

# Violence in California Correctional Facilities:

## An Empirical Examination of Sexual Assault

Report submitted to the  
California Department of Corrections and Rehabilitation  
by

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## Preface

In 2003, the U.S. Congress passed the Prison Rape Elimination Act, which authorized funding for state-level programs and accompanying research to respond to prison rape. This report presents findings from a study funded by the California Department of Corrections and Rehabilitation (CDCR) as well as the School of Social Ecology and the Center for Evidence-Based Corrections at the University of California, Irvine (UCI). Conducted by Valerie Jenness and Cheryl Maxson, Professors of Criminology, Law and Society, this report should be of interest to researchers, policymakers, practitioners, and activists interested in understanding, curbing, and responding to sexual assault in detention facilities in California.

The findings and interpretations contained in this report are solely the authors' and do not necessarily represent the views of the University of California, Irvine, the Center for Evidence-Based Corrections, or the California Department of Corrections and Rehabilitation. All questions, queries, concerns, and critiques should be directed to Professors Jenness ([jenness@uci.edu](mailto:jenness@uci.edu)) and Maxson ([cmaxson@uci.edu](mailto:cmaxson@uci.edu)).

## Acknowledgments

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This research would not have been possible without the cooperation and assistance of key administrative personnel in the CDCR. In particular, we would like to thank Sandi Menefee and Sharon English for writing a preliminary proposal that served as the precursor to the proposal that ultimately secured funding from the CDCR for this project; Jeanne Woodford, former Director, Undersecretary, and Secretary of the CDCR for inviting this research and assuring its viability in the early stages; Associate Director Wendy Still for—from beginning to end—ensuring unfettered access to California prisons and inmates, encouraging wardens at prisons from which data were collected to cooperate with our efforts to collect data, authorizing and facilitating the acquisition of CDCR data, and generally providing a level of institutional support that is virtually unheard of in prison research; Bubpha Chen, former Acting Chief, Office of Adult Research, for providing and interpreting CDCR data required for this research; John Dovey, Nola Grannis, Kimberly Kaufman, and Nancy Hardy for supporting this work by responding positively to our request for data and consulting with us on various components of the project; a handful of wardens in the CDCR who allowed their prisons to be used as research sites and cooperated with our efforts;\* and the many correctional officers who escorted researchers into prisons, ensured access to inmates, and provided secure places where confidential interviews could be conducted.

Outside the CDCR, our colleagues near and far responded positively to our requests for counsel. In particular, we would like to recognize the collegiality and positive contributions made by Allen Beck, Alexander L. Lee, Merry Morash, Andie Moss, and especially Mark Fleisher, who came to UCI to consult with us on the development of an interview instrument and helped us train interviewers by sharing his experience with interviewing inmates about sexual assault. Likewise, Lara Stemple, the former director of Stop Prisoner Rape, and Lovisa Stannow, the current co-director of Stop Prisoner Rape, provided valuable insight and advice during the incipient stages of this project.

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\* We would like to thank the wardens and other prison administrators who facilitated this research by name, but we cannot do so because doing so would serve to identify the prisons from which data were collected.

We would like to thank the team of researchers who contributed to the initiation, development, and completion of this research. Joan Petersilia, Professor of Criminology, Law and Society at UCI and Director of the Center for Evidence-Based Corrections initiated this project and thereafter served as a valuable consultant every step of the way. Susan Turner, Professor of Criminology, Law and Society at UCI and Associate Director of the Center for Evidence-Based Corrections provided financial support for the project during the final phases of data collection, entry, and analysis. Ryken Grattet, former Assistant Secretary, Office of Research for the CDCR and Professor of Sociology at the University of California, Davis served as a consultant on the research design and assisted with the data analysis. John Hipp, Professor of Criminology, Law and Society at UCI, offered useful counsel on statistical estimation procedures. Amelia Regan, Professor of Information and Computer Science at UCI, assisted with the computation of combinations. Victoria Basolo, Professor of Planning, Policy, and Design at UCI, consulted on data collection and data analysis as well as the production of this report. In addition to the authors of this report, the following trained interviewers served this project well by interviewing inmates in seven prisons, often under less than desirable conditions: Philip Goodman, Lynn Pazzani, Michael Smyth, Rebecca Trammell, and Guadalupe Vidales. Lyndsay Boggess, Philip Goodman, Lynn Pazzani, Michael Smyth, and Rebecca Trammell provided useful feedback on earlier versions of this report. Finally, Lynn Pazzani deserves a special thanks for her dogged detailed work entering data and ensuring quality control along the way. Lyndsay Boggess also contributed to the quality control of the data and Sylvia Valenzuela assisted with translating interviews conducted in Spanish into English.

Of course, the hundreds of inmates in California prisons who agreed to be interviewed and share their experiences deserve special thanks. We greatly appreciate each inmate's willingness to inform us about the details of prison life and offer perspectives and opinions on important, and often sensitive, topics. It is not an understatement to acknowledge that without their voluntary participation, this work would not have been possible. Our gratitude is perhaps best expressed by our commitment to present the data we gathered from them accurately and fairly.

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# **Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault**

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## Executive Summary

*Policy Issues and Key Questions.* Inmate sexual assault is a public health and human rights issue as well as an administrative management problem in correctional facilities throughout the country. This research was designed to contribute to a main goal of the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005—to reduce sexual assault, including rape, in detention facilities in the U.S. This report draws on original self-report and institutional data to offer a systematic empirical assessment of inmate-on-inmate sexual assault in California correctional facilities. For comparative purposes, we also examine the parameters of non-sexual assault in order to discern what is—and is not—distinct about the correlates of sexual assault. Specifically, this report addresses the following general questions: 1) What proportion of inmates in California prisons housing adult males has been sexually assaulted in a California correctional facility? 2) What are the demographic characteristics of victims? and 3) What are the contextual and relational characteristics of the sexual assault/misconduct incidents<sup>1</sup> reported by inmates in California prisons housing adult males? By addressing these questions, this study sheds insight into the contours of sexual assault in order to contribute to ongoing efforts to create viable interventions designed to prevent and respond to sexual assault in ways that are humane, effective, and constitutional.

*Study Methods.* This research gathered data from two specific populations of inmates: 1) a random sample of the population of adult male inmates residing in six California state prisons who are not housed in reception centers or fire camps and who are not classified by the CDCR as “EOP” (the highest level of mental incapacity); and 2) a purposive sample of adult transgender inmates housed in a single California prison. The selection of six prisons to randomly sample inmates was informed by an examination of eight characteristics of the inmate population in each of California’s 30 prisons that house adult males: age, race/ethnicity, offense category, custody level, life sentence, sex offender registration, gang affiliation, and mental health status. A seventh prison was selected to provide a supplemental, purposive sample of transgender inmates because it houses a concentrated population of transgender inmates.

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<sup>1</sup> Incident-based analyses included inmate-reported events that were against their will as well as those that, while not against their will, they would rather not have done.

In compliance with a protocol approved by the University of California's Institutional Review Board (IRB), a team of nine interviewers used a structured interview instrument developed specifically for this study to conduct face-to-face interviews with currently incarcerated inmates in prison settings that ensured confidentiality. The sampling and informed consent procedure yielded an 85.3% active participation rate for the randomly selected sample and a 93.5% active participation rate for the transgender sample. The median duration for interviews was 40 minutes and ranged from 10 minutes to over three hours. Interviews with 322 randomly sampled inmates and 39 purposively sampled transgender inmates were included in analyses reported here.

Analyses of eight demographic variables reveal that the randomly selected sample is statistically similar to the population of inmates in the six prisons. Statistically significant differences between the sampled inmates and the total male prison population emerged in every variable except sex offender registration and lifer status. The magnitude of the differences in four variables is small, but the study sample has fewer Hispanic inmates and more inmates with officially recognized mental health issues. Therefore, the study sample should not be strictly regarded as statistically representative of the CDCR population. The differences between the study sample and the total CDCR population primarily reflect differences between the population characteristics of the six facilities from which data were collected and the total CDCR population rather than the sampling and access procedures used to select study participants. The transgender sample differs from the randomly selected sample in several ways, most notably, in a higher proportion of inmates with a classification of mental health problems (CCCMS) in the transgender sample.

Data collection relied on an interview instrument developed specifically for this study and official data provided by the CDCR. The interview instrument included 111 questions on the primary instrument and 33 questions on each supplemental incident form. The primary interview instrument asked inmates to provide information about their daily prison life, emotional health, fear of victimization in prison, perceptions of sexual and non-sexual victimization in prison, personal victimization from sexual and non-sexual assaults in California correctional facilities, opinions on safety and reporting, demographics, gang affiliation, and past and current incarcerations.

Inmates participating in this study were provided multiple opportunities to report sexual assault or misconduct by another inmate; they were asked: "*Have you ever had to do sexual things against your will with other inmates while incarcerated,*" "*Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will,*" and "*Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?*" When an inmate reported sexual assault or misconduct, the interviewer followed-up by asking the inmate to reveal the number of times it has happened, recount the details of up to the five most recent incidents, and identify "the worst" incident of sexual assault. Interviewers gathered information on each incident, including a description of the event, the number of individuals involved, the location of the

event (i.e., the facility and location within the facility), the year and time of day the event occurred, the racial and gang composition of the parties involved in the incident, the inmate's perception of the cause of the incident, whether a weapon was involved and actually used in the incident, whether medical attention was received if it was needed, and the inmate's understanding of whether there was an official response to the incident.

Official data on the following variables were collected from the CDCR (without revealing to the CDCR which inmates were included in this study): date of birth, height, weight, race/ethnicity, prison term start date, mental health status, verified gang membership, classification score, custody level, current sentence length, time remaining on sentence, commitment offense, sex offender registration, age of first arrest in California, lifer status, and strike status.

The findings from these multiple sources of data speak to prevalence, victim characteristics, incident characteristics, and the nature of the lived experience of sexual assault in California correctional facilities.

*Prevalence.* Slightly more than 4% of 322 randomly selected inmates in California state prisons reported being sexually assaulted while in a California correctional facility. Sexual assault is 13 times more prevalent among transgender inmates, with 59% reporting being sexually assaulted while in a California correctional facility. Two different measures of rape—one that relies on the inmates' own assessment of incidents and one that relies on an operationalization of rape as "oral or anal penetration by force or threat of force"—reveal that 2% or 3% of randomly sampled inmates described at least one occurrence of rape, as did 41% or 50% of transgender sample inmates. Inmates often described multiple events of sexual assault and many of these incidents occurred fairly recently (i.e., since 2000).

*Characteristics of Victims.* With the exception of Asian inmates and inmates between the ages of 18-25, every type of inmate in the random sample reported sexual assault. Inferential statistical models reveal non-heterosexual inmates (i.e., gay, bisexual and other) and Black inmates are considerably more vulnerable to sexual assault in California correctional facilities. Moreover, over two-thirds of the randomly sampled inmates and the purposively sampled transgender inmates who reported being sexually assaulted while in a California correctional facility have had mental health problems. Random sample inmates with an official classification of mental health problems or non-heterosexual status are statistically significantly more likely to have been sexually assaulted and inmates who do not have these characteristics are significantly more likely to experience non-sexual assault exclusively.

