

Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals



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Preventing And Responding to Corrections-Based Sexual Abuse: A Guide For Community Corrections Professionals

December 2009

American Probation and Parole Association
With
The International Community Corrections Association
And
Pretrial Justice Institute

Through funding from the
Bureau of Justice Assistance, U.S. Department of Justice

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ACKNOWLEDGMENTS

This document draws on the ideas and expertise of many individuals across the country who graciously committed their time and efforts to assist in its development. The American Probation and Parole Association (APPA) would like to thank Jane Browning (International Community Corrections Association) and John Clark (Pretrial Justice Institute) in particular for their many contributions as project partners. This project would not have been possible without their tireless efforts to assist in conceptualizing, drafting, reviewing, and revising the guidebook.

In addition, APPA would like to thank the members of the Working Group on the Prison Rape Elimination Act & Community Corrections, who greatly contributed to the drafting and review of the guidebook. Their willingness to share their experience and expertise is gratefully acknowledged and appreciated. The working group members and their organizational affiliation at the time of their service are listed below.

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In addition, Andie Moss (The Moss Group), Brenda Smith and Jaime Yarussi (WCL/Project on Addressing Prison Rape), and Phyllis Modley and Dee Halley (National Institute of Corrections) provided helpful comments, advice, and guidance throughout the project. Their leadership and expertise on corrections-based sexual abuse have been integral to national efforts to safeguard America's correctional environments, and their willingness to provide insights for this particular guidebook is greatly appreciated.

Project staff is also grateful for the guidance of APPA's Executive Director, Carl Wicklund, during the process of developing this document. He was instrumental in developing the initial concept and provided helpful feedback on each draft.

Special thanks goes to Andrew Molloy, Gary Dennis, and Julius Dupree of the Bureau of Justice Assistance for their role in steering the project, and for their assistance to project staff in the preparation and review of this document. Their input was vital to the development of this guide.

FOREWORD

On September 4, 2003, President George W. Bush signed into law the Prison Rape Elimination Act (PREA), the first ever federal legislation addressing the issue of sexual assault in correctional settings. Unfortunately, the name of the act can be misleading—it is not just about prisons, and it is not just about rape. The act addresses sexual abuse in all custodial corrections settings, including prisons, jails, police lock-ups, juvenile detention facilities, and community residential settings. Moreover, the act addresses all types of sexual misconduct in which an offender is the victim, including abuse by fellow offenders as well as sexual misconduct committed by a staff person of the correctional program.

The issue of corrections-based sexual assault is complex and has implications reaching far beyond correctional institutions. In the development of the law, Congress found that “prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year... [and that] victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison” (PREA, 2003). In addition, offenders may find themselves at risk of sexual assault by other offenders or by staff while under community corrections supervision. For these reasons, the community corrections field has a responsibility to join broader efforts to address corrections-based sexual assault.

This document provides guidance to community corrections officials, both supervisors and line staff, regarding the prevention, reduction, detection, and punishment of sexual misconduct perpetrated on those under supervision of community corrections, whether that misconduct occurs within facilities or under community supervision. One useful way of thinking about the targeted population is to consider the exposure of persons to sexual misconduct in any of the following settings: prisons, jails, juvenile detention centers, or halfway houses; on parole, probation, pretrial release, or bail; in a day reporting center, pretrial diversion program, as well as a drug, mental health, or other specialty court; on community service, or under any supervision through a private provider.

Community corrections professionals face a number of challenges that are particular to their field: working with a range of criminal offenders, including violent and nonviolent, adults and juveniles, and men and women; carrying heavy and often highly diverse caseloads with limited time and resources available for individual clients; balancing the equally important responsibilities of holding offenders accountable for their crimes while providing needed social services to promote their rehabilitation; and managing potentially dangerous offenders in a community setting. Without doubt, the community corrections field is a highly stressful profession in which the stakes are incredibly high—for the officer, for the offender, and for the general public.

While at first glance it may appear that guidelines on preventing and addressing sexual violence add yet another element to an already overwhelming set of tasks that community corrections professionals are expected to accomplish. The purpose of this guidebook, however, is not to require additional work from officers, but rather to demonstrate how line staff can do their job more effectively through the adoption and use of simple strategies and practices. Critical to this end is the provision of a safe environment for offender supervision, whether in a probation or parole office, a community residential program, a halfway house, or during pretrial release.

The Process of Developing the Guide

In 2006, the Bureau of Justice Assistance (BJA) awarded the American Probation and Parole Association (APPA), in partnership with the International Community Corrections Association and the Pretrial Justice Institute, a cooperative

agreement to develop guidance for front-line community corrections staff and supervisors on implementing the provisions of PREA in their daily work with offenders. In this effort, APPA conducted a national survey of community corrections agencies requesting information on existing policies and procedures related to sexual assault issues, as well as on the need for additional information and training on the topic.

In addition, APPA established a working group comprised of representatives from a variety of community corrections agencies including probation and parole, pretrial services, and residential community corrections agencies, as well as national experts on sexual assault victimization and PREA. Based on the results of the survey, as well as available research, the working group determined that the guide should address the following topics:

- The Prison Rape Elimination Act & Sexual Assault in Corrections
- Overview of Sexual Harassment & Violence in the Workplace
- Recognizing the Signs of Sexual Abuse
- Working with Sexual Assault Victims
- Reporting Sexual Assault
- Information Sharing: Considerations for Sexual Assault Cases in Corrections
- Sexual Assault Investigations
- Supervision Strategies for Victims and Perpetrators of Sexual Assault
- Preventing Sexual Assault in Community Corrections

The Purpose of the Guide

While an effective response to sexual assault issues requires attention from all levels of a community corrections agency, the purpose of this guide is to provide information to front-line community corrections professionals about corrections-based sexual assault, PREA, and the various roles those front-line professionals play in addressing this issue. This guide is designed to serve as a how-to book for community corrections officers, providing background information on the problem of corrections-based sexual abuse, the impact of victimization on offender behavior, and practical steps that front-line officers and supervisors can take to better prevent and respond to incidents of sexual violence.

The guide was developed for front-line community corrections officers and supervisors, and it should be noted that this target audience represents a wide variety of individuals serving in a diverse set of roles. The field of community corrections covers a range of programs and services including, but not limited to, probation, parole, work release, halfway houses, pretrial services, community service, and substance abuse treatment programs. The intention of this guide is to provide a general overview of corrections-based sexual assault as it relates to line staff and supervisors in community corrections agencies. Given the diversity of the community corrections field, this guide does not presume to cover the vast range of issues, situations, and circumstances that are relevant to all community corrections professionals. Rather, users of the guide are encouraged to explore how the information provided relates to one's own work as a community corrections employee and how best to incorporate the general principles conveyed in the document into his or her daily practice.

This guide should not be used in isolation. It is meant as a companion piece to a variety of resources available to officers. Most importantly, line staff and supervisors should consult existing agency policies and procedures addressing the issue of sexual assault and staff sexual misconduct. In the instance that such policies and procedures do not already exist, this guidebook may assist officers in beginning a dialogue with agency administrators on the need for administrative guidance on this topic.

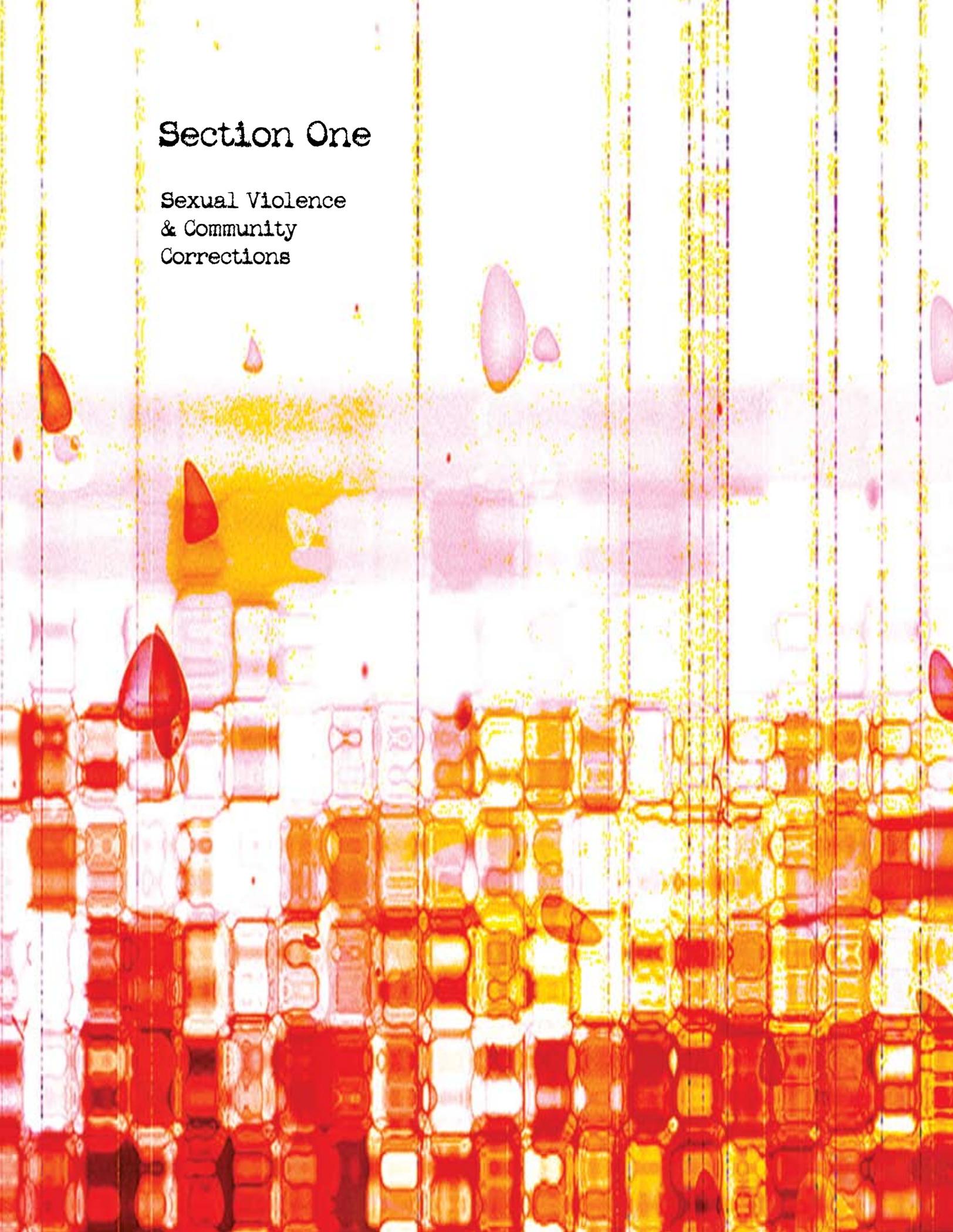
It should be noted that this guide does **NOT** attempt to train community corrections officers to be sexual assault treatment providers, nor does it try to teach officers to be victim advocates. Rather, the purpose of the guide is to help officers better identify the signs of sexual assault victimization, provide valuable information to victims about available treatment options, and design supervision strategies appropriate for both sexual assault victims and perpetrators.

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Section One

Sexual Violence
& Community
Corrections



Section One

Sexual Violence & Community Corrections

Introduction

A Portland, OR, probation officer was convicted of sexually abusing five teenage boys under his supervision between 1994 and 2002. Additional charges of abuse against the officer were dismissed following the suicide of one of his alleged victims. He was convicted in 2005 and sentenced to 80 years in prison (Roberts, March 4, 2005; “Oregon Youth Authority,” February 6, 2007).

In Concord, NH, a former corrections officer was sentenced to 20 to 40 years in prison for raping a female under his supervision at the Shea Farm halfway house. According to news reports, he was the highest-ranking officer assigned full-time to the halfway house, where he worked nights and supervised other officers. In addition, he had the authority to rule on low-level disciplinary reports, bedroom assignments, and inmate visit requests. The officer is currently awaiting criminal trial for additional charges of sexual and physical assault of female inmates (“Timmins, December 13, 2007; Timmins, March 29, 2008).

Two Prince William County (VA) female corrections officers were charged with carnal knowledge of an inmate, after engaging in a sexual relationship with a male inmate on home incarceration. The officers, an entry-level corrections officer and a master jail officer with nearly 20 years of experience, were off-duty when the incidents allegedly occurred but had custodial rights over the inmate (Vargas, August 15, 2007; Goodman, August 17, 2007).

Why discuss corrections-based sexual assault now?

These and other recent incidents of sexual violence within America’s corrections systems have brought this matter to the foreground among public policymakers, researchers, and corrections professionals, resulting in growing attention to and activities surrounding the issue.

The 1996 Human Rights Watch Report, “All Too Familiar: Sexual Abuse of Women in U.S. State Prisons,” revealed the extent of sexual assault of female inmates, predominantly by male correctional staff, in California, Georgia, Illinois, Michigan, New York, and the District of Columbia. This report fostered new discussions and actions to better prevent and address staff sexual misconduct in correctional facilities at the state and national levels. These and other incidents of staff sexual misconduct across the country prompted a series of lawsuits against state departments of corrections (DOCs).

These high-profile cases also spurred legislative action across the country to better prevent and respond to staff sexual misconduct. While only 16 states and the District of Columbia had laws in place prohibiting sexual misconduct with offenders in 1990, today all 50 states, the District of Columbia, Puerto Rico, and Guam have statutes criminalizing staff sexual misconduct (Smith, 2007).

More recently, the U.S. Congress passed the Prison Rape Elimination Act (PREA) of 2003, which supports the elimination, reduction and prevention of sexual assault, including abuse by correctional staff and by inmates, in federal,

state, and local prisons, jails, lock-ups, private facilities and community residential facilities. Passed unanimously by Congress and signed into law by President George W. Bush, PREA established a zero-tolerance policy for sexual assault in America's correctional settings.

Once fully implemented, PREA will: establish national standards for the detection, reduction, prevention, and punishment of prison rape; provide for data collection and information dissemination on the incidence of prison rape; and provide training, technical assistance and grant funding to assist states and localities to reduce and prevent the incidence of sexual violence. States that fail to implement the national standards, once they are fully developed, may suffer a five-percent reduction in federal funds for prison programs.

Why should community corrections care about corrections-based sexual assault?

One of the biggest challenges for incorporating the principles of PREA in the policy and practice of community corrections lies in the name of the law itself—the *Prison Rape Elimination Act*. Unfortunately, since its passage, PREA has been widely misunderstood as being relevant only to our nation's prisons, with many in the community corrections field wondering, "What does PREA have to do with me?"

It is important to note that PREA applies to all custodial corrections settings, including prisons, jails, police lockups, private facilities, and community-based corrections facilities. As such, a number of community corrections facilities fall directly under the jurisdiction of PREA, including community residential facilities, pretrial detention, and halfway houses. In addition, staff sexual misconduct laws in 43 states and the District of Columbia cover at least some form of community corrections (NIC/WCL Project on Addressing Prison Rape, 2009).

Moreover, the entire community corrections field has an important role to play in ensuring the prevention and response to corrections-based sexual assault as asserted in PREA. In developing the law, Congress found that "prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year... [and that] victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison" (PREA, 2003). Inmates who have been victimized while incarcerated bring the trauma of their assaults with them back to the community. If not properly addressed, their victimization may make it more difficult for them to transition back into community life and to succeed under community corrections supervision, which may result in technical violations and rearrests.

TERMINOLOGY

Community Corrections Professionals

Pretrial, probation, and parole supervision are specific types of supervision afforded to defendants and adjudicated offenders who are released into the community at various times during the justice process. In addition, staff members of halfway houses, community residential facilities, residential treatment programs, and day reporting facilities also provide supervision of offenders in the community. The inclusive terms used for all are *community supervision* or *community corrections*. Personnel who supervise defendants or offenders in the community are referred to as *officers* or *agents*, depending on the jurisdiction. In this document, they also may be referred to as *professionals* or *practitioners*.

Offenders, Inmates, Supervisees, and Defendants

There are several categories of individuals, both adult and juvenile, who come in contact with the corrections field, including inmates in prisons, jails, and lock-up settings; offenders under community supervision; defendants who may be detained or released under supervision pretrial; and those who are participating in a pretrial diversion program. It is important to note that those who have not been convicted of current charges are legally referred to as *defendants*, which distinguishes them from other inmates and offenders detained in correctional institutions or under community corrections supervision. For ease of reference, however, in this document, the term *offender* is used to refer generally to all categories of individuals who are in contact with the corrections field. The term *inmate* is used to describe an individual under custodial supervision in a prison or jail environment, while *supervisee* or *individual under supervision* is used to refer to an individual under community corrections supervision. Meanwhile, when issues specific to pretrial defendants are discussed, the term *defendant* is used.

Correctional Setting or Environment

Given the breadth of the environments covered by PREA—prisons, jails, lock-ups, juvenile detention centers, and community corrections settings—the terms *correctional settings* or *correctional environments* are used to describe any or all of these.

THE PRISON RAPE ELIMINATION ACT OF 2003 (PREA)

PREA was passed by the U.S. Congress and signed into law by President George W. Bush on September 4, 2003, and supports the elimination, reduction and prevention of sexual assault and rape within America's correctional settings. PREA applies to all federal, state, and local prisons, jails, police lock-ups, private institutional facilities, and community residential facilities.

PREA establishes a zero-tolerance standard for the incidence of sexual assault in correctional facilities and makes the prevention of prison rape a top priority for all corrections systems. Through the Act, the Bureau of Justice Statistics is directed to carry out, on an annual basis, a comprehensive statistical review and analysis of the incidence and effects of prison rape in federal, state, county, and municipal prisons.

PREA further establishes a national clearinghouse for the provision of information, assistance and training to federal, state, and local authorities responsible for the prevention, investigation, and punishment of prison rape, and authorizes the provision of grant funding to assist states in protecting inmates and safeguarding communities against sexual assault in corrections systems.

