: just don’t do it.” Others said they were told to read the policy but had no specific training on it.

Staff at another site said that there was “nothing specific” about staff sexual misconduct; it was simply part of the overall disciplinary policy. One staff person noted:

But we have another problem here—we are lobbying the legislature to make staff sexual assault a more serious felony. I was appalled at the reaction of the legislature. We have a mostly male subcommittee, and they have the attitude that the female inmate had been “asking for it.” The one female committee member voted to change the law, and not one male committee member voted to change the law. I was appalled.

Safety

The safety problem inherent in staff misconduct was discussed in every facility. Staff sexual misconduct was seen as a safety violation and contrary to the purpose of the job itself. Acknowledging that safety is “critical in a female facility,” one officer emphasized that any sexual act was seen as “inappropriate” because it is a threat to the safety of the facility. Although some staff felt that misconduct was caused by specific predatory individuals, others believed that misconduct was part of a larger problem of inadequate security procedures. One supervisor noted that misconduct occurs “when we are not doing our walks, our checks—it happens when people are not doing their jobs.” Another participant said that the offenders “know who is doing their job. They know if staff is not doing their duty.”

As a group, participants felt that staff members who get involved with female inmates betrayed other staff:

Our job is not to babysit each other, but to make sure the offenders follow the rules and regulations. I don’t see how I can watch her [a female staff member who had been accused of a relationship] all day. She should be gone. I should not have to look over my shoulder to ensure that staff are not involved in such misconduct.

Respondents expressed resentment toward staff “who had their hands slapped” or “got away with it.” Comments about staff who became involved with inmates included:

- “Not caring about their job.”
- “Coming to work here with the intent to get involved with inmates.”

- “Manipulating the situation to their advantage.”
- “The prison as a playground for them.”

Focus group participants described the type of inmate most often targeted by “predatory staff”:

Predatory staff hunt for women of small stature, young appearing, women with a known history of prostitution, street drug abuse—these women are more likely to be victimized by staff than by those incarcerated. For some inmates, it was happening to them on the outside and when they were growing up. They think [assault and abuse] is normal. The female inmates have a history of abuse; their self-esteem is tied to their sexuality.

Juvenile offenders were seen as particularly vulnerable, as illustrated in this comment:

I am concerned about the young, the juvenile offenders, those who are 21 and under. It is a game to flirt and get attention from the male staff. They will target male staff just for the fun of it. They will be very inappropriate. We have to watch the young population very closely.

We have a very good male staff. They are visible and they interact, but we don’t want a male in the youthful dorm. The female juveniles will do anything to get the male staff attention.

Another participant described the way male staff approached female inmates to develop a sexual relationship:

Guys [male staff] made female inmates feel good about themselves. They tell them, “You are pretty,” or “I will take care of you,” or “I will get you an apartment at release.” The offender never had anyone make them feel like they deserved anything. Females feed on that attention from the male staff.

The “female ability to manipulate men” was also mentioned by a few participants. One staff person said, “There is an ego dynamic to the men who get involved with female inmates. If a female is sensitive to the needs of a man, she will focus on that.”

The relational aspects among female offenders are also connected to staff sexual misconduct. Participants in the focus groups acknowledged that female inmates also seek to form relationships with staff. As one participant commented:

The staff are here in a professional capacity. We need to be clear that offenders are not your friends. We need to be professional. It is important to stress that you have no [offender] friends here.

Inmate-Initiated Misconduct

Inmates manipulating or “grooming” staff for these inappropriate relationships was also a key theme in the interviews. As one participant noted, offenders watched staff and, “once they get you in a compromising position, they got you.” Even in the face of an explicit policy against staff involvement with inmates, staff observe these relationships developing, as illustrated in the following comments:

Policy does protect inmates and offenders, but right now one of my offenders is very cunning, very criminal. Right now she is grooming one of my staff.

* * *

The offenders have a lot of motivation [to groom staff]. A lot of them have been prostitutes and they know how to work it. They know how to bat their eyes, wiggle their tush

Many male focus group participants felt that male staff were vulnerable to being “set up” by “manipulative” female inmates, as suggested by this statement: “When inmates do not like a particular CO [correctional officer] . . . all of a sudden, she said that the CO touched her.”

Another comment affirmed that any staff sexual misconduct—whether by female or male staff, whether initiated by staff or by inmates—is:

. . . unprofessional and out of their line of duty. These are inmates . . . and they are still going to lie and get what they can by compromising staff. You can’t blame

the offenders . . . because they are inmates and that is how inmates act. I blame staff because misconduct is outside their duty. What I do not like is that the women offender walks around here all high and mighty when their butt should be locked up . . . [in a more secure facility].