*Characteristics of Incidents.* Sexual assault/misconduct occurs in every type of correctional facility, in various locations within correctional facilities, and at any time of the day. However, most incidents described by random sample and transgender inmates occur in state prison; incidents occur most often in dorms and cells for the randomly selected inmates and cells and showers for the transgender inmates; and they occur most often at night, according to inmates in both samples, but incidents reported by the inmates in the random sample occur almost as

often in the afternoon. From the point-of-view of inmates who experienced sexual assault/misconduct, the vast majority of the incidents were not about racial or gang dynamics; by far, the most common understanding of incidents is “sex-related” (i.e., physical attraction, perversion, and sexual gratification). The majority of incidents of sexual assault/misconduct described by both samples do not involve weapons or require medical attention. Inmates in the randomly selected sample stated that officers were aware of sexual assault/misconduct incidents the majority of the time and medical attention was provided when it was needed the majority of the time. Conversely, inmates in the transgender sample reported that officers were not aware of sexual assault/misconduct incidents the majority of the time and medical attention was not provided when it was needed the majority of the time. The contextual features of incident characteristics of sexual assault/misconduct are generally similar to the characteristics of non-sexual violence, with one notable exception: in the random sample, sexual assault/misconduct is statistically significantly more likely to take place in dorms.

There are also patterns in regard to the relational features of sexual assault/misconduct. The vast majority of sexual assault/misconduct incidents involve one victim and one perpetrator. Inmates in the random sample are significantly more likely to describe intraracial sexual assault/misconduct while transgender inmates are more likely to report interracial incidents. The participation of gang members in sexual assault/misconduct is evident in both samples. For example, two-thirds of the sexual assault/misconduct incidents reported by inmates in the random sample involve gang members (in either party) and over 45% of the incidents involve a gang member assaulting a non-gang member. This general pattern holds for inmates in the transgender sample, too. In the random sample of inmates, sexual assault/misconduct occurs between parties with varying degrees of familiarity (from “stranger” to “well-known”). In contrast, the relational distance between inmates involved in sexual assault/misconduct incidents reported by transgender inmates is skewed toward familiarity. As with the contextual features, sexual assault/misconduct incidents reported by inmates in the random sample share many relational characteristics with non-sexual violence, except that sexual assault/misconduct incidents are less likely to involve gang members among both victims and perpetrators than are non-sexual incidents.

*The Lived Experience of Sexual Assault/Misconduct.* The inmates’ accounts of sexual assault/misconduct reveal considerable gray area in the terrain between forced, coercive, and non-coercive sexual interactions, with a range of undesirable sexually charged situations often seen as “a fact of prison life.” However, there is little ambiguity in the expression of fear of victimization and concern for personal safety that weave through many of these narratives. A distressing number of inmates appear to blame themselves for their victimization, often by referencing ignorance, a failure to navigate the “rules” of prison culture, a failure to interrupt a chain of interactions leading to assault, or a failure to secure protection by other inmates or correctional officials. While some inmates noted their approval of correctional policy and response to sexual assault (including the PREA specifically), few inmates view correctional personnel as allies in the pursuit of personal safety. Finally, the gendered dynamics of social interaction in correctional facilities, including those that house same-sex inmates, underlie

inmates' accounts of sexual assault/misconduct and provide a platform from which recommendations related to the findings from this study can be offered.

*Research and Policy Recommendations.* Future research should take three directions. First, other populations of inmates need to be the target of research, most notably inmates housed in correctional facilities for women and juveniles. Second, moving beyond a focus on inmate-on-inmate violence, future studies on an array of incarcerated populations need to collect empirical data on a broader range of sexual assault, for example, staff-on-inmate and inmate-on-staff sexual assault/misconduct. Third, it would be beneficial to initiate and fund future studies designed to assess current efforts to respond to sexual assault in California correctional facilities. As the CDCR moves forward with current efforts to implement interventions into the dynamics that lead to sexual assault, the propensity of inmates to forego reporting sexual assault, and the failure of CDCR officials to respond appropriately when sexual assault is reported, research will be needed to determine “what works” in general and how different interventions fare on different inmate populations.

The policy changes developed by the CDCR PREA Commission that are being implemented constitute a significant advance in the CDCR's efforts to respond to sexual assault, which complies with the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005. The findings of this study point to additional policy considerations that warrant special focus. First, the implementation of policies designed to address overcrowding likely would serve to reduce violence in California correctional facilities; the findings presented here suggest that—because sexual assault and non-sexual assault share common correlates—anything that can be done to reduce violence writ large is likely to reduce sexual assault, too.

Second, and related, revisiting the policy-specified considerations that inform initial and permanent housing assignments in correctional facilities is advisable. In particular, further consideration of the role sexual orientation, race/ethnicity, mental health status, and physical stature play in sexual violence could inform housing assignments. The Sexual Abuse in Detention Elimination Act of 2005 identifies the following as risk factors for sexual victimization to be considered in determining housing assignment: age, violent or nonviolent offender, prior commitments, and a history of mental illness. This research suggests sexual orientation, race/ethnicity, and physical stature should be added to that list. We know that transgender inmates are at high risk (as reported in this study), but we know very little about how that risk is statistically associated with specific housing assignments as opposed to other factors that might also be amenable to intervention, such as surveillance, programming, and physical features of the carceral environment in which they reside.

Third, it is also reasonable to invoke the structure of the Gender Responsive Strategies Commission and the expertise of its members to develop policies designed to enhance the safety of transgender inmates because transgender inmates fit squarely within a larger concern for “gender non-conforming inmates.” As the quantitative and qualitative data presented in this report reveal, sexual assault in California correctional facilities is more pronounced among

non-heterosexual inmates and often shrouded in essentialist beliefs about gender. The issue of sexual assault in correctional facilities falls squarely into a larger discussion about the intersection between gender and violence. Quite apart from whether the Gender Responsive Strategies Commission takes the lead on revisiting policies related to the safety of transgender inmates, the CDCR would be well-advised to consider Stop Prisoner Rape's warning to avoid excessive reliance on isolation in response to sexual assault (2005, p. 4-5).

Inmates generally indicated an unwillingness to report sexual assault to corrections officials. The fourth study policy recommendation urges an assessment of the degree to which the provisions established by the Sexual Abuse in Detention Elimination Act of 2005 have been/are being implemented and with what consequence. Also, if the Office of the Sexual Abuse in Detention Elimination Ombudsperson is not securing reports of sexual assault, then alternative ways of enabling inmates to report sexual assault to non-CDCR officials should be considered. The solution is to provide venues for reporting that do not rely on CDCR officials as first responders (to reports), communicators, or adjudicators.

A fifth recommendation emanating from this study is the development and implementation of a peer education program designed to educate inmates about sexuality, bodily integrity, consent, and the ways to avoid coercion in correctional facilities. The focal point of peer education is trained peer educators who engage with inmates in order to raise awareness, provide education, and serve as a resource. Prison peer educators can facilitate workshops, provide one-on-one outreach, and support and coordinate educational events sponsored by prison officials.

Finally, it is important to recommend the obvious: CDCR officials should spend more time thinking about how to create carceral environments in which "fighting or fucking" (to quote inmates) are not the only options in some situations. Moreover, carceral environments need to have those charged with running the institutions publicly demonstrate a commitment to zero tolerance for sexual assault. This would go a long way toward changing the environment in which sexual assault is inspired, takes form, and largely goes undetected by those in a position to respond to it.

## Introduction

### Identifying the Problem

Institutional violence continues to be one of the most significant challenges facing corrections administrators and staff. It poses threats to maintaining order in correctional facilities, ensuring the safety of correctional personnel and inmates, effectively designing and delivering programming that enhances inmates' ability to survive in corrections facilities and prosper once released from such facilities, and otherwise implementing corrections in a way that benefits inmates, correctional personnel, and the citizenry. In short, prison violence is a significant social, administrative, and public safety issue.

With the passage of the Prison Rape Elimination Act of 2003 (42 USC § 15601), also known as the PREA,<sup>2</sup> newfound attention has been directed toward a particular type of institutional violence—prison rape in particular and sexual assault more generally—as a problem with immense consequences for inmates and corrections officials alike. As A.T. Wall, Director of the Rhode Island Department of Corrections explained in a National Institute of Corrections Satellite broadcast in July 2004:

We are public officials, all of us in corrections, and we have an obligation to run institutions that are worthy of public trust. That means not only facilities that are humane and constitutional, it also has security implications. We are expected to run correctional institutions that are safe, orderly, and secure. And we need to acknowledge that sexual misconduct in correctional settings, whether it be staff-on-inmate or inmate-on-inmate, is a security issue. It does run counter to our mandate to run orderly, secure, and safe facilities. And that's a special commitment that we have in this profession.

Mr. Wall is not alone in his call to take sexual misconduct in prisons (and other detention facilities) seriously. Roderick Hickman, Secretary of the California Department of Corrections and Rehabilitation (CDCR) when the PREA became law, acknowledged the following in his testimony to the National Prison Rape Elimination Commission in a public hearing (*At risk: Sexual abuse and vulnerable groups behind bars*, 2005):

The California Department of Corrections and Rehabilitation staunchly supports the Prison Rape Elimination Act. We recognize the need for swift action. And I've made a commitment to a strategic planning process for complying with PREA. Not just because it's the law, but because we have made a commitment to safe prisons and to treating inmates humanely.

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<sup>2</sup> An overview of the Prison Rape Elimination Act of 2003 is provided in the next section of this report.

As others have documented, sexual assault is an administrative management problem in correctional facilities as well as a public health and human rights issue throughout the country. First, violence in general and sexual assault in particular contribute to disproportionately high levels of physical and mental health problems among inmates (Dumond & Dumond, 2002). The trauma of sexual assault may continue to emotionally affect the victim for many years. The effects may impair the normal functioning of the individual both within and outside of a correctional facility and manifest as depression, phobias, and the inability to maintain basic routine activities such as work and sleep (Cotton & Groth, 1982; Dumond & Dumond, 2002; Goyer & Eddleman, 1984). Related, sexual violence that results in the spread of HIV threatens public health both inside and outside prison walls (Gaes & Goldberg, 2004; Staples, 2004). Second, like other forms of institutional violence, sexual assault hinders the ability of facility personnel to maintain an orderly, safe, and productive correctional environment. It can interfere with successful programming in correctional facilities insofar as those victimized by sexual assault have heightened safety concerns that, in turn, prevent or minimize participation in programming designed to facilitate successful reintegration into the community (Byrnes, Macallair & Shorter, 2002). In other words, violence in correctional facilities, including sexual assault, can contribute to post-release problems among ex-offenders. Third, sexual assault in correctional facilities represents a failure of the corrections system to protect the civil rights of inmates. As the U.S. Supreme Court made clear in *Farmer v. Brennan* [114 S.Ct. 1970 (1994)], prison officials have a duty to protect inmates' rights under the "Cruel and Unusual Punishment" clause of the Eighth Amendment of the U.S. Constitution by protecting them from violence at the hands of other prisoners. The Court's ruling in this case was a landmark decision insofar as it affirmed that being violently assaulted and raped in prison is not part of the penalty and serves no penological objectives.

