

Title: **Fighting prison rape: how to make your facility safer**

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In 1994, the first domino fell. The case of Dee Farmer, a transsexual inmate sexually assaulted in prison, reached the Supreme Court. Farmer claimed that officials had shown "deliberate indifference" by keeping him in the general prison population and failing to protect him from harm allegedly inflicted by other inmates - especially since Farmer said his transsexuality made him a clear risk for assault. In *Farmer v. Brennan* [114 S.Ct. 1970 (1994)], the Supreme Court ruled that, under the Eighth Amendment, prison officials have a duty to protect inmates from violence at the hands of other inmates.

The Court's ruling was a landmark decision which affirmed that "being violently assaulted in prison is 'not part of the penalty'. . . and serves no penological objectives." It gave inmates the right to request protection from arguably unsafe situations before sexual assault could occur, and it obligated administrators to be proactive in addressing obvious risks. And, perhaps most important, it called attention to a taboo topic that makes most people avert their eyes or quickly change the subject. Male rape is something people just don't talk about.

But, many say it's something that happens in correctional facilities more frequently than we'd like to admit, and it's something administrators are struggling to control - particularly with the threat of AIDS added into the equation. A 1994 study of 1,800 inmates in a Midwestern state prison, conducted by social psychologist Cindy Struckman-Johnson, reveals that 22 percent of male respondents said they had been pressured or forced at least once to have sexual contact against their will while incarcerated. Only 29 percent of these said they'd reported the incident to prison authorities. Other studies conducted in the '80s offer slightly lower numbers of sexual assaults (9 percent - Nacci and Kane, 1983; 14 percent - Wooden and Parker, 1982).

Andi Moss, program specialist for the National Institute of Corrections, conducts sexual misconduct prevention workshops. She says that prison leadership must recognize the occurrence of sexual assault in prison if the situation is to be rectified.

"The top leadership needs to understand the dynamics of sexual misconduct," she says. "A prison environment is very much like a dysfunctional family where there's incest or sexual involvement. Some members of the family have privy to this information, and some don't. I would warn against couching blame for these problems on any one part of the system. The system has to work together to have zero tolerance for sexual misconduct."

Tom Fagan, clinical training coordinator for psychology services at the Federal Bureau of Prisons (BOP), says it is crucial that staff members report incidents of sexual assault.

"We're trying to keep staff from assuming that anything is consensual," he says. "Staff should report everything [suspect] and let trained professionals decide the level of agreement. If the situation isn't a problem, so be it, but if it is, there may be some other interventions we can take."

### A Call for Action

Sparked by the Farmer decision, correctional agencies and government officials have begun to take a closer look at inmate sexual assault. In response to a perceived need for accurate data, the Bureau of Justice Statistics (BJS) pretested the question, "Since your admission to prison, has anyone ever pressured or forced you to have any sexual contact against your will?" in one-hour face-to-face interviews with state and federal inmates in September and October of this year. The main survey, which will include questions touching on several areas of prison life, will be conducted in February, 1997. It will include 270 state and 40 federal prisons, using 350 interviewers.

In the Illinois state legislature, Rep. Cal Skinner is sponsoring House Bill 2122. Introduced on Feb. 16, 1995, this bill, if enacted, would require new Illinois inmates to be warned during orientation that they may be raped while incarcerated. DOC officials would be required to count the number of rapes occurring each year, and correctional officers would receive two hours of mandatory training in identifying and preventing sexual assault. After the bill's introduction, the Illinois DOC voluntarily decided to count rapes.

And, on the federal level, the BOP has addressed this subject by issuing a program statement titled, "Inmate Sexual Assault Prevention/Intervention Programs," in May 1995. The policy statement provides specific guidelines to help prevent the sexual assault of inmates. It requires each federal institution to have a sexual assault prevention/intervention program and a program coordinator to see that staff education and training guidelines are met. It's been called "a very progressive document" by Stephen Donaldson, former president of Stop Prisoner Rape (SPR), a nonprofit organization dedicated to counseling inmates who have been raped and educating the public about inmate sexual assault.

