

Sexual Victimization and Requests for Assistance in Inmates' Letters to the National Prison Rape Elimination Commission ¹

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[Literature Review](#)

[Methods](#)

[Findings](#)

[Conclusion/Discussion](#)

THOSE NOT EDUCATED in the criminal justice system often believe that it works without flaws: someone breaks the law, is caught, and is issued a sentence proportional to the crime. The time in jail or prison is served quietly, while the offender is rehabilitated and taught skills that will aid in positively contributing to society upon release. While the offender is serving the sentence, tax dollars allow him or her to be maintained in a safe, secure, and humane environment. As criminal justice academics and practitioners, we know that this sunny look at incarceration is rarely the actual experience of an offender. Although their frequency may be sensationalized by the media, the numerous hardships of prison and jail life (e.g., rape, gangs, drugs, abuse) do exist.

Numerous studies have shown that sexual violence occurs within the confines of correctional institutions; both inmates and correctional staff can be perpetrators, and there are patterns of characteristics among victims of correctional sexual violence. In 2003, the United States Congress passed the Prison Rape Elimination Act (PREA) in order to address the issues of sexual violence in correctional settings. As a part of PREA, the National Prison Rape Elimination Commission (NPREC) was established by Congress to conduct a comprehensive study of federal, state and local government policies and practices related to the prevention, detection, and punishment of prison sexual assaults (NPREC 2007).

Sexual violence in correctional institutions is well documented (Beck & Harrison, 2006, 2007; Davis, 1968; Wolff, Shi, Blitz, & Siegel, 2007a), but the dynamics of such and how inmates experience it remain less well understood. Because of the sensitivity of the topic, inmates are not inclined to speak out about their experiences; however, several options for reporting victimization and seeking advice, guidance, and assistance are available. For some individuals, the method of choice is to contact, in writing, the National Prison Rape Elimination Commission (NPREC). This study focuses on the correspondence from inmates to NPREC with a goal of identifying the goals, contexts, and requests included in inmates' correspondence.

Literature Review

In 2007, the Bureau of Justice Statistics (BJS) completed the first national inmate self-report survey of inmate sexual victimization (Beck & Harrison, 2007). This study is unique in that it collects data directly from inmate surveys and it uses definitions defined by the Centers for Disease Control and Prevention. BJS includes two forms of incidents in the definition of sexual victimization: non-consensual sexual acts (any type of penetration) and sexually abusive contact (touching, groping, etc.). They found that a total of 60,500 inmates (4.5 percent of the United States' inmates) self-reported at least one incident of sexual victimization during the preceding year. Of these 60,500 inmates, 27,500 (45.5 percent) reported inmate-on-inmate victimization and 38,600 (63.8 percent) reported instances of staff sexual misconduct (Beck & Harrison, 2007). Others have relied on smaller samples and varying definitions of victimization to estimate as many as 20 percent of adult American inmates are victims of "prison rape" (see Gaes & Goldberg, 2004).

Not every instance of sexual violence or assault within correctional institutions is brought to the attention of correctional staff. Rather, a "code of silence" among both inmates and staff is known to impede the reporting of sexual victimization (Smith & Yarussi, 2007). Some reasons for staff's reticence to report known sexual violence incidents might be explained by examining staff (Eigenberg, 2002, 2000, 1989; NIC & Moss Group, 2006; Smith & Yarussi, 2007) and wardens' attitudes (Hensley & Tewksbury, 2005) towards prison sexual violence. Inmates' reluctance to report victimization centers on concern for retaliation and changes in their circumstances if they report victimization to correctional authorities (Fleisher & Krienert, 2006; Human Rights Watch, 2001; Parsell, 2007; Smith & Batuik, 1989).

Some inmates, however, do decide to report their victimization. Fleisher & Krienert (2006) cite four reasons that inmates decide to speak out against prison sexual violence: to gain attention from inmates or staff; to falsely blame an inmate or staff member; because the inmate owes debts to the canteen; and because of a failed sexual advancement with a woman. However, almost without exception, scholars, advocates, and inmates believe prison rape is grossly underreported.

As inmates have been provided more easily accessed avenues of reporting and as corrections officials have demonstrated commitments to responding to such reports, the numbers of allegations have steadily increased. In 2006 the Bureau of Justice Statistics (Beck & Harrison, 2006) completed a national administrative review of inmates' officially reported incidents of sexual victimization from 2005. This study uses the same BJS definitions of non-consensual sexual acts and abusive sexual contact, as well as including staff sexual harassment and staff sexual misconduct; however, all data are from incidents officially reported by inmates to correctional officials. In this review, BJS concluded that "there were 2.83 allegations of sexual violence per 1000 inmates in 2005, up from 2.46 in 2004" (Beck & Harrison, 2006), showing an increase in reporting of sexual violence since the passage of PREA.