### **Assessing the Parameters of the Problem**

It is difficult to accurately assess the incidence and prevalence of prison rape and other forms of sexual assault in corrections facilities because research on victimization in correctional facilities has produced contradictory findings (for a recent review along these lines, see Gaes & Goldberg, 2004). Some researchers have suggested that sexual victimization in prison is rare (Fleisher & Krienert, 2006; Fuller & Orsagh, 1977; Lockwood, 1980; Moss, Hosford & Anderson, 1979) and other researchers assert that it occurs fairly frequently (Struckman-Johnson, Struckman-Johnson, Rucker, Bumby & Donaldson, 1996; Weiss & Friar, 1974; Wooden & Parker, 1982). As Gaes and Goldberg's (2004) recent inventory of estimates of sexual assault in prison reveals, prevalence estimates run from zero to 40%.<sup>3</sup> Offering a "conservative estimate" of prison rape, the PREA reports 13% of inmates experience sexual assault in correctional facilities in the United States (Prison Rape Elimination Act, 2003, 42 USC § 15601). In contrast, other research estimates that the prevalence of forced sexual contact exceeds 40% in some correctional contexts (Struckman-Johnson & Struckman-

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<sup>3</sup> For a summary of varying estimates of prison sexual assault documented in the literature, see Figure 1, which presents the prison lifetime prevalence estimates and confidence intervals presented in Gaes & Goldberg's (2004) recent review of the literature.

Johnson, 2000; Wooden & Parker, 1982). Most recently, the release of a preliminary report by Mark Fleisher and Jessie Krienert (2005) on “The Culture of Prison Rape” was greeted with considerable national attention, including debates among experts about whether rape occurs in prison in the modern era and, if so, how frequently, under what conditions, involving whom, and with what consequences.

Estimates of prison rape and empirical portraits of the context in which it occurs—like estimates of other types of violence occurring in correctional facilities—vary considerably for numerous reasons. Research on sexual assault in correctional facilities is limited and the research that does exist often suffers from small sample sizes, convenience samples rather than randomly selected samples, definitional problems, and low response rates (for a comprehensive and thoughtful review along these lines, see Gaes & Goldberg, 2004). Moreover, the extent and nature of the problem, especially in California, is unknown primarily because there has been a lack of systematic, credible empirical research on the topic done in California prisons. Although summaries of officially reported sexual assault in California (Sumner & Matsuda, 2006) and across the U.S. (Beck & Hughes, 2005; Beck & Harrison, 2006) continue to emerge, a systematic study of undetected and detected sexual assault based on a random sample of inmates in California prisons is sorely needed.

It is telling that in the most comprehensive literature review of sexual victimization in correctional facilities—Gaes and Goldberg’s (2004) meta-analysis of the incidence and prevalence of rates of sexual violence in correctional facilities across the country—only one California facility is the object of study (Wooden & Parker, 1982). Now 25 years old, this study relies upon self-report data from a sample of inmates in a facility known to house a disproportionately high number of self-identified homosexual men as the basis upon which to examine sexual misconduct. More recently, Sumner and Matsuda (2006) provided a descriptive statistical overview of sexual and non-sexual violence in California prisons based on official data collected by the CDCR. Nonetheless, as late as 2006, the Secretary of the CDCR conceded that the systems currently in place are not adequate to accurately detect, prevent, and manage the problem of sexual assault within correctional facilities in California (At risk: Sex abuse and vulnerable groups behind bars, 2005).

### **Purpose of the Report**

There is a clear need to understand the frequency with which sexual assaults occur in California correctional facilities, as well as the demographic and situational characteristics of sexual assault in these institutions. Moreover, where appropriate, a comparison of the contours of sexual assault with non-sexual assault is useful in order to assess the degree to which the parameters of sexual assault are unique or similar to other types of violence in correctional facilities. Developing a comparative understanding of sexual and non-sexual assault is an important step toward designing and implementing effective intervention strategies to address sexual assault as one among many forms of institutional violence that victimizes inmates, disrupts the functioning of correctional facilities, threatens public health and civil rights, and is costly to citizens in both monetary and non-monetary ways.

Accordingly, first and foremost, this research was designed to contribute to one of the main goals of the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005—to reduce sexual assault, including rape, in detention facilities in the U.S. As such, this report draws on original self-report data to offer a systematic empirical assessment of inmate-on-inmate sexual assault in California correctional facilities. For comparative purposes, we also examine the parameters of non-sexual assault in order to discern what is—and is not—distinct about the correlates of sexual assault. Specifically, this report addresses the following general questions: 1) What proportion of inmates in California prisons housing adult males has been sexually assaulted in a California correctional facility?<sup>4</sup> 2) What are the demographic characteristics of victims? And finally, 3) What are the contextual and relational characteristics of the sexual assault incidents reported by inmates in California prisons housing adult males? By addressing these questions, this report is designed to shed insight into the contours of sexual assault in absolute terms and in comparison to non-sexual violence. We do so in order to contribute to ongoing efforts to create viable interventions designed to prevent sexual assault and, when it does occur, respond to sexual assault in ways that are humane, effective, and constitutional.

## **Overview of the Report**

Before detailing the methodology and data for this research, in the next section we provide a brief overview of the legislative inspiration for this project: The Prison Rape Elimination Act (PREA) of 2003 and the Sexual Abuse in Detention Elimination Act of 2005. Thereafter, we describe the scope conditions, research site selection, sampling procedures, data collection protocol, and the interview instrument that served to generate empirical data on sexual and non-sexual assaults in California’s correctional facilities. In the next section, we provide an overview of the two samples that anchor our data analysis, including an assessment of interviewer effects on the data and the generalizability of our data. In the findings section, we present empirical data on inmate-on-inmate sexual assault and non-sexual assault (for comparative purposes). The focus is on prevalence, victim demographics, and incident characteristics of sexual assault and, when useful for comparative purposes, non-sexual assault. We conclude the findings by presenting first-person accounts of sexual assault and misconduct reported by inmates who participated in this study. The final section summarizes the empirical findings and offers recommendations for policy and practice.

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<sup>4</sup> In deference to transgender inmates, who informed us that they prefer to be referenced with feminine generic pronouns, we refrain from using masculine pronouns to refer to inmates unless we are specifically referencing inmates in the randomly selected sample. Accordingly, throughout this report, sampling sites are referred to as “prisons that house adult male inmates.”

## Recent Legislation on Sexual Assault in Prison

Two recently passed laws, one at the federal level and one at the state level, serve as the backdrop for this research: the Prison Rape Elimination Act passed by the U.S. Congress in 2003 and the Sexual Abuse in Detention Elimination Act passed by the California legislature in 2005.

### **The Prison Rape Elimination Act of 2003**

On September 4, 2003, President Bush signed into law the Prison Rape Elimination Act of 2003 (42 USC § 15601) after it passed unanimously in the House and Senate. Backed by diverse groups, such as the Prison Fellowship Ministries and the National Association for the Advancement of Colored People (NAACP),<sup>5</sup> the overall purpose of the PREA is “to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.”

More specifically, the PREA is designed to establish a zero-tolerance standard for the incidence of rape<sup>6</sup> in prisons<sup>7</sup> in the United States; make the prevention of prison rape a top priority in each prison system; develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape; increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities; standardize the definitions used for collecting data on the incidence of prison rape; increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape; protect the Eighth Amendment rights of federal, state,<sup>8</sup> and local prisoners; increase the efficiency and effectiveness of federal expenditures

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<sup>5</sup> For a lengthy analytic treatment of the legislative history of the PREA, including the players and forces that enabled it to come into being, see Jenness and Smyth (2006).

<sup>6</sup> Rape is defined in Section 10 of the Act quite broadly as follows: “(a) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against that person’s will; (b) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person not forcibly or against the person’s will, where the victim is incapable of giving consent because of his or her youth or his or her temporary or permanent mental or physical incapacity; or (c) the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person achieved through the exploitation or the fear or threat of physical violence or bodily injury.”

<sup>7</sup> Under the Act, prison is defined as “any confinement facility of a federal, state, or local government, whether administered by such government or by a private organization on behalf of such government, and includes any local jail or police lockup and any juvenile facility used for the custody or care of juvenile inmates.” Thus, this Act applies to all Federal and State prisons and jails as well as community corrections institutions, public and private facilities, military institutions, holding facilities and prisons on Indian reservations. It includes incidents that might occur during transfer to and from different facilities as well as incidents occurring while an inmate is on work release.

<sup>8</sup> Under the Act, state includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

through grant programs such as those dealing with health care, mental health care, disease prevention, crime prevention and prosecution, prison construction and operation, race relations, poverty, unemployment, and homelessness; and reduce the costs that prison rape imposes on interstate commerce.

In essence, the PREA is best seen as legislation that identifies sexual assault in detention facilities as a serious social problem, mandates a plethora of reforms, and provides venues for assessing how well corrections officials attend to both. Most importantly for our purposes here, the PREA mandates data collection and provides funding to support research endeavors such as this one. Indeed, the CDCR is one of the beneficiaries of this newfound funding and the study that resulted in this report was partially funded by the PREA.

### **The Sexual Abuse in Detention Elimination Act of 2005**

On September 22, 2005, Governor Schwarzenegger signed into law California's Sexual Abuse in Detention Elimination Act of 2005 (AB 550), which specifies a series of provisions that are compatible with the PREA legislation. In addition, the Sexual Abuse in Detention Elimination Act of 2005 delineates specific bureaucratic and programmatic plans for the CDCR to follow to address sexual assault in detention facilities. For example, the Sexual Abuse in Detention Elimination Act of 2005 establishes an Office of the Sexual Abuse in Detention Elimination Ombudsperson, which has access to (now) legislatively-required statistics on sexual assault and is charged with preventing sexual assault in detention facilities managed by the CDCR.

The Sexual Abuse in Detention Elimination Act of 2005 also stipulates proactive and reactive strategies for handling sexual abuse in CDCR facilities. For example, CDCR personnel are required to take inmate risk factors for sexual victimization into account during classification and when determining housing assignments;<sup>9</sup> intervene if an inmate or ward is targeted for sexual harassment or intimidation; provide victims of alleged sexual abuse the safest possible housing options without punishment and regardless of the victim's willingness to press charges; prohibit retaliation for allegations of sexual abuse; discontinue advising inmate fighting as an appropriate response to sexual victimization; and respond to all allegations regardless of sexual orientation of the alleged victim. Related, the Sexual Abuse in Detention Elimination Act of 2005 places an emphasis on victim care that includes acute-trauma care and mental health counseling for sexual assault victims. The legislation also requires the development of guidelines to access outside service providers regarding sexual assault and rape.<sup>10</sup>

By identifying and prioritizing prison rape as a safety and management concern in addition to a concern for the protection of the Eighth Amendment rights of inmates, the PREA and the

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<sup>9</sup> "Risk factors" include age of the inmate or ward, inmate status as violent or non-violent offender, prior commitments, and/or history of mental illness.

<sup>10</sup> Outside service organizations include rape crisis agencies, hospitals, gay rights organizations, HIV/AIDS service providers, civil rights organizations, and human rights organizations.

Sexual Abuse in Detention Elimination Act embody historic calls for newfound efforts to understand and address this problem. As the *New York Times* reported shortly after the PREA became law, “The commission created by Congress to oversee the new law [PREA] is just getting started. But it has already brought some honesty to the historically dishonest conversation about sexual behavior in prison” (Staples, 2004, p. A34). We relied on the methods and data described in the next two sections to produce empirical findings designed to contribute to this conversation.