The Act has also established the National Prison Rape Reduction Commission comprising members appointed by Congress and the President. The Commission is charged with undertaking a comprehensive study of prison rape and its impacts on government institutions as well as on communities and social institutions. The Commission is also tasked with the development of recommended national standards to enhance the detection, prevention, reduction, and punishment of prison rape.

The Commission released its final report and recommended standards on June 23, 2009. The U.S. Attorney General has one year from this date to consider the Commission's recommendations and publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape. Upon adoption, the standards will be applied immediately to the Federal Bureau of Prisons. In addition, PREA mandates a five-percent reduction in federal grant funds designated for prisons in states that fail to adopt and comply with the standards. Further, the Act prohibits the receipt of any federal grants by penal accreditation organizations that fail to adopt accreditation standards for the detection, prevention, reduction, and punishment of prison rape.

Corrections-based sexual assault also poses a significant public health risk. According to the Bureau of Justice Statistics, 1.7 percent of prisoners under the jurisdiction of state and federal correctional authorities in 2005 either had been infected with the human immunodeficiency virus (HIV) or had confirmed AIDS (Maruschak, 2007). By contrast, the Centers for Disease Control report that the rate of HIV infection among the U.S. household population at yearend 2006 was .45 percent (2008). In other words, incarcerated inmates in U.S. prisons suffer from HIV/AIDS infection at a rate of nearly four times that of the general population.

The estimated prevalence of other communicable diseases, including sexually transmitted diseases, hepatitis B and C, and tuberculosis, is also significantly higher among American prison and jail inmates than in the general U.S. population. According to the National Commission on Correctional Health Care, the estimated rate of inmates infected with hepatitis C in 1997 was between nine and ten times higher than the estimated rate of cases among the total U.S. population. Likewise, the prevalence of tuberculosis among inmates was estimated to be between 4 and 17 times higher than among the total U.S. population in 1996 (Hammett et al., 2002).

Many offenders are returning to their communities with these diseases. A 2008 study by the Urban Institute, in which 1,100 returning prisoners were interviewed before and after their release, indicates that one-fifth of the releasees reported having been diagnosed with a chronic communicable disease, including HIV/AIDS, hepatitis, and tuberculosis. While most prisoners with HIV were treated for their conditions while incarcerated, many of those suffering from other chronic communicable diseases received no treatment during their stay in prison (Mallik-Kane and Visser, 2008).

Given that the majority of probationers and parolees spend some time in custody—either following their arrest, as part of a split sentence, or following a violation of their community supervision sentence—the community corrections field has an obvious role in safeguarding communities against the effects of sexual victimization in correctional facilities.

Moreover, staff sexual misconduct, whether it occurs in custodial settings or in the community, jeopardizes the safety of staff and offenders and erodes trust in and respect for the field of corrections (Smith and Yarussi, 2007). Correctional staff who engage in sexual misconduct with offenders put the safety of their colleagues, other offenders, and the larger community at risk, in addition to harming the victim, by compromising the system of power and authority necessary to hold offenders accountable and ensure public safety. Meanwhile, inappropriate relationships between staff and offenders delegitimize the work of corrections, putting undue strain on the already challenging task of promoting offender accountability and rehabilitation.

What role do community corrections line staff play in preventing and responding to sexual violence?

Given the relationships developed with offenders, their families, and friends, front-line community corrections staff are in a unique position to detect sexual assault victimization and perpetration in correctional environments. Through conversations with offenders; information received from families, friends, employers, and external agencies; and direct observation of offender activities, line staff are the eyes and ears of community corrections. Sexual assaults are among the nation's most underreported crimes, and experts estimate that the majority of prison rape victims are likewise unwilling to report abuse, particularly while incarcerated. Former inmates may be more likely to report abuse once released into the community, and community corrections professionals can play an important role in ensuring an appropriate response.

Equally important, line staff and supervisors can play an important role in preventing sexual assaults from occurring. Through their work with offenders, line staff serve as the conduit of information to offenders, and should inform offenders of their rights to be protected against sexual assault—whether by other offenders, agency staff, volunteers, or contractors—while under correctional supervision. Community corrections staff also have a responsibility to report any suspected misconduct between other employees and offenders. By holding their peers accountable for sexual misconduct, community corrections professionals

WHY DOES COMMUNITY CORRECTIONS CARE ABOUT PREA?

The Prison Rape Elimination Act (PREA) directly affects community corrections agencies, namely probation and parole authorities. Similar to federal, state, and local prisons and jails, many community corrections agencies provide direct custodial care to juvenile or adult offenders through the use of detention, lock-ups, shelters, and community residential facilities. Consequently, they are responsible for the safety and well-being of individuals committed to their care and custody and directly subject to the provisions of PREA. Of course, probation and parole authorities supervise the majority of offenders in the community. However, most probationers and parolees are detained or incarcerated either immediately following their arrest, as part of a split sentence imposed by the court or as a result of having violated the terms and conditions of their community supervision sentence. Indeed, a majority of offenders sentenced to community supervision spend some period of time detained or incarcerated.

Congressional hearings have revealed that victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and require government assistance. To the extent that offenders are treated humanely while they are detained or incarcerated, we can expect they will integrate more successfully into the community. The field now understands that the process of offender reintegration starts with the intake process at a prison or jail facility; and those entrusted with providing inmate security and programming have a profound impact on reentry and community safety.

Probation and parole authorities, and to a much larger extent, jail and prison administrators, are governed primarily by state laws that protect individuals in their care from sexual assault. This includes various state laws that require probation and parole authorities, as mandated reporters, to report child abuse and neglect. Federal law also protects individuals from prison rape or sexual assault. In *Farmer v. Brennan*, 511 U.S.C. 825 (1994), the Supreme Court held that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment and that further, the Due Process Clause of the Fourteenth Amendment extends its application to states.

PREA, when fully implemented, will set new national standards for the detection, prevention, reduction, and punishment of prison rape. In PREA, prison has been broadly interpreted to include prisons, jails, lock-ups, detention, and placement facilities, shelters, and community residences for juvenile and adult offenders. The term "inmate" means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program. "Rape" is defined as the sexual assault or sexual fondling of the individual through force or where the victim is incapable of giving consent because of his or her youth, temporary, or permanent mental/physical incapacity or confinement. Prison rape endangers public safety by making brutalized inmates more likely to commit crimes when they are released. In addition we know that HIV and AIDS are major public health problems within America's correctional facilities. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases; its prevention enhances the public health of our communities.

Community corrections professionals understand that the experience of offenders while incarcerated has a direct effect on their subsequent behavior in the community. Increasingly, emphasis is placed on utilizing this time to assess risk and need, identify criminogenic factors, and implement effective programming that will better prepare offenders for successful re-entry and result in safer communities.

TERMINOLOGY

Prison Rape

There are a variety of definitions for corrections-based sexual assault. The Bureau of Justice Statistics identifies a range of sexual violence in corrections settings including nonconsensual sexual acts, abusive sexual contacts, and staff sexual misconduct (Beck et al., 2007).

Abuse by Offenders

Abuse by offenders involve sexual contacts by an offender with another offender without his or her consent, or with another offender who is unable to consent or refuse.

Nonconsensual sexual acts represent the most serious incidents between offenders and include:

- Vaginal or anal intercourse; or,
- Oral intercourse; or,
- Penetration of the anal or genital openings of another person by a hand, finger, or other object against his or her consent, under coercion through threats of violence, or in circumstances in which an offender is unable to consent or refuse.

Abusive sexual contacts represent less serious incidents between offenders and include:

- Intentional touching, either directly or through the clothing, of the genitals, anus, breast, inner thigh, or buttocks of any offender against his or her consent, under coercion through threats of violence, or in circumstances in which the offender is unable to consent; and,
- Incidents in which the intention is to sexually exploit (rather than to only harm or debilitate).

Abuse by Staff

Abuse by staff includes sexual acts or behaviors that occur, either consensually or non-consensually, between a correctional employee, volunteer, official visitor, or agency representative and an offender.

Staff sexual misconduct includes any sexual act or behavior, either consensual or non-consensual, which occurs between an offender and a correctional employee, volunteer, official visitor, or agency representative, including:

- Intentional touching of the genitals, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or,
- Completed, attempted, threatened, or requested sexual acts;
- Indecent exposure, invasion of privacy or staff voyeurism for sexual gratification.

contribute to the development of a culture of zero tolerance within their agency.

Given the multifaceted structure of the community corrections field, community corrections staff are also in a position to provide access to a range of treatment and services for both victims and perpetrators of correctional sexual assault. Through referrals to community sexual assault treatment programs, mental health clinicians, and others, as well as through the development of supervision strategies that address the needs and concerns of both victims and perpetrators of sexual assault, community corrections professionals can play an important role in providing a comprehensive response to sexual assault and in ensuring that victims receive the services needed for recovery.

Section Two

Sexuality, Violence
& the Correctional
Environment



SECTION TWO

SEXUALITY, VIOLENCE & THE CORRECTIONAL ENVIRONMENT

Despite widespread public familiarity with the phenomenon of prison rape, the true extent of the problem is largely unknown. Previous studies on the incidence of sexual coercion and assault in prisons across the country have been largely inconclusive (Saum et al., 1995), ranging from less than 1 percent (Tewksbury, 1989) to as much as 22 percent (Struckman-Johnson et al., 1996) of inmates reporting being victimized during their incarceration. Much less is known about the incidence of such misconduct in community corrections settings.

As a direct result of the passage of PREA, the U.S. Department of Justice now collects data on the incidence of sexual violence in American correctional facilities. Results from a recent survey of federal and state inmates suggest that 4.5 percent have been victims of sexual assault during their incarceration whether at the hands of other inmates (2.1 percent), correctional staff (2.9 percent), or both (0.5 percent) (Beck and Harrison, 2007).

Measuring the incidence of sexual assault among the general population is difficult, and additional challenges are added when determining the incidence of sexual abuse within correctional environments. In order to better understand the obstacles inherent in studying the extent of corrections-based sexual assault, it is necessary to take a closer look at the sexual culture of correctional environments more generally. This section provides an overview of sexuality and sexual violence in correctional contexts, and will describe the inherent challenges involved in measuring rates of sexual violence in these settings. This section also describes sexual harassment in the workplace, the implications of sexual harassment in a community corrections setting, and ways that community corrections agencies and staff can provide a safe environment in which to supervise offenders.

Sexuality & Sexual Violence in Correctional Environments

Sexual assault is one of the least reported crimes in America. According to official statistics, fewer than 40 percent of all rapes and sexual assaults were reported to law enforcement in 2005 (Catalano, 2006). Research indicates that victims of rape and sexual assault in the community are reluctant to report these crimes to law enforcement due to shame and humiliation about the incident, fear that others (including family) will find out about the rape or assault, or fear that they will not be believed (Kilpatrick et al., 1992). As a result, measuring the prevalence of rape and sexual assault in the community is a difficult task.

Likewise, experts suggest that discrepancies in the results of sexual assault prevalence studies in correctional environments likely stem from underreporting by victims, including both reporting of assaults to authorities as well as disclosure of sexual abuse for academic research purposes. While sexual assault victims in correctional environments face many of the same obstacles that prevent victims in the community from reporting, the harsh realities of the correctional—and particularly the custodial—environment may compound these reporting barriers. For instance, male inmates may be too ashamed to admit that they have been victimized—particularly in an environment often ruled by machismo where physical strength means power—and may fear reprisal from their attackers. Considering their status as inmates, victims may also fear that corrections officials will neither believe their reports nor act upon them appropriately.

Even anonymous reporting of corrections-based sexual assault for research purposes may be problematic, as disclosures of sexual abuse are influenced by the way in which questions are asked and by whom. For instance, surveys may be conducted in a written format and offenders who have limited reading or writing skills may therefore not answer questions accurately. Moreover, some offenders may be hesitant to disclose sexual abuse victimization during a face-to-face interview, given the stigma and humiliation often associated with these types of assaults. As researchers studying the prevalence of corrections-based sexual assault have attested, “available statistics must be regarded as very conservative at best, since discovery and documentation of this behavior are compromised by the nature of prison conditions, inmate codes and subculture and staff attitudes” (Cotton and Groth, 1982, p. 48).

Adding to this challenge is the nature of prison and jail sexuality itself. While sex among inmates is largely prohibited by correctional systems and sex between staff and inmates is prohibited by law in all 50 states, it has been well documented that sexual activity among inmates, and between staff and inmates, occurs within facilities (Lockwood, 1980; Wooden and Parker, 1982; Donaldson, 1993; Hensley, 2002; Smith, 2006). Not all sex among inmates and between staff and inmates is the same, however. Recognizing the various manifestations of prison sex is critical to fully understanding the dynamics of corrections-based sexual assault.

THE CODE OF SILENCE

Just as inmates often have an unwritten policy not to report behavior violations or criminal activities committed by one another, corrections staff are known to follow a similar pact among their colleagues. The “code of silence,” as it is commonly known, is an unspoken rule that exists among many corrections employees to maintain loyalty to one another in an environment that often pits corrections personnel against the offender population, as well as against facility administrators. As a result, corrections personnel may refuse to report on the unethical, even illegal, behaviors of their colleagues, including sexual misconduct. Moreover, given the “us against them” mentality that often fosters the development of a code of silence, corrections staff may view inmates as unworthy, given their crimes, and may therefore believe that any maltreatment they experience—either at the hands of other inmates or by corrections officers—is deserved.

Such a mentality puts the safety and security of the entire corrections setting in danger while also jeopardizing the reputation and legitimacy of the entire corrections profession. Former Massachusetts Corrections Commissioner Kathleen Dennehy has argued, “Left unchecked and unchallenged an established code of silence results in an increase in violence and in the dangerousness of our prisons.” She adds, “We know that many offenders go through life believing that the rules and laws do not apply to them. If the system in which they are incarcerated lacks integrity and moral order, their notions regarding law and order are reinforced” (Dennehy and Nantel, 2006, p. 177).

Unfortunately, the code of silence undermines efforts to effectively address corrections-based sexual assault, as it encourages corrections officials to turn a blind eye to sexual misconduct and abuse committed by staff and inmates, alike. While not present in all correctional settings, the code remains a pervasive factor in a number of systems and facilities. While building and maintaining loyalty and camaraderie among staff is critical in such difficult workplaces as correctional settings, it must not come at the cost of providing a safe, secure environment in which inmates are able to live and be successfully rehabilitated.



WHAT DO YOU DO?

Following are several scenarios of interactions between and among supervisees and community corrections professionals. For each situation, consider the behavior of all parties. How would you respond in these situations?

Scenario 1: You are a probation officer in a juvenile probation office. You have noticed that a fellow probation officer often sees supervisees at the very end of the working day when many officers have already gone home. It is not uncommon for the officer to close the door to his windowless office during office visits with the juveniles under his supervision. While you have witnessed no explicit misconduct on his behalf, you can't help but wonder about his patterns in working with juveniles. What do you do?

Response suggestions: It is critical that any suspected abuse of supervisees is reported to the appropriate authorities immediately in order to prevent any additional abuse. Reporting requirements and procedures, however, may differ from agency to agency. In this scenario, the officer should refer to internal agency protocols for reporting suspected abuse and report his/her concerns to the appropriate supervisor or administrator.

Scenario 2: You recently took a staff position in a halfway house for female offenders. The halfway house provides dorm room-style residency for 20 women who have previously been incarcerated for a range of criminal activities, including prostitution and drug-related crimes. As a new employee, you are "mentored" by an older staff member who previously served as a corrections officer in a state women's prison. One evening, you arrive for your night shift shortly before your mentor returns in an agency van along with one of the female residents, long after curfew. Once inside the halfway house, the resident hurries back to her room. When you ask your colleague what happened, he says, "She gave me some lip earlier. You know, every now and then you just gotta take some time to let these gals know who's in charge." He then gives you a wink before leaving the facility for the night. What do you do?

Response suggestions: In this scenario, while the officer has not witnessed an actual incident of assault, the resident's behavior as well as that of his mentor indicates that abuse has likely occurred. As a first response, the officer should check on the resident to assess whether she may be in need of medical treatment or mental health support. Also, as in the previous scenario, reporting suspected abuse of offenders immediately is critical. Internal agency protocols for reporting suspicions of abuse should be referenced and the appropriate authorities should be informed of the incident.

Scenario 3: As a pretrial services officer, you are conducting an interview of a very young, thin male defendant being held in a jail for a minor crime. He has been in the jail for a week following his first arrest, and appears particularly shaken. He repeats several times that "you just gotta get me out of here," and you notice several bruises on his arms and face. When you ask about his treatment within the jail, he shrugs and mumbles, "It sucks, and I don't want to talk about it. Just get me released."

Sexual Activity Among Inmates

Despite the fact that most prisons and jails prohibit inmates from engaging in sexual activities, sex among inmates is not uncommon. In fact, researchers have documented sexual activity among incarcerated individuals for decades (Fishman, 1934; Sykes, 1958; Kirkham, 1971; Lockwood, 1980; Wooden and Parker, 1982; Donaldson, 1993), and have analyzed the various reasons for which prisoners engage in sex as well as the different manifestations of sexual activity that occur, including the following:

Consensual sex among inmates. Researchers and corrections professionals have long recognized that consensual sex occurs, even where prohibited, among inmates in jails and prisons. Inmates who are homosexual or bisexual may engage in sexual acts with other inmates of the same sex, just as they may in the community. Consensual sex may also occur between otherwise heterosexual inmates and inmates of the same sex, in a phenomenon researchers call "situational homosexuality."

Coercive sex among inmates. In addition to consensual sex among inmates, offenders may engage in sexual activity with other offenders through a variety of coercive means. Inmates may agree to engage in sex as a result of threats, intimidation, or bribery by another inmate. In other cases, inmates may resort to carrying out sexual acts with other inmates as a way to pay off debts for protection, for commissary items, or other goods or services. For instance, young inmates who are naïve to the ways of prison life may accept "gifts" in the forms of snacks, protection, or friendship from a more seasoned inmate, only to face demands to repay the inmate for such gifts through sexual favors.

