

Gender differences in confinement:

PREA preparedness

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Gender differences matter in corrections. Male and female offenders have different responses in correctional environments to staff, and, more specifically, to situations of sexual abuse and harassment. Sexual abuse is defined as a non-consensual act and/or being coerced into such an act by overt or implied threats of violence. It includes body contact, penetration and/or intentional touching of an inmate, detainee or resident by another inmate, detainee or resident. It also includes sexual abuse by an inmate, detainee or resident by a staff member, contractor or volunteer; contact, penetration and threats of coercion are included.¹ Sexual harassment is defined as repeated and unwelcomed sexual advances, requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate, detainee or resident directed towards another; and repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor or volunteer. This includes demeaning references to gender, sexually suggestive or derogatory comments about body, clothing or obscene language or gestures.

It is extremely imperative for all staff to understand the importance of reporting and investigating situations when they occur. This involves navigating gray areas when situations first come to light. How situations first appear may be very different following investigation. It is important that first responders objectively gather facts and stay calm, professional and polite toward a client/inmate making allegations. It is often not until much later in an investigation when the full picture is understood.

This article will highlight how male and female offenders respond differently to sexual abuse and harassment and helpful ways for staff to respond and protect themselves from accusation as well as the importance of good observation, documentation and referral for investigation. A few situations will be used as examples of how to work through gray areas professionally.

Impact of sexual abuse on male offenders

Male offenders tend to externalize stress when they have been sexually harassed and/or abused. They are more likely to respond with physical aggression or combative behavior. Men are often reluctant to report when

they have been sexually abused or have been sexually harassed. There may be a societal bias that men don't often get sexually abused or harassed and that they are equipped to deal with abuse. This is far from the truth. Documentation suggests that in the correctional setting, men are more often victims and perpetrators of sexual abuse. In a study conducted by the Moss Group, there were a higher percentage of men reporting childhood physical abuse than women. However, there was a huge discrepancy in the number of men reporting childhood sexual abuse because many men may have a fear of reporting.²

Feeling safe, for both genders, is extremely important when it comes to working through sexual abuse and harassment issues.

There may be many reasons why men are reluctant to report. First, their pride may get in the way and they may have erroneous thoughts such as, "Men cannot be sexually abused." Things inappropriately done to them while incarcerated which invades their privacy may fall under the Prison Rape Elimination Act (PREA), however, they may dismiss it and try to bury it deep inside. Yet the body does not forget what occurred and they may act out their pain many years later. Second, men may also feel that if they report sexual abuse that has happened while incarcerated, there may be retaliation. They may feel something much worse will happen to them. Third, men may not report out of feelings of guilt. They may have thoughts that they brought it on themselves, that they should have stopped it or that they in some way deserved it. These thoughts can feed into a downward spiral of self-blame and depression. Fourth, men may distrust the system and feel if they speak out no one will believe them or help them. Finally, men who have been abused often in the past may consider it "no big deal." They have learned to survive and move on,

so the harassment and abuse are taken in stride. However, the fact is that men have significant reactions to abuse, just like women, although it may look differently.

Possible reactions by male survivors:³

- Avoiding or having difficulty handling emotions related to the assault. They may run from their feelings and act these feelings out in inappropriate ways.
- Feeling as if the assault will make them queer, or less of a man if they are straight. Ego is directly impacted and it makes them feel helpless, so they put up a front.
- Men who are queer may feel they are being punished for their sexual orientation or may feel they are targeted because they are queer.
- Questioning their sexual orientation because they are confused and unsure where they stand, so they bury their feelings and do not deal with the abuse as their confusion gets much worse.
- A heightened sense of alienation; isolating themselves in the correctional area and not talking to others. They feel they are safer and protected when by themselves.
- Trouble sleeping and having nightmares; these may be symptoms of post-traumatic stress syndrome.
- Showing anger about the personal assault, leading to hostility toward others or overreacting to staff.

However, the fact is that men have significant reactions to abuse, just like women, although it may look differently.

It is very difficult to know exactly how men will respond; but it is vitally important for the right questions to be asked and for staff to keenly observe and document. Staff need to look for externalized problem behaviors and realize that men may not be as forthcoming as women in

sharing what actually occurred or in interpreting what occurred as significant.

Impact of sexual abuse on female offenders

Women are more likely to internalize stress and act out in self-harm or depressed states.⁴ Women in prison are three times more likely to have a history of abuse than men in prison.⁵ Since women internalize what has happened in their past, it can often get in the way of their relationships and self-expression. They are more likely to have psychological issues which become more apparent when their abuse is not addressed.