## Methodology

Consistent with the larger goals of the PREA and the Sexual Abuse in Detention Elimination Act, the proposed research is best described as a “needs assessment” designed to understand the parameters of inmate-on-inmate sexual assault reported by inmates in California prisons that house adult males. As described below, we pursued this type of research by imposing clear scope conditions on the data collection, carefully selecting research sites from which to systematically collect data, randomly sampling inmates, and deliberately sampling transgender inmates. In addition, we implemented a data collection protocol and deployed an interview instrument that optimized the reliability and validity of self-report data.

### **Delineating Scope Conditions**

*Target Populations.* Unlike the wide-ranging scope of the PREA and the Sexual Abuse in Detention Elimination Act of 2005, this research is delimited insofar as it was designed to collect self-report data from, and institutional data on, two specific populations of inmates: 1) the population of adult males housed in California state prisons who are not housed in reception centers or fire camps and who are not classified by the CDCR as “EOP;”<sup>11</sup> and 2) adult transgender inmates housed in a single California prison. The latter group was included in the study at the request of the CDCR and in light of anecdotal information that indicates transgender inmates are particularly vulnerable to inmate-on-inmate sexual assault in prison (testimony by Christopher Daley, *At risk: Sex abuse and vulnerable groups behind bars*, 2005).

*Empirical Foci.* In conceptualizing the problem of inmate-on-inmate violence and the issue of sexual assault and rape in particular, this research acknowledges the related, yet nuanced characteristics of possible types of violence. In simple binary terms, sexual activity can be described as consensual or coercive, even as that determination is ultimately a matter of degree (Cowling & Reynolds, 2004). Coercive sexual activity can include violence or the threat of violence, in what is commonly known as sexual assault and rape; and sexual assault

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<sup>11</sup> “Enhanced Outpatient” (EOP) refers to the mental health status of an inmate, indicating the highest level of mental incapacity. EOP inmates were excluded from the randomly selected sample because of a concern about their ability to participate in an interview and comprehend the substance of questions.

and rape can be seen as a subsection of inmate-on-inmate violence more generally. However, the carceral environment, like other environments, includes the possibility of coercion without violence, for example, in the form of “protective pairing,” which is a situation in which an inmate seemingly “willingly” engages in sexual activity with another inmate in exchange for protection from another inmate or group of inmates (for more along these lines, see Donaldson, 2003). Our data efforts were organized around collecting self-report data on the many types of sexual activities that occur in correctional institutions, including consensual sex, sexual assault, rape, or other types of undesired sex, and also non-sexual inmate-on-inmate violence.

Specifically, we collected data on inmate characteristics, emotional health, routine activities, fear of victimization, actual victimization, opinions related to violence and safety, gang affiliations, support systems, and past and current incarcerations. After considerable deliberation and consultation with research colleagues and correctional officials, we decided that the optimal approach to gathering valid self-report data was to conduct face-to-face interviews with inmates in settings that ensured confidentiality. Discussed at length later in this section, Appendix A includes the interview schedule from which we collected self-report data and Appendix B includes a summary of official data collected from the CDCR.

### **Selecting Research Sites**

The State of California currently has the largest corrections agency in the nation (Petersilia, 2006). When field data collection began, there were 162,083 adult prisoners incarcerated in 33 prisons in California.<sup>12</sup> Despite the rising rate at which females are being incarcerated in California (Petersilia, 2006), well over 90% of these inmates are males housed in 30 prisons; of these, 119,153 met the criteria for inclusion in our study of the inmate population (i.e., inmates housed in prisons for adult males who are not housed in reception centers or fire camps and who are not EOP). Recognizing that collecting data from inmates housed in 30 different prisons was financially and logistically prohibitive, a sample of six prisons was selected as research sites.<sup>13</sup>

Fortunately, our choices for site selection were robust because CDCR officials agreed to provide access to any prison requested by the research team; indeed, our liaison from the CDCR on this project authorized access to official records, related subunits of the system, and the CDCR personnel whose assistance was needed to inform this project and optimize our options for data collection. Within this context and in consultation with former Director,

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<sup>12</sup> This represents the total population of CDCR prisons as of the second quarter of 2006, when data collection in the field began (retrieved from <http://www.cdcr.ca.gov/DivisionsBoards/AOAP/FactsFigures.html> on February 9, 2007).

<sup>13</sup> Selecting research sites was complicated by the fact that there are 30 prisons housing adult male inmates spread across the State of California, which runs 904 miles from the southern most prison to the northern most prison, and we were confronted with 593,775 possible combinations of six. Mathematically calculated, the possibilities for 30 choices from which to select 6 possibilities is:  $30!/6!(24!)$ .

Undersecretary, and Secretary of the CDCR, Jeanne S. Woodford, and Associate Director Wendy Still, five prisons—including prisons located in northern, central, and southern California—were identified as viable research sites from which to collect self-report data from a random sample of inmates. Upon review of the characteristics of inmates of these five prisons with whom interviews were completed, we determined the need to add a sixth prison to include more custody level 4 inmates in the study (see next section). In addition, a seventh prison was selected as a research site from which to collect self-report data from a purposive sample of transgender inmates.

*Site Selection for Randomly Selected Inmates.* The selection of six prisons from which to collect data on a random sample of inmates was informed by an examination of eight characteristics of the inmate population in each of California’s 30 prisons that house adult males: age, race/ethnicity, offense category, custody level, life sentence, sex offender registration, gang affiliation, and mental health status. These inmate population characteristics represent factors identified by the existing research literature as correlates of prison violence and were used to determine the degree to which individual prisons would be viable research sites and the degree to which all six prisons, when combined, reflect a representative cross-section of the inmate population.

After collecting data from five prisons and comparing demographic data on the inmates we interviewed with the larger population of inmates, we determined that level 4 inmates were underrepresented in the prisons in our sample. To correct for this, we selected a sixth prison from which to collect data on a random sample of level 4 inmates.

*Site Selection for Transgender Inmates.* In addition to the six prisons selected to identify a random sample of inmates, a seventh prison was selected to provide a research site from which we could collect data from transgender inmates, beyond the rare instances in which transgender inmates emerged in the random sample. This prison was chosen because it houses a concentrated population of transgender inmates. Most, but not all, of these transgender inmates are housed in a wing of the prison for HIV- positive inmates.

### **Selecting Sample(s)**

The sampling procedure for selecting inmates from the seven prisons varied, depending upon whether we were collecting data at one of the six random sample prisons or the prison housing transgender inmates.

*Random Sample Inmates.* In each facility from which we collected self-report data from a random sample of inmates, we relied on a similar process. About a week prior to the first day of data collection at a particular prison, the CDCR Office of Research sent us a facility roster that identified every inmate housed in the prison. The roster indicated the inmate’s name, CDC number, custody level, classification score, location in the facility, and mental health status. If the prison operated a reception center at the time of data collection, inmates housed in the reception center were not included on the roster sent to us by the CDCR. Once we

received the roster, we removed inmates categorized as EOP. Importantly, inmates with other mental health designations (e.g., Correctional Clinical Case Management System (CCCMS)) and inmates on restricted status (e.g., inmates housed in administrative segregation or security housing units (SHUs)) were included on the final roster from which we randomly selected study participants.

From the final roster, we used statistical software to randomly select 100 inmates from each prison to be study participants.<sup>14</sup> Thereafter, we randomly ordered the CDC numbers of selected study participants. Finally, we sent the list of selected inmates to our liaison at the prison, typically the Public Information Officer or another Lieutenant, to ensure the inmates were scheduled and notified by a paper “ducat”<sup>15</sup> to meet with an interviewer on the research team.

There were three departures from this sampling method. First, at the final prison from which we collected data—the prison we included in the study specifically to correct for under-representation of level 4 inmates—we only interviewed level 4 inmates. In a second prison, we decided to forego interviewing level 1 inmates because sufficient numbers of level 1 inmates were already interviewed. The third exception, described below, involved making an effort to collect self-report data from all known transgender inmates housed in the prison included as a research site for the sole purpose of over-sampling transgender inmates.

*Transgender Inmates.* For the purposes of this research, a “transgender” inmate was identified either through self-identification, identification of related medical needs (i.e., hormonal treatment), or participation in groups for transgender inmates. Once we received a list of inmates meeting one or more of these criteria from our liaison at this prison, we asked that they all be ducated for an interview. During the initial trip to this prison to collect data, we became aware of another list of transgender inmates and therefore made another trip back to the prison to secure interviews with them.

### **Training Interviewers**

Prior to initiating data collection, we trained a team of interviewers to comply with the interviewing guidelines elaborated in an extensive training manual for interviewers produced by the Principal Investigator (PI), the Co-PI, and the Project Managers.

A team of nine interviewers was trained to conduct face-to-face interviews with inmates using the instrument contained in Appendix A and following the procedures specified in the training

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<sup>14</sup> In order to ensure random selection, we conducted the random selection rather than allow CDCR officials to do so. This approach ensured that CDCR officials could not interfere with the random selection on purpose or inadvertently.

<sup>15</sup> In prison, a ducat is written permission to move throughout the institution for a particular appointment or responsibility, such as a work assignment or medical appointment (retrieved from <http://dictionary.prisonwall.org/> on March 12, 2007).

manual. The training manual articulates detailed procedures for obtaining informed consent, maintaining confidentiality and professionalism, and responding to special circumstances researchers confront when conducting research in prison settings. Standard structured interviewing techniques and probing strategies, as well as appropriate responses to unusual circumstances, were addressed in this document and reviewed in person in a training session with all the interviewers. Likewise, the interview schedule, consent forms, and various log/procedural forms were included in the training manual and reviewed in a training session (see Appendix C for Interview Training Manual Table of Contents, full text available from the authors).

The process of training interviewers occurred over the course of several days. Interviewers reviewed the manual and interview instrument prior to a day-long, in-person training session. At this session, which was required of all interviewers, the materials described above and inventoried in the training manual were discussed in detail. In addition, at this day-long in-person training session, interviewers practiced the consent process and rehearsed completing the interview schedule until the project leaders were convinced that the interviewers had acquired considerable familiarity with the interview schedule and expectations for data collection as well as ease with the interview process. In the process of engaging in this training, we simulated challenging interview conditions and risks of departure from established procedures. Subsequent meetings featured more mock interviews under the supervision of senior research staff.

The trained interviewers included two university professors and seven graduate students. The interview team ranged in age from 25 to 55 and included White, Asian, and Hispanic interviewers. Two interviewers were male and seven were female. One of the graduate students speaks fluent Spanish and was trained specifically to conduct interviews in Spanish. In other words, this project relied upon a demographically diverse interview team.<sup>16</sup>

Trained interviewers were not allowed to go into the field until an earlier version of the instrument in Appendix A was pilot tested on inmates by the PI, Co-PI, and the Project Managers, and until each interviewer successfully completed a series of mock interviews with non-inmates. This advance work was designed to keep errors in the field to a minimum.

