NIJ's Response to the Prison Rape Elimination Act

By National Institute of Justice Staff

Authors' note: *Points of view expressed in this article do not represent the official position or policies of the U.S. Department of Justice.*

Sexual assault in the nation's prisons continues to be a complex problem of concern to both prison officials and policy-makers. To date, few research studies have investigated sexual violence in specific correctional institutions, and their results cannot be extrapolated to the national prison population due to how limited the studies were.

Understanding the need to determine the magnitude, culture and repercussions of sexual violence in prisons nationwide, Congress passed and President Bush signed into law the Prison Rape Elimination Act (PREA) of 2003. The act sets a zero tolerance for rape and sexual assault in prisons and calls for:

- Developing and instituting national standards to prevent, detect and reduce sexual violence in prisons;
- Making data and information on sexual violence more available to correctional administrators; and
- Making prisons more accountable for inmate safety.

In response to PREA, the National Institute of Justice, the research, development and evaluation arm of the U.S. Department of Justice, has undertaken a number of studies and related activities to provide more information on prison rape, including its relationship to prison culture; the effectiveness of sexual victimization prevention programs; and ways to assess the risk of sexual violence. NIJ will also be studying how perpetrators are investigated and prosecuted and the impact of sexual violence on victims. Once collected, this information will be used to help improve how correctional facilities address sexual violence among inmates.

A National Study

Soon after PREA became law, NIJ awarded a grant to Mark Fleisher, Ph.D., of Case Western University to conduct one of the first national research projects on prison rape — an anthropological study of inmate culture in medium- and maximum-security prisons for men and women across the United States. No other research has studied prison rape in terms of inmate culture and the social and sexual climate found in prisons.

Instead of gathering data from prison records, the researchers are conducting anonymous and confidential interviews with inmates to understand their perspective on consensual and coercive sex and rape. The study's goal is to clearly define what constitutes sexual activity in prisons and to help both policy-makers and practitioners better understand the differences between consensual, coercive and predatory sex in prisons. Names and locations of the inmates and participating prison facilities will not be released.

One of the challenges of Fleisher's research is that inmates do not normally use terms like "consensual sex" and "coercive sex," and their descriptions of these acts are often ambiguous because their social and sexual interactions are intertwined.

When the research is completed, nearly 400 male inmates and 200 female inmates will have been interviewed. In the preliminary findings, researchers found that as the number of inmates interviewed grew, themes and similarities started emerging. For example, most inmates described a likely target of prison rape in exactly the same way: young, small, white, with feminine physical features and body movements. Inmates also described the typical victim as a person with no prison experience, friends, companions or social support. However, they also agreed that inmates' fear of prison rape is low.

The main source of inmates' knowledge of prison sex appears to come from their conversations with other inmates. Inmates usually do not report information about prison sex that they personally experienced or observed. They report what they have seen or heard from other inmates, friends who were inmates or the movies. They then blend these accounts with their own prison experiences so that they sound as if they actually witnessed numerous acts of rape.

Research Solicitations

In addition to Fleisher's study, NIJ has solicited research on the following topics:

Prevention — Identifying and evaluating sexual victimization prevention programs in correctional institutions;

Risk assessment — Creating and validating instruments that assess the risk of sexual violence for victims and predators; and

Medical-psychological impact — Assessing the medical and psychological impact that being a victim of sexual violence has on inmates.

To date, NIJ has awarded four research grants in these topic areas: Two on prevention programs and two on risk assessment.

Prevention. In one of the projects to identify effective prevention programs, researchers at the Urban Institute in Washington, D.C., are determining what sexual victimization programs exist in men's and women's prisons. In the other project, investigators from the Colorado Division of Criminal Justice are identifying prevention programs that exist in jails and juvenile facilities. In both projects, scientists are using objective measures that include performance measures and evidence-based practices to identify successful programs. They will detail case studies and describe model programs that prison administrators could adopt or modify to improve their own facilities.

Risk Assessment. Two risk-assessment projects will develop techniques to better help correctional officers identify sexual predators and potential victims among incoming inmates. In one project, the James F. Austin Institute will rely on official reports of sexual violence generated during the past three years by a

state that thoroughly investigates all allegations of rape in its prison system. These reports will be used to develop a profile of inmates most likely to become victims or predators. Environmental factors and facility design will also be considered in constructing the risk-assessment instrument. In the other project, researchers at the University of Virginia will design a risk-assessment tool to help identify potential victims and predators of sexual violence in prisons. This project will examine the traits of inmates who were victims or predators and the correctional environment where the assaults took place.

Medical-Psychological Impact. NIJ is reviewing research proposals on the medical and psychological impact of sexual violence on inmates in correctional facilities, how it affects their ability to reenter society, and how correctional departments and their partners investigate and prosecute allegations of sexual violence. NIJ expects to request research proposals on the characteristics of sexual violence as it pertains to violent behavior in correctional facilities overall.

Protecting Human Research Subjects

Research on prison sexual violence is very sensitive, especially if it includes interviews of inmates. Under PREA, research could involve reviewing any number of confidential records, including incident reports and medical records, which could invade an individual's privacy if not conducted with sensitivity and under top security.

Protecting the privacy and rights of human research subjects, including prison inmates, is of the utmost importance. To address this issue, NIJ is conducting a series of meetings on the protection of human research subjects. Experts on corrections research, human subjects policies and sexual violence in prison are meeting to develop a set of protocols to help researchers and institutional review boards understand and comply with the human rights protection policies necessary to conduct effective research in a prison setting.