As noted from the above BJS statistics, not every inmate who is incarcerated becomes a victim of sexual assault. Those inmates who become victims or targets of sexual assault are often viewed as weak and vulnerable by the perpetrators (Chonco, 1989; Dumond, 2003; Fagan, Wennerstrom, & Miller, 1996; Human Rights Watch, 2001; Kunselman, Tewksbury, Dumond & Dumond, 2002; Smith & Batuik, 1989). These vulnerable populations are often sexual and gender minorities: homosexual, transsexual, and transgendered inmates (Austin, Fabelo, Gunter, & McGinnis, 2006; Bassichis & Spade, 2007; Dumond, 2003; Edney, 2004; Hensley, Koscheski, & Tewksbury, 2005; Nacci & Kane, 1984; SPR, 2007a; Tewksbury & Potter, 2005; Wooden & Parker, 1982) and inmates with mental illness (Austin et al., 2006; Dumond, 2003; Jenness et al., 2007).

Sexual and gender minority inmates [GLBTQ (gay, lesbian, bisexual, transgender and questioning)] are often targeted for sexual victimization. Inmates who identify as GLBTQ are sexually assaulted by other inmates at rates up to 15 times higher than the general population of

inmates (Hensley, et al., 2005; Jenness, et al., 2007; Wooden & Parker, 1982;). Of the almost 900 survivors who have contacted Stop Prisoner Rape (SPR) since 2002, approximately 20 percent have identified themselves as gay, bisexual, or transgender (SPR, 2007b). As sexual minorities, such inmates (especially males) are typically perceived as weak and vulnerable.

Inmates who have a mental illness are also frequent targets for sexual predators. Sexual violence in prison is more frequently reported by inmates who have a mental illness than by those who do not (Wolff, et al., 2007a; Wolff, Blitz, & Shi, 2007b). The rate of sexual assault among male inmates identified with a mental disorder was nearly two times higher than the rate for those inmates without a mental disorder (Wolff, et al., 2007b). Austin et al. (2006) found that 12 percent of the sexual assault allegations involved a mentally ill or intellectually impaired inmate. These numbers compare with approximately 56 percent of state prison inmates having a “mental health problem” (James and Glaze, 2006).

Although the literature is extant on the existence and frequency of prison sexual violence, we know very little about how inmates actually experience sexual violence and what they themselves perceive as their significant needs related to prevention, intervention, and services. Consequently, one way to begin assessment is to examine the issues that inmates speak out about when given the opportunity to report prison sexual violence. The purpose of this paper is to identify these issues as identified in one reporting avenue.

[back to top](#)

Methods

The data used for this study was written correspondence received at NPREC between June 2004 and February 2008.² Media available and analyzed included personal letters from inmates and family members of inmates, and email from inmates’ family members.³

The correspondence received by NPREC concerned 33 individual cases. Of these 33 inmates, 3 were female, 26 were male, and 4 inmates identified themselves as transgender (all of these last were male to female: MtF). The inmates were incarcerated in institutions in 10 states across the nation. More than one-half of the inmates (17) were from California. Additional demographic characteristics could not be deduced from the correspondence. Of the 33 compiled inmates’ correspondence cases, 30 included personal letters from currently incarcerated individuals, 2 were letters from family members, and one letter was written by a former inmate.

Multiple readings of the correspondence allowed us to identify the major patterns within the letters and classify the issues raised into two main categories: 1) the issues relating specifically and exclusively to the victimization experienced by the inmate and 2) the events that occurred as a result or that influenced the victimization. The data were analyzed by following analytic induction processes, focusing on identifying commonalities and patterns within the content of the letters.

[back to top](#)

Findings

A majority of the correspondence included reporting of sexual victimization. Fully 78.8 percent of the responders were inmates self-reporting their victimization, 12.1 percent were reporting knowledge of another inmate’s victimization, 6.1 percent were both self-reporting and reporting knowledge of others’ victimization, and only 3.0 percent did not report any victimization. Of the 33 cases, nearly one out of three (30.3 percent) stated that they had reported their personal or others’ victimization to correctional authorities. This was determined through personal statements or included grievance reports. The letters were assessed for two main types of issues: those that deal directly with the victimization and those that were not related specifically to the victimization.