While the threat of physical violence is often used to coerce inmates into sexual activity, this is not always the case. As a result, incidents of coercive sex may not be properly identified as abuse. Discerning coercive sex from consensual sex is often difficult among corrections professionals, who may incorrectly assume that both parties are consenting to the activity. In addition, as a victim of coercive sex may not sustain the types of physical injuries that are common in cases of violent sexual assault, he or she may not be identified as a victim of abuse by health care providers and others trained to detect signs of sexual assault. Inmates who have been subjected to coerced sex may not consider themselves sexual abuse victims, given the lack of physical force used in the incident. As such, victims may experience intense levels of shame and humiliation, as well as possible sexual identity crises, as a result of "consenting" to homosexual relations in these cases.

Violent sexual assault among inmates. On the opposite extreme of the prison sex continuum from consensual sex is violent sexual assault, characterized by the use of physical force and/or violence against the victim. Violent sexual assault may occur between two inmates—the aggressor and the victim—or among multiple inmates, i.e., a gang rape. While victims of violent sexual

assault may self-identify as either homosexual or heterosexual, aggressors are typically heterosexual. Despite engaging in sexual relations with an individual of the same sex, an aggressor is often able to maintain his or her heterosexual status through the use of force. Heterosexual victims of violent prison sexual assault, however, are often referred to as “punks” or “turnouts” following an attack.

While these activities may more commonly occur in prisons, jails, and other custodial settings, they can also occur in community corrections settings.

Sexual Activity Between Corrections Staff and Offenders

In contrast to sexual behaviors among inmates in correctional settings, no sexual activity between staff and offenders can be considered consensual in nature. Rather, given the authority that corrections staff have over the offenders they supervise, there is an unequal power dynamic that exists between the two parties. Offenders may feel powerless to deny a staff member’s flirtations or requests for an intimate relationship. On the other hand, an offender may use a sexual relationship he or she has developed with a staff member in order to gain power within the correctional environment, which may lead to such outcomes as the manipulation of compliance reports or the failure to act on violations. Because of the unequal power dynamics which exist between staff and offenders, sexual relationships that develop between the two parties put at grave risk the safety and security of the agency, facility, other staff members, and offenders.

As a result, all 50 states, the District of Columbia, and the U.S. territories of Puerto Rico and Guam have developed and passed laws criminalizing sexual relations between corrections staff and inmates, otherwise known as staff sexual misconduct (SSM). Additionally, some forms of community corrections agencies and staff are covered under these laws in 42 states and the District of Columbia. It is critical for all community corrections officials to be aware of state law on staff sexual misconduct and its application to the community corrections field. For more information on state laws prohibiting staff sexual misconduct in community corrections, please see Appendix F.

In addition to state laws prohibiting staff sexual misconduct, many community corrections agencies have developed internal agency policies prohibiting conduct of a sexual nature between staff and offenders. These policies typically define prohibited behavior and relationships between staff and offenders, identify the requirements of staff to report existing abuses, and outline disciplinary measures, including termination, for staff determined to be engaged in misconduct. All community corrections professionals should be aware of both relevant state law as well as agency policies regarding inappropriate staff conduct with offenders.

WHAT DO YOU DO?

Response suggestions: In this scenario, the detainee has visible signs of abuse, but has refused to discuss his treatment with you. Your suspicions of abuse should be reported immediately to the appropriate supervisor or authority within your agency. Moreover, the jail administrator in the facility in which the detainee is being held should be notified immediately. Concerns about the physical and emotional safety of the detainee should also be considered and included, when appropriate, in any pretrial report provided to the courts.

Scenario 4: As an employee of a residential community corrections facility, you and your colleagues spend a great deal of time working directly with the residents. You recognize the importance of building a good rapport with the residents in order to best assist them in transitioning to community life and achieving rehabilitation. Recently, you were spending time with several residents and another colleague in the facility’s recreational room. During that time, several dirty jokes were exchanged, including some by your colleague. By the end of the conversation, some of the offenders, as well as your colleague, begin making sexually inappropriate comments about one of the female staff members. While you enjoy getting to know the residents, you feel that this behavior is inappropriate. What do you do?

Response suggestions: As part of developing and maintaining an agency culture of zero tolerance, it is critical that staff members at all levels make it clear that sexual abuse, harassment, and other types of inappropriate conduct will not be tolerated. In this scenario, the officer may consider discussing the inappropriate behavior with his colleague and suggest alternatives for engaging residents in more constructive ways. In addition, the officer should be clear with the residents involved that inappropriate sexual remarks about staff or other residents will not be tolerated.

Scenario 5: You are a probation officer arriving at the local jail to see an individual on your probation caseload who has recently been arrested for a new crime. Upon your arrival at the jail, you go to say hello to the jail intake officer. You notice that the intake officer has a sexually suggestive calendar hanging at his desk. During your conversation with him, he makes several offensive, homophobic jokes. While no detainees are in his office at the time, there are several detainees waiting in a nearby lobby, within earshot. What do you do?

Response suggestions: In this scenario, the officer witnesses both an environment and behavior that are sexually inappropriate. During the conversation with the intake officer, the probation officer should refrain from responding to inappropriate jokes by laughing, smiling, etc. Moreover, the probation officer may consider sharing his/her concerns with an appropriate authority within the probation department, and suggest that those concerns be further shared with the appropriate authorities at the jail.

Sexuality & Sexual Harassment in the Workplace: Implications for Community Corrections Settings

Rarely are work environments completely free of sexual interactions and behaviors. Flirtation, bantering, and the exchange of off-color jokes among employees are fairly common in office settings, factories, and other places of employment. Other behaviors that are more explicitly sexual in their nature, including dating relationships among employees, also occur within the working environment and have garnered greater scrutiny in recent years. Beginning in the 1990s, several high profile sexual harassment cases sparked heightened interest and debate about sexuality and appropriate behavior in the working environment.

While the workplace has devoted an increasing amount of attention and resources to preventing and addressing inappropriate sexual interactions in the years since, many questions remain about the specific behaviors and activities that constitute sexual harassment. What is sexual harassment? What kinds of behavior are appropriate, or inappropriate, in a working environment? And how does this translate to the community corrections workplace and to the prevention of sexual abuse?

ACHIEVING ZERO TOLERANCE

Primary among the purposes of the Prison Rape Elimination Act (PREA) of 2003 is the establishment of a zero-tolerance standard for the incidence of sexual assault in corrections settings. But what exactly does a zero-tolerance standard mean for community corrections, and how can it be achieved among community corrections professionals?

In essence, a zero-tolerance standard indicates that an agency will not tolerate sexual abuse of any kind within its environment and that it will take any necessary steps to ensure that incidents of sexual abuse are responded to appropriately. One of the many ways that correctional agencies and facilities are working to meet a zero-tolerance standard is through the development of policies and procedures that aim to protect offenders against sexual abuse and provide guidance for agency personnel on how to properly respond to incidents of assault if and when they occur.

Although these steps are important, achievement of the zero-tolerance standard cannot be fulfilled through the development of policies and procedures alone. Rather, all employees, volunteers and contractors of an agency must contribute to a culture of zero tolerance for sexual abuse to achieve safety, security, and fairness for everyone involved.

What does this mean for community corrections professionals? Contributing to a culture of zero tolerance includes reporting any known or suspected incidents of sexual assault and harassment that occur within an agency facility or program. It means reporting suspicions of staff sexual misconduct between a colleague and an individual under community corrections supervision. It means reporting incidents of sexual assault that may have occurred in institutional settings that are revealed by offenders now under the care of community corrections, and providing support to the victim.

Contributing to a culture of zero tolerance also means informing supervisees of their right to be protected against sexual abuse while under community corrections care and that any incidents will be properly investigated and addressed.

Reflect on the culture within your agency. Does your agency have a zero-tolerance policy for sexual abuse? How do you contribute (or fail to contribute) to a culture of zero tolerance within your agency? How could you better help the agency fulfill a zero-tolerance standard or policy?

According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as “unwelcome sexual conduct that is a term or condition of employment” (EEOC, 1990). It is important to note that victims of sexual harassment do not have to be of the opposite sex as the harasser; sexual harassment between individuals of the same sex can, and does, occur.

The EEOC categorizes sexual harassment into two distinct types: *quid pro quo* and *hostile environment*.

Quid pro quo harassment occurs when a person of authority demands sexual favors from a subordinate and makes employment decisions, including firing and promotions, based on submission to those demands.

The more common form of sexual harassment is categorized as hostile work environment, in which an employee engages in unwelcome and inappropriate sexually-based conduct that makes the workplace environment intimidating, hostile, offensive, or abusive. To be recognized as sexual harassment, such behavior must be considered unwelcome, based on sex, and severe or pervasive in nature. Generally, a single inappropriate act does not constitute sexual harassment in and of itself. Rather, a pattern of offensive behaviors that are unwelcome and sexually-based is typically required in order to determine that sexual harassment has rendered the workplace a hostile working environment.

While flirting with a colleague or telling an offensive or an inappropriate or sexual joke may not constitute sexual harassment in isolation, there is no clear, definitive line between behaviors that constitute sexual harassment and those that do not. Therefore, employees should be cautious when engaging in any sexual interactions or conduct in the workplace. The following questions can serve as a guide for employees to monitor the appropriateness of their behavior at work:

- Would I be embarrassed if my supervisor or boss saw me engage in this behavior?
- Would this behavior be considered offensive or humiliating by any of my colleagues?
- Do I have any formal power or authority over this person, which may limit my co-worker’s ability to participate willingly in this activity or behavior?
- Would my colleague (or colleagues) consider this behavior overly familiar?

While it is critical that an employee in any working environment be aware of the dangers of sexually inappropriate behaviors or conduct, it is particularly so for individuals working for and with the public, including community corrections professionals.

Given the power and authority that community corrections professionals hold over individuals under supervision, setting appropriate professional

THE DAILY DOZEN

It is important to ensure that correctional employees maintain healthy professional boundaries with the offenders they supervise. The following self-check questions were designed to assist correctional staff in assessing their own behavior with offenders and identifying areas in which professional and ethical boundaries are at risk of being crossed.

- Do you look forward to seeing a particular offender when you come to work?
- Have you done anything with an offender that you would not want your family or your supervisor to know about?
- Would you be reluctant to have a co-worker observe your behavior for an entire day?
- Do you talk about your personal matters with offenders?
- Do you believe that you can ask an offender to do personal favors for you?
- Have you ever received personal advice from an offender?
- Have you said anything to an offender that you would not want tape recorded?
- Do you have thoughts or fantasies of touching a particular offender? Does this extend to planning how you can be alone with that offender?
- Do you think you have the right to touch an offender whenever and wherever you want to do so?
- Do you look forward to sharing good/bad news with a particular offender?
- Do you think offenders are not allowed to say “no” to you, no matter what you ask?
- Have you ever allowed an offender to talk to you about sexual experiences or sexual fantasies, or to tell sexual jokes in your presence? Have you ever shared these things with an offender?¹

If you responded “yes” to any of the above questions, it may indicate that you are at risk of crossing professional boundaries with an offender. You may wish to consider speaking with a supervisor about your concerns or to seek outside counseling assistance in an effort to prevent any additional inappropriate conduct.

¹ Adapted from “The Daily Dozen,” developed by Teena Farmon, former warden of the Central California Women’s Facility in Chowchilla, CA.

boundaries with offenders is critical to avoid situations that can lead to—or be misconstrued as—interactions of a sexual nature between a staff person and an offender. First and foremost, community corrections officers must be aware of their internal agency policies and protocols on officer/offender relationships, including prohibited activities and guidelines regarding conflicts of interest.

In addition to complying with existing agency policies on maintaining professional officer/offender relationships, community corrections professionals should ask themselves the following questions to assess the appropriateness of their behaviors and interactions with offenders:

- Are my actions directed at meeting my needs or the needs of the offender?
- Have I been clear in defining my role as a community corrections employee and the professional boundaries of the officer/offender relationship?
- Have my actions with the offender, including decisions regarding his/her supervision requirements or privileges, been consistent with professional standards and practice? Have I granted any special favors or privileges to an offender?
- Is my behavior with offenders in compliance with agency policies and procedures on maintaining professional relationships with offenders?
- Have I developed any friendships or other personal relationships with any offenders under supervision?
- Do I provide personal information to any offenders?
- How would my colleagues react to the patterns of my behavior and interactions with offenders under supervision? Would they consider any interactions to be inappropriate?
- Do I touch any offender in a way that could be considered personal or sexual in nature?
- Do I accept gifts or personal favors from offenders? Do I give gifts or personal favors to offenders?¹

Although answering “yes” to any of these questions does not necessarily mean that professional boundaries with an offender have been breached, positive responses may indicate that an employee is at risk of jeopardizing a healthy officer/offender relationship. When there is any doubt about the appropriateness of an action, behavior, or relationship with an offender, assistance should be sought. In addition to help that may be available within the agency’s human resources department or through supervisor support, community corrections agencies often provide employee assistance programs or insurance for private counseling.

² Adapted from Claudia Newman, “Boundary Issues in the Professional/Client Relationship,” *Journal of Community Corrections*, Fall 2007.

Section Three

Offenders as Victims?
The Impacts &
Implications
of Offender
Victimization

SECTION THREE

Offenders as Victims?

The Impacts & Implications of Offender Victimization

Sexual abuse and violence have severe and long-lasting effects on victims, including physical, emotional, and behavioral consequences. Experiencing a sexual assault can be life-changing for an individual, and even a single event can result in a variety of immediate, short-term, and long-term effects on the victim (Dumond, 2006).

Studies have revealed a number of immediate, short-term, and long-term consequences of sexual assault victimization, although it is important to note that the majority of this research has focused primarily on female victims in the community. Immediately following an assault, victims often express feelings of loss of control. In addition, victims may experience physical pain and injuries, as well as an intense fear of further harm or death. Other symptoms often described by victims immediately following an attack include shock and disbelief.

Short-term effects of sexual assault may include a variety of psychological problems, including post-traumatic stress syndrome (PTSD), rape trauma syndrome (RTS), anxiety, depression, and suicidal tendencies. Research indicates that a significant proportion of rape victims in the community experience PTSD as a result of their assaults, ranging from nearly one-third of victims (Kilpatrick et al., 1992) to as much as 49 percent (Littleton and Bretkopf, 2006). Typical symptoms exhibited by PTSD sufferers include chronic anxiety, depression, and flashbacks. In addition, contraction of HIV/AIDS, tuberculosis, hepatitis B and C, and other sexually transmitted infections (STIs), as well as pregnancy may result in the short-term.

In the long-term, victims may abuse alcohol and other substances in an effort to forget the attack or to dull the emotional and physical impact of the rape. Victims may also exhibit sexually promiscuous behaviors following an attack, begin to victimize others, or become more violent or aggressive in their behavior (Dumond, 2006).

Following is a list of physical, emotional, and behavioral effects that are typical among sexual assault victims. It is important to note, however, that each individual deals with sexual assault victimization in his or her own way, and responses and coping strategies can vary widely depending on a range of variables, including the age of a victim, the victim's gender, available support networks, a victim's relationship with the perpetrator, and the quality of responses by law enforcement, medical, and other community service providers. While the responses listed below represent typical reactions to sexual assault, they are not meant to be an exhaustive list of ways in which individuals may respond to an assault.

Possible Physical Effects of Sexual Assault

- Pain
- Injuries
- Nausea
- Vomiting
- Headaches
- Changes in sleep patterns
- Sudden sweating or heart palpitations

Possible Behavioral Effects of Sexual Assault

- Hypervigilance
- Insomnia
- Exaggerated startle response/jumpiness
- Panic attacks
- Eating disorders
- Self-mutilation
- Exaggerated feelings/responses to stimuli
- Increased use of violence and aggressive behavior

Possible Emotional/Psychological Effects of Sexual Assault

- Shock/denial
- Irritability/anger
- Depression
- Social withdrawal
- Numbing/apathy (detachment, loss of caring)
- Restricted affect (i.e., reduced ability to express emotions)
- Nightmares/flashbacks
- Difficulty concentrating
- Diminished interest in activities
- Loss of self-esteem
- Loss of security/loss of trust in others
- Guilt/shame/embarrassment
- Impaired memory
- Loss of appetite
- Suicidal thoughts
- Substance abuse
- Psychological disorders
- Sudden mood swings
- Feelings of helplessness and loss of control
- Feelings of extreme anger and hostility (particularly among male victims)
- Minimization of the assault
- Feelings of self-blame, guilt
- Feeling “dirty”

Adapted from National Center for Victims of Crime, “Sexual Assault,” http://www.ncvc.org/ncvc/Print.aspx?PrintableZoneID=Cell_3&PrintableVersionID=WP_Print134679_WPZone. Accessed, 4/28/08.

The Impact of Corrections-Based Sexual Abuse on Victims

Offenders are often viewed as unsympathetic individuals who, because of their crimes, deserve all aspects of their experiences under correctional supervision, even when they include abuse. In May 1994, the *Boston Globe* reported on a poll of 400 registered voters in Massachusetts in which half of the participants agreed that “society accepts prison rape as part of the price criminals pay for their wrongdoing” (Sennott, 1994).

For many correctional personnel, it may be difficult to recognize that offenders can also be victims. In reality, however, many criminal offenders have also been victimized at some point in their life. According to the Bureau of Justice Statistics, 19 percent of state prisoners, 10 percent of federal inmates, and 16 percent of jail inmates and probationers reported being abused prior to their current sentence (Harlow, 1999). The study further revealed that nearly half of the women in correctional populations and a tenth of men report prior abuse.

For offenders under correctional supervision, the effects of a sexual assault often mirror those experienced by rape victims in the community. In many cases, however, the physical, social, emotional, and behavioral impacts of sexual assault can be exacerbated when it occurs within the correctional environment.