Possible reactions by female survivors:

- **Major depression:** Women may have their sleep and eating patterns directly impacted. As part of major depression, they may feel a lot of hopelessness and guilt and lowered self-esteem. This may make them vulnerable to suicidal thoughts. In actuality, one-third may even contemplate suicide.
- **Shame and guilt:** It is easy for women who have been victimized to blame themselves for what happened and to feel ashamed because they are a victim of assault. Shame may impact everything they are doing in the corrections setting. It may make it very difficult for them to focus on their programs or to stand up for themselves. They can easily be taken advantage of and be re-victimized.
- **Withdrawal:** Women withdraw from social activities and have difficulty forming new relationships with other females or maintaining existing ones. Relationships suffer because they do not trust enough to reach out to others or share their pain. This only makes the feelings of isolation, alienation and hopelessness stronger.
- **Avoiding sexual relationships:** Women may avoid sexual relationships and their desire for sex may decrease. They may have significant confusion around sexual relationships and feel a need to escape. Their feelings are overwhelming and the idea of sex with someone else may create painful feelings and bad thoughts.
- **Escaping through drugs and alcohol:** Drugs and alcohol may be used to control symptoms.

Self-medicating through drugs and alcohol becomes an escape, so as long as women are using, they will not have to address the unpleasant symptoms that occur when they are sober. It can also give them a reason not to deal with their issues because their attention is on their substance use and not on the issues that seem to be more hidden.

Since women often internalize the abuse that happened to them, stress may show up as physical symptoms such as pain, nausea, headaches, sweating and change of sleep. They may show externalized problems such as panic attacks, eating disorders, self-mutilation, exaggeration of feelings or occasional violence. This internalized stress becomes a poison, creating serious health issues as well as a lack of engagement in programs and relationships.

Until the female offender feels safe in the correctional setting, she might not trust enough to reach out or accept help. Feeling safe, for both genders, is extremely important when it comes to working through sexual abuse and harassment issues.

Female offenders who experience sexual abuse from correctional staff may minimize or view what happened as consensual and/or normal. They may feel because they've gotten close to staff and have gotten something out of the deal; it is not only okay, but possibly even a victory. This may be due to agreeing in the past to sexual favors or seeing sex as a bartering tool and a means to control others. It is important for correctional staff to realize these situations always cross professional lines and are never acceptable and are an egregious violation of inmate trust. When they are confused, female offenders may act out of habit and see these sexual exchanges as beneficial in getting what they want.

Staff response to allegations is very important

First responders have several important functions when it comes to PREA allegations. They need to assess the situation, closely collecting current facts in a calm, nonjudgmental way. It is helpful to answer questions such as “who, what, when, where, why and how” when it comes to the allegation. It is also important for staff to separate any alleged victims from alleged perpetrators until all the known facts can be investigated. Facts should



be documented carefully and objectively using non-judgmental words which accurately describe what is being alleged. The first responder has a key role in staying calm, collecting facts and documenting them, all while supporting the alleged victim.

The first responder should stay clear of exploring current feelings or past history. Documentation of the incident should be referred immediately to the PREA coordinator so the investigation can be organized and started. The first responder needs to look for any physical injuries so the client can get medical attention if necessary. If rape or other sexual violations are possible, physical evidence is extremely important. It is always best to send the alleged victim for medical examination if a recent sexual violation is suspected.

Protecting staff from allegations of sexual misconduct

Setting up professional boundaries is a key prevention step to PREA allegations. Boundaries also become important later, when PREA allegations are being made by an inmate who has been traumatized, confused and/or feels helpless. Often there can be gray areas to consider because of a client's mental health, past abuse history, current relationships and distrust of the correctional system.

Correctional staff need to realize that how they conduct themselves on a daily basis can invite or discourage possible PREA allegations. It is not always what happens, but instead how situations are perceived by others (staff and offenders), and how quickly staff respond to PREA allegations which directly impact the feelings of the alleged victim and the investigation. →

Common sense ways staff can protect themselves:

- Avoid being alone with offenders for prolonged periods of times or in sensitive areas such as bathrooms or living areas. If the situation warrants staff being in some of these places for longer periods of time, there needs to be witnesses or camera footage of what has occurred.
- It is important to avoid mixed gender transport or body searches without an additional staff being present. An observing witness is important if allegations are made and it avoids ambiguity or questions later on to what actually occurred.
- It is important to keep office doors open when meeting with offenders unless discussing very sensitive information. If the information is very sensitive, it is important there be another witness, especially when the meeting has to do with different gendered staff and clients.
- Staff should be leery when dealing with manipulative clients. They should thoroughly document and have a staff witness. Some manipulative clients love to compromise staff.