Issues directly associated with the victimization

The first set of issues examined is the identification of issues that deal specifically with the event of the victimization. The range of victimizations reportedly experienced by inmates included sexual assault, physical assault, verbal harassment, and combinations of these types of victimization. Sexual assault was noted when there was a mention of any type of sexual activity, including oral, anal, or vaginal penetration, touching of the inmate's butt, thighs, penis, breasts, or vagina in a sexual way and other sexual acts. This included both non-consensual sexual acts and abusive sexual contacts (Beck & Harrison, 2007), as well as both willing and unwilling sexual activity with staff (which by legal definition is sexual victimization, and illegal; however, willing/consensual sexual activities are typically not included in definitions used in prison rape research).

Physical assault was noted when the report included an inmate being hit or beaten with an object or fists, kicked, or spit on. An inmate was considered to have been verbally harassed when words were used in the form of cursing, derogatory remarks, insults, and threats (sexual and nonsexual). If an inmate was sexually or physically assaulted more than once, this was noted as well.

Victimization of an inmate by a staff member was operationalized as sexual, physical and/or verbal victimization of the inmate by correctional officers or other staff members. Of the correspondence 42.4 percent included reports of inmates victimized by staff; 18.2 percent of correspondence reported victimization by another inmate. These measures do not include the 12.1 percent of inmates who were reporting knowledge of another inmate's victimization. A total of 15.2 percent of inmates were reporting some form of victimization by both a staff member and another inmate. The remaining 24.2 percent of inmates did not specify the perpetrator of their victimization.

Inmates who reported being victimized by both staff members and other offenders (15.2 percent) were most commonly victimized verbally (50 percent) by correctional staff, followed by physically (33.3 percent) and then sexually (1.7 percent). Inmates who were also victimized by other inmates were all victimized sexually, and 33.3 percent were also victimized physically. One inmate stated that he has been "gang raped and physically hurt when I'm asleep by prison staff and predator offenders." Another disclosed that he had been "gang raped and physically hurt...by prison staff and predator offenders."

As stated above, 12.1 percent of the inmates who contacted NPREC were reporting only others' victimization. When combined with the inmates who were both self-reporting and reporting knowledge of others' victimization, the total rate for reporting knowledge of another's victimization totaled 18.2 percent. The most common perpetrator in these reports was correctional staff (83.3 percent). The most common form of victimization inflicted on inmates by officers that other inmates reported being aware of or witnessing was sexual (83.3 percent), followed by verbal (66.7 percent) and physical (1.7 percent) abuse.

The most common pattern among the correspondence was that 66.7 percent of the inmates reported some element of being sexually assaulted/victimized by a staff member or another offender. Of these cases, 9.1 percent were also verbally harassed, 3.0 percent were physically and sexually assaulted, and 15.2 percent were physically, verbally, and sexually victimized. To illustrate, one inmate in a California prison reported that he was called an "asshole and gay," "was attacked and nearly beaten to death" and was "sexually assaulted and raped in the hands of the California Department of Corrections." A second inmate incarcerated in New York reported, "I have been physically assaulted twice by inmates whom were encouraged by corrections officers," "doctors allowed officers to verbally abuse and harass me," and "the inmates target me both sexually and physically."

The specific type of victimization—sexual, physical or verbal—experienced by inmates varied in frequency. Of the 33 inmates, 39.4 percent report only being sexually assaulted/ victimized, 6.1 percent were only physically assaulted and 15.2 percent of the inmates experienced verbal

harassment as the only form of victimization experienced.

The data was also analyzed to determine the most likely form of victimization when the perpetrator was either a member of the correctional staff or an inmate. Data for this included all 33 inmates, those who were self reporting, reporting knowledge of others' victimization, and those contacting NPREC to do both. When the perpetrator was a correctional staff member, 42.4 percent reported the victimization being verbal, 39.4 percent reported sexual assault, and 18.2 percent reported physical assault. When the perpetrator was another inmate, the most common form of victimization reported was sexual, 30.3 percent. Additionally, 9.1 percent reported physical assault and 6.1 percent reported verbal assault.

The inmates who self-reported victimization were more likely to report being sexually assaulted more than once (21.2 percent) than physically assaulted more than once (9.1 percent). One letter reported sexual victimization "twice in one month...as a form of punishment for standing up against staff" that continued to harass her because she is a transsexual. An inmate from a New York prison who reported being physically assaulted twice writes, "Because of your indifference (Warden) I have been assaulted physically two times by inmates whom were encouraged by correctional officers at your facility." (For the results of the first category of issues that relate directly to the victimization that was reported, see [Table 1](#)).

Issues not directly associated with the victimization

The second assessment of the data focused on issues not directly related to the victimization. The issues that were raised are either results of the reported victimization or a complaint or issue related to incarceration (for a listing of these see [Table 2](#)). Letters written by both inmates and family members were included. Within this assessment 11 general issues were identified: two that were consequences of victimization and 9 that were general complaints or issues related to incarceration.