### "Turning Out" a Punk

Definitions of inmate sexual assault vary, which also may account for disparate statistics. Acts of sexual misconduct are woven into the lifestyles of many inmates, and this often makes the problem difficult for correctional officers to address or even recognize. Not every incidence of sexual assault is a violent gang rape requiring the victim to receive medical treatment.

According to Donaldson, a former inmate who was the victim of prison rape himself, power determines the prison sexual hierarchy. Inmates subject to rape ("punks") face threats and violence perpetrated by stronger inmates ("daddies," "jockers," or "booty bandits") who initiate unwanted sexual acts. Some inmates are more obvious targets for sexual assault than others. Donaldson says young, slightly built, nonviolent offenders who have never been incarcerated before are the most likely to be victimized. Male rape in prison is no different than rape in society; it's all about control and domination. The majority of prison rapists and victims are not homosexuals. Many of the rapists have wives and girlfriends on the outside, and most probably would not think of touching another man in a two-sex society.

After a punk has been "turned out" (raped), he often becomes the jocker's slave. Many punks "hook up" in protective pairing relationships, staying with one jocker in exchange for protection. In many cases, protective pairings may appear to be consensual homosexuality, and they often go unchecked by correctional officers. A strict, intrinsic inmate code against "snitching" (reporting) prevents most inmates from telling staff about such situations or requesting placement in protective custody. Doing so would cause them to risk being further ostracized in the prison hierarchy, and possibly lose privileges and "good time."

Inmates' unwillingness to report incidents probably is the most difficult obstacle to overcome in attempting to reduce the occurrence of sexual assault. According to Donaldson, culture in confinement lags behind the mainstream. Therefore, it is best to first address this issue with staff instead of inmates. Staff can influence the prevailing attitude of a facility through their openness to discuss the subject of sexual assault and their willingness to handle inmate complaints.

### Changing Staff Perceptions

In 1988, Helen Eigenberg, Ph.D., former correctional officer and current professor with the Department of Corrections at Eastern Kentucky University, conducted a survey designed to gauge the attitudes of 400 correctional officers toward sexual assault within the Texas Department of Corrections. Eigenberg's results revealed that 46.4 percent of respondents said that "inmates who had consented to participating in prior same-sex sexual acts got what they deserved if they were subsequently raped by other inmates." Approximately 73 percent of respondents believed that inmates did not report rape to staff.

Eigenberg's study demonstrates that staff education and sensitivity training may be the most important tools in combating this complex problem. Sgt. Felix Stevens, a training sergeant at Glades Correctional Institute in Florida, designed a lesson plan for handling sexual assault complaints in 1980 after a district court ruled that correctional officers at the facility must receive rape crisis training. Stevens says that staff attitudes - including his own - were the most difficult hurdles to overcome.

"I'm a 22-year veteran of corrections, and when my colleague Ronnie White and I put the

training together, we had the old corrections mind-set that if an inmate didn't want to be sexually assaulted, he shouldn't have gotten himself in prison in the first place," Stevens says. "We weren't really happy about doing the lesson plan."

As his research progressed, Stevens realized that many of his beliefs about prison rape were inaccurate. And, he recognized that many of the attitudes he and fellow staff members held were contributing to the negative situation.

"Many officers would make jokes with inmates they thought were homosexuals," he says. "We'd call them 'ladies' and ask them where their men were. Part of what we're trying to address in the lesson plan is that we've got to stop playing games like this. We can't call these inmates 'ladies' or 'homosexuals' or 'no pockets' (another slang term for an inmate who appears to be homosexual). These inmates were brutally and viciously assaulted until they got to the point where they knew that [acting effeminate] was the only way they could survive in prison."

### Common Sense Prevention

According to the opinions of such experts as Stevens, Donaldson and Robert Dumond, former director of mental health for the Massachusetts Department of Correction, a successful sexual assault prevention program should provide specific training initiatives that address each of the many facets of this situation.