A Research Review

To date, researchers have used varying approaches, methodologies and defi-

Continued on page 62

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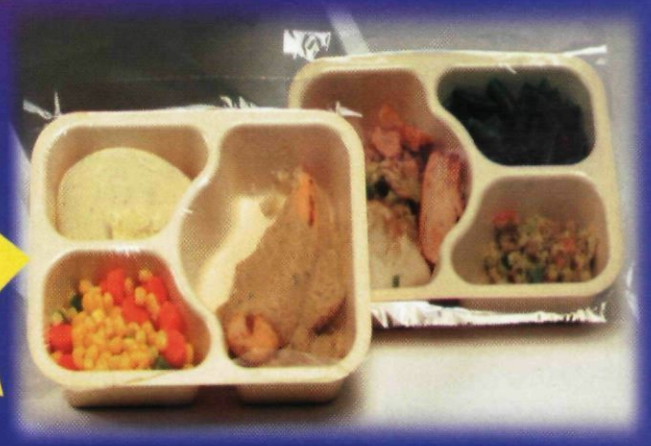

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■ **Magal-Senstar Inc. (MSI)**, a member of the Magal Group, announced that **Yossi Massafi** has joined the company's DreamBox USA division as general manager. Massafi came to Magal-Senstar from NICE Systems Inc., where he served as director, NiceVision Americas Customer Services. In this role he was responsible for all matters relating to post-sales delivery, including customer service, professional services and training. Massafi holds both an aerospace engineering degree and a master's degree in business administration from the Technion — Israeli Institute of Technology and Tel-Aviv University in Israel. Prior to joining NICE, Massafi served six years as an officer in the Israeli Air Force. "Mr. Massafi's extensive experience with digital video products and his customer focused method will strengthen our ability to deliver quality products and services through our DreamBox division," said Martha Lee, Magal-Senstar's president. "We are excited about the future under his direction." Magal-Senstar's outdoor perimeter intrusion detection products provide early warning of intrusions into secure areas, reducing the risk of theft, vandalism, harm, sabotage, kidnapping and escape. For more than 30 years, Magal-Senstar's products have been used to protect people and valuable assets in high-security applications such as correctional facilities, military and government sites, VIP residences, airports, utilities and nuclear sites. For more information, contact Ron Reddick at (613) 839-5572 or e-mail rreddick@senstarstellar.com.

■ **Ehrenkrantz Eckstut & Kuhn Architects (EE&K)** of New York, Los Angeles, Washington, D.C., and Shanghai is proud to announce that **LeAnn Shelton**, AIA, Esq., has joined the firm as an associate principal. Shelton has rejoined the firm to pursue her particular interests in the New York area's urban institutions and their ability to expand and change while contributing to the local community's growth and prosperity. As a licensed attorney and architect, Shelton brings unique skills to the firm, adding another dimension to EE&K's ever-growing, large-scale mixed use and institutional projects in and around New York City. Her presence enhances the firm's unique reputation of being able to build its award-winning master designs. Shelton received her bachelor's degree from Amherst College and is also a graduate of the Columbia University School of Architecture, Planning and Preservation and the Columbia University School of Law. She is a lifelong advocate for the arts and lends her professionalism to several cultural organizations, such as the Bronx Museum of Art and the Apollo Theater Foundation. Shelton is currently the architect member of the New York City Art Commission. EE&K Architects is an internationally acclaimed firm that has set the standard for the role of architecture in cities. The firm consistently demonstrates the potential of modern architecture to make positive contributions to the design of cities and urban place-making. For more information, visit www.eekarchitects.com.

■ **Hayes, Seay, Mattern & Mattern Inc. (HSMM)**, one of the largest architectural and engineering design firms in Virginia, announced the addition of **Aaron P. Freid**, E.I.T., to the professional staff in Virginia Beach. Freid, a graduate of Valparaiso University in Valparaiso, Ind., with a bachelor's of science degree in mechanical engineering, joined HSMM as a mechanical engineer. HSMM employs more than 600 professional, technical and support personnel in 18 offices located in Roanoke, Virginia Beach, Alexandria and Lynchburg, Va.; Washington, D.C.; Charlotte, Greensboro, Cary, Hickory and Raleigh, N.C.; Florence, Columbia and Spartanburg, S.C.; Jacksonville, Fla.; Austin, Texas; Kansas City, Mo.; Boston and Atlanta. Ranked among the nation's top 150 design firms, HSMM is in its 58th year of providing professional architecture and engineering services to clients throughout the nation and world. For more information, visit www.hsmm.com. ◆

NIJ Update

Continued from page 61

nitions to describe prison sexual violence research, which has resulted in wide-ranging rates for the incidence and prevalence of prison rape. To encapsulate this information, NIJ staff have written a comprehensive review of the published research titled *Prison Rape: A Critical Review of the Literature* (for more information, see references). The review describes the research on prison sexual violence since 1968 and analyzes the challenges and problems that must be overcome to effectively measure sexual assault in correctional institutions. The review discusses problems and issues that develop when comparing facilities and makes suggestions for furture research.

A Look to the Future

Sexual assault and violence perpetrated on inmates in correctional facilities has many social, physical, psychological and economic costs and repercussions, both inside and outside of prisons. PREA may help to sharply reduce these and many other consequences of institutional sexual violence by making prison rape prevention a higher priority in federal, state and local prison systems. The results of the research and related activities that NIJ is funding will help develop and carry out national standards to detect, prevent and reduce prison rape and sexual violence and punish the perpetrators.

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