The issues that were consequences of victimization were a fear of retaliation for speaking out and instances of actual retaliation from speaking out. Fear of retaliation included inmates expressing worry or fear about backlash from the institution and/or correctional staff for exposing victimization of self or others. Actual retaliation included retaliation against the inmates by correctional staff, including verbal threats, physical altercations, unnecessary housing, confiscation of personal property (including mail), and allowing inmates to assault other inmates. As an example, one inmate wrote, "I was transferred to another facility...where they then placed me into cells with accused rapists and murderers as an act of retaliation against me/cause I spoke out about it."

Nearly one in five (18.2 percent) inmates expressed a fear of retaliation from a correctional officer, but one in three (33.3 percent) of all inmates in the sample reported experiencing actual retaliation. One inmate who reported sexual victimization by a correctional officer wrote, "as a result, I was thrown into solitary confinement and then transferred to another prison facility." A second inmate alleged that because he exposed another inmate's sexual victimization by correctional personnel, the warden and chief deputy "attempted to silence me by transferring me to a prison with safety and enemy concerns."

There were 9 other issues that did not deal directly with victimization of an offender but focused on issues correlated to victimization. These identified issues include inmates who either requested legal assistance or had a nonspecific request for assistance. Requests for legal assistance included an inmate or family member expressing a desire to file criminal charges or a complaint, a request to protect an inmate's civil rights, or references to PREA and how it could benefit the inmates. Nonspecific requests for assistance included cries for help, guidance, assistance, inquiries of forwarding complaint to a third party (not a lawyer), contact information of NPREC staff, and requests of media coverage of their alleged victimization.

The most common issue among corollaries to victimization was a form of request for assistance, legal or nonspecific. Legal assistance was requested by 33.3 percent of the inmates. One inmate

openly admits that he “does not have a lawyer, but would like advice.” Another asks the Commission to “forward my complaint to a local authority.”

Besides legal assistance, 39.4 percent of inmates had nonspecific requests for assistance. Several inmates’ requests fell into this category, when they outwardly exclaimed “help me!” or expressed an equivalent statement in their letters. Inmates also asked for expert witnesses from the Commission to accompany them to prime-time television to expose the victimization they had experienced. Examples of nonspecific requests for assistance include one inmate stating “I need information on how you can help me.” Another wrote, “I would greatly appreciate it if you could provide me with some sort of guidance,” and a third stated that “this is my story and truth as I know it, can you please help me!”

Beyond requests for either general or legal assistance, inmates and family members also contacted NPREC to complain about the medical and mental health treatment and available housing for victims. Complaints of medical treatment included claims of not receiving requested medical treatment or complaints about the treatment or medication that was provided. Nearly one in five (18.2 percent) inmates had a complaint about medical treatment, including one inmate who complained that the doctors would not treat him and that he needed to “get tested and examined by a reputable sleep specialist.”

Complaints reporting mental health treatment included not receiving requested mental health treatment or complaints about the type or quality of service and/or medication that was provided. Almost one in six (15.2 percent) inmates had a complaint of mental health treatment, including one inmate who wrote, “I have ask for mental health to assist me, medical and filed a grievance to no avail!”

Complaints about housing for the victims were noted in 18.2 percent of the correspondence. These included complaints about a lack of available or refused high-security housing, double-bunking homosexual male inmates, and unfulfilled requests for different housing. One such housing complaint is illustrated by the inmate who stated that “the counselor... kept forcing me to be in double man cell with other men.”

The final four issues that were included under the general category of other complaints included: the mention of a mental health consequence (15.2 percent), such as depression, post-traumatic stress disorder (not as a result of victimization), identity disorder, or sleep disorder; if an inmate grievance was filed with the institution (15.2 percent); sensitive needs issues such as transgender, transsexual, bisexual, homosexual, and other gender and sexual minorities; and inappropriate requests (e.g., a subscription to an NPREC journal, placed on the NPREC mailing list). Nearly one quarter (24.2 percent) of the inmates mentioned a sensitive needs issue in their letters or supplementary documents. For this study, sensitive needs were operationalized as those inmates who identified as homosexual, transsexual, or transgender. Two inmates who were sexually assaulted at different institutions acknowledged that they were pre-operative transsexuals; another inmate disclosed that he was bisexual. (For the results of all the issues in the second category raised in the NPREC correspondence, see [Table 2.](#))

[back to top](#)

Conclusion/Discussion

Sexual assault has received more attention than consensual sex because it is viewed as an institutional and social problem—an institutional problem that must be addressed while accounting for both inmate and public safety (Tewksbury & West, 2000). Because of this, it is important that correctional authorities and criminal justice policymakers pay special attention to prison sexual violence. The purpose of this study was to identify the major issues raised by inmates who send correspondence to NPREC about their victimization while incarcerated. The qualitative data of this study reveal that the most common pattern of reported victimization was being sexually assaulted by a correctional staff member. This finding supports the current literature that has reported that staff sexual misconduct and harassment is more often reported

than inmate-on-inmate sexual contacts (Beck & Harrison, 2006, 2007).