### **Ducating Inmates**

Once selected for inclusion in the study, inmates were ducated by on-site CDCR personnel and, if not able to move about the facility freely, were escorted by corrections officers to meet

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<sup>16</sup> When designing the research we consulted with other researchers, some of whom put forth warnings about which types of interviewers to avoid. For some, men were to be avoided because these researchers thought male inmates would not talk to men about sexual matters; for others, women were to be avoided because researchers anticipated that inmates would bypass honest reporting in the pursuit of flirtation and a desire to present the Self as entirely “manly.” Further, we were advised that elderly “grandmother” type interviewers were ideal because they do not inspire homosocial competitiveness with inmates nor are they easily sexualizable objects of interaction.

with an interviewer in the order in which they were listed on the roster sent to the facility. Ducats stated the appointment was for “research on prison life” or “interview”; officers were asked not to discuss the research with inmates.<sup>17</sup>

Logistical issues precluded utilizing this system at the facility from which we sampled only Level 4 inmates because this facility housed many inmates in a SHU or in administrative segregation. These inmates are not permitted to leave their housing unit so officers retrieved the inmates from their cells without advance notification and escorted them to an interviewer.

If an inmate could not be scheduled for the interview—for example, because the inmate had paroled, been transferred, or was in the hospital—the CDCR staff were instructed to note the reason and then proceed to the next inmate on the list until all interview appointments were filled. Some inmates who were scheduled for interviews did not show up to the meeting with the interviewer. Inmates occasionally prioritized another appointment (e.g., a medical ducat for the same time or a work assignment) and sometimes we were told that inmates refused to leave their cell for unspecified reasons. Regardless, the research team re-called “no shows” on subsequent days to maximize the likelihood of offering every inmate selected for participation in the study an opportunity to participate.

### **Setting the Stage for Face-to-Face Interviews**

It was a requirement for each interviewer to conduct face-to-face interviews with inmates in settings in which the interview could not be overhead. In other words, privacy was defined by sound, not sight. The particular interview environment varied depending on the available space at each prison. For example, interviews were conducted in correctional counselors’ offices, chapels, and visiting rooms (with and without glass separating the interviewer and the inmate), as well as conference rooms and what appeared to be custodial closets. Interviewers were ultimately responsible for ensuring a private setting for the interview, while correctional officers were responsible for securing a safe environment for the interview. This division of labor worked well, even when an interviewer indicated an unwillingness to do an interview in a particular setting and/or an officer indicated an unwillingness to allow an interview to be conducted in a particular setting.

### **Conducting Face-to-Face Interviews**

In accordance with the protocol approved by the University of California, Irvine Institutional Review Board (see Appendix D) and the guidelines articulated in the interviewer’s training manual, interviewers conducted confidential face-to-face interviews with inmates. Once the inmate and the interviewer were in a private location amenable to conducting a confidential

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<sup>17</sup> Although upper level prison administrators were briefed on why the research team was coming to the facility and why they were there for multiple days, rank-and-file officers, including the ones who escorted inmates to and from interviews, were kept unaware of the purpose of the study in order to minimize the degree to which they could intentionally or unintentionally contaminate the field or otherwise undermine the research.

interview, the interviewer identified him/herself as a researcher and then proceeded to invite the inmate to participate in the study by briefly describing the nature and purpose of the study, thoroughly explaining that participation was voluntary and that there were no consequences for declining to participate, and ensuring confidentiality if the inmate agreed to participate in the interview.<sup>18</sup> When primarily Spanish-speaking inmates were identified, they were told that a Spanish-speaking interviewer would return at a later date to invite consent from the inmate and conduct the interview in Spanish. In every case, a trained Spanish-speaking interviewer returned to the prison and, after ensuring the inmate was educated in advance of the return trip, followed the same guidelines as the English-speaking interviewers.

Throughout this process, inmates were not interviewed unless they signed an informed consent form. Moreover, inmates were not required to answer any question if they did not want to do so and inmates were allowed to discontinue the interview at any point. Recognizing that the interviewees for this research exist in carceral environments, the research design and attendant logistics were organized around ensuring that the research team did not, in any way, dictate to inmates that they “have” to participate in the research; interviewers did not promise anything to inmates in exchange for participating in the study nor did they threaten anything for declining to participate.

The interview included 111 questions on the primary instrument and 33 questions on each supplemental incident form (see Appendix A). The primary interview instrument asked inmates to provide information about their daily prison life, emotional health, fear of victimization in prison, perceptions of sexual and non-sexual victimization in prison, personal victimization from sexual and non-sexual assaults in California correctional facilities, opinions on safety and reporting, demographics, gang affiliation, and past and current incarcerations. If an inmate answered affirmatively when asked about involvement in sexual assault or non-sexual violence, the interviewer then asked a series of questions designed to capture the details associated with these violent incidents.

This instrument was designed to obtain accounts of victimization experienced by inmates throughout their incarceration history in California correctional facilities (i.e., any juvenile hall, California Youth Authority facility, jail, prison, or other correctional facility). Supplemental incident forms consist of follow-up questions for the most recent incidents of victimization, including up to 11 incidents of sexual assault/misconduct (i.e., the 10 most recent incidents and a worst event) and four non-sexual assaults (i.e., three most recent incidents and a worst event). The questions on the incident form are specific to each incident of victimization recounted by the inmate being interviewed, including a narrative of the event, the number of individuals involved, the location of the event—both in terms of the facility and location within the facility, the year and time of day of the event, the racial/ethnic and gang composition of parties involved in the incident, the inmate’s perception of the cause of

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<sup>18</sup> The only exception to inmate confidentiality was the disclosure of intention to do harm to themselves and/or others in the future. This exception was emphasized by the interviewer orally and in writing on the informed consent form inmates were asked to sign before the interview commenced.

incident, whether a weapon was used, whether medical attention was received if needed, and the inmate's understanding of whether there was an official response to the incident.

Inmates had the opportunity to recall and recount victimization of a sexual nature on three separate occasions in the interview. First, inmates were asked: *"Have you ever had to do sexual things against your will with other inmates while incarcerated?"* If an inmate answered affirmatively, then the interviewer followed-up by asking the inmate to reveal the number of times it has happened, and then to recount the details of up to the five most recent incidents of sexual assault. The interview captured the details of the event on the incident form portion of the interview (see Appendix A). If the inmate indicated no experience(s) with sexual assault in response to the general question about "sexual things against your will," then the interviewer proceeded to ask: *"Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?"* An affirmative response would also result in up to five supplemental incident forms for the most recent events. By combining these two approaches to inquiring about sexual assault, we operationalized "sexual assault" for the inmates; at the same time, we provided each interviewee with two opportunities to report sexual assault.

In addition, inmates were asked: *"Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?"* Again, an affirmative response could result in up to five incident forms. This question was designed to capture sexual conduct that the inmates would rather not do but nonetheless engaged in for all sorts of reasons (e.g., economic exchange, barter, relationship pressures, protective pairing, etc.). In later analyses, we refer to this activity as sexual misconduct.

Inmates who reported more than one incident of sexual victimization by answering yes to any of the three questions were asked: *"Of the all the things that have happened to you, including what you've just told me, what was the worst sexual thing that has ever happened to you while incarcerated?"* For this question, a new incident form would be completed if the incident was not previously described or, if the incident was previously described, it was indicated to be the "Worst Event."

The interview also included questions regarding experiences with non-sexual, physical victimization. Inmates were asked: *"Have you ever been hit, kicked, punched, or otherwise assaulted while incarcerated? And again, we are just speaking of other inmates."* Following the same logic and protocol deployed for the sexual assault/misconduct questions, an affirmative response to this question generated incident forms for up to the three most recent events. Inmates who indicated more than one non-sexual victimization were asked: *"Of the all the things that have happened to you, including what you've just told me, what was the worst incident of non-sexual violence that has ever happened to you while incarcerated?"* For this question, a new incident form could have been completed if the incident was not one of the three most recent events; otherwise, a previously recounted incident was indicated to be the "Worst Event."

The length of the interviews depended upon the volume of victimization reported and the loquaciousness of the inmate. The shortest interview was 10 minutes, while the longest extended just over three hours. The median duration for interviews was 40 minutes.

### **Concatenating Official Data**

We concatenated (i.e., merged) existing official data to self-report data collected via interviews. Specifically, official data from each inmate's Central File were provided by the CDCR. Because the University of California, Irvine Institutional Review Board (IRB), the research protocol, and our own professional ethics required that the identities of research participants be kept confidential (only known to the research team), we received central file information on *all* individuals currently housed in California adult correctional facilities from the CDCR, from which the research team extracted information for study participants. This enabled us to collect official data on the following variables without revealing to the CDCR which inmates are included in this study: date of birth, height, weight, race/ethnicity, prison term start date, mental health status, verified gang membership,<sup>19</sup> classification score, custody level, current sentence length, time remaining on sentence, commitment offense, sex offender registration, and age of first arrest in California (see Appendix B for details). These variables were ultimately concatenated onto the self-report data set by matching study ID numbers.<sup>20</sup>

## **Data**

### **The Sample(s)**

During the interviewing phase of data collection, which ran from April 26, 2006 to October 4, 2006, 429 inmates were invited to participate in the study. Of those, 370 (86.2%) inmates agreed to participate in the study and indicated their agreement by signing an informed consent form. Our sampling and informed consent procedure yielded an 85.3% active participation rate for the randomly selected sample and a 93.5% active participation rate for the transgender sample.<sup>21</sup>

A total of nine interviews were not included in the data analyses covered in this report. With regard to the randomly selected sample, three interviews were eliminated because the inmate

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<sup>19</sup> The CDCR Classification Sheet lists several sources that might be used to “verify” gang membership, including: self-admission, tattoos and symbols, written materials, photographs, staff information, other state agencies, association, offenses, and legal documents and communications.

<sup>20</sup> To protect the identity of each inmate participating in the research, we assigned each inmate in the study a unique study identification number for this project. This study ID was used to link the interview and official data for each inmate in the study.

<sup>21</sup> The active participation rate reflects the rate at which inmates who were contacted by interviewers agreed to participate in the study and signed an informed consent form (Esbensen, Miller & Taylor, 1999).

elected to end the interview early (i.e., before the crucial questions about sexual assault were asked and/or answered); one interview was deleted because the inmate was a reception center inmate; and one interview was not used because the interviewer discontinued the interview when it became clear that the inmate was unable to comprehend the questions being asked. Four interviews were eliminated in the transgender sample: three interviews because the inmates indicated they did not identify as transgender and one because the inmate had to end the interview for an appointment and did not return. The result is 361 usable interviews (322 from the random sample and 39 from the transgender sample).

It is useful to offer an assessment of the samples along two dimensions: the degree to which they reveal interviewer effects and the degree to which the larger sample generalizes to the entire adult male prison population in California. A description of the variables used in all analyses included in this report can be found in Appendix E.

### **Assessing Interviewer Effects**

Table 1 provides a summary of interviewer characteristics and the number of inmates contacted by each interviewer, the percent of inmates who granted consent to be interviewed, and the percent of usable interviews conducted by each interviewer. Using age, sex, race/ethnicity, occupational status, and language used in the interview as key interviewer indicators, there is no evidence to suggest that the characteristics of the interviewer had an impact on inmates' willingness to participate in the study. Although the number of inmates contacted by each interviewer varies considerably (with a low of 19 and a high of 98), the inmate participation rate for each interviewer varies little (with a low of 80%, a high of 92.3%, and a mean of 86.2%); related, the number of usable interviews conducted by each interviewer does not vary considerably (with a low of 80%, a high of 92.3%, and a mean of 84.1%).<sup>22</sup> A series of chi-square tests reveal there is no statistically significant relationship between interviewer characteristics—younger versus older, White versus non-White, male versus female, professor versus graduate student—and inmate participation rates and usable interview rates. Also, the Spanish-speaking interviewer produced participation and usable interview rates comparable to other interviewers.