Dumond, who helped establish sexual assault prevention curricula for the Massachusetts DOC in 1994, suggests that sexual assault prevention be offered to all staff as part of their training. In June 1994, the Massachusetts DOC Division of Staff Development trained its first complement of rape certified investigators in reported cases of sexual assault. In addition, the Massachusetts DOC training program began providing a four-hour segment on rape awareness for new correctional officers. And, rape awareness training has been offered as part of a 40-hour-per-year in-service program for general staff.

While training is the essential first step in prison rape prevention, another way to reduce this problem may be found in improved classification. Stephen Donaldson says there are several demographic factors that make inmates obvious targets: size, age, first term or not, nonviolent or violent offense, self-identified homosexual or not. If certain inmates seem to stand out, housing them with known predators is not a good idea. Donaldson and several other experts recommend that new inmates be warned against sexual assault during orientation. First-time, inexperienced inmates may not be aware that borrowing a pack of cigarettes often means that sexual favors will be expected in return. Offering these inmates common-sense rape prevention strategies before entering the prison environment can help them avoid walking into obvious traps - especially since, according to a sexual assault prevention video produced by AIMS media (See "Developing a Program in Your Facility"), the majority of prison rapes occur within an inmate's first few days of incarceration.

Inmates themselves also can play a part in increasing rape awareness. Older inmates who

have been in prison for a while may be the members of the inmate population most receptive to staff concerns. Donaldson says that sexual power plays in prison generally are "a young man's game," so most older inmates are not directly involved in them and can look at the situation more rationally.

"If a warden tells inmates that sexual assault makes for a bad atmosphere and says that all inmates have a common interest in keeping this sort of thing down, the older inmates will probably be the most likely to agree," Donaldson says. "And, they also may be the ones to offer the most helpful suggestions."

### Handling a Rape

Despite all the rape awareness and sensitivity training administrators can organize, prison rape sometimes occurs anyway. When it does, Robert Dumond offers suggestions for handling the situation as professionally as possible.

Dumond believes that all correctional agencies should require designated correctional staff investigators to become certified rape counselors. If certain staff become thoroughly knowledgeable in the area of sexual assault, they will be able to determine the best course of intervention when it happens.

Medical and psychological intervention should be part of an inmate's recovery process. A medical examination should be conducted immediately after the rape occurs. Next, psychological factors must be addressed. Many experts say that nonviolent inmates who are sexually assaulted become violent and angry as a result of this violation. Without counseling, dealing with the feelings associated with rape (rape trauma syndrome, more formally known as Post-traumatic Stress Disorder) can be overwhelming, and an inmate who has been raped often is at a high risk of suicide. Dumond says that credible counselors whom inmates feel they can trust should be available after a rape occurs.

The collection of physical evidence after a rape is important, too. In conjunction with prosecutors, departments of correction should develop procedures for gathering evidence and obtaining information in the event of a sexual assault. Any physical evidence found at the scene should be turned over for investigation. Stevens' plan, used at Glades Correctional Institute, recommends that the alleged perpetrator be placed in administrative confinement pending investigation. Staff should note the occurrence in the files of all inmates involved.

### Getting Started

Any administrators or staff psychologists who have investigated the issue of inmate sexual assault know that calling attention to this issue is not easy. Nobody wants to talk about rape - it's not a pleasant subject. Dealing with the negative publicity an institution may face as a result of released data reporting incidents of sexual assault is not easy. And, handling inmates who insist on abusing the system by crying wolf also is not easy. However, many are convinced that corrections professionals have the responsibility to

take this issue seriously in defense of human decency and dignity. Education, training and proper preventive strategies are the keys to reducing sexual assault in your facility. Most experts agree that it is impossible to ever eliminate all events of sexual misconduct, just as it is impossible to eliminate rape that occurs in the community. But, a practical plan of attack that begins with informed staff members, competent medical and psychological services, and rape-aware inmates can greatly decrease the frequency of sexual assault in prison.