Risk Factors for Staff Sexual Misconduct

Participants at every facility stated that they had sufficient training in the issues surrounding staff sexual misconduct. One officer mentioned the “red flags” that officers learn to recognize as warning signs of potential staff sexual misconduct:

I don't think there are red flags for [predatory] women inmates that make it easier to recognize female-to-female [assaults]. I do think there are red flags for male—and even female officers—[to recognize vulnerable female inmates]. I think inmates with smaller stature, younger appearing, women with a known history of prostitution and street drug abuse are more likely to be targeted by predators [who are] on staff rather than [predatory] inmates. Thankfully we have a small history.

Red flags of potential misconduct identified by the focus group participants included:

- Flirting.
- Overly friendly and personal conversations.
- Being alone with female inmates.
- Frequent and/or lengthy conversations.
- Revealing personal information.
- Officer inexperience or naiveté.
- Officer inability to confront aggressive inmates.
- Crossing professional boundaries.
- Staff becoming too comfortable.
- Coming in during off-duty hours.

Staff also expressed “surprise” at other staff who would get involved with inmates, noting that age, time at the facility, marital status, and rank all had little bearing on the potential for staff sexual misconduct.

Reporting Staff Sexual Misconduct

The focus group interviews also produced information about the difficulty of reporting staff sexual misconduct. Barriers to reporting included:

- Lack of physical evidence.
- Concern about the status of the alleged perpetrator (e.g., friendships with superiors).
- Reluctance to report on a coworker on the basis of suspicion.
- Concerns about the possibility of being ostracized by other staff members.
- Fears of retaliation from the accused person or their defenders.
- Staff occupational culture.
- Union rules that inhibit investigation.

The following comment reflects how many of these staff concerns create barriers to the reporting of staff sexual misconduct:

The staff know what is happening in the unit, but sometimes they have difficulties reporting other staff. I always wonder, “How can you know what is going on and not do the right thing [reporting]. Usually, there are others involved—like as a lookout. There is also a code of silence. It took quite a while for staff who knew to report it.

I think other staff don't tell because of the “good ol' boy” system among the staff. [If the perpetrator is the] big dog on shift, no one wants to challenge them. One person does not want to go against the 10 or 12 staff in the in-crowd or [who are] well liked. . . . They don't want to go against them alone.

Sometimes staff have groups that they run around with. . . . Their friends won't report on them—it is kind of like a gang. Sometimes it is peer pressure to not report. If you don't have it in your own heart to do the right thing, you can get a hostile feeling from the other staff if you report. Sometimes you are out there all your own. You are teetering out there by yourself.

Other staff noted that “peer pressure,” “hostile attitudes toward those who report,” and being called a “snitch” discouraged the reporting of fellow staff. Many staff also noted that there was little confidentiality regarding staff investigations in that, “once you report any misconduct to a supervisor around here, everybody knows.”

Staff also identified inmate-related barriers to reporting staff misconduct. One focus group participant discussed a specific incident of staff-inmate sexual involvement in which it was difficult to get the female inmate to acknowledge that any misconduct had taken place:

The inmate didn't see anything wrong with it [the misconduct]. It took her a long time to come and tell [the administration] that she was involved with a male staff member.

One staff person noted that fear of staff retaliation also can inhibit inmates from reporting sexual misconduct:

There was a case where an inmate claimed an officer raped her, and then the staff became retaliatory towards the inmate. This makes other inmates perceive they may get retaliation if they complain.

False Accusations

Staff also expressed great concern about the validity of claims of sexual misconduct and the damage that false accusations could cause. In describing the motivation for such claims, one staff person stated:

The women are very clever. They have planned their incident [in order to make a] tort claim. They want to [manipulate] the system. They want to find a way to sue the prison. If they can entice the male [staff] to have sex with them, all [of these claims revolve] around [filing] a suit. That is their power.

Credibility was also an issue in reports of staff sexual misconduct. Staff in every facility were very concerned that coworkers' reputations would be damaged by false accusations:

[The worst thing is] falsely accusing someone. You want to think the best about the people you work with. . . . If I hear a rumor, I don't want to ruin anyone's credibility.

The potential for inmates' use of such claims to advance other agendas was also clearly stated in these interviews. According to focus group participants, inmates sometimes made these claims for personal gain, to retaliate or otherwise punish staff, and, in some rare cases, as a result of a mental illness [e.g., posttraumatic stress disorder (PTSD) or paranoia] or a distorted sense of reality.