Reports of victimization of inmates by correctional staff can raise awareness of a sensitive issue among the public, correctional practitioners, and policy makers. For the offenders who will be re-entering society upon release, it is critical that they receive the proper help and treatment after their abuse. This treatment should not only be made available within the prison, but should also include access to continued treatment in the community.

Knowledge of the other issues raised in the correspondence can also prove beneficial. Knowing the victims and their needs can lead to implementation of appropriate programming. For example, knowledge of retaliation or fear of retaliation on inmates may prompt a facility to implement training for their correctional staff. Secondly, knowledge of poor medical or mental health treatment may lead a facility to take steps to improve treatment.

This data and analysis suffer from several limitations. In some instances the inmates did not know what they were requesting or they reported a form of victimization without fully understanding the definition. Also, some offenders reported that they were retaliated against but did not disclose how the retaliation occurred, so we were not certain if any actual retaliation against the inmate took place. Several inmates also disclosed that they knew about other inmates' victimization, but did not always specify the number of inmates or the type of victimization. A final limit of this study was that some inmates stated that they had been victimized, but would not disclose whether the perpetrator of the victimization was another inmate or a correctional staff member.

[back to top](#)

[References](#)

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Sexual Victimization and Requests for Assistance in Inmates' Letters to the National Prison Rape Elimination Commission

Tables

[Table 1](#)

[Table 2](#)

Table 1.	
Issues directly associated with the victimization	Percentage
Report victimization of an inmate by staff member	57.6%
Report victimization of an inmate by another offender	33.3%
Reporting knowledge of others victimized	18.2 %
Others witnessed the victimization	18.2 %
Only sexually assaulted	39.4 %
Only physically assaulted	6.1 %
Only verbally harassed	15.2 %
Verbally harassed and sexually assaulted	9.1 %
Physically assaulted and sexually assaulted	3.0 %
Physically assaulted and verbally harassed	3.0 %
Physically, sexually, and verbally victimized	15.2 %
Sexually assaulted more than once	21.2 %
Physically assaulted more than once	9.1 %

[back to top](#)

Table 2.

Issues not directly associated	Percentage
Express fear of retaliation from speaking out	18.2 %
Actual retaliation from speaking out	33.3 %
Request for legal assistance	33.3 %
Nonspecific request for assistance	39.4 %
Complaints of medical treatment	18.2 %
Complaints of mental health treatment	3.0 %
Complaints about housing for victims	18.2 %
Mention of mental illness	15.2 %
A grievance was filed	15.2 %
Special needs issues	24.2 %
Inappropriate requests	6.1 %

[back to top](#)

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care staff (A total amount of \$45million for the biennium) to the Texas Legislature.

[back to top](#)

Good Job or Dirty Work? Public Perceptions of Correctional Employment

1. Thanks to Amber Herbeck and Chad Briggs for their help collecting and entering the data used for this project. The data were collected as part of Grant 98-CE-VX-0021 from the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. Correspondence may be directed to: Jody Sundt, Criminology and Criminal Justice, PO Box 751, Portland State University, Portland, OR 97207-0751. Email:sundt@pdx.edu.
2. These data include those employed in community corrections, prisons, and jails.

[back to top](#)

Sexual Victimization and Requests for Assistance in Inmates' Letters to the National Prison Rape Elimination Commission

1. The views contained and expressed in this document do not represent the position of the National Prison Rape Elimination Commission. All views and interpretations contained herein are those of the authors alone.
2. It should be noted that the correspondence reviewed in this analysis is only a subset of correspondence received at the Commission from inmates. Correspondence received prior to June 2004 and after February 2008 is not included. Additionally correspondence from individuals who are not inmates is not included in the analysis.
3. Additionally, 42.4 percent of correspondence included supplementary materials. These supplementary materials included court documents, legal letters, affidavits, inmate grievance complaints with identifying information, hearing dispositions, news articles, declarations, inmate/parolee appeal forms, and official complaints filed against correctional personnel.

[back to top](#)

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[back to top](#)

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[back to top](#)

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