Physical Impacts of Corrections-Based Sexual Abuse

The physical consequences of sexual assault victimization can be significantly more dangerous in an institutional setting. Offenders who experience sexual abuse while incarcerated are much more likely to be physically assaulted during attacks, and often experience multiple incidents of abuse (Dumond, 2006). According to a Human Rights Watch report, “rape in prison can be almost unimaginably vicious and brutal. Gang assaults are not uncommon, and victims may be left beaten, bloody and, in most extreme cases, dead” (Human Rights Watch, 2001).

Research also indicates that inmates who are abused in prison endure an average of nine incidents of coerced or forced sex, and that a significant proportion of incidents involve multiple perpetrators. In one study, 35 percent of male inmate targets surveyed reported being forced to have intercourse by two or more perpetrators (Struckman-Johnson, 1996). Many inmate victims, therefore, may experience ongoing trauma and fear of further attacks throughout the period of incarceration, and even beyond.

Inmate victims of sexual assault also have a heightened risk of contracting HIV/AIDS and other sexually transmitted infections as a result of their victimization. HIV/AIDS, hepatitis B and C, tuberculosis, and other communicable diseases are more prevalent among prison and jail populations than within the general public. This, added to the fact that inmate victims often experience multiple attacks by multiple perpetrators, increases the risk of inmate infection due to sexual assault (Robertson, 2003).

GENDER DIFFERENCES IN VICTIMIZATION EXPERIENCES AND RESPONSES

While experiences of sexual abuse and assault can be devastating for all victims, males, and females often experience sexual violence in very different ways, and may adopt distinct response strategies and coping mechanisms following an assault.

Female Victims of Sexual Abuse

- One out of every six American women has been the victim of an attempted or completed rape at some point in their lives (RAINN, 2008a).
- More than 70 percent of female victims are assaulted by someone they know (family member, friend, acquaintance, etc.).
- Female victims report less than 39 percent of all attempted and completed sexual assault incidents to law enforcement (National Center for Victims of Crime (NCVC), 2008a).
- Approximately 39 percent of rape victims have been victimized more than once, with 5 percent of victims reporting they were unsure how many times they had been assaulted. In 29 percent of all forcible rape cases, the victim was less than 11 years old, while in 32 percent of such cases, the victim was between 11 and 17 years of age (Kilpatrick et al., 1992).
- Among women offenders in prison, jail, and on probation, between 13 and 25 percent report prior sexual abuse beginning as children and continuing into adulthood (Harlow, 1999).

Male Victims of Sexual Abuse

- In 2005, one in ten rape victims was male (NCVC, 2008b).
- Men are less likely to report a sexual assault. While fewer than 39 percent of all rapes are reported, females have been shown to report their rapes over one and a half times more often than males (NCVC, 2008b).
- Male victims face increased stigmatization and humiliation as a result of their victimization due to typical gender roles and expectations. Following an assault, male victims may question their sexual identity and preferences, and may feel as if they’ve lost their “manhood” (RAINN, 2008b).
- Gang rape is more common, weapons are more likely to be used, and physical injuries are more likely and more severe in cases involving male victims compared to those involving females (NCVC, 2008b).
- The majority of male sexual assault victims adopt a controlled response to their victimization, in which they may display few emotions and minimize the experience (Pino and Meier, 1999). To others, it may appear that the victim has sustained little physical or emotional injury as a result of the assault.

Women inmates victimized by male correctional staff have also been impregnated, creating a host of both physical and emotional concerns for the victim.

Social Impacts of Corrections-Based Sexual Abuse

Male victims of prison rape may suffer serious social stigmatization within the rigid hierarchy of the correctional environment. Heterosexual victims of prison rape are often deemed “punks” following a completed sexual assault, which compromises their sense of masculinity as well as their social standing within the institutional system.

Moreover, available options for recourse are limited and may be equally as damaging to the victim. Following an attack, a victim may become aggressive, either against the perpetrator or against other inmates, in an attempt to regain his sense of masculinity and social standing. In doing so, however, he risks being penalized for violent behavior by correctional staff. Alternatively, the victim may choose to “hook up” with a sexual partner in exchange for protection against other inmates. While this type of behavior is usually adopted as a survival mechanism to avoid violent attacks from other inmates, it is often understood as consensual in nature by correctional staff (Robertson, 2003). The victim’s perception of the relationship may also be skewed; entering into such protective partnerships may cause the victim to question his own sexuality and blame himself for participating in the relationship.

For many inmates, reporting the assault to correctional staff may be the last resort in an effort to avoid further abuse, as this option can pose serious risks to the offender’s safety and well-being. On one hand, those who report their victimization may face disbelief by authorities, compounding the shame and humiliation already endured as a result of the assault. On the other hand, should their reports be taken seriously and result in their placement in protective custody, they risk being labeled a “snitch” or “rat” by other inmates, the lowest ranking in the prison social hierarchy. In addition, the victim may have few opportunities to engage in programs, services, and activities available to inmates in the general population; in effect, the victim may feel further victimized by a term of solitary confinement.

Emotional Impacts of Corrections-Based Sexual Abuse

All victims of sexual assault endure serious emotional consequences as a result of their abuse, but the emotional trauma experienced by an individual assaulted while under correctional supervision can be particularly intense. In confined settings, such as prisons and jails, offenders may not be able to escape their attackers and often face multiple incidents of abuse. As a result, victims endure a prolonged sense of fear, terror, and helplessness, which may exacerbate their trauma (Dumond, 2006).

POST-TRAUMATIC STRESS DISORDER AND RAPE TRAUMA SYNDROME

While victims of sexual abuse respond in their own way to an assault, many victims develop post-traumatic stress disorder (PTSD), an anxiety disorder characterized by a series of symptoms following a highly traumatic event involving actual or threatened death or injury to themselves or others. Sufferers of PTSD may experience a sense of intense helplessness or fear, flashbacks, and nightmares. Some individuals with PTSD may also avoid stimuli associated with the trauma, and may startle easily (Trauma Information Pages, 2008).

Other victims of sexual abuse and assault may develop Rape Trauma Syndrome (RTS), a variant of PTSD. Survivors of sexual assault who develop RTS typically go through two distinct phases. In the initial, or acute, phase, victims may display a range of emotions. He or she may cry, shout, laugh, or remain completely silent. Generally, victim responses during this phase can be categorized as either *expressed* or *controlled*.

Victims demonstrating the *expressed* style of response tend to display their emotions openly. They may appear agitated, talk a lot, cry or laugh, or exhibit a range of these behaviors.

Individuals using the *controlled* style of response typically contain their emotions and may appear to be perfectly calm and composed, even numb. They may seem detached and minimize both their emotions and the gravity of the incident.

Both styles of responses are normal and appropriate in the days immediately following an assault. Initially, victims may experience severe shock and disbelief that the abuse occurred. After the initial shock, victims may feel a range of emotions, including anger, humiliation, shame, sadness, or fear.

In the second, or reorganization, phase, victims of sexual assault learn to cope with their experiences through a variety of coping mechanisms, including minimization, dramatization, suppression, explanation, and flight. While the victim may still express many of the emotions displayed during the acute phase, he or she may be more willing to seek assistance in addressing the trauma (Rape Victim Advocates, 2008; RAINN, 2008c).

While many victims of sexual abuse and assault may develop PTSD or RTS, it is imperative to understand that each individual deals with trauma in a unique way. No two victims will respond in the same way. While the symptoms and behaviors described above are typical among sexual assault victims, they are not exhaustive. Individuals may adopt different or additional responses and coping mechanisms than those listed above.

Both male and female offenders report higher rates of prior physical and sexual abuse than individuals in the general U.S. population (Harlow, 1999). A significant proportion, between 25 and 39 percent, of women in particular report being sexually assaulted prior to their incarceration, and additional incidents of abuse may compound existing feelings of helplessness, loss of control, and lack of self-esteem. Research indicates that prior physical and sexual victimization can increase the severity of a victim's trauma and make recovery more difficult (Dumond and Dumond, 2002).

Meanwhile, male inmates who experience sexual assault at the hands of other men may experience extreme feelings of humiliation, shame, and loss of masculinity (Robertson, 2003). Male victims may question their own sexuality, particularly when the victim is young. Moreover, given the complex sense of shame that is typical in male rape, men are less likely to report their abuse (Pino and Meier, 1999). In cases in which men do report an attack, they are more likely to adopt a more controlled response in which they display limited emotion, leading authorities to underestimate the physical and emotional impact of their assault (Dumond and Dumond, 2002).

Victims of staff sexual misconduct may also experience an added sense of betrayal given that those individuals charged with their protection and supervision instead committed abuses against them. Staff sexual misconduct may also leave victims with few options, as their abusers may have the authority to provide offenders with particular privileges, including visitation rights and access to community programs and services. Victims may therefore be reluctant to deny advances or report abuses out of concern of losing valuable privileges. Further, victims may not report the abuse fearing that their word would not be believed against that of a staff person. As a result, victims may not receive needed services, and both their physical and emotional injuries may go unaddressed.

WHO'S AT RISK? THE "TYPICAL" VICTIM OF CORRECTIONS- BASED SEXUAL ASSAULT

While all offenders are at risk of sexual abuse and violence within correctional settings, research indicates that certain categories of offenders are victimized at higher rates (Hensley et al., 2005; Hensley et al., 2003; Dumond, 2000; Dumond, 2003).

- Young offenders
- Offenders who are inexperienced, naive, or lack "street sense"
- Offenders who are small in stature or physically weak
- Mentally ill or developmentally challenged offenders
- Offenders who are not affiliated with a gang
- Gay, lesbian, bisexual, transsexual, or intersex (GLBTI) offenders
- First-time offenders
- Offenders convicted of sexually-based crimes
- "Snitches," "rats," and offenders who break the code of silence
- Offenders who have previously been victimized

While understanding the types of offenders who may be at greater risk of sexual assault victimization is critical, it should also be noted that no offenders are immune to abuse. All offenders can be victims of sexual violence within correctional settings.

Behavioral Impacts of Corrections-Based Sexual Abuse

Studies indicate that violent victimization, including sexual abuse and assault, is linked to an increased likelihood of involvement in crime and deviance later in life. For instance, studies have found that victims of abuse and violence in childhood and adolescence were two to three times as likely to be arrested and to be involved in serious and/or violent offenses as an adult (Macmillan, 2001). Researchers have also suggested that victimization in adulthood can increase the chances of violent criminality. Peters and Peters (1998) note that up to 70 percent of female offenders have been victimized at some point in their lives. They go further to highlight suggestions linking violence perpetrated against females to the growth of female involvement in violent crime. Others point out the long-lasting psychological and behavioral effects of male rape, including increased anger, violence, and hostility, common among male victims of sexual assault (Walker et al., 2005).

Some experts also suggest that increased violence and proclivity to reoffend may be among the long-term behavioral impacts of prison rape, although this theory has not yet been fully tested. According to the Bureau of Justice Statistics, 77 percent of male state prison inmates who reported being abused prior to their incarceration had been sentenced for a violent crime, compared to 61 percent of male inmates who reported no prior abuse. Likewise, 45 percent of female state inmates reporting prior abuse had served time for a violent offense, whereas only 29 percent of female inmates who had not been abused had been sentenced for violent crimes (Harlow, 1999).

Dumond notes the common tendency for targets of sexual aggression within prisons to act out violently as a strategy to avoid further victimization while incarcerated (2003). Likewise, Cotton and Groth (1982) offer that violence is often cyclical, with victims ultimately becoming victimizers themselves, suggesting heightened risks not only for fellow offenders within a correctional setting, but for the general public as well. These authors comment that, “Society then has a vested interest in this issue—some of the men in prison are so characterologically traumatized and angry that they retaliate when they return to the community by committing acts of physical and sexual violence” (Cotton and Groth, 1982, p. 50).

Human Rights Watch, in a report on prisoner rape that contributed to the passage of PREA, also pointed out the dangerous impact that corrections-based sexual assault has on its victims and the potential implications for community safety. Following interviews with inmates during which the long-term behavioral impacts of prison rape were discussed, the authors conclude that sexual assault victimization can result in heightened use of violence among inmates, both within the institution and in the community. “The anger, shame and violence sparked by prison rape—though it may originate in the correctional setting—is unlikely to remain locked in prison upon the inmate’s release” (Human Rights Watch, 2001, p. 120).

Conclusion

Sexual abuse and assault have serious and long-lasting effects for victims, both in the community and within correctional settings. While each victim responds to an assault in

CYCLE OF ABUSE?

A chief probation officer in a small community in Connecticut supervised more than 150 juveniles as chief probation officer during the late 1980s and 1990s. For several of the juveniles under his supervision, their experiences on probation would change their lives forever, but sadly, not for the better.

In 1999, the officer was charged with more than 200 counts of sexual assault and sentenced to 15 years in prison for abusing 15 teenage boys on his caseload. His victims have recounted how the chief probation officer would meet with them in a windowless office—sometimes in the evening hours—and molest them, threatening them with jail time should they report the abuse.

In the years since, eight of the teens abused by the officer have become sexual abusers themselves. Another three of his victims have been convicted and served time on assault charges. All but one of his victims has served time in jail or prison.

Some officials question whether more probationers were victimized while under his supervision, though there is no evidence of additional instances of abuse (Altimari, 2008).

his or her own unique way, experts have identified a series of physical, emotional, and behavioral symptoms that are common among sexual assault victims.

Victims of sexual violence within correctional environments often display many of the same responses to abuse as those common among victims in the community. It is important to note, however, that corrections-based sexual assault can have distinct and, in some cases, more severe impacts on its victims, including heightened risks of the transmission of HIV/AIDS and other communicable diseases, increased use of violence during assaults, social risks of reporting abuse, fear associated with the inability to escape an abuser, and long-term risks of becoming violent following an attack.

It is critical for community corrections professionals to be aware of the various impacts and implications of sexual assault victimization, both among individuals in the community and those in a custodial environment, in order to more fully understand the long-term impacts of victimization on an offender's behavior while under community supervision. The following section goes further to discuss specific tips and strategies for working with offenders who have been victims of sexual assault in an effort to more fully address their needs, avoid further trauma, and reduce the likelihood of recidivism.

Section Four

Identifying and
Working with Victims



SECTION FOUR

Identifying & Working with Victims

Community corrections line staff play a variety of roles with individuals involved in community corrections, including monitoring, promoting behavior change, and providing treatment and services. Within a halfway house setting, line staff may be charged with supervising and providing treatment to residents while at the facility, as well as monitoring to ensure that they are complying with their conditions during approved absences from the facility for work, treatment, or other purposes. Probation and parole officers may meet regularly with an offender within an office environment to ensure that the offender is meeting all of the conditions of his or her probation or parole release. In addition, probation and parole officers may make home visits to an offender's residence and may contact an offender's friends or family to verify his or her activities and behaviors. Meanwhile, pretrial service agents may meet with a defendant within a jail setting or, if the defendant is released under a supervised pretrial release program, may monitor his or her activities in the community to ensure compliance with court-ordered conditions.

Despite the many different roles that community corrections line staff play to ensure offender accountability and/or defendant compliance with court-ordered conditions, line staff often share a common ability to build relationships with the individuals they supervise. Line staff are, in many cases, the eyes and ears of the community corrections field, and their skills in developing trust and facilitating communications with supervisees is a critical tool in promoting public safety.

These opportunities and skills also put community corrections line staff in a unique position to detect sexual assault victimization among their clients. Through conversations with offenders, information received from families, friends, employers, and external agencies, and direct observation of offender activities, line staff may receive reports of previous incidents of corrections-based sexual assault or may directly witness abuse that occur within the community corrections setting. It is critical, therefore, that community corrections line staff be able to recognize the behaviors, attitudes, and symptoms, or "red flags," that are common among sexual assault victims and to work with offenders on their caseloads who may have been victimized.

This section provides guidance to line staff on identifying sexual assault victims and working with those victims who are under community corrections supervision. This section also discusses specific supervision strategies and considerations that may be appropriate for offenders who have experienced corrections-based sexual assault.

Recognizing the "Red Flags" of Sexual Abuse

Front-line community corrections staff charged with supervising defendants or offenders are in a unique position to learn about the behaviors and experiences of those under supervision, including sexual assault victimization. These experiences may have occurred previously, or may be going on currently, either by a community corrections staff person or by another offender or defendant. In either case, given the stigma associated with sexual assault and the power that the code of silence has in preventing the reporting of corrections-based sexual abuse, an offender may not directly report his or her victimization. Therefore, it is critical for community corrections staff to be aware of the various "red flags" of sexual abuse—the key physical, emotional and behavioral signs that can indicate that an individual may have been victimized.

Possible Physical Signs of Abuse

- Injuries/bruising
- Medical reports and/or findings
- Hospitalization
- Medications
- Diagnosis of sexually transmitted diseases
- Pregnancy
- Unkempt appearance
- Sudden loss of weight or weight gain
- Self-mutilation

Possible Emotional Signs of Abuse

- Low affect, monotone speech
- Sudden, dramatic change in personality
- Depression
- Anxiety
- Sudden detachment, self-isolation
- Suicidal tendencies
- Sudden lack of empathy
- Mood swings
- Refusal to discuss experiences in correctional settings or boasting about correctional experiences
- Sexual identity crisis

Possible Behavioral Signs of Abuse

- Demonstration of “predatory” behavior
- Intermittant explosive disorder (episodes of extreme aggression that may result in serious assaultive behavior and/or destruction of property)
- Becomes sexually manipulative
- Development of substance abuse problems
- Identifies individuals who should *not* be contacted as collateral contacts
- Expresses a desire to remain in custody
- Discusses sexual trauma in hypothetical terms, or on someone’s behalf
- Unusual phone logs (e.g., excessive phone communications with a staff member)
- Unusual dressing patterns (e.g., dressing up, lack of care about appearance)
- Behaviors associated with Post Traumatic Stress Disorder
- Taking new medications
- Appears out of touch, withdrawn
- Lack of eye contact
- Uses unusual word choices
- Easily startled
- Requests specific assignments or change in assignments
- Demonstrates addictive behavior
- Appears overly dependent on or attached to someone
- Appears suicidal
- Appears anxious or violent
- Spends (or spent) significant periods of time in segregation or isolation
- Requests change in program officer for no reason
- Demonstrates a lack of personal boundaries, including overly familiar touching, using sexually suggestive language, etc.
- Disciplinary reports document sexual activity (consensual or non-consensual) while under correctional supervision

WORKING WITH VICTIMS OF SEXUAL ABUSE

Although the primary purpose of this guide is to provide useful information to community corrections professionals on identifying and addressing incidents of corrections-based sexual abuse, many of the principles included in this handbook can and should be adopted when working with any victim of sexual abuse—regardless of where the abuse occurred. Increasingly, research indicates that many criminal offenders have been victims of abuse prior to their incarceration, and a history of sexual trauma can contribute to criminal thinking and may affect an offender's adjustment to supervision. Therefore, community corrections professionals should be in tune to the special considerations of all sexual abuse victims who are under community supervision—not only those who have been abused while under correctional care.

