



# **Risk Markers for Sexual Predation and Victimization in Prison**

Janet I Warren, DSW  
Professor of Psychiatry and Neurobehavioral Sciences  
University of Virginia

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# Prison Rape Elimination Act (PREA)

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- Federal legislation and the US Supreme Court
  - Prison Litigation Reform Act (1995)
  - Farmer v. Brennan (1994)
- Emergent human rights initiatives
  - Stephan Donaldson and *Stop Prison Rape* (1973)
- Momentum of bi-partisan coalitions
  - International Religious Freedom Act (1998)
  - Victims of Trafficking and Violence Protection Act (2000)
- Rapid movement through House and Senate
  - Frank Wolf (R-VA10) and Bobby Scott (D-VA3)
  - Jeff Session (R-Alabama) and Ted Kennedy (D-Mass)



# Explicit Rational for PREA (\$302 Million)

- 13% of inmates were sexually assaulted in prison, often repeatedly
- Inmates who were younger and who suffered from mental illness were at higher risk for sexual assault
- Prison rape undermined the public health by exposing inmates to HIV/AIDS, tuberculosis ,and Hepatitis C and B
- Prison rape brutalized inmates and made it more likely that inmates would be violent when returning to the community
- The interracial nature of many prison assaults exacerbated interracial tensions in the prison
- Prison rape contributed to the rates of assaults and homicides in prison and contributed to riots and insurrections
- Victims suffered severe psychological and physical effects which hindered ability to reintegrate



# Implicit Assumptions of PREA Legislation

- Sexual activity in prison is prohibited
  - Administrative infraction
  - Criminal act for staff
- Sexual activity in prison should be eradicated
  - Sex in prison is a threat to security
  - Sex in prison is a public health problem
  - Sex in prison contributes to fights and conflicts
- Sexual activity in prison is not talked about or openly acknowledged
  - It is homosexual
  - It underscores the bisexual orientation of many individuals



# Appropriation of PREA Funds

- **Bureau of Justice Statistics (BJS):** 10% random sample of all federal, state, and county prison inmates (N= 23,398)
- **PREA Commission:** Hearings and collect information:
  - Optimal means for classifying and assigning prisoners
  - Processed for investigating and resolving assault complaints
  - Best practices for preserving physical/testimonial evidence
  - Addressing the acute trauma care of rape victims
  - Developing educational/medical testing for HIV
  - Training of correctional staff
  - Protecting the confidentiality of prison rape complaints
  - Creating system for reporting and impartial resolution
- **National Institute of Justice:**
  - Research funding and review panel of prison rape



# The Nature of the UVA Study

- The adaption of clinical violence risk assessment
  - Dynamic and static risk factors
  - Environmental and situational factors
- Integrating the full continuum of sexual behavior in prison
  - Consensual, bartered, and coerced sex
- Examination of gender differences
  - Most prison research conducted on males only with no basis for comparison



# Methodology of UVA Study

- Our sample came from Texas and Ohio with 288 males and 183 females
- We collected data at minimum, medium, and maximum security level prisons
- We collected data from seven sources simultaneously
  - Interviews with each inmate (3.5 hours)
  - Self-report measures
  - File review information
  - State prison data bases
  - Correctional officer's survey
  - Warden interviews
  - Prison characteristics



# Instrumentation of UVA Study

- Prison Violence Interview (3.5 hours)
  - SID-P (10 DSM PD diagnoses)
  - HCR-20 assessment for violence risk
  - PCL-R
  - VRAG
  - Violence History
- Instrumentation
  - Early adverse life experience
  - Prior adolescent and domestic violence
  - Criminality and prison violence
  - Hyper-sexuality and impersonal sex
  - Affective and cognitive states including anger, impulsivity and thoughts of harm
  - Personality disorders and psychopathy
  - Extant risk instruments including COVR
  - Social environment