Procedures for Responding to Sexual Assault

Staff perspectives were divided about the procedures for responding to sexual assault. One group was confident that adequate procedures were in place and known to all staff. The opposite camp felt that the procedures were not well known. Procedures for responding to sexual assault were identical in most cases to those reported in the male facilities and included:

- Notifying supervisors, internal and external investigators, and mental health and medical personnel.
- Conducting an investigation, including evidence preservation and interviews of both those involved and any witnesses.
- Isolating both the victim and the alleged predator.
- Taking disciplinary actions.

Although many respondents said the procedures included administering a “rape kit,” they were concerned that biological differences between female and male inmates make a difference in the search for physical evidence.

Although these procedures were in place to report alleged acts to outside entities, the participants also

reported specific difficulties in getting attention from outside law enforcement agencies and from local prosecutors. The problems that exist with male inmates are compounded by the complexities and subtleties of female sexual assault. As one staff member noted:

I have been on duty during a number of [alleged] incidents. It is tough to deal with, it is tough to get law enforcement to deal with them. In general there is apathy on the part of law enforcement to deal with sexual assaults. . . .

Staff Training

Almost all staff participating in the focus groups said that they had very little training in managing female inmates. Staff in every facility said that training in working with female inmates was missing from both their initial training and orientation, as well as from their inservice experience. Many staff noted that they had difficulty in applying to their daily work so-called “gender-neutral” training that makes no distinction between female and male inmates. The focus group participants said that this lack of training limited their ability to manage female inmates effectively. This was true for both routine operations and when responding to any form of sexual assault or misconduct among the inmate population.

In both facilities, staff reported receiving training related to staff sexual misconduct and sexual harassment in general, but the majority said that they had little training specific to female offenders. This was particularly true in terms of sexual violence among female offenders. Representing the consensus, one staff person said, “We have had no training on rape or sexual assault among the females to educate us.” Many staff noted that training in their system was “on your own time and without pay,” or available only to supervisors. Developing specific scenarios that included female inmates was one suggestion.

One custody staff member commented that:

Training could be useful so we can be a little bit more supportive with them. We need to be less emotional

and more supportive of inmates. The first time we were given training about issues like PTSD helped me understand that 80 to 90 percent of the women had been assaulted. Understanding where they traveled through their life helps me understand what was happening. What inmates are complaining about is an opportunity for them to talk about what they are feeling.

In responding to this comment, another participant disagreed and stated that staff are “not here to be your friend or your counselor.”

One staff person said that even with training, staff sexual misconduct occurs:

They get a ton of training—they are taught, and that is the hardest thing to accept about these misconduct incidents. Staff are taught, but for some reason they get comfortable; it is one thing after another [with offenders] until it snowballs. Staff will tell offenders where they live, where they hang out, what bars they go to. They will tell inmates about their kids, their cars. The staff get comfortable.

Staff Recommendations

Staff in the female facilities made recommendations identical to those in male facilities, although with some exceptions. They mentioned repeatedly the need for more training focused on the female offender, covering how the histories of female offenders affect their behavior in jail and prison, and how to better communicate with, interact with, and supervise female offenders. A few staff mentioned removing men from female facilities as a way of reducing staff sexual misconduct; however, this was not a common view.

Other suggestions for improving sexual safety in women’s facilities included increasing overall respect for female offenders, developing more programs that would help women create healthy boundaries and relationships, and treating inmate abuse and trauma issues. Rules that limit the time staff can be alone with an offender and staff access to certain areas or selected sets of facility keys were suggested, as was requiring women to wear uniforms.

Staff Perspectives

Other staff recommendations that paralleled those listed by staff in male facilities included the following:

- Increasing sanctions for inmate predators.
- Elevating penalties for staff sexual misconduct.
- Increasing direct interaction and visibility with inmates.
- Increasing communication with inmates, among staff members, and with outside investigators and prosecutors.
- Creating an after-action review for all sexual assault incidents.
- Providing information on best practices in responding to sexual assault.
- Developing centralized and standardized reporting mechanisms.
- Enhancing and publicizing avenues of inmate reporting, including hotlines, locked suggestion boxes, and outside ombudspersons.
- Improving classification and housing options.
- Creating treatment programs for sex offenders and victims of assault.
- Using cameras and other emerging technologies (such as radio frequency tracking systems).
- Training outside community prosecutors on prison sexual violence.

Preventing and responding to sexual violence in correctional facilities was seen as a form of good correctional practice, regardless of whether the inmates were female or male. Staff suggested that a successful response to sexual violence requires the following components:

Policy

- “Safe prisons” programs that apply to women specifically.

- Aggressive promotion of a “zero tolerance” policy.
- Emphasis on prevention as it would apply to women inmates.
- After-action reviews.
- Collaboration with outside investigators and prosecutors.
- Investigation of all allegations.