While not exhaustive, the warning signs listed above provide a general overview of the types of physical, emotional, and behavioral signals that supervisees may exhibit that could indicate that he or she has been victimized.

There are other red flags that can suggest that a colleague or others within the community corrections agency is engaging in inappropriate behavior with clients. Examples of these signs may include:

- Spending unusual amounts of time with a particular offender
- Overlooking infractions or offering special privileges or gifts to a particular offender
- Frequently spending more time at work than usual (coming in early, leaving late)
- Requesting a particular shift for no apparent reason
- Appearing overly familiar with an offender
- Exhibiting excessive interest in the progress or activities of a particular offender
- Revealing personal information to—or about—a particular offender
- Conducting an unusual number of “closed door” meetings with an offender or offenders

Given the low rates of reporting of sexual abuse and assault, community corrections staff must be aware of the variety of red flags that can indicate an individual has been victimized. The presence of one or more of these, however, should not be taken as proof that abuse has occurred. Moreover, their presence may indicate sexual abuse victimization that occurred prior to supervision. Additional measures should therefore be taken to determine if an individual has been victimized and whether such abuse occurred while under correctional supervision. The remainder of this section will focus on ways to verify suspected abuse and discuss strategies for working with a victimized supervisee.

Interviewing Skills

One strategy for following up on apparent red flags is through the interviewing process. For community corrections professionals, effective interviews of offenders are an integral component of the job. Interviews can help identify not only an offender's problem behaviors, triggers, and any emotional or mental underpinnings of patterned criminal activity, but also an offender's strengths, skills, and capacity for behavioral change. Moreover, certain interviewing techniques, including motivational interviewing, have demonstrated the potential to assist offenders in making choices that lead to pro-social behavior.

Likewise, interviews with individuals under supervision can uncover experiences that may present a challenge to his or her rehabilitation if not addressed appropriately, including sexual assault. Community corrections professionals should be aware of the potential for interviews to uncover previous victimization experiences and, in such cases, should approach interviews carefully so as to avoid the possible re-traumatization of a victim.

Pre-Interview Considerations

- Adequate preparation prior to any interview of an individual under community supervision is important; however, pre-interview preparation is even more critical if it is suspected that the supervisee may be a victim of sexual abuse. The following are useful tips to assist community corrections professionals in preparing for such an interview:
- Create a safe interviewing environment—avoid placing barriers between the interviewer and the supervisee, consider whether existing doors should remain closed or shut, etc.;
- Build and maintain a sense of rapport with the supervisee;
- Consider the ultimate purpose/goal of the interview and structure questions accordingly—outline priority questions in advance to avoid unnecessary “straying” once the interview is underway;
- Avoid scheduling the interview afterhours, which may appear threatening to the supervisee;
- Remove any objects or items in the office that may appear threatening or inappropriate;
- If abuse is suspected, review the individual’s files to look for changes in behavior and other red flags of abuse, including disciplinary reports of sexual activity while under correctional supervision;
- Be aware of agency policies for responding to reported abuse and outline a response plan in advance of the interview;
- Be aware of any biases you may have that could prevent you from conducting the interview fairly or appropriately, and request assistance from a colleague if needed;
- Know the contact information for any service providers in the community that provide assistance to survivors of sexual assault and,
- Be prepared for a variety of emotional responses from the offender during the interview, including anger, hostility, hopelessness, grief, self-blame, humiliation, and withdrawal.

During the Interview

Community corrections professionals often receive training on conducting effective interviews with offenders and further hone interviewing skills through daily practice. Many of the interviewing skills developed through formal training as well as through practice are appropriate in a range of situations and should also be employed when interviewing supervisees suspected of being victims of sexual abuse. Other interviewing skills, however, are more specific to instances in which sexual abuse is suspected. The following recommendations outline a range of practices that are appropriate when interviewing individuals who may be victims of sexual abuse:

- Use active listening skills;
- Employ motivational interviewing and motivational enhancement techniques;
- Be aware of cultural barriers and the need for cultural sensitivity when working with diverse populations;
- Be sensitive to the supervisee’s needs, and allow them to pace the interview according to their comfort level;
- Remember the importance of body language in interviewing—appear open and engaged;
- Clarify limits of confidentiality before asking questions regarding victimization;
- Provide “advice of rights” or explanation as to how information provided will be used;

RECOGNIZING RED FLAGS

Pages 20-21 of this guidebook provide a series of scenarios in which sexual assault victimization may have occurred. Re-read these scenarios and identify the various red flags of abuse and/or inappropriate behavior that are present in each case. A list of the red flags in these scenarios is available on the following page.

- Avoid using a condescending tone with the supervisee;
- Keep the ultimate goals of the interview in mind and avoid unnecessary straying;
- Be aware of physical cues that an individual is not ready to discuss the issue;
- Ask open-ended questions that provide an opportunity to disclose sexual assault victimization;
- Ask only about the significant facts;
- Provide the context for asking certain questions (i.e., explain why it is important that certain questions are asked);
- Use behaviorally specific terminology, and, when appropriate, the terminology of the supervisee;
- If sexual assault is suspected, but the supervisee is unwilling or unable to discuss, note suspicions in his or her file; and,
- Use a self-reporting checklist to solicit information on victimization and/or perpetration.

Following a Disclosure of Victimization in an Interview

Even when sexual abuse is suspected, the revelation of victimization can be a difficult issue to address with an individual. Research indicates, however, that social reactions to a disclosure of sexual abuse can greatly affect the recovery of a victim. According to studies, negative reactions to reports of abuse can prevent victims from further reporting the abuse and can result

RECOGNIZING THE RED FLAGS

Pages 20-21 of this guidebook provide a series of scenarios in which sexual assault victimization may have occurred. The following represent some of the red flags that indicate possible abuse and/or inappropriate behavior in each of the scenarios.

SCENARIO 1:

- Probation officer regularly sees juvenile supervisees at the end of the day
- Probation officer regularly closes the door to his office when seeing supervisees

SCENARIO 2:

- Male colleague transporting female offender in a van, alone and after curfew
- Female offender hurries to her room upon return to the halfway house
- Male colleague uses suggestive language regarding his activities with the female offender

SCENARIO 3:

- Male defendant appears to be at heightened risk for abuse (young, thin, first-time arrest)
- Defendant appears shaken, reluctant to discuss incarceration
- Defendant has visible bruising on arms and face

SCENARIO 4:

- Colleague tells and laughs at inappropriate, sexually suggestive jokes in the presence of offenders
- Colleague engages in sexually inappropriate discussion about a fellow female staff member

SCENARIO 5:

- Jail intake officer displays sexually suggestive calendar in office/work space
- Jail intake officer tells several homophobic jokes
- Detainees are present within earshot of the intake officer's desk

in additional trauma for the victims (Starzynski et al., 2005). It is imperative, therefore, that community corrections staff understand and recognize how to appropriately respond initially to a disclosure of sexual abuse.

- Be empathetic—avoid judgmental responses to a disclosure of victimization;
- Ask the supervisee about any concerns he or she may have regarding his or her safety while under supervision (i.e., is the perpetrator in the community? also under supervision? a colleague or other community corrections staff person?);
- Explain what the supervisee should expect from any follow-up responses to the report and what your role is in those responses;
- Explain any reporting requirements that you may have as a community corrections staff person;
- Keep in mind the offender’s right to privacy regarding the abuse, and explain any confidentiality requirements that are in place to maintain his or her privacy (outside of any existing reporting requirements);
- Be realistic in terms of what the supervisee should expect—don’t make promises that may not be kept;
- Don’t minimize the supervisee’s experience, even if he or she remains calm or displays a lack of emotion when disclosing the assault;
- Don’t question the supervisee’s response to the abuse;
- Don’t push the supervisee to reveal any details or information that he or she is not ready to disclose;
- Offer to identify additional ways to report abuse if the supervisee is uncomfortable talking about it with you;
- Be mindful that reporting an assault multiple times can further traumatize a victim—avoid asking the supervisee to disclose any information that may not be necessary during a preliminary interview (he or she may need to report additional information during the investigative process);
- Refer the offender to appropriate treatment and services (including sexual assault advocates, medical treatment, etc.); and,
- Avoid ending an interview while the supervisee is in a vulnerable emotional state.

Supervision Strategies for Victims of Corrections-based Sexual Assault

As the Prison Rape Elimination Act states, corrections-based sexual assault “endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year” (PREA, 2003). It is critical, therefore, that community corrections professionals take into consideration the implications of victimization experiences when developing and implementing supervision strategies with individuals abused while under correctional supervision.

INTERVIEWING POSSIBLE SEXUAL ASSAULT VICTIMS: SUGGESTED QUESTIONS FOR COMMUNITY CORRECTIONS PROFESSIONALS

Balancing the need for information with the need to avoid questions that may cause further trauma can be a daunting task for community corrections professionals interviewing supervisees they suspect may be victims of corrections-based sexual assault. In addition to the suggested strategies for conducting interviews with possible victims of sexual assault outlined in this section, the following recommended questions may provide some assistance for community corrections staff in the interviewing process.

- Can you tell me about your experience while incarcerated?
- Can you recall any times in which you felt your safety was at risk? Please describe.
- Was there a particular corrections officer with whom you felt close? Can you tell me about that relationship?
- Were you involved in any relationships while incarcerated? Can you tell me about those relationships?
- How did the corrections staff treat you while incarcerated?
- Can you please tell me about your time in isolation/administrative segregation? Why were you there?
- As part of your supervision, I may contact individuals you know—including friends, family members, employers, or institutional corrections staff—for information about your case. Is there anyone whom you suggest we do not contact during your time on community supervision? Why or why not?
- Are there any community corrections staff members here that you know well? How do you know them?
- How are your programs going? Is there anything that concerns you about your participation in those programs?
- How are you getting along with your roommate?
- You seem stressed out. Is there anything in particular that’s bothering you?
- Your tests indicate that you’ve been drinking/using drugs again, which is a violation of your restrictions. Can you tell me why you’re using?

Undoubtedly, working with sexual assault victims can be a daunting task, and some community corrections professionals may feel uncomfortable addressing victimization issues. While the purpose of this guidebook is not to train community corrections staff to provide treatment to individuals who have been sexually abused while under correctional supervision, all community corrections professionals must be able to work with victimized supervisees in order to ensure proper monitoring while avoiding further victimization and traumatization of the individual. The following tips provide assistance to determining supervision strategies appropriate for individuals who may have been sexually assaulted or abused while under the custody or care of correctional authorities. Community corrections staff who are concerned about supervising a victim of sexual assault should seek additional assistance and guidance from a victim's advocate or other individuals trained in working with victims.

Tip #1: Consider the general needs of sexual assault victims when supervising an individual who may be have been abused while under correctional supervision.

While the experience of and recovery from sexual assault is different for each victim, there are some general strategies for working with victims that can often be easily incorporated into a community supervision plan.

- *Refer the victim to appropriate services (e.g., sexual assault crisis center, support groups, sexual assault treatment programs, mental health treatment).* Although not all sexual assault victims may be ready or willing to follow up on referrals, having access to treatment providers who support the specific needs of sexual assault victims can be a powerful tool in recovery.
- *Employ empathetic listening skills.* Supervisees who have been victimized must be held accountable for their crimes; however, when an individual under supervision discusses a victimization experience, community corrections professionals should listen in an attentive, understanding way. Avoid overreacting to an individual's victimization experience with emotionally-laden responses, as this may result in further trauma to the victim. Rather, respond in an understanding and non-judgmental way, while maintaining emotional composure.
- *Do not re-victimize through continued emphasis on the assault.* Research indicates that discussing a victimization experience multiple times can result in the re-traumatization of a victim. Allow the supervisee to discuss his or her experience when he or she desires to, but avoid focusing excessively on the assault.

THE IMPORTANCE OF REFERRALS: KNOWING THE LIMITS OF YOUR ROLE

Victims of sexual assault have specialized needs for recovery that are best treated by a professional trained in working with victims. Rape crisis centers, sexual assault support groups, mental health treatment providers and victims' advocates are primary examples of the resources that are often available in the community.

Community corrections professionals can play an important role in identifying sexual assault victims under community supervision and in ensuring that those individuals have access to appropriate treatment and services. Referring victims to those professionals who specialize in working with victims is an important component of this role.

It is not appropriate, however, for community corrections professionals to attempt treating sexual assault victims themselves, as doing so may result in further trauma to the victim. Moreover, it is critical for community corrections professionals to recognize their limitations when referring a supervisee who has been victimized to outside treatment. Be aware that not all victims are ready for treatment and that some may not follow up on the referrals. While it may be frustrating to see a referral ignored, forcing a victim to seek treatment may cause more harm than good.

- *Avoid physical contact.* Following a sexual assault, victims may experience heightened reactions to physical touching by another individual, even when the contact is not intended to be threatening or sexual in nature. Avoid any unnecessary physical contact with a victimized supervisee.
- *Use a respectful, non-judgmental demeanor with the victim.* Research suggests that the social reactions to a victim's disclosure of an assault can significantly impact his or her recovery. Avoid responding to a victimized supervisee in a judgmental manner, and do not question his or her response to the assault.
- *Assist in the development of personal safety plans for the victim.* Following an assault, victims may feel increasingly vulnerable to additional abuse. Devising a personal safety plan can empower the victim to feel more in control of his or her safety, while also providing a strategy for avoiding further attacks. This may be particularly important if the alleged perpetrator also resides in the community.

Tip #2: Consider the specific circumstances of the supervisee's victimization experience(s) when developing a supervision strategy.

As previously noted, each victimization is different and the various factors involved in an assault can significantly impact the victim's recovery. For instance, such variables as the gender and identity of the perpetrator, the number of perpetrators, the number of assaults experienced, and the environment in which the assault(s) took place can all affect the process of recovery for a victim. Although it is likely that you may not know all of the details of a supervisee's victimization, be sensitive to those factors that have been disclosed and take them into consideration when devising (or revising) any supervision plan.

- *Consider the identity of the alleged perpetrator.* Was the perpetrator an inmate? A corrections employee? Is the perpetrator also currently under community supervision? Being sensitive to the identity of the perpetrator can assist you in making sure the victim feels safe while under community corrections supervision. For instance, if the offender was victimized by a correctional employee of a certain gender, consider whether he/she would feel safer if supervised by a community corrections staff person of the opposite gender. If the offender was victimized by another offender under community supervision, ensure that he or she is supervised under separate caseloads, is not required to be at the office at the same time, is not assigned to attend any of the same group sessions, etc.
- *Recognize the gender differences in experiences of and responses to sexual violence.* Responses to sexual assault can vary greatly based on the gender of the victim, and these differences should be considered in any supervision plan. For instance, due to the heightened stigma associated with male rape, male victims are generally less likely to discuss their victimization and may experience additional shame and humiliation as a result. Therefore, discussing the victimization experience in a group setting may result in additional trauma for male victims. On the other hand, female victims may experience heightened anxiety about an unwanted pregnancy following an assault, and may need assistance to address such concerns. Supervisees who are transgendered may respond well to therapeutic programs that are specifically designed for the transgendered community. If available, referrals to gender-specific treatment programs for victims of sexual assault should be made.
- *Re-evaluate the existing conditions of supervision to determine appropriateness.* Some supervision practices and requirements that are common to many caseloads may be inappropriate when working with a victim of sexual assault. For instance, direct observation of a urine sample collection by a community corrections staff person may be problematic if the supervisee was abused by a correctional employee. Likewise, home visits may also be difficult to conduct effectively in cases involving individuals who were abused by correctional personnel. Meanwhile, required participation in group therapy sessions may be inappropriate for certain victims of sexual assault, particularly males. Reviewing supervision plans can assist in ensuring that requirements do not hinder the recovery of an individual who has been victimized. Consider a range of possible supervision options to determine whether any potential requirements would be harmful to an offender who has been victimized.
- *Review housing and program assignments to ensure there is no revictimization.* For supervisees participating in residential community corrections programs, it is imperative that housing assignments are reviewed to ensure that the individual is not put at undue risk of re-victimization. For instance, any roommates should be assessed for risk of

sexually assaultive behavior. If available, single rooms may be appropriate for supervisees who have been previously victimized or who demonstrate vulnerabilities for victimization. Program assignments should also be reviewed for appropriateness. For instance, if the alleged perpetrator of the assault is also under community supervision, the victim should not be required to attend any group sessions or other programs with that individual.

Tip #3: Employ supervision strategies and processes to ensure the effective monitoring of the supervisee throughout his/her supervision.

Given the complexity of the community corrections field and the various types of programs and services that are often provided to supervisees, it is necessary to adopt a variety of strategies to ensure that an individual who has been victimized is effectively monitored while under supervision. The following are examples of strategies that can be used to adequately monitor an individual who has been victimized while under correctional care.