Likewise, we analyzed both samples—the randomly selected sample and the transgender sample—to determine if there is evidence of interviewer effects on how inmates responded to questions about involvement in sexual assault/misconduct, non-sexual assault, consensual sex while incarcerated, and current street and/or prison gangs (i.e., the so-called “sensitive questions”). This series of chi-square tests revealed no evidence to suggest that interviewer characteristics had an impact on whether inmates reported current street and/or prison gang membership in either sample. In the random inmate sample, no effects were found for reporting of sexual assault/misconduct or non-sexual violence, but younger and non-White interviewers were more likely to receive reports of consensual sex than their older and White counterparts while sex and occupational status of the interviewer did not differentiate

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<sup>22</sup> One interviewer conducted three interviews and, in doing so, achieved a 100% participation rate. This clearly constitutes a deviation from the range, born of small numbers.

reporting of consensual sex. In the transgender sample, no interviewer effects were identified for reporting of sexual assault/misconduct, non-sexual assault, or consensual sex.

### **Assessing the Samples**

*The Random Inmate Sample Compared to the Larger Population of Adult Male Inmates.* In order to assess how well the randomly selected sample represents the population of the subset of six prisons from which we collected data and the larger population of adult male inmates in all the CDCR prisons housing adult males, we relied upon eight demographic variables to make systematic comparisons: age, race/ethnicity, offense category, custody level, type of life sentence (or not), registered sex offender (or not), verified gang affiliation (or not), and mental health status (see Table 2). These variables were chosen because they represent factors identified by existing research as potential correlates of sexual and/or non-sexual violence.

The data reported in Table 2 show that our randomly selected sample is statistically similar to the population of inmates in these six prisons, thus we are confident that our random selection process was enacted with integrity and without contamination.<sup>23</sup> There are no statistically significant differences on any of the eight demographic variables tested.

Despite concerted effort to ensure that the randomly selected inmate sample generalized to the entire adult male inmate population housed in CDCR prisons, statistically significant differences between the sampled inmates and the total population emerged in every variable we tested, with the exception of sex offender registration and “lifer” status. However, it should be noted that statistically significant differences are likely to emerge when comparing a population as large as the CDCR total population (n=119,153) to a sample as small as ours (n=322). Therefore, it is more informative to examine the magnitude of the differences between the total CDCR population and the randomly selected sample.

On three statistically significant variables, the magnitude of the difference is small. For example, there is only a two year difference in age, with the mean age of the population of about 37 and the mean age of the sample 39; the difference in the distribution of the proportion of inmates in each custody level is never more than about six percentage points; and 13.1% of the population are officially-verified gang members compared with 8.4% in the sample. Offense category comparisons show a somewhat larger magnitude of difference; the current commitment offense of the total inmate population is more often a violent offense (58.3%) than the random sample (49.1%).

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<sup>23</sup> The figures for the inmate population of the six prisons (see Table 2, column titled “Facilities for Random Sample”) and the total CDCR adult male prison population exclude reception, fire camp and EOP inmates. Table 2 includes the usable random sample in the figures reported for the populations of the six facilities as well as the total inmate population. Statistical tests include chi-square analysis and t-test comparisons between means, as appropriate. The usable random sample was excluded from the population for these comparisons.

The notable exceptions to these modest differences can be found in two variables: race/ethnicity and mental health. A comparison along these lines reveals that the total inmate population has more Hispanic (39.1% versus 28.6% in the sample), fewer White (25.5% versus 30.7% in the sample) and fewer Black (29.6% versus 36% in the sample) inmates. Finally, inmates classified as CCCMS are 16.2% of the total prison population but represent 28.3% of the random sample.

In general, we interpret these statistical and substantive comparisons to suggest that our prison selection and inmate random sampling procedures produced a study sample that is roughly comparable to the total targeted CDCR inmate population. The study sample has somewhat fewer Hispanic inmates and more inmates with officially recognized mental health issues. Therefore, the study sample should not be strictly regarded as statistically representative of the CDCR population. The differences between the study sample and the total CDCR population primarily reflect differences between the population characteristics of the six facilities from which data were collected and the total CDCR population rather than the sampling and access procedures used to select study participants.

*Assessing the Transgender Sample.* As described earlier, the purpose of the transgender portion of the study was to over-sample a specific sub-population of the CDCR inmates commonly thought to be more vulnerable to sexual assault in prison. Because we did not intend to use the transgender sample to represent the larger CDCR population, it is not useful to make comparisons along these lines. However, it is informative to compare the transgender sample to the randomly selected sample. Turning again to Table 2, the transgender sample is comparable to the randomly selected sample in terms of age (both average 39 years), offense category (within 5-6 percentage points of one another, with the exception of “other” offenses) and sex offender status (15.4% of the transgender sample are registered sex offenders and 12.4% of the random inmate sample are registered sex offenders). However, the two samples are not comparable in terms of race/ethnicity (the transgender sample includes a smaller proportion of Hispanic inmates and a larger proportion of inmates that are categorized as “other” race/ethnicity), custody level (the transgender sample contains fewer level 1 inmates and more level 4 inmates), whether or not a life sentence with the possibility of parole has been imposed (a larger proportion of transgender inmates is serving a life sentence with the possibility of parole), and gang affiliation (no transgender inmates are verified as gang members and 8.4% of the randomly selected sample are verified as gang members). Finally, and perhaps most tellingly, 43.6% of the transgender sample are categorized as CCCMS while only 28.3% of the random inmate sample are similarly categorized.

### **Data Coding, Reliability, and Validity**

The procedures for coding developed by the research team are outlined in a codebook that was used by graduate student coders for the duration of the coding process. One graduate student was selected to be the primary coder of the data. This coder entered each interview in two separate databases (one for the primary interview and the other for the incident form included as part of the interview when inmates reported violence). The primary interview instrument

allowed for a total of 197 fields of data entry; eighty of those fields were required for each interview and 117 fields reflected skip patterns embedded in the interview instrument (i.e., 59.4% of the fields might be coded “non applicable” due to skip patterns). Each supplemental incident form was entered in an incident database. Each form (respondents could have up to 15 forms) allowed for 54 fields of data entry, 30 (55.6%) of which were required (i.e., not part of a skip pattern). During the coding process, any decision made by the coder that was not clearly specified in the codebook was documented in a Decision Log, which was then reviewed independently by each of the principal investigators and project managers for a final determination. These coding decisions were then utilized for similar cases for the rest of the coding process.

A second graduate student was trained as a reliability coder. Project managers randomly selected 45 interviews (which included 75 incident forms) for reliability coding. This coder was instructed to address any questions to the project managers and refrain from direct communication with the primary coder during this process. The reliability coder kept a separate Decision Log, and was not privy to the decisions made from the primary coder’s log. Project managers then compared the data entry of the primary coder and the reliability coder.

In total, 8,865 fields were available for data entry in the primary interview database and 4,050 fields were available for incident form coding. The two coders agreed 97.7% of the time in the primary interview database and 96.5% of the time in the incident database. A discrepancy between coders was not considered an error if it resulted from a decision log review or a different selection of missing codes (i.e., not applicable/don’t know/refused). Five interview data fields and six incident data fields produced higher than a 10% error rate, and were examined closely by principal investigators and project managers. To decrease potential issues with variable quality, the structure of these 11 variables was altered to increase coding reliability,<sup>24</sup> recoded by the Project Managers,<sup>25</sup> or not included in the analyses reported here.

Finally, the issue of whether the study participants were forthcoming in their responses needs to be addressed. Our objective was to gather self-report data on matters that are arguably sensitive in nature; therefore, we anticipated that (at least some) inmates might be reluctant to describe some of their experiences while incarcerated. Not surprisingly, then, on occasion inmates being interviewed respectfully declined to answer sensitive questions, often by simply saying some version of “I don’t want to talk about that.” Although this response deprived us of valuable data, it also served to affirm that inmates were approaching the interview with sincerity and seriousness. Indeed, inmates routinely expressed interest in how the promise of

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<sup>24</sup> Response categories for the following interview questions were collapsed such that “other” and “multiple” were combined: “When prison violence does occur, what is it usually about?”; “Where in the facility did it occur?”; and “What do you believe this was about?” In addition, response categories for the following interview questions were combined such that the variable became dichotomous: “What did officers do to them?” and “What did officers do to you?”

<sup>25</sup> Specifically, responses to the following questions were recoded to ensure accuracy: “In your opinion, what can be done to improve the safety of inmates, generally?” and the “recency of the event” on the incident portion of the interview.

confidentiality would be kept as well as how the research team related to the CDCR more generally (i.e., that no one on the team is a CDCR employee). Once assurances of the research team's obligations and commitments along these lines were expressed in compelling terms, inmates often suggested that they felt comfortable reporting their experiences to the interviewers.<sup>26</sup> For example, when an interviewer asked why an inmate described multiple sexual assaults in the interview that were not reported to anyone else, the inmate replied, "Because you said it was confidential and you can't send me to the hole."

We derive some confidence in the veracity of inmates' responses by comparing self-report measures to official report measures for two arguably sensitive items: gang membership and mental health status. Twenty-three inmates in the study were recorded as verified gang members by the CDCR and 17 (74%) of these inmates confirmed their status as gang members by responding affirmatively to an interview question about current or former, street or prison gang status. In other words, in the main, these inmates revealed that they were in a gang. In a similar vein, 111 inmates in the study were classified by the CDCR as having mental health problems and 89 (80%) of these inmates reported to the interviewer that they had mental health problems since their incarceration. Although we do not have cross-checks like these for every item of interest, these two findings, coupled with our field experience, enable us to proceed with confidence that what was reported should be treated seriously even as concerns about what was not reported are legitimate and worthy of consideration.

## Findings

The central objective of this research is to develop an empirical understanding of the contours of inmate-on-inmate sexual assault in California correctional facilities. To describe the main findings along these lines, this section is divided into four subsections: prevalence, characteristics of victims, characteristics of incidents, and the subjective accounts of unwanted sexual incidents as described by inmates. Our focus is primarily on sexual assault, but where appropriate and informative, we make comparisons to non-sexual assault in order to delineate what is and is not distinct about sexual assault.

### **The Prevalence of Sexual Assault/Misconduct**

The numbers presented in this section should be interpreted with caution and contemplation, especially as they move beyond the prisons from which the data used to generate them were collected and are utilized to speak to unknown parameters in the CDCR population. The estimates derived from the empirical data presented here also should be read in light of

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<sup>26</sup> Unlike the experiences reported by field research in general (Sharp & Kermer, 2006) and prison researchers in particular (Arriola, 2006), members of this research team were well-treated in the field by inmates and correctional staff alike. That is, with rare exception, inmates and correctional officers treated us respectfully and, by extension, demonstrated a commitment to contributing to the successful implementation of the research.

confidence intervals and the upper and lower bounds indicated by confidence intervals. In addition, of course, these numbers should be digested with an understanding of how data for this report were collected, the degree to which our sample maps onto the larger prison population (as discussed at length in a previous section of this report), and how we defined and operationalized sexual assault and rape. Finally, and most importantly, these numbers should be understood as a first, but not a last, effort to empirically assess the prevalence of sexual assault and rape in California correctional facilities, especially California state prisons. They are not, by a long shot, the final word; instead, they are an opening comment for consideration and attendant dialogue.