#### RELATED ARTICLE: Stephen Donaldson: Training in Compassion

(Author's note: On a sweltering Sunday afternoon in May, I met with Stephen Donaldson, president of Stop Prisoner Rape (SPR). Over a lunch of Indian food in an empty but blissfully air-conditioned restaurant in downtown Washington, D.C., Donaldson shared details concerning time he spent in the correctional system. He was first arrested in 1973 at the age of 27 for participating in a Quaker pray-in on the White House lawn in protest of the bombing of Cambodia. While housed in a tough cell block at a D.C. jail, Donaldson was gang raped several times in two days. After being treated at D.C. General Hospital, Donaldson was released on bail. He told his story to the press, later realizing that he probably was the first person to publicly admit to jailhouse rape.

After he was released, Donaldson was arrested and incarcerated three more times over the next decade, and, on each of these occasions, he was sexually assaulted while in prison. Upon his third release in 1984, he finally was able to receive counseling for rape trauma syndrome. He dedicated his life to helping inmates who had been violated in the same way.

On July 18, 1996, Stephen Donaldson, 49, died of a virulent infection complicated by AIDS. He said he was infected with HIV as a result of being raped in prison. The following excerpts from his interview show a side of prison rape which can be just as compelling as the management issues it raises.)

"After I was raped, my life was totally disrupted. It took me a year and a half before I could resume normal sexual functioning. And, I was totally paranoid about going into any room where there were a lot of men. I tried very hard to get into some type of therapy program, and I was turned away everywhere I went. Nobody knew about rape trauma syndrome in the '70s - especially when it involved males. . . .

"During the mid-'70s, I went through a very macho period. I'd go out looking for fights and acting as tough as I could. I got locked up in December '76 and charged with the possession of marijuana. I was gang raped by a group of 11 guys the first night I was in jail. I froze up. I was just totally overcome with flashbacks. The next day, four of them claimed me, and that was really where I was trained to be a "punk." They protected me from everybody else and escorted me to the shower. I got to know them very, very well and became psychologically dependent on them. They were my security.

"I was arrested again in May '77 for the sale of LSD. I won that case, but I spent three

months in jail waiting for trial. Of course, I was raped on the first night. This time, I fought. As a result, I spent some time in the hole. When I got out, I was claimed by another inmate, and I belonged to him for the next three months.

"At this point, I gave up on nonviolence and stopped being a Quaker. I decided to arm myself, so I acquired guns, and that's what got me into trouble later on. In March 1980, I was denied medical treatment at the VA Hospital in the Bronx. I was totally stressed out at that point, and I took a .25 automatic, went back to the emergency room and forced the doctor to treat me. For that, I got a 10-year sentence - assault with intent to commit murder. I was guilty.

"So, I did four years of federal time. By that time, I had learned how the system worked. I would fight the first time I was challenged, and then I would immediately start looking for a protector. I got hooked up wherever possible.

"I got raped about six more times in the next four years, and spent about one-third of my time in P.C. (protective custody), not usually voluntarily. I saw things I never want to see again in my life. I learned a lot.

"I was transferred to a halfway house in November '83 and went to St. Vincent's Hospital in New York, which had a rape crisis program. I finally got into six months of intensive rape crisis counseling.

"After I completed my counseling, I went through 11 weeks of counselor training so I would be able to help other people. I've made it a mission which has allowed me to interpret a devastating experience as something that had meaning. I think this was very important for my sanity. It gave me a role to play, and I think the more I've seen signs of effectiveness in this role, the better it's been for me psychologically. I don't feel hopeless and vulnerable since I've turned it around and started fighting back in my own way, at my own level - not with fists or with a shank. And, I've been trying not just to work out anger, but to understand things. I've been trying to understand why rapists do what they do, why jockers do what they do.

"Part of what's helped me has been my spiritual life. It's very difficult for me to talk about that, because it's very interior. But, I've learned that God has given me a mission - to use my suffering to understand the suffering others have gone through. It's been training in compassion."

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