- *For defendants under the supervision of pretrial services, notify the appropriate judge or prosecutor of the assault.* If a pretrial defendant has been victimized while being held in jail, immediate notification of the judge is critical, as it may impact decisions regarding pretrial release. Further, for defendants already released pretrial who disclose victimization, the incorporation of additional, targeted supervision strategies may be necessary to ensure appropriate monitoring of the defendant while in the community prior to trial.
- *Conduct a comprehensive assessment of the supervisee using validated tools.* A variety of assessment tools are available to most community corrections professionals that can reveal not only an individual's risk of reoffending, but also the various treatment services that may assist the supervisee in his or her rehabilitation. Conducting a comprehensive assessment of an individual who has been sexually assaulted while under correctional supervision may assist in determining which programs and services may be most appropriate for the supervisee.
- *Consider assigning the supervisee to a specialized caseload for sexual assault victims, if appropriate and available.* An individual who has been sexually assaulted while under correctional supervision may respond well when supervised under a caseload designed specifically for victims of sexual assault. If no such caseloads exist in your jurisdiction, consider assigning victimized supervisees to an officer with appropriate training, skills, or experience in working with sexual assault victims.
- *Request assistance from a victims' advocate or victims' services professional to manage the supervisee's casework.* If your community corrections agency or department has a victims' advocate on staff, consider working with the advocate to ensure that the individual's supervision plan is designed to sufficiently hold the supervisee accountable for his or her crime, while not putting the supervisee at undue risk of further trauma. If a victims' advocate or victims' services provider is not available within the agency, consider contacting an advocate in the community for assistance.
- *Collaborate with treatment providers.* If the supervisee has been referred to any mental health or other treatment providers as a result of the victimization, collaborate with the treatment provider to ensure that the individual's supervision plan complements the treatment program. While he or she may not be able to share certain information due to health privacy protections, working in collaboration with treatment providers to the extent possible may provide some assistance in verifying an individual's progress while under supervision and in ensuring that supervision and treatment plans are complementary.

Undoubtedly, working with individuals who have experienced sexual assault victimization while under correctional care adds yet another layer of complexity to the supervision process. The above tips, however, can assist community corrections professionals in ensuring that supervision plans are sensitive to the specific needs of victims, while still holding those supervisees accountable for their crimes.

Section Five

Responding to Abuse:
The Role of Community
Corrections Staff



SECTION FIVE

RESPONDING TO ABUSE: THE ROLE OF COMMUNITY CORRECTIONS STAFF

As a community corrections professional, you may think (and hope) that you will never encounter sexual abuse or assault in the workplace. Unfortunately, however, no professional setting is completely safe from sexual abuse, including community corrections agencies and facilities.

Imagine finding one of the offenders under your supervision being assaulted by another offender. What would you do? How would you respond to the situation? How would you respond to the victim? And to the perpetrator?

What if an offender on your caseload confided in you that he or she had been sexually assaulted six months ago while an inmate in a county jail? How would you respond in this situation? What would you do with the information?

Although this guidebook is not meant to train community corrections staff to provide long-term treatment to sexual assault victims or their perpetrators, all community corrections professionals should be prepared to be first responders to sexual assault incidents. Research and practice indicates that negative reactions to the disclosure of a sexual assault have a detrimental impact on a victim's ability to cope long-term (Ullman, 1996; Andrews et al., 2003). It is therefore critical that community corrections staff know how to respond to a sexual assault incident, or a report of a previous assault, in order to best meet the immediate needs of a victim and to keep the victim safe from further harm. This section discusses the important role that first responders play, and the key steps to take following an incident.

Perhaps the most important step in preparing to be a first responder is to become familiar with relevant agency policies and procedures, as well as state and federal laws, regarding sexual abuse and assault. Reviewing in advance any existing protocols and procedures that your agency has in place can serve as a powerful tool in responding to any future incidents. Consult your supervisor if you have any questions about agency directives on responding to sexual abuse incidents, or if your agency does not have such policies or procedures in place.

The following strategies and recommendations provide general guidance for community corrections staff in responding to sexual assault incidents and are meant to be used as a companion piece to the internal policies and procedures developed by individual agencies. The strategies described below, however, should not replace the guidance provided by the policies and procedures set forth by your own agency.

The Role of the First Responder

As detailed in Section Three, sexual assault victimization often has serious physical, emotional, and behavioral consequences, and these effects can be experienced for many years following an assault. The immediate response to a victim's disclosure of an assault can have serious implications for a victim's ability to cope with the trauma and his or her long-term recovery. It is the responsibility of the first responder, therefore, to meet the victim's immediate needs for safety and assistance in an effort to help in his or her long-term recovery.

Who are first responders to sexual assault? According to the National Protocol for Sexual Assault Medical Forensic Examinations, a first responder can be any professional who initially responds to a disclosure of a sexual assault (U.S. Department of Justice, 2004). In many cases, first responders to a sexual assault may be law enforcement officers, victim services advocates, mental health providers, social services staff, or medical practitioners. Given their roles in working with defendants and offenders, community corrections staff may also serve as first responders to an assault, and they should be adequately prepared to take on this role.

Further, it is important to note that first responders may find themselves responding to an assault while it is in progress, immediately after it has occurred, or weeks, months, or even years following the incident. While some of the primary tasks of the responder vary according to the timing of the response, the ultimate purpose of the first responder remains the same—to provide support and safety to the victim while safeguarding any evidence for subsequent investigations.

Given the diversity of the community corrections field, including residential community corrections facilities, halfway houses, probation and parole supervision, and pretrial services, community corrections professionals may find themselves serving as first responders in a variety of circumstances. As such, it is important to be familiar with the various tasks that a first responder should perform in the immediate aftermath of an assault, as well as following the disclosure of a prior incident.

Responding in the Immediate Aftermath of an Assault

For community corrections professionals responding to a sexual assault that is in progress or has occurred in the immediate past, primary responsibilities include: 1) providing support and protection to the victim; 2) securing the scene and preserving evidence for the investigative process; and 3) alerting a supervisor to the incident.

Providing Support and Protection to the Victim

The first step in responding to a sexual assault is to provide support and protection to the victim and to prevent any further harm or injury. The victim may be in shock and may have suffered injuries during the assault. Assess the situation, remain calm when communicating with the victim, and take immediate steps to ensure his or her safety. It is also important to be familiar with and follow your agency's policies and procedures to ensure an effective response and investigation. The following steps should be taken to provide support and protection to the victim following a sexual assault:

- Assess the situation to ensure that it is safe to intervene.
- Separate the victim and the alleged perpetrator to prevent further harm or injury.
- Look for any physical injuries the victim may have suffered, and ensure that the victim receives emergency medical attention, if needed.
- Use supportive, non-judgmental language when communicating with the victim.
- Inform the victim of your role, including getting only basic information for the investigator, providing immediate protection for the victim, and ensuring that the victim receives medical and mental health assistance.

Securing the Scene and Preserving Evidence

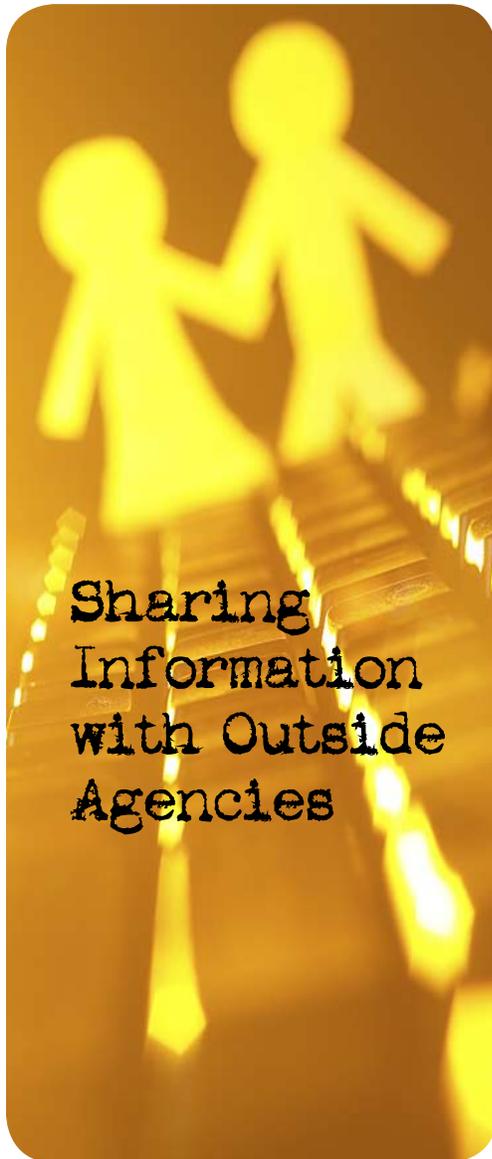
Another important role for the first responder is to secure the crime scene and preserve any evidence that may assist in the investigation process. As the first person on the scene, the first responder should document what is seen, heard, and otherwise observed at the scene, and to safeguard any evidence.

It is critical, however, that the first responder recognizes the limits of his or her role. A first responder should only take action to secure the crime scene and document observations, not seek to begin an investigation into the incident. A full investigation conducted by a trained investigator should follow. Be mindful that requesting a victim to detail the assault multiple times may cause further trauma. Therefore, the first responder should ask only for the most basic information, and allow the investigator to conduct a more in-depth interview during the investigative process.

According to the National Protocol for Sexual Assault Medical Forensic Examinations (1994), physical evidence may be available up to 96 hours, and even longer in some instances, following an assault. In cases in which an assault is reported within this timeframe, all precautions should be taken to preserve any existing forensic evidence, including bodily fluids and other sources of DNA evidence, which may be collected during a forensic examination.

The following steps should be taken to document critical information and to preserve existing evidence after an assault has taken place:

- Ask the victim and/or any witnesses for only basic information about the incident (i.e., Who was there? What happened? Where did the incident occur? When?). Do **NOT** ask the victim to provide detailed information about the incident.
- Instruct the victim not to brush his/her teeth, change clothes, shower, use the restroom, wash hands, eat, or drink until an investigator is available to collect evidence.



In addition to reporting sexual abuse internally, community corrections professionals should also be aware that they may need to report the abuse to outside agencies. For instance, should an offender/defendant report an incident of abuse that occurred in an institutional setting, the abuse should first be reported to the appropriate authority within your agency. Following an internal report, however, the facility administrator where the alleged incident took place should be notified. In most circumstances, this notification will be conducted by the chief administrator within your agency; however, you may be required to provide information to the institutional facility as the first responder in the case.

In another example, many offenders are required to undergo mental health treatment to fulfill a condition of their release or supervision. In such cases, community corrections professionals may wish to provide pertinent information about the offender to the mental health treatment provider, including sexual assault victimization. While collaboration between criminal justice agencies and mental health treatment providers is highly encouraged, extreme caution should be exercised in sharing sensitive information regarding sexual abuse victimization.

Community corrections staff should always ensure that proper medical and mental health information privacy waivers have been signed before sharing sensitive information with mental health treatment providers. It is also imperative that the information be shared in a secure manner in which the victim or any witnesses are not put at further risk of harm. Only information pertinent to the investigation of an incident, the effective treatment of the victim, or the prevention of additional incidents of abuse should be shared, and measures should be taken to safeguard the information at all times. Community corrections professionals should always refer to agency protocols as well as federal, state, and local privacy laws for more information on sharing information pertaining to the medical and mental health of offenders.

It should be noted that community corrections professionals should never coerce offenders into signing medical or mental health privacy waivers for information sharing purposes, nor should offenders be forced to seek treatment as a result of their victimization. While mental health assistance is often appropriate following a victimization experience and may assist individuals in recovering from abuse, forcing or coercing victims into treatment can result in additional trauma. Offenders who have been sexually abused while under correctional supervision should be encouraged—though never required—to seek mental health treatment as a result of their abuse. For more information on appropriate interventions for victims of sexual abuse, refer to Section Four.

- Identify any items that may provide evidence (e.g., fluids on the floor, bed sheets, victim's and perpetrator's clothing) and prevent those from being moved or handled.
- Document any observations made at the crime scene, as well as any information provided by the victim and/or witnesses.
- Inform the victim of what will happen next (i.e., that the incident will be reported to supervisor, the victim will be offered a forensic medical examination for evidence collection, an investigation will be conducted, the victim will be asked to provide information to the investigator, and the victim and any witnesses will be provided protection from retaliation throughout the investigative process and beyond, if needed).
- Assure the victim that the incident will only be reported to those who need to know.
- Inform the victim that the agency will do everything it can to ensure the case is properly handled and to protect the victim from further harm.
- Maintain separation of the victim, any witnesses, and the alleged perpetrator and keep the alleged perpetrator confined until additional assistance arrives.

Alerting a Supervisor to the Incident

Upon securing the crime scene, first responders to a sexual assault should act quickly to inform the appropriate authorities about the incident. This will assist in ensuring an efficient and effective response and investigation into the incident. Consider the following steps for alerting supervisors to an incident:

- Be familiar with your agency's reporting protocol, and inform the appropriate supervisor of the incident as soon as the scene is secured.
- Be sensitive to the privacy rights of the victim when reporting the incident; notify only those who need to know about the assault in order to conduct a proper response.
- Provide the investigator a written report of your observations at the crime scene, including information provided by the victim and any witnesses at the scene.
- Ensure that the victim receives appropriate medical treatment.
- If a victim requires outside medical assistance, follow agency policy for transporting the victim. Victims should be accompanied by a staff member of the same sex, unless emergency circumstances prevent it. If possible, a victim advocate should also accompany the victim when seeking outside medical assistance, or when transporting a victim to a hospital or clinic for a forensic medical exam.
- Refer the victim to a mental health provider for assessment and treatment following an assault.
- Refer the victim to a victim advocate for continued assistance and support.

Responding to Disclosures of Past Assaults

While the previous section discussed the role of the first responder immediately following an assault, community corrections professionals may also respond to assaults that have occurred in the past—sometimes even weeks, months, or years before. Offenders who have been assaulted while incarcerated may not feel comfortable reporting abuse within the facility, and community corrections staff may therefore receive reports of prior abuse from offenders released under community supervision. Alternatively, offenders may report abuse that has occurred previously within the community corrections setting.

In these instances, community corrections professionals still may serve as first responders, although the tasks are slightly different. In all incidents of sexual assault—past or present—first responders' primary responsibility is to provide support and security for the victim. The secondary task of first responders when dealing with a previous assault, however, is to report the incident to the appropriate authority. There are a number of general reporting strategies that should be considered when responding to disclosures of past incidents of sexual assault.

RESPONDING TO DISCLOSURES OF SEXUAL ABUSE IN PRETRIAL SETTINGS

Pretrial service officers may find themselves in a unique position to detect and respond to suspicions or allegations of sexual abuse among defendants in pretrial detention. Officers conducting pretrial investigations should be sensitive to the signs of abuse, and any suspicions that a defendant is being abused—or may be vulnerable to abuse—should be reported to jail staff immediately.



Tip #1: Know your agency's policies and protocols for reporting sexual abuse and assault.

Agency policies and procedures should serve as the primary source of instruction for staff members on how to report incidents of sexual abuse. Each community corrections agency is different, and policies and procedures for reporting sexual abuse and assault incidents will vary accordingly. Community corrections staff should refer to internal procedures for guidance on how to report incidents of sexual abuse or assault, to whom reports should be made, the timeframe within which reports should be made, confidentiality requirements, staff requirements for reporting, penalties for failure to report, and other instructions.

While such procedures can and should provide guidance during a response to an assault, community corrections staff should become familiar with reporting protocols prior to any incidents—preferably during staff orientation or other training opportunities. If your agency does not have policies or procedures for reporting abuse or if you have any questions about the policies and procedures that are in place, contact your supervisor for clarification.

Tip #2: Be aware of state and local reporting laws for sexual abuse cases.

In addition to internal agency policies and procedures for reporting sexual abuse, community corrections professionals must be aware of state and local reporting laws. Mandatory reporting requirements for sexual assault vary among the states; be aware of the existing laws and requirements in effect in your jurisdiction.

In particular, community corrections professionals should be aware of reporting requirements for cases involving juvenile victims of sexual assault. All 50 states have mandatory reporting requirements for professionals who work with children, although the specific requirements vary from state to state. A listing of the various state reporting laws is available online through the Rape, Abuse, and Incest National Network (RAINN) at www.rainn.org.

Tip #3: Notify offenders of your responsibility to report incidents of abuse.

Sexual assault is one of the most underreported crimes in the country, in large part due to the intimate nature of the crime and fear among victims that the crime will go unpunished. For offenders and defendants who have experienced sexual abuse while under supervision of the justice system, these fears can be exacerbated, and victims of corrections-based sexual assault may fear retribution by other offenders or by corrections staff for reporting their abuse. In addition to the humiliation and emotional strain that victims may experience when reporting abuse, offenders may fear for their physical safety—even their lives—should they disclose sexual victimization.

For these reasons, offenders may be reluctant to officially report abuse they have experienced while under correctional supervision. In some cases, offenders may disclose victimization experiences to certain individuals, including community corrections professionals, but may wish to refrain from reporting the abuse further. To avoid additional trauma to a victim, therefore, it is critical that offenders are made aware of staff reporting requirements as soon as possible following the initiation of their supervision, and prior to disclosing any incident of sexual abuse. Ideally, individuals under supervision should be notified of staff reporting requirements during offender orientation. When this is not possible, consider discussing staff reporting requirements with individuals under your supervision during a regular office visit, meeting, or other opportunity. If sexual abuse victimization is suspected, discuss your suspicions as well as your responsibility to report sexual abuse with the offender.

In addition to informing offenders of staff reporting requirements, it is helpful to let the victim know what will happen to the report once it is made within the agency. Explain who will receive the report, how it will be responded to, and what the victim should expect during any investigation and criminal prosecution that may result.

In all cases, offenders should be provided with information on other available resources for reporting abuse and obtaining support services, including rape crisis centers, state sexual assault reporting hotlines, and victim advocacy organizations. Offenders may feel more comfortable disclosing an incident to, or seeking treatment from, an external agency.

Tip #4: Report allegations of sexual abuse and assault to the appropriate authority.

To ensure the safety and security of offenders under supervision, staff members, and the agency as a whole, it is critical that all allegations and/or suspicions of staff sexual misconduct be reported to the appropriate individual within the agency. Community corrections professionals may receive reports of sexual abuse or assault that they may suspect are false, or they may be reluctant to report the sexual misconduct of a colleague. For the safety of the agency, however, it is critical that any allegations of staff sexual misconduct be reported to the appropriate authorities in a timely manner. Failure to report allegations or suspicions of staff sexual misconduct jeopardizes the security of everyone and could result in administrative discipline or legal sanctions.