*Sexual Assault/Misconduct.*<sup>27</sup> In the randomly selected sample, 4.4% (n=14) of the inmates reported experiencing sexual assault while in a California correctional facility and 1.3% (n=4) inmates reported engaging in sexual acts that they do not define as against their will, but nonetheless would rather not do. In sharp contrast, 59% (n=23) of the transgender inmates reported experiencing sexual assault while in a California correctional facility and 48.3% (n=14) reported engaging in sexual acts that, from their point of view, were not against their will, but nonetheless they would rather not do.<sup>28</sup>

The percentage of random sample inmates that reported sexual assault can be used to estimate the prevalence of sexual assault in the prisons from which we collected data and the CDCR prison population more generally.<sup>29</sup> Moving first to the targeted population in the six prisons in which these inmates reside, we use the Adjusted Wald computation set to a 95% confidence

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<sup>27</sup> “Sexual assault/misconduct” includes incidents reported in response to the following questions: “*Have you ever had to do sexual things against your will with other inmates while incarcerated?*”; “*Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?*”; and “*Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?*” We reserve the term, “sexual assault” to refer to incidents derived from responses to the first two questions that specify sexual activity that was explicitly against the inmate’s will.

<sup>28</sup> A total of 15 (4.7%) inmates in the random sample and 28 (71.8%) inmates from the transgender sample reported doing at least one sexual thing that was either against their will or that they would rather not have done while in a California correctional facility. Because inmates could report experiencing both sexual assault and sexual misconduct, the prevalence of sexual assault/misconduct is higher than the figures reported in the main text.

<sup>29</sup> Recall from the section of this report on “Assessing the Samples” and by reference to Table 2 that the demographic measures on the randomly selected sample compare favorably to the targeted population of the six prisons from which we collected data. However, generalization to the total targeted CDCR population is more tenuous; with the exception of sex offender registration and lifer status, the variable comparisons revealed statistically significant differences, including underrepresentation of Hispanic inmates as well as overrepresentation of inmates with mental health issues in the random sample. Finally, our population estimates are limited to the targeted population of non-EOP, male prison inmates who are not housed in reception centers or fire camps.

interval<sup>30</sup> to provide a prevalence estimate. The margin of error for 14 positive cases (i.e., sexual assaults) out of 322 total cases is +/-2.34%, which in turn is accompanied by a lower bound of .0255 and an upper bound of .0723. Translated, this leads to the estimate that between 499 (.0255 x 19,584) and 1,416 (.0723 x 19,584) inmates in the six prisons have been sexually assaulted while in a California correctional facility.

Even more cautiously, we extrapolate the percentages from our randomly selected sample to the targeted population in all of the CDCR prisons housing adult males. By the above method, we estimate that between 3,038 (.0255 x 119,153) and 8,615 (.0723 x 119,153) current prison inmates have been sexually assaulted while in a California correctional facility.

*Rape.* To assess the prevalence of rape as a particular type of sexual assault requires sensitivity to definitional issues surrounding rape. Recognizing that inmates might have a different understanding of what constitutes rape than the PREA, the penal code, CDCR officials and policy, and/or the research team, we recorded “rape” in two ways.

First, we allowed the inmates reporting sexual assault/misconduct to determine if the incident constituted rape by simply asking the inmate “*do you think this is sexual assault, attempted rape, or rape*” (see the instrument in Appendix A). When we did so, 2.2% (n=7) of the inmates from the random sample and 41.2% (n=14) of the inmates from the transgender sample (for whom a response to the question was recorded) designated at least one sexual assault incident in a California correctional facility to be rape (see Table 3). Less than 1% (n=3) of the inmates from the random sample reported an incident of rape in a California state *prison* specifically, while 38.2% (n=13) of the inmates in the transgender sample reported being raped in a California state *prison*.

Second, after reviewing all the sexual assault/misconduct incidents inmates described, we operationalized rape as “oral or anal penetration by force or threat of force.” With this definition of rape in mind, 3.1% (n=10) of the inmates from the random sample and 50% (n=18) of the inmates from the transgender sample were raped at least once while in a California correctional facility. Half of those inmates in the random sample who were raped in a California correctional facility reported at least one of those incidents as a rape in a California state *prison* specifically (n=5), as were all (n=18) of those who were raped in the transgender sample (Table 3).

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<sup>30</sup> Statisticians favor the Adjusted Wald Method when dealing with comparatively small sample sizes and rare events (Agresti & Coull, 1998; Sauro & Lewis, 2005). According to Sauro, the formula for the Adjusted Wald Method will produce an interval that will contain the observed proportion on *average* about 95 percent of the time. It uses the Wald Formula, but it is “adjusted” in that it adds half of the squared Z-critical value to the numerator and the entire squared critical value to the denominator before computing the interval, i.e.,  $(x+z^2/2)/(n+z^2)$ . For example, a 95% confidence level uses the Z-critical value of 1.96 or approximately 2 (see [http://www.measuringusability.com/wald.htm#laplace\\_est](http://www.measuringusability.com/wald.htm#laplace_est), last visited March 23, 2007).

Using the logic, caution, and caveats deployed above to estimate the prevalence of sexual assault in the six prisons from which we collected data as well as the larger population of CDCR inmates housed in adult facilities for men, we can arrive at two estimates of the prevalence of rape in correctional facilities in California. Like the numbers presented on sexual assault, these numbers should be read with caution and interpreted with a margin of error in mind—and, in this case, even more so since the cell sizes are very small. First, generalizing from the percentage of inmates in the random sample based on inmates' own assessments of rape and again using the Adjusted Wald computation set to a 95% confidence interval, the margin of error for 7 positive cases (i.e., rapes) is +/- 1.77%, which is accompanied by an estimated lower bound of .0097 and an upper bound of .0451. Therefore, by deploying the inmates' determination of what counts as rape, we estimate that between 190 (.0097 x 19,584) and 883 (.0451 x 19,584) inmates in the six prisons from which we collected data on a random sample of inmates have been raped while in a California correctional facility. Extrapolating the percentage of inmates from our randomly selected sample to the targeted population in all of the CDCR prisons housing adult males, we estimate that between 1,156 (.0097 x 119,153) and 5,374 (.0451 x 119,153) current prison inmates have been raped while in a California correctional facility.

Second, generalizing from the percentage of inmates raped based on an operationalization of rape as “oral or anal penetration by force or threat of force,” the margin of error for 10 positive cases (i.e., rapes) out of 322 total cases is +/-2.04%, which in turn is accompanied by a lower bound of .0162 and an upper bound of .057. Translated, this leads to an estimate that: 1) between 317 (.0162 x 19,584) and 1,116 (.057 x 19,584) inmates in the six prisons from which we collected data on a random sample of inmates have been raped while in a California correctional facility; and 2) between 1,930 inmates (.0162 x 119,153) and 6,792 inmates (.057 x 119,153) in the CDCR adult male prison population have been raped while in a California correctional facility.

It is useful to put these portrayals of the extent or occurrence of sexual assault/misconduct in perspective by addressing three features of the prevalence of violence in California correctional facilities: the frequency of victimization, the timing of victimization, and the degree to which sexual assault and non-sexual assault intersect. These dimensions are taken up in turn in the next three subsections and serve to conclude this major section of the report.

*Frequency of Victimization.* Figure 2 reveals the frequency with which inmates have been sexually and/or non-sexually assaulted. In the random sample of inmates, 50% of the inmates who reported being sexually assaulted while in a California correctional facility were assaulted once, a little over 20% reported being sexually assaulted between two and five times, and almost 30% were assaulted more than five times, including an inmate who reported being sexually assaulted 95 or more times. In other words, half of those who have been sexually assaulted in a California correctional facility have been sexually assaulted on a single occasion, and the other half have been sexually assaulted on multiple occasions. In sharp contrast, the modal experience for the transgender inmates who reported sexual assault is to be sexually assaulted on multiple occasions; indeed, 75% of the transgender inmates reported

being sexually assaulted on multiple occasions. However, being victimized in multiple incidents of non-sexual assault is the modal experience for inmates in both samples.

*Timing of Victimization.* To address the degree to which sexual assault/misconduct in California correctional facilities is “a thing of the past” and/or “a current phenomenon,” Figure 3 reports the year in which the most recent incident occurred as reported by inmates in both the random sample and the transgender sample. It reveals that a considerable portion of the most recent incidents reported by inmates in both samples occurred since 2000. Specifically, of the 14 inmates in the random sample who reported an incident, six inmates (42.9%) reported that the most recent incident occurred since 2000 and almost two-thirds (64.3%) of the inmates reported that the most recent incident occurred since 1990. Likewise, of the 25 inmates in the transgender sample who reported an incident, the majority (72%) reported that the incident occurred since 2000 and all but one inmate (96%) reported the most recent event occurred since 1990. These findings cannot speak to the relative frequency with which sexual assault/misconduct was occurring in California correctional facilities over the last several decades<sup>31</sup> because not everyone in the two samples was incarcerated during the time frame covered by the figure (thus not everyone in the two samples was “at risk” for sexual assault/misconduct during the same time frame). However, the findings revealed in Figure 3 confirm that sexual victimization is not limited to the past; combining incidents from both samples, the majority of the most recent events reported by the inmates have occurred since 2000.

*The Intersection Between Sexual and Non-Sexual Violence.* It is informative to compare the relative proportion of inmates who report being victimized (at least once) by sexual assault/misconduct (only), sexual assault/misconduct and non-sexual assault, non-sexual assault (only), and neither type of violence. Table 4 shows that the majority of inmates in the random sample (58.2%) have experienced only non-sexual assault; that is they have been hit, kicked, or punched (with varying degrees of severity) by other inmates in non-sexual incidents. Equally telling, over one third of the inmates in the random sample (37.1%) report never being involved in violence of any type while incarcerated in a California correctional facility. Lastly, a very small minority report being victimized in both sexual and non-sexual ways (2.8%), leaving less than 2% (1.9%) of the random sample inmates involved exclusively in sexual assault/misconduct.

Table 4 also reports the prevalence with which inmates in the transgender sample report sexual assault/misconduct (only), sexual assault/misconduct and non-sexual assault, non-sexual assault (only), and neither type of violence. Most tellingly, almost three-fourths (71%) of the inmates in the transgender sample report being involved in sexual assault/misconduct (including those who have experienced only sexual victimization and those who have experienced both sexual assault/misconduct and non-sexual assault). The majority of transgender inmates (52.6%) have been involved in both sexual and non-sexual

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<sup>31</sup> An inmate from the random sample reported that his “most recent” sexual assault incident occurred in 1970.

assault/misconduct and 18.4% reported experiencing only sexual assault/misconduct. Finally, only 13.2% of the transgender inmates report escaping violence entirely while incarcerated in a California facility.