# Consensual/Bartered/Coerced/Predatory

## Covert Sexual Behavior

- Cat-calls, whistling and compliments
- Sexual comments about your body
- Standing close or sitting close
- Looking at you while you were naked or partially dressed
- Patting, rubbing stroking non-sexual body part
- Asking about your sexual experiences
- Telling someone about your sexual experiences
- Receiving sexual letters

## Overt Sexual Behavior

- Sexual or open mouth kissing
- Taking off clothes for sexual reasons
- Exposing sexual body parts for erotic reasons
- Patting/rubbing sexual body parts for erotic reasons
- Watching someone masturbate
- Receiving or performing oral sex
- Vaginal penetration
- Anal penetration



# Finding: Narratives of Sexual Life in Prison

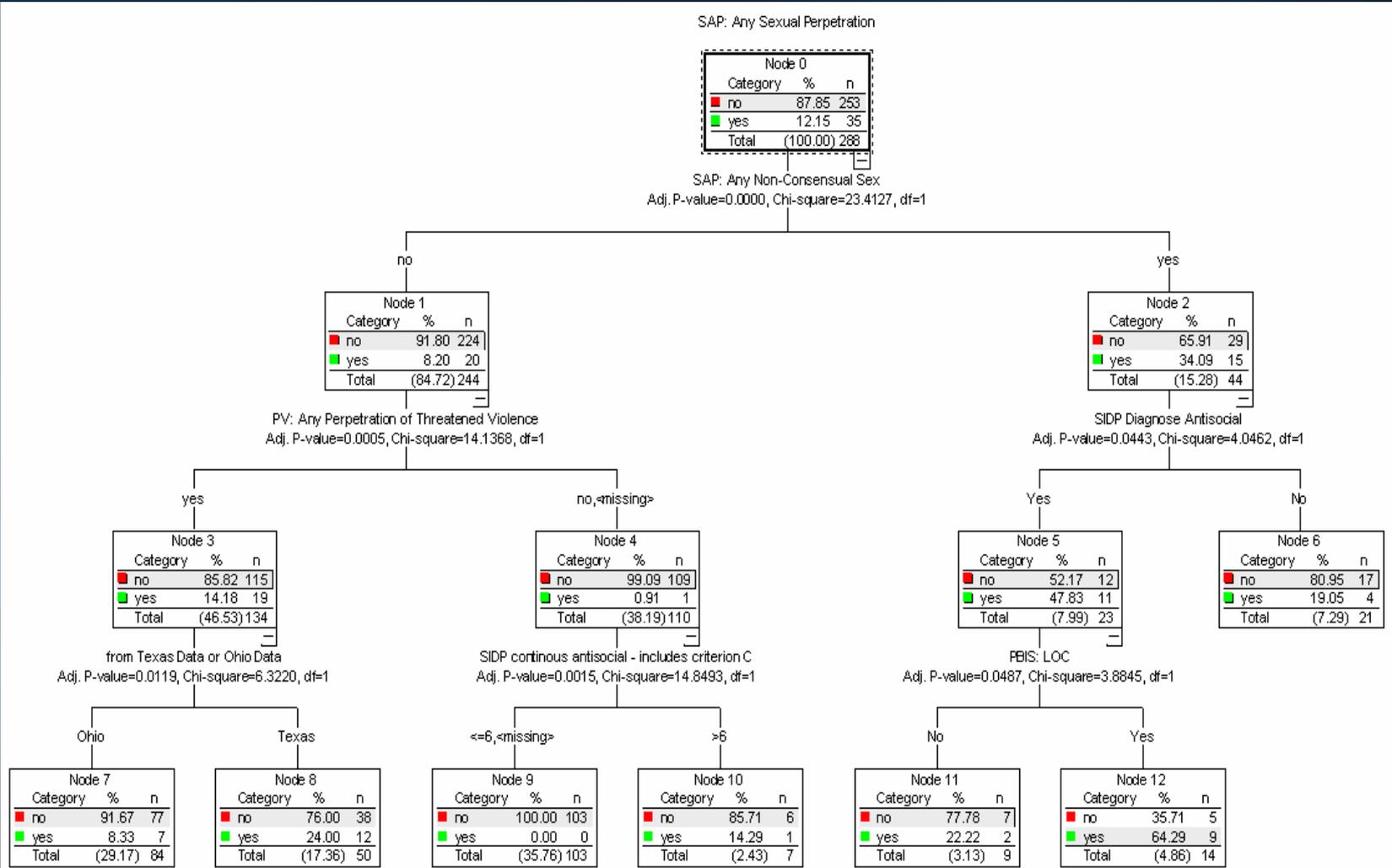
- Pink panty birthday present
- The caramel candy dildo
- The shower rapes
- The sexual predator
- The love stories
- The break-up woes
- Gay for the stay and pleasure in the telling