In general, setting professional boundaries is very important in preventing abuse and misunderstanding. It is important for staff to refrain from touch other than handshakes, because touch can often be misinterpreted. Staff should also avoid scheduling office visits outside of business hours. When staff are outside of a business routine, it is easier for people to misinterpret situations or for offenders to feel favors are being granted. It is important to remove suggestive materials from the facility, especially if it is understood it could trigger an offender. For example, a personal picture may be interpreted by an offender in an offensive manner. It is important not to discuss personal matters with offenders, especially since offenders may interpret this as inviting sexual intimacy and set up unhealthy interpersonal dynamics.

An important reminder for all staff to remember is that sexualized conversation and jokes can be perceived



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as offensive by those who have been abused in the past. It is important for correctional staff to watch their wording and to realize that what they perceive to be innocent, off-color jokes may not be so innocent to those who have been taken advantage of and compromised. Common sense goes a long way in preventing PREA allegations.

Careful investigating: Piecing together the puzzle

Manipulative residents may attempt to use PREA as a means to address non-sexual issues. Those conducting PREA administrative investigations should consider all information presented in verbal and written statements. Investigators should not set aside comments made to or by persons outside the facility. Follow-up interviews with all known parties are essential in understanding the real severity of the investigation.

Teaching example #1:

A resident at a community correction facility alleged being sexually abused by a facility employee. It was alleged the employee physically rubbed, touched the female resident’s breasts and buttocks during routine room checks. It was alleged the employee picked up the resident at her home location on pass and took her places to have sex. During the interview, the resident mentioned discussing the situation with her father, as she was scheduled to go home within a week. In this case, the PREA investigator contacted the resident’s father (key). Prior to identifying the purpose of the call, the father immediately

stated, “I’m so glad you all are looking into this – so when will my daughter get her money back?” Note – the alleged victim never mentioned money or any type of money exchange with anyone. When asked to explain his question, the father explained that the resident had shared with him that an employee had been borrowing money, due to falling on hard times. Promises to re-pay had not been kept, and now the employee owed \$500 to the resident. The resident, knowing she would be going home soon, and not wanting to jeopardize her release, falsified a PREA allegation, rather than admit she had been loaning money to an employee.

Had the PREA investigator not followed through with a call to the resident’s father, the true story may not have been discovered. There had been no PREA-related violation on the part of the employee (the resident later admitted), but a program violation (borrowing money from a resident) definitely warranted administrative action.

It is essential to actively listen when inmates/residents/detainees present allegations of sexual harassment or sexual abuse.

Teaching example #2:

A male resident suffered repeated sexual assault from a fellow inmate during his incarceration. The victim did not report the assaults for fear of retaliation. When he arrived at a community correction facility, post-release, he did not report the assault, thinking it was finally over. Two months later, his abuser arrived at the same halfway house facility and began to sexually assault him. He endured the abuse for over a month before making a report to the facility authorities.

This situation warrants close observation of the relationship between the two inmates and can be harder to uncover unless the abuse is observed or the victim comes forth.

Conclusion

It is essential to actively listen when inmates/residents/detainees present allegations of sexual harassment or sexual abuse. A single comment can be critical in understanding that issues not related to sexual misconduct may be in play. Those responsible for administrative or criminal investigations will benefit from interviewing all mentioned persons an alleged victim may name. There is no such thing as “enough” information, if additional facts and statements have not been validated.

Fear is real, and may impact what information an alleged victim reports, regardless of gender, sexual orientation or gender identity. Staff need to be sensitive to individual differences and treat any alleged victim with respect and hold their information with total regard for confidentiality.

In addition, the presentation of symptoms surrounding the allegation may look very different for male and female victims. Males will have tendencies to externalize stress and act out negative feelings aggressively. Males will be reluctant to report sexual abuse. Females will have tendencies to internalize stress and exhibit physical and emotional problems which often are manifested through relationships.

Finally, all correctional staff need to learn effective professional boundaries. These boundaries will help minimize the number of PREA allegations, and when an allegation is made, will protect staff in the investigation. Staff following up on all possible leads can help reveal the facts and severity of the allegation.

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