RESPECTING THE RIGHTS OF VICTIMS

During a response to an incident of sexual abuse, community corrections professionals are forced to balance a variety of high-priority issues and concerns: providing safety for the victim, maintaining the security of the agency (including offenders and staff), and preventing further harm by the perpetrator(s). Above all else, community corrections staff must ensure that the fundamental rights of the victim are preserved and protected. Balancing the variety of needs and priorities following an assault, however, may not always be easy, and community corrections professionals must be prepared to make difficult decisions.

Consider the following scenario, for example:

A young male offender on probation has arrived for his weekly office visit. You have been working with this offender for weeks and feel as if you are finally gaining his trust. Today, however, he appears upset—even jumpy. After much discussion, he begins to reveal that he was sexually assaulted while he was detained pretrial. Although he confides his experience to you, he begs you not to report the incident to law enforcement or to the jail staff. He expresses intense fear about reporting, explaining that the perpetrator is no longer in detention and that he would certainly find and kill him if the incident were reported. He appears highly traumatized, and you are concerned for his physical and emotional well-being.

How would you respond to this situation? What would you say to the offender?

Response suggestions: In this scenario, it is critical that you ensure the safety and security of the victim, above all else. Discuss with the offender any reporting requirements that you have as a probation officer, the process for investigating alleged abuse (either administratively or criminally), and the provisions in place to keep victims safe from retribution both during and after an investigation. Some jurisdictions have anonymous reporting mechanisms, which enable individuals to report incidents of sexual abuse without revealing information that would further endanger the victim. If such reporting processes are available in your jurisdiction, consider using them to fulfill reporting requirements without putting the victim at undue risk of additional harm. In addition, it is critical that you inform the victim of available confidential support sources in the community, including mental health counselors and victim advocates, and provide information on accessing these programs and services. Discuss with your supervisor additional steps that should be taken in this situation.

Community corrections professionals should also follow agency policies and protocols, as well as state and local laws, for reporting incidents of offender-offender sexual abuse. Given the risks of retribution to the victim, extreme caution should be taken to minimize the dangers to the victim while fulfilling existing reporting requirements.

As previously mentioned, offenders should be notified of staff reporting requirements in advance of disclosing any incidents, enabling offenders to make an informed decision about reporting abuse. This may not always be possible, however, and community corrections professionals should be aware of strategies for meeting reporting requirements without putting the victim at further risk of physical or emotional harm. For instance, inquire about anonymous reporting options that allow for incidents of abuse to be reported without identifying the victim. Furthermore, community corrections professionals should always explain the reporting process to victims, including how the report will be used, and should ask what the victim needs to stay safe once a report has been made. Preventing additional harm to the victim should always remain the highest priority following the disclosure of an assault.

Tip #5: Respect the privacy of the victim when reporting incidents of sexual abuse.

Although community corrections professionals have a duty to report allegations of corrections-based sexual abuse and assault, reports must be made in a manner that respects the privacy rights of the victim. Report allegations of abuse *only* to those who need to know in order to conduct an effective investigation and response. Refer to your agency’s policies and procedures for a listing of those authorized within your agency to receive such reports.

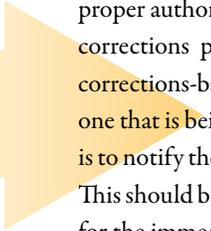
Information regarding corrections-based sexual abuse should not be shared with anyone who is not involved in response or investigation efforts, including colleagues, other offenders, and personal associates. Failure to maintain confidentiality threatens not only the investigation into the incident, but also the safety and security of the victim, other offenders under supervision, and agency staff.

Understanding the Investigation Process

Following the disclosure of a sexual assault, an investigation into the incident should be conducted. The procedures for conducting an investigation vary greatly from jurisdiction to jurisdiction. Within some agencies, an internal affairs investigator may conduct investigations into allegations of abuse, while other jurisdictions may rely on local law enforcement agencies for the investigative process. In some cases, both may be used to investigate an alleged incident. Regardless of the investigative model employed, investigations into allegations of sexual abuse or assault should be conducted by a specially trained investigator who understands the specific challenges inherent in sexual assault cases.

While only a qualified investigator should conduct an investigation into an allegation of sexual abuse or assault, it is helpful for all staff members to understand how the investigation process works and the role that a community corrections professional may play in an investigation into corrections-based sexual assault. The primary stages of a sexual assault investigation include:

Incident
reported
to the
appropriate
authority



Prior to the beginning of any investigation, the incident must be known to the proper authorities within the agency. As previously discussed, front-line community corrections professionals are likely to serve as first responders to an incident of corrections-based sexual abuse. Whether responding to an incident in progress or one that is being reported after the fact, one of the primary roles of the first responder is to notify the appropriate individual within the agency or facility about the incident. This should be done as quickly as possible after securing the crime scene and providing for the immediate safety of the victim.

Initiation of the Investigation

Once an incident has been reported to the proper authorities within the agency, an investigation into the alleged assault should be initiated. It is important to note that only an authorized official is generally able to open either a criminal or administrative investigation. Therefore, it is critical that allegations of sexual abuse are reported as quickly as possible to the appropriate individual so that an investigation can be launched in a timely manner. In addition, victims should have access to a victim advocate for assistance and support throughout the investigation process.

Identification, Collection, and Preservation of Evidence

Upon launching an investigation, an investigator will begin by identifying, collecting, and preserving any available evidence. In cases in which the assault has occurred within 96 hours, forensic evidence may be available at the crime scene, including fluids, bedding, debris, and other materials. In addition, video surveillance, phone logs, staff timesheets, electronic monitoring data, and other materials may also be collected as evidence.

Interviewing the Victim and/or Witnesses

The investigator will conduct a series of interviews of the victim and/or any available witnesses, beginning with an initial interview of the victim immediately following discovery or disclosure of the assault. Interviews of witnesses as well as follow-up interviews of the victim may be conducted later in the investigative process as additional information is needed.

Sexual Assault Forensic Examination

A sexual assault forensic examination or rape kit exam may be conducted to collect forensic evidence when the alleged incident has occurred within a given timeframe, often defined by jurisdictions as between 72 and 120 hours. The examination should be conducted by a qualified medical examiner, preferably a sexual assault nurse examiner, to ensure the proper collection and preservation of evidence.

Interviewing the Alleged Perpetrator

The investigator will also conduct an interview with the alleged perpetrator(s) of the abuse. If the suspect is an offender, he or she may be detained or isolated until the interrogation can take place. If the suspect is a staff member, he or she may be placed on administrative leave or reassigned during the investigation. Interviews of the alleged perpetrator will vary depending on whether the investigation is criminal or administrative in nature.

Delivery of Findings and Prosecution Determination

Once the investigation has been completed, the investigator will release the findings of the investigation to the appropriate authorities. In a criminal investigation, the investigator may make a determination to refer the case for prosecution if there is sufficient evidence. During administrative investigations, the investigative findings will assist in the determination of any administrative disciplinary measures (e.g., termination for staff perpetrators, violation sanctions for offenders). In addition, if an administrative investigation reveals sufficient evidence that a criminal act occurred, the case may be referred to criminal investigators for further action.

As discussed previously, first responders provide critical assistance to the investigator by securing the crime scene, identifying and safeguarding physical evidence, and documenting initial observations of the scene as well as comments and information provided by the victim and/or witnesses. Failure to fulfill any of these responsibilities may threaten the entire investigation. Nevertheless, it is important that first responders understand the limits of their role and not attempt to conduct an investigation into the incident. To ensure the integrity and timeliness of the investigation and to enhance the likelihood of prosecution for appropriate cases, only qualified professionals should conduct a sexual assault investigation.

While this section identifies the primary components of sexual assault investigations, the investigative process varies from jurisdiction to jurisdiction. For more information on how investigations are conducted within your own agency, refer to your agency's investigative protocols.

Supervising Perpetrators of Sexual Assault

While Section Four highlighted a number of tips for working with victims of corrections-based sexual assault, including suggested supervision strategies, community corrections professionals should also consider recommended strategies for the supervision of offenders who have, or may have, perpetrated sexual abuse in correctional settings.

Unfortunately, there are a number of challenges in identifying perpetrators of corrections-based sexual assault and adopting effective strategies for their supervision. For instance, the low rate of prosecutions and convictions in corrections-based sexual assault cases means that many perpetrators are never identified. Added to this, communication gaps between agencies and jurisdictions may mean that allegations of sexual abuse against an offender may never be shared with community corrections staff.

Nevertheless, it is critical for reasons of public safety and offender accountability that perpetrators and alleged perpetrators of corrections-based sexual assault be properly supervised in the community. The following represent a variety of helpful tips that may assist community corrections staff in supervising individuals who have committed sexual abuse in correctional settings.

Tip #1: Use available resources and information to identify offenders who may have perpetrated sexual abuse in correctional settings.

Given that few cases of corrections-based sexual abuse result in prosecutions and convictions, it may not be apparent that an individual under community corrections supervision has, or is alleged to have, committed sexual abuse. Community corrections professionals should therefore utilize the resources available to them to assist in the identification of perpetrators of sexual assault.

- *If available and appropriate, consult an offender's disciplinary report(s) to identify behavioral problems, including allegations of sexual assault perpetration, while under correctional supervision.* If an offender has previously been incarcerated, request copies of his or her disciplinary record while under correctional care. Be tuned in to the red flags that an offender may have perpetrated sexual abuse while in custody, including frequent stays in administrative segregation, write-ups for violent behaviors, or disciplinary sanctions for sexual activity.
- *Obtain relevant reports regarding any allegations of sexual assault perpetration.* If an offender has been accused of sexual assault perpetration while under correctional care, request any available reports regarding the incident, including investigation findings, etc. Take into consideration elements of the case when developing a supervision strategy for the offender.
- *Watch for signs of "grooming" by a perpetrator of sexual abuse with other offenders.* Be mindful of the signs that a perpetrator, or alleged perpetrator, of corrections-based sexual assault is grooming other offenders under community corrections supervision, including giving gifts, showing undue amounts of interest in an offender, etc.

Tip #2: Incorporate supervision strategies to properly manage a perpetrator of corrections-based sexual abuse under community corrections care.

Offenders who have committed corrections-based sexual assault pose a risk to public safety and should be managed appropriately while under community corrections supervision. Community corrections officers should be deliberate when developing a supervision plan for perpetrators, utilizing the tools available to them to most effectively supervise these offenders in the community. Community corrections staff should always consult agency protocols and judicial guidance when developing a community supervision plan.

- *Conduct a comprehensive assessment of an alleged perpetrator using validated tools.* Community corrections professionals should conduct a comprehensive risk assessment of an offender using validated tools to more accurately determine the risk of reoffending and to assist in identifying appropriate interventions. If permissible in your jurisdiction, consider conducting a risk assessment specific to sexual offenders when assessing alleged perpetrators of corrections-based sexual assault.
- *Consider alternative supervision tools that may be available.* Community correction professionals should consider a variety of supervision tools when developing a supervision plan for the offender in an effort to target interventions to the specific needs of the offender while reducing the likelihood of recidivism. The development of a supervision plan, and the incorporation of specific supervision tools, should never be based *solely* on allegations of abuse. Rather, staff should *consider* allegations of corrections-based sexual abuse in addition to the results of a risk assessment, the crime(s) for which the offender was convicted, and other relevant factors when determining an appropriate supervision plan for the individual.
- *Employ “zero tolerance” for program violations.* Given the potential risks to public safety, perpetrators of corrections-based sexual assaults should be held to a high standard of accountability. Community corrections professionals should consider establishing a zero tolerance standard for program violations as part of any supervision plan.
- *Increase the level of supervision and utilize collateral contacts.* When supervising perpetrators of corrections-based sexual abuse in the community, community corrections professionals should use heightened levels of supervision and contact with the offender, and should use collateral contacts when possible in an effort to reduce the potential risk of re-offense.
- *Ensure appropriate supervision of former corrections staff members under community supervision for staff sexual misconduct.* Former corrections staff members who have been placed under community supervision for committing staff sexual misconduct should be supervised in a proper manner. The offender should not be assigned to the caseload of former colleagues, but should instead be supervised by a community corrections professional who has had no previous association with him or her. If it is not possible to assign the case to an unbiased officer within the agency, administrators should request courtesy supervision by another community corrections agency through intra- or interstate arrangements. Supervision of the former staff member should be in accordance with existing agency policies and protocols for supervising perpetrators of corrections-based sexual assault.
- *Consult with a supervisor regarding appropriate supervision techniques for perpetrators of corrections-based sexual assault.* Community corrections officers should always consult with a supervisor should they have any questions or concerns about the appropriate supervision of a perpetrator of corrections-based sexual assault. In addition, supervision strategies employed with offenders should always follow agency policies and protocols.

Tip #3: Take all necessary steps to prevent further victimization or harm of all individuals under community corrections supervision.

One of the primary missions of community corrections agencies is to provide for the safety and security of offenders under community supervision. Therefore, it is critical that community corrections professionals take all necessary precautions to prevent offenders from being further victimized or harmed by perpetrators of corrections-based sexual assault.

- *Ensure the separation of the alleged perpetrator and victim if both are under community corrections care.* In cases in which both the victim and perpetrator of corrections-based sexual assault are under community corrections supervision, community corrections staff members should ensure their separation. The agency should avoid assigning the victim

and the perpetrator of sexual abuse to the same caseload, and the agency should carefully schedule office visits for the victim and the perpetrator in an effort to avoid contact between the two. Moreover, the victim and perpetrator should not be required to attend programs, classes, or other interventions together as a part of their supervision plans.

- *In residential settings, avoid placement of an alleged perpetrator with individuals classified “at risk” for victimization.* Offenders in residential community corrections facilities, including halfway houses, should be screened at intake for risk of both victimization and for the propensity to perpetrate sexual abuse, and decisions regarding housing, bed, work education, and program assignments should be made with consideration to assessment results. Screenings should take place as quickly as possible following the arrival of the offender at the facility, and results should be reviewed periodically. Staff should demonstrate sensitivity and discretion when screening offenders.

Responding to incidents of sexual abuse and assault within a community corrections environment can be a daunting task. Properly informed, however, community corrections professionals can play an important role as first responders, increasing the chances for an effective investigation and, if appropriate, prosecution of sexual assault cases. Moreover, community corrections staff can promote the safety and security of the agency, staff, offenders, and the general public by incorporating recommended strategies for appropriately supervising perpetrators of corrections-based sexual assault.

Section Six

Protecting Offenders,
Preventing Abuse



SECTION SIX

Protecting Offenders, Preventing Abuse

Much of the information provided in this guidebook focuses on strategies for effectively responding to sexual abuse and assault within correctional environments. Of equal—if not greater—importance, however, is its prevention. While it is crucial to know how to respond to an incident, it is perhaps even more important to know the steps that can be taken to help prevent abuse from occurring in the first place.

The ultimate goal of community corrections is the protection of public safety through offender accountability and the safety of offenders while under community corrections supervision must be an integral part of this mission. This final section aims to identify ways in which sexual abuse and assault can be prevented in community corrections settings and to highlight a variety of strategies that can be adopted at both the individual and agency levels.

Contributing to a Culture of Zero Tolerance

As discussed in previous sections, building a culture of zero tolerance should set the foundation of agency efforts to better prevent and address sexual abuse and assault within correctional environments. Achieving a culture of zero tolerance, however, requires the efforts of staff at all levels. No one individual within an agency can implement a change in the culture of an organization; rather, cultural change requires the efforts of everyone. In short, creating a culture of zero tolerance must be an agency-wide initiative.

Community corrections professionals, therefore, have a responsibility to contribute to the development of a culture of zero tolerance within their agency, as the success of an agency-wide initiative depends on the actions of individual staff members. The following represent ways in which individual community corrections staff members can contribute to zero tolerance and prevent sexual abuse within their agencies.

Tip #1: Establish professional boundaries with offenders under supervision.

The first step to prevent staff sexual misconduct within an agency begins with assessing your own relationships with offenders under supervision. Community corrections professionals should establish professional boundaries with offenders immediately upon meeting them and must maintain these boundaries throughout the duration of their supervision. While it is important to develop a rapport with offenders, community corrections should avoid certain behaviors and interactions.

- Refrain from overly familiar behaviors with offenders, including touching (other than handshakes);
- Avoid scheduling office visits outside of normal business hours;
- Remove suggestive materials (e.g., sexualized calendars, posters) from the facility, including the office environment;
- Refrain from discussing personal matters with an offender under supervision;
- Refrain from asking an offender to do personal favors for you;
- Refrain from doing personal favors (e.g. overlooking violations of supervision requirements) for an offender;
- Avoid spending extended or unnecessary time with offenders in personal areas, including bed- or dorm rooms and restroom facilities;
- Avoid unnecessary one-on-one encounters with offenders behind closed doors;

- Avoid mixed-gender transporting of offenders;
- Refrain from engaging in sexualized conversations with or telling inappropriate jokes to an offender; and,
- Refrain from giving or accepting gifts to or from an offender.

Tip #2: Inform offenders of their right to be protected from sexual abuse.

Notifying offenders of their right to protection against sexual abuse while under supervision is another critical component of creating a culture of zero tolerance. Community corrections officers should inform offenders under their supervision of an agency's zero tolerance policy and of any policies for reporting, responding to, and investigating incidents of sexual violence. Offenders should be aware of the mechanisms in place for reporting sexual abuse, how to access these mechanisms should an incident occur, and the process through which the agency will respond to reports of abuse. This sends a clear message to offenders that sexual abuse will not be tolerated, which translates into greater trust in the system. While emphasis should be placed on agency policies and procedures designed to protect offenders from abuse, community corrections officers should also inform offenders about procedures in place to detect and address false allegations of abuse.