Staff Development

- Teamwork, communication, and cooperation.
- Staff awareness and experience.
- Specific training in responding to sexual violence among women.
- Coordination of all departments (both treatment and investigation).
- Implementation of inmate advocates and peer educators.

Inmate Issues

- Development of rapport and trust with inmates.
- “Walking and talking” among the inmates; more training on female inmates’ communication styles.
- Clear warning to inmates that sexual interaction with other women or with staff is a rule violation.
- Multiple, confidential reporting mechanisms.
- More therapy and education on healthy boundaries, relationships, and abuse recovery.

Housing and Classification

- Direct supervision.
- Single cells.
- A classification system designed specifically for vulnerable and predatory female inmates.

Conclusion

This bulletin, the third in a series, describes staff perspectives on sexual violence and assault in women's correctional institutions. Many of the observations of staff in female facilities paralleled those of staff working in male facilities. Readers are urged to examine the first two bulletins in the series (see footnote 1 on page 1 for bulletin titles) for an indepth discussion of these commonalities.

There were, however, some significant differences in perspective between staff working in female, as opposed to male, correctional facilities. The nature of the personal relationships among women, the rarity of sexual violence, staff sexual misconduct, and the need for staff training focused on issues specifically affecting women were some of the differences mentioned.

The focus group data provide a detailed picture of staff perspectives on sexual violence in female facilities. As stated in the interviews, responding to sexual assault and other forms of sexual violence is part of good correctional practice. This is true whether staff are working with female or male inmates.

These interviews also show that using male-based training, definitions, and responses is not effective for staff working with women offenders. The data obtained from these interviews provide a solid justification for targeting our response to sexual violence and abuse for specific populations while continuing to collect data on the variety of populations held in jails and prisons.

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Staff Perspectives

SEXUAL VIOLENCE IN ADULT PRISONS & JAILS

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Toolkits

The following toolkits are available free of charge through the NIC Information Center. For more information or to request a free video, please contact Peg Ritchie, Corrections Specialist, via toll-free telephone, 800–877–1461; fax, 303–682–0558; or e-mail, pritchie@nicic.gov.

- Facing Prison Rape: Part 1. The 2003 Prison Rape Elimination Act (2004). An introduction for correctional administrators.
- Facing Prison Rape: Part 2. The 2003 Prison Rape Elimination Act (2005). Discussion points for anyone working within the correctional system.
- Speaking Up: Discussing Prison Sexual Assault, Male Version (2005). A toolkit designed to assist facility staff in educating male offenders on local sexual assault policies and practices.
- Speaking Up: Discussing Prison Sexual Assault, Female Version (2005). A toolkit designed to assist facility staff in educating women offenders on local sexual assault policies and practices.
- Keeping Our Kids Safe: The Prison Rape Elimination Act and Juvenile Justice (2007). A guide for juvenile justice administrators.

Agencies/Programs

Bureau of Justice Assistance

www.ojp.usdoj.gov/BJA
AskBJA@usdoj.gov
202-616-6500

National Institute of Corrections

www.nicic.gov
800-995-6423
202-307-3106

National Institute of Corrections/ Washington College of Law Project on Addressing Prison Rape

www.wcl.american.edu/nic
nic@wcl.american.edu
nicresearch@wcl.american.edu
202-274-4385

National Prison Rape Elimination Commission

www.nprec.us
nprec@nprec.us
202-233-1090

Just Detention International (formerly Stop Prisoner Rape)

www.justdetention.org
info@justdetention.org
213-384-1400
202-580-6971

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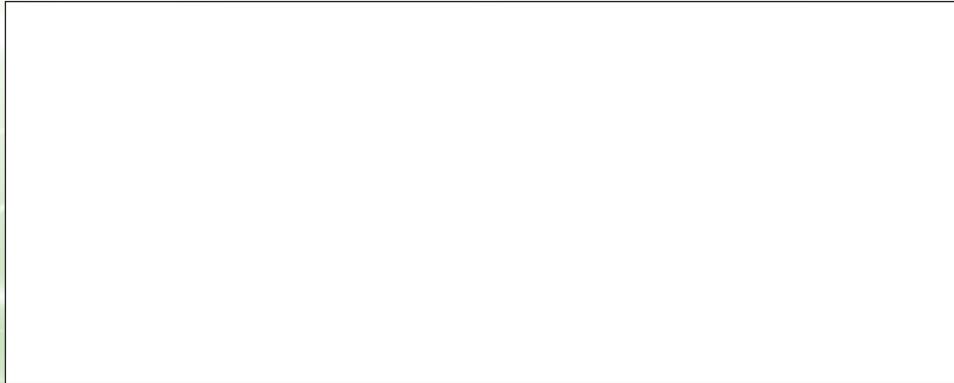
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