## Finding: Empirical Outcomes

- Hyper-sexuality was common: 41% of males/18% of women
- Women initiated their sexual behavior in prison sooner (6 mo/1 yr)
- Consensual contact sex was common:: 30% males/29.5% females
- Bartered contact was less common: 10.1 %males/4.6 % females
- Victimized contact sex comparable by gender: 5.9 males/ 6.6 females
- Predatory contact sex was low among the males (4.2%) and non-existent among the females (0.0%)
- Able to model all 10 sex types with accuracy of .71. to .90

# Finding: CHAID Analyses for Sexual Predation among Males





# Finding: CHAID Analyses for Sexual Predation among Males

- **Sexual victimization:** Sexual victimization was the best predictor of perpetration ( $\chi^2 = 23.42$ ,  $df = 1$ ,  $p < .0001$ ).
- **Threatened physical violence:** Among those denying sexual victimization, perpetration of threatened physical violence was the next best predictor ( $\chi^2 = 14.14$ ,  $df = 1$ ,  $p < .001$ ).
- **Texas versus Ohio:** Among those reporting threatened physical violence, inmates from Texas were more likely than inmates from Ohio (8.3%) to report sexual perpetration ( $\chi^2 = 6.32$ ,  $df = 1$ ,  $p = .02$ ).
- **Antisocial PD:** Among those denying threatened physical violence, those with continuous scores on the SIDP-IV Antisocial scale less than or equal to 6, (0%) were less likely than those with higher scores (14.3%) to admit sexual predation ( $\chi^2 = 14.85$ ,  $df = 1$ ,  $p < .01$ ).
- **Head injury:** Among those with an Antisocial PD diagnosis, those with a history of head injury with loss of consciousness were more likely to admit to sexual predation (64.3%) than those without



# Observations and Conclusions

- Self reported sex victimization is not as common as believed (BJS)
  - CASI methodology with N of 23,398
  - 2.1 % of inmates report sexual victimization by another inmate
  - 2.9 % of inmates report sexual victimization by staff
  - 58 % of the staff involved were female and 65% of victims male
  - 2/3 on the staff inmate encounters were described as romantic in nature
  - This gender trend was the opposite in jails but even more pronounced in youth facilities
  - Three state systems had rates of sexual victimization that reached 10%
- Most allegations were closed out as unsubstantiated (55%) or unfounded (29%)



# Observations and Conclusions

- Sexual abstinence is maintained by about 50 percent of both male and female inmates/50 percent sexually active
- There is great range in the types of sex occurring and the motivation lying behind it ( love, control, humiliation, sexual pleasure, material goods)
- Inmates who are sexually active in prison tend to be characterized by personality traits associated with Cluster B psychopathology and prior aggressive and violent behavior.
- There are real and meaningful gender difference which underscore the importance of gender specific risk classifications and programming



# Observations and Conclusions

- Different types of sexual behavior tend to comingle and single sex descriptions of individuals were often misleading and illusionary
- Many of the risk markers for violence in the community were found to be predictive of sexual behavior in prison
- Using the inmates description of their sexual behavior, 17.4 percent of males and 2.7 percent of females reported consensual and romantic sexual relationships with prison staff
- These findings help to highlight the importance of policies regarding consent, the provision of protection against sexually transmitted diseases, training in particular for female correctional staff and issues of reentry of prison inmates into the community