Tip #3: Be aware of the red flags of potential sexual abuse and report concerns to appropriate authorities.

An important part of contributing to a culture of zero tolerance is an awareness of the signs of potential abuse among offenders and staff members alike. Section Four discusses a number of red flags that may indicate potential sexual abuse among offenders and between staff and offenders. Review this list on page ##?. What are some additional red flags that may indicate a sexually abusive relationship?

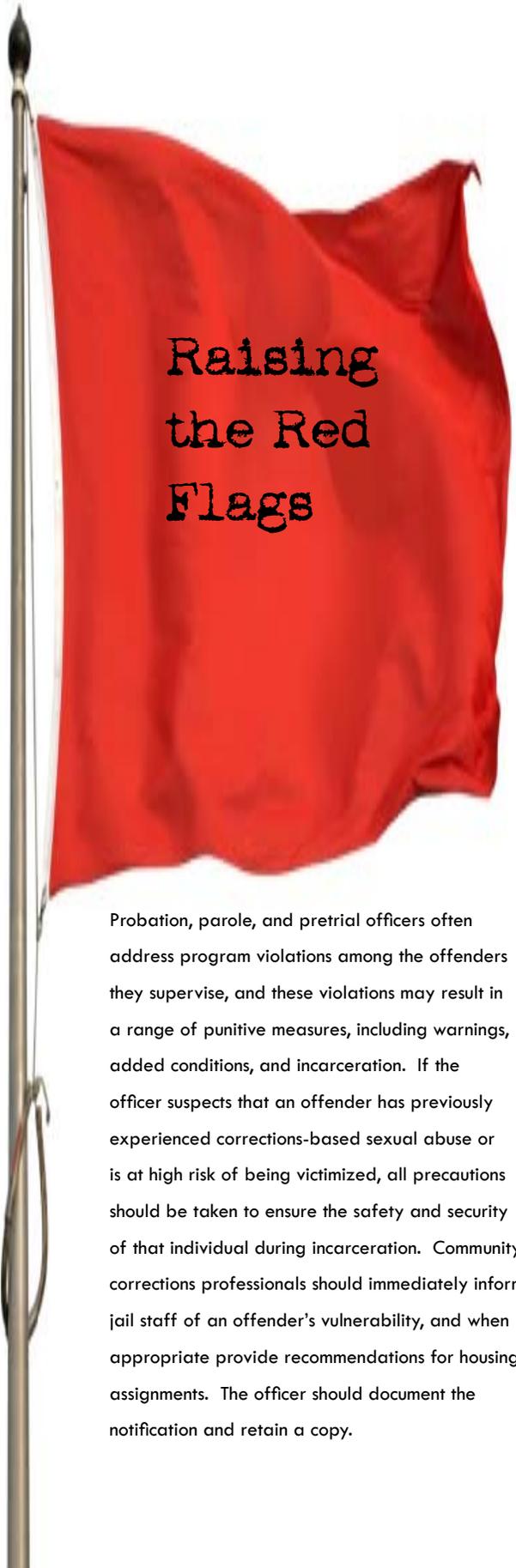
**BREAKING
THE
CODE
OF
SILENCE**

Sexual abuse in correctional environments, including both offender-offender abuse and staff sexual misconduct, compromise the safety and security of the entire agency. One of the primary missions of corrections is to provide a safe environment for the rehabilitation of offenders, and all incidents of sexual abuse and misconduct must therefore be reported and addressed.

The code of silence has often been identified by corrections professionals as presenting a barrier to reporting abuses among offenders and staff members alike. While loyalty among correctional staff can be a powerful tool in a complex correctional organization, it cannot come before the safety and security of the agency, staff, and offenders. One of the challenges, therefore, to building a culture of zero tolerance is breaking this code of silence and replacing it with a code of respect and responsibility.

What barriers to the creation of a zero tolerance culture exist within your agency? What actions can you take to help overcome these barriers?





Raising the Red Flags

Probation, parole, and pretrial officers often address program violations among the offenders they supervise, and these violations may result in a range of punitive measures, including warnings, added conditions, and incarceration. If the officer suspects that an offender has previously experienced corrections-based sexual abuse or is at high risk of being victimized, all precautions should be taken to ensure the safety and security of that individual during incarceration. Community corrections professionals should immediately inform jail staff of an offender's vulnerability, and when appropriate provide recommendations for housing assignments. The officer should document the notification and retain a copy.

In addition to being aware of the various indicators that abuse may be occurring, it is critical to report any concerns or suspicions you have to an appropriate authority within your agency. For instance, have you noticed a colleague spending excessive amounts of time with a particular offender? Are certain offenders consistently scheduling office visits with a coworker late in the evening or outside of regular business hours? Does a particular offender on your caseload refuse to talk about his experience while incarcerated? Discuss your concerns with your supervisor. It is only through sharing concerns that administrators will be able to address them and prevent further abuse.

Tip #4: In residential settings, use screening tools to assist in identifying offenders who may be abusive or vulnerable to abuse.

As discussed in Section Five, offenders in residential community corrections facilities, including halfway houses, should be screened at intake for risk of both victimization and propensity to perpetrate sexual abuse, and decisions regarding housing, bed, work education, and program assignments should be made with consideration to assessment results. Community corrections facilities should avoid housing offenders identified as having a high risk of committing sexual abuse with an individual classified as being vulnerable to abuse. Many residential community corrections facilities may not have the physical capability to isolate or segregate individuals identified as having a high risk of perpetrating sexual abuse against others. Community corrections staff should therefore consider other available options for managing such individuals within the facility, including increased levels of supervision, etc.

Decisions regarding housing, bed, work, education, and program assignments should be made on a case-by-cases basis, based on the judgment of community corrections professionals and informed by screening results. Housing and placement decisions should never be determined solely on the GLBTI status of an offender. While offenders who self-identify as being vulnerable to abuse should be provided protection while residing in the facility, they should not be totally isolated from other residents and should be afforded opportunities to participate in appropriate programs and activities.

Creating a culture of zero tolerance for sexual abuse is a complex process that must be approached at the agency level; however, its success depends on the individual actions of each staff member. Community corrections professionals have a

responsibility to ensure the safety and security of offenders while under community supervision, and should take proactive measures to contribute to a culture of zero tolerance for sexual abuse within their agency. The strategies identified above outline a variety of ways that community corrections staff can—and should—protect offenders from being sexually abused, and incorporating these tips into the daily activities will help achieve the creation of an agency-wide culture of zero tolerance for sexual abuse.

PROTECTION AGAINST FALSE ALLEGATIONS

While informing offenders of their right to be protected from sexual abuse is an important component of preventing sexual abuse, community corrections professionals may be concerned that such notification could spawn false allegations of abuse against staff. A thorough, comprehensive investigative process should identify false accusations, and it is important for all agencies to have policies and procedures in place for identifying and disciplining individuals who knowingly make false accusations against others.

In addition, community corrections staff should consider the following tips to protect themselves against false accusations of sexual abuse:

- Establish and maintain professional boundaries with offenders;
- Avoid being alone with offenders for prolonged or regular periods of time;
- To the extent possible, document how time is spent with offenders during office visits, home visits, etc.;
- Avoid mixed-gender transport or body searches without an additional staff person;
- Keep office doors open when meeting with offenders;
- Avoid any interaction with an offender that may appear inappropriate; and,
- Be familiar with and understand the investigative process in your agency or jurisdiction.

Although false allegations of abuse should be identified and addressed through the investigative process, these and other recommended strategies may help in protecting staff from becoming the target of phony accusations in the first place.

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Appendices

Appendix A: Suggested Readings

Appendix B: The American Probation and Parole Association Code of Ethics

Appendix C: International Community Corrections Association Code of Ethics

Appendix D: National Association of Pretrial Service Agencies Code of Ethics

Appendix E: The American Probation and Parole Association Resolution on Staff Sexual Misconduct

Appendix F: State Criminal Laws Prohibiting Sexual Abuse of Individuals Under Community Corrections Supervision

APPENDIX A

Suggested Readings

Amnesty International. (1999). *Not Part of My Sentence: Violations of Human Rights of Women in Custody*. New York: Amnesty International.

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APPENDIX B

The American Probation and Parole Association

Code of Ethics

1. I will render professional service to the justice system and the community at large in effecting the social adjustment of the offender.
2. I will uphold the law with dignity, displaying an awareness of my responsibility to offenders while recognizing the right of the public to be safeguarded from criminal activity.
3. I will strive to be objective in the performance of my duties, recognizing the inalienable right of all persons, appreciating the inherent worth of the individual, and respecting those confidences which can be reposed in me.
4. I will conduct my personal life with decorum, neither accepting nor granting favors in connection with my office.
5. I will cooperate with my co-workers and related agencies and will continually strive to improve my professional competence through the seeking and sharing of knowledge and understanding.
6. I will distinguish clearly, in public, between my statements and actions as an individual and as a representative of my profession.
7. I will encourage policy, procedures and personnel practices, which will enable others to conduct themselves in accordance with the values, goals and objectives of the American Probation and Parole Association.
8. I recognize my office as a symbol of public faith and I accept it as a public trust to be held as long as I am true to the ethics of the American Probation and Parole Association.
9. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession.

APPENDIX C

International Community Corrections Association

Code of Ethics

PREAMBLE

The International Community Corrections Association, as a private, non-profit, membership organization, acts as a world unifying body and public advocate for the causes and concerns of community-based residential services in the fields of criminal and juvenile justice, substance abuse, mental health, and mental retardation. As such, it expects of its members compassion, belief in the dignity and worth of human beings, respect for individual differences and a commitment to quality care for its clients. It requires of its members the professional background, research and expertise necessary to ensure performance of effective quality services delivered with integrity and competence. ICCA affirms its primary goal is the successful reintegration of the client into the community.

BASIC PRECEPTS

A. GENERAL CONDUCT

1. We are committed to contributing time and professional expertise to activities that promote respect for the utility, integrity and competence of those in the field of community-based residential services.
2. We will not condone dishonesty, fraud, deceit, or misrepresentation.
3. We will distinguish clearly between statements and actions made as private individuals and as representatives of agencies or organizations and IHHA.
4. We will conduct our daily relationships in a dignified, courteous and professional manner and will not exploit our professional relationships for personal gain.
5. We will work for change and improvement as part of the human service system within the framework of existing policy, procedures and tradition, respecting all elements of the system and interacting with each in a spirit of cooperation.
6. We will uphold and advocate for the values, knowledge and need for community-based residential services.
7. We will be committed to the development of sound policies and programs to maintain the quality and effectiveness of or services.

B. ETHICAL RESPONSIBILITY TO CLIENTS

1. We do not practice nor condone any form of discrimination on the basis of race, color, sex, age, religion, national origin, mental or physical handicap or any other preference or personal characteristic, condition or status.
2. We will serve clients with the maximum application of professional skill, competence and dedication to help them assume responsibility for themselves.
3. Exploitation of relationships with clients will not be condoned.
4. We will uphold clients' rights to a relationship of mutual trust, privacy and confidentiality and to responsible use of information.
5. Adherence to standards essential to the health and safety, as well as to the well-being of clients, is fundamental to the quality of life and will be a primary concern.
6. We will assist clients to achieve self-fulfillment and maximum potential within the limits of the equal rights of others and the client's legitimate desires and interests.
7. Toward those whose behavior is unacceptable, we will determine our course between empathy and allowing the client the freedom to take responsibility for his actions.
8. Our goal will be to provide clients with the opportunity for change and self-regulation and the achievement of their maximum potential.

C. ETHICAL RESPONSIBILITY TO COLLEAGUES

1. Respecting the training and performance of colleagues and other professionals, we will extend the cooperation necessary to enhance effective quality services to all.
2. We will respect differences of opinion and practice of colleagues and other professionals, expressing criticism in verbal or written communications in a responsible, appropriate and constructive manner.
3. We will extend to colleagues of other professions the same respect and cooperation that is extended to members of the International Halfway House Association.

D. ETHICAL RESPONSIBILITIES TO EMPLOYERS AND CONTRACTORS

1. We will adhere responsibility to commitments made to our employers and contractors.
2. We will work to improve agencies' and contractors' policies and procedures and the efficiency, effectiveness and quality of services.
3. We pledge integrity in contracting for the provision of client services, procurement of grants and purchase of service contracts from any source.
4. We affirm the obligation of contracting agencies to negotiate fairly for the provision of client services and to avoid any practice resulting in unfair advantage to one party over another.

E. ETHICAL RESPONSIBILITIES TO THE COMMUNITY

1. We recognize our responsibility to the client without disregarding our responsibility to the community.
2. Believing in man's ability to overcome his problems within the community, we will remain committed to helping clients to return to their communities as productive citizens.

APPENDIX D

National Association of Pretrial Services Agencies (NAPSA)

Code of Ethics

As a pretrial services professional I will:

- Assist the criminal justice system in its dealings with pretrial defendants to the best of my ability and will conduct myself as a professional at all times;
- Respect the dignity of the individual, be they defendants, victims, or fellow criminal justice professionals;
- Respect the dignity and integrity of the court;
- Respect the presumption of innocence of all defendants, until proven guilty beyond a reasonable doubt, and to uphold the fundamental right of every accused person who has been arrested and is facing prosecution under the U.S. criminal justice system;
- Pledge that the information I provide to the court and the decisions I make are as accurate and objective as possible;
- Treat all people equally regardless of race, national origin, disability, age, gender, sexual orientation or religion;
- Protect the confidentiality of all information obtained, except when necessary to prevent serious, foreseeable, and/or imminent harm to a defendant or other identifiable person(s);
- Avoid impropriety or the appearance of impropriety;
- Avoid any conflicts of interest and will not evaluate, supervise and/or provide services to anyone I have an existing relationship with, nor enter into a personal or business relationship with anyone I evaluate, supervise or provide services to;
- Continue to pursue my own professional development and education to further my expertise in the field;
- Promote the growth of pretrial services, as well as encourage and cooperate with research and development in advancing the field;
- Respect and promote the fundamental principles and professional standards which guide pretrial services and will implement these best practices to the extent I am able;
- Refrain from providing legal advice to any pretrial defendants; and lastly,
- Promise to conduct myself as an individual of good character who will act in good faith in making reliable ethical judgments.

APPENDIX E

The American Probation and Parole Association

Resolution on Staff Sexual Misconduct

Passed, August 25, 2003

Whereas, the American Probation and Parole Association has identified staff sexual misconduct as unprofessional, unethical and unacceptable.

Whereas, this conduct threatens the safety of the community, community supervision officers, offenders, defendants, victims of crime and all others involved with the justice system and erodes public confidence and support of the justice system.

Whereas, individuals involved with the justice system and community supervision staff have a right to non-hostile interactions and environments free from sexual remarks, innuendos, behaviors or displays.

Whereas, the definition of staff sexual misconduct is not limited to unwanted sexual contact. Sexual misconduct is a range of behaviors or situations that include, but are not limited to: inappropriate remarks, sexualized name calling, correspondence, conversations, and other communications that indicates a professional relationship, inappropriate displays, fondling, inappropriate viewing, and sexual contact with individuals vulnerable to the authority of the justice system.

Whereas, any sexual misconduct by community supervision staff and offenders or defendants should result in immediate investigation and, if warranted, disciplinary action.

Whereas, not all states have defined this conduct as criminal or have prohibited this conduct.

Whereas, not all community supervision agencies have identified or prohibited this conduct by their staff or the staff of agencies with which they contract.

Whereas, all individuals involved with the justice system have a right to be free from community supervision staff sexual misconduct.

Therefore be it resolved that, The American Probation and Parole Association supports the implementation of policies that prohibit staff sexual misconduct and encourage the passage of laws that criminalize this conduct by staff.

The American Probation and Parole Association

Resolution on The Prison Rape Elimination Act

Passed, February 13, 2005

Whereas: President George W. Bush signed into law S. 1435, the “Prison Rape Elimination Act of 2003.

Whereas: The Prison Rape Elimination Act of 2003 provides for the analysis of the incidence and effects of prison rape in federal, state and local institutions, resources, recommendations and funding to protect individuals from prison rape.

Whereas: The Act establishes a framework for actions at many levels, including federal, state and local prison systems; the U.S. Department of Justice; and accreditation organizations. In addition, the Act provides that federal, state and local officials must participate in surveys and studies, and the selection of facilities, “shall not be disclosed to any facility prison system official prior to the time period studied in the survey.”

Whereas: The creates a National Prison Rape Reduction commission and grants the Commission a right of access to any federal department or agency information it considers necessary to carry out its duties, and provides for release of information to the public.

Whereas: The purposes of the Act are to:

1. establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;
2. make the prevention of prison rape a top priority in each prison system;
3. develop and implement national standards for the detection, prevention, reduction and punishment of prison rape;
4. increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
5. standardize the definitions used for collecting data on the incidence of prison rape;
6. increase the accountability of prison officials who fail to detect, prevent, reduce and punish prison rape;
7. protect the Eighth Amendment rights of federal, state and local prisoners;
8. increase the efficiency and effectiveness of federal expenditures through grant programs such as those dealing with health care; disease prevention; crime prevention, investigation and prosecution; prison construction, maintenance and operation; race relations; poverty; unemployment and homelessness; and
9. reduce the costs that prison rape imposes on interstate commerce.

Whereas: Many community corrections, probation and parole agencies operate or manage residential facilities for individuals under community supervision or contract with said type of facilities where sexual assault can occur;

Whereas: Individuals transitioning to community-based supervision from prisons and jails, who have been the victims of sexual assault and may be in need of services to address their victimization;

Whereas: Community corrections officers, probation officers and/or parole officers may be the first person an individual who is the victim of sexual assault tells of the said assault and the officer requires knowledge in how to address this situation and assist the victimized party;

Whereas: An individual who is incarcerated should not be subjected to sexual assault by other offenders or staff.

Therefore, be it resolved.

The American Probation and Parole Association hereby recognizes the importance of the Prison Rape Elimination Act to minimize the day-to-day horror experienced by victimized incarcerated individuals and recommends that probation, parole and community supervision agencies support the Act.