The findings presented in Table 4 reveal two views of the relationship between sexual and non-sexual violence. On the one hand, the findings derived from the randomly selected sample, which is almost exclusively non-transgender inmates,<sup>32</sup> suggest that prison violence is overwhelmingly non-sexual, with few inmates experiencing both sexual and non-sexual victimization, and a sizable portion of inmates are able to escape involvement in prison violence. On the other hand, the findings derived from the transgender sample suggest that prison violence is overwhelmingly sexual, there is considerable overlap between victimization of both sexual and non-sexual violence, and violence in prison is inescapable. In other words, for non-transgender inmates, sexual assault/misconduct and non-sexual violence very rarely intersect; however, for transgender inmates, sexual and non-sexual assault are intersecting phenomena.

### **Characteristics of Victims**

*Transgender Inmates as Targets of Sexual Violence.* At this point, it should be clear that sexual assault/misconduct victimization in correctional facilities is more prevalent among transgender inmates; indeed, a comparison of the two samples—the randomly selected sample and the transgender sample—reveals that transgender inmates report more sexual assault by a factor of 13.4 (i.e., 4.4% to 59%). In addition, transgender inmates report engaging in sexual conduct that is not against their will, but that they would nonetheless rather not do, by a factor of 37.2 (i.e., 1.3% to 48.3%). These statistics alone signal the most dramatic disparity reported in this study.

*(Almost) All Inmate Types.* Distinctions between random sample inmates and transgender inmates aside, sexual assault/misconduct in general and sexual assault more specifically are not particular to any inmate demographic (see Table 5).<sup>33</sup> For example, although younger inmates in our samples (18-25) did not report sexual assault, inmates of varying ages (26-35, 36-45, and 46 and older) did. With the exception of Asian inmates, all racial/ethnic groups of inmates are represented in reports of sexual assault victimization. Both gang and non-gang members reported being sexually assaulted as did inmates in all custody levels. Inmates with and without a history of mental health problems reported sexual assault and inmates sentenced for an array of offenses—including violent, property, and drug offenses—reported sexual

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<sup>32</sup> Given the random selection process described in the previous section of this report on “Selecting the Sample(s),” transgender inmates could be included in the randomly selected sample. Nonetheless, it is safe to assume that the vast majority of inmates in this sample are not transgender inmates.

<sup>33</sup> Table 5 displays inmate characteristics of those that reported any incidence of sexual assault or misconduct, sexual assault specifically and those who only reported sexual misconduct (activity that they would rather not do), separately for each sample. Analyses reported in this subsection focus on victims of sexual assault.

assault. Inmates who are registered sex offenders as well as inmates who are not registered sex offenders reported sexual assault. Likewise, inmates serving a life sentence with the possibility of parole, and inmates not serving a life sentence reported sexual assault. In short, sexual assault is not particular to a “type” of inmate even as transgender inmates are especially vulnerable.

*Demographic Patterns.* There are distinct patterns within the findings on demographic characteristics reported in Table 5, which in turn reveal that sexual assault is more prevalent among some types of inmates than others.<sup>34</sup> For example, in the random sample almost two-thirds of the inmates who reported being sexually assaulted while in a California correctional facility are Black and the majority of the inmates who reported being sexually assaulted identify as something other than heterosexual (i.e., gay, bisexual, or other). About two-thirds of the inmates in the random sample who reported sexual assault have had mental health problems and about two-thirds of inmate sexual assault victims were sentenced for violent crimes. Middle-aged inmates (36-45 years old)—rather than younger inmates (either 18-25 year olds or 26-35 year olds)—more frequently reported sexual assault. However, when the percentage of these modal characteristics is compared with the *total* random sample, the *separate* characteristics of being Black, not heterosexual, *or* having mental health problems appear substantially more often among sexual assault victims.

In the transgender sample, some similar demographic patterns emerge among sexual assault victims. All but 4.3% of the inmates who reported sexual assault identify as something other than heterosexual (i.e., gay, bisexual, or other). Over two-thirds of the inmates in the transgender sample who reported sexual assault also reported a history of mental health problems. The proportion of transgender inmates who reported sexual assault and who are Black (34.8%), convicted of a violent offense (50.0%) or who are 36-45 years old (60.9%), is quite similar to these proportions in the *total* transgender sample. In short, identifying as something other than heterosexual or having mental health problems are noteworthy distinguishing characteristics of sexual assault victims in both samples.

There is also a noteworthy difference between the two samples: the demographic patterns of transgender sexual assault victims more closely align with the entire transgender sample whereas the random sample inmate victims are more distinct from the entire random inmate sample. This may be due to the high prevalence of sexual victimization among transgender inmates. There are a handful of other findings that demarcate the transgender sample from the random sample. For example, well over four-fifths (86.4%) of the transgender inmates who reported sexual assault also reported engaging in consensual sex while incarcerated; in contrast, of the inmates in the random sample who reported sexual assault only about a third (35.7%) also reported having consensual sex (Table 5). In other words, by their account, transgender inmates are more frequently (consensually) sexually active in prison than their non-transgender counterparts.

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<sup>34</sup> Due to the small cell sizes, in this subsection we report patterns of characteristics that are informative, regardless of statistical significance.

Table 6 summarizes some of the most telling findings related to victim characteristics. Sexual orientation (heterosexual or non-heterosexual before being incarcerated) and race (Black or non-Black) are paramount considerations when thinking about the correlates of sexual assault in California correctional facilities. Specifically, 66.7% (i.e., eight out of 12) of the non-heterosexual inmates reported sexual assault compared to 1.9% (i.e., six out of 308) of the heterosexual inmates reporting sexual assault. Moreover, half (i.e., four out of eight) of the non-heterosexual inmates who reported sexual assault are Black; even more striking, 83% (i.e., five out of six) of the heterosexual inmates who reported being sexually assaulted are Black.<sup>35</sup>

Finally, Table 7 reports the frequency distribution of inmates who report sexual assault, non-sexual assault (exclusively), and no violence as a way of discerning if there is an association between the prevalence of sexual assault and non-sexual assault within the confines of particular demographic characteristics. Focusing on the random sample, there is not a statistically significant difference between sexual assault and non-sexual assault in terms of age, gang status, custody level, offense category, sex offender registration, life sentence status, or engagement in consensual sex while incarcerated.<sup>36</sup> However, there is a statistically significant difference between sexual assault and non-sexual assault on two dimensions, as well as a marginal association on a third. Inmates with an official classification of mental health problems are significantly more likely to be sexually assaulted and inmates who are not so classified are significantly more likely to be assaulted in a non-sexual way ( $p < .05$ ). Also, non-heterosexual inmates are significantly more likely to experience sexual assault and heterosexual inmates are significantly more likely to experience non-sexual assault exclusively ( $p < .001$  [sexual orientation before incarceration] and  $p < .001$  [current sexual orientation]). Black inmates are marginally more likely to be sexually assaulted and non-Black inmates are marginally more likely to be involved in non-sexual violence exclusively ( $p < .10$ ).

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<sup>35</sup> Taking the descriptive findings presented this far as instructive, the random sample data were used to compute a series of logistic regression models (i.e., models designed to assess the probability of a dichotomous outcome occurring or not (Long, 1997)) to estimate the probability of sexual assault occurring based on specific victim characteristics. These models suggest that “months of incarceration in a California state prison” (as a measure of “exposure”) does not, in and of itself, emerge as a statistically significant predictor of sexual assault in a California correctional facility. In addition, bivariate logistic regression models reveal that when other factors are not controlled, race, mental health status, physical stature (inmates whose weight and height are one standard deviation below average were coded “small(er) in stature”[see Appendix D]), and sexual orientation are statistically significant predictors of sexual assault in California correctional facilities. Importantly, however, all but two of these statistically significant bivariate relationships vanish when considering all of these factors simultaneously. When controlling for mental health status and physical stature, the effect of sexual orientation and race remains statistically significant and large ( $p < .05$ ). These results, generated using non-weighted and weighted data as well as rare events logit, and their predicted probabilities are available by request.

<sup>36</sup> In some cases, small cell counts prohibit running tests of significance, which in turn prevents the rejection of the null hypothesis (i.e., that there is not an association between variables). The p-values reported are derived from chi-square tests.

In short, a handful of variables—mental health, sexual orientation, and marginally, race—structure the prevalence of sexual assault compared to non-sexual assault.

### **Characteristics of Incidents**

Understanding various manifestations of sexual violence in terms of the diverse contexts and the social relations that underpin them requires directing attention to an incident level analysis. To do so, we draw on 627 incidents of violence reported by 361 inmates in the seven prisons from which data were collected (322 inmates in the random sample and 39 inmates in the transgender sample). To summarize the incident level data, the inmates in the randomly selected sample reported a total of 36 incidents of sexual assault/misconduct and 463 non-sexual incidents (of which 355 were not riots and 108 were riots from their point-of-view); and the inmates in the transgender sample reported 76 incidents of sexual assault/misconduct and 52 non-sexual incidents (of which 46 were not riots and 6 were riots from their point-of-view).<sup>37</sup> Combined, these incident reports provide the basis for an empirical assessment of the contours of sexual assault within and across both samples.

In this section the focus is twofold. First, we examine the contextual features of the violence, including where and when the incidents occur, inmates' perceived "causes" of violence, whether weapons were involved and actually used, how often officers were aware of the sexual assault, and whether medical attention was needed and provided. Second, we examine the relational composition of violence by focusing on the following characteristics of the parties involved: the number of perpetrator(s), the racial/ethnic composition, the gang composition, and the social distance between the parties involved in the incident.

#### Contextual Features of Sexual Assault/Misconduct Incidents

*Where.* Table 8 summarizes data on the characteristics of the setting in which sexual assault/misconduct reported by inmates in the random sample and the transgender sample occurs in multiple types of California correctional facilities. It reveals that sexual assault/misconduct occurs in juvenile hall, California Youth Authority facilities, county jails, state prisons and community correctional facilities (Table 8). However, inmates in both the random sample and the transgender sample reported that most incidents occurred in state prison. Two-thirds (66.7%) of the incidents reported by inmates in the random sample and all but two (97.4%) of the incidents reported by the transgender inmates occurred in a state prison.

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<sup>37</sup> Recall that the interview schedule included 111 questions on the primary instrument and 33 questions on each supplemental incident form (see Appendix A). If an inmate responded affirmatively when asked about involvement in sexual assault/misconduct or non-sexual violence, the interviewer then asked a series of questions designed to capture the details associated with these incidents. The portion of the instrument used to record violent incidents was designed to obtain inmates' accounts of up to 11 incidents of sexual assault/misconduct (i.e., the 10 most recent incidents and a worst event) and four non-sexual assaults (i.e., the three most recent incidents and a worst event).

Zeroing in on the location inside California correctional facilities in which sexual assault/misconduct takes place, inmates in both samples reported incidents occurring in cells, showers, dorms, living units, day rooms, hospitals/clinics, yards, and “other” locations, including the “hallway,” “shed,” “behind the stage in the gym for movies,” “the restroom,” “at school,” and “at work” (Table 8). For the randomly selected inmates, dorms (26.7%) were most frequently reported to be the place in which sexual incidents occurred, with cells not far behind (23.3%). In contrast, the transgender inmates most frequently reported cells (44.6%) as the modal location in which sexual incidents occurred, with showers (21.6%) being identified less than half as frequently. These locations may reflect different housing patterns in the two samples.

With regard to rape in particular, the most frequent location in which it reportedly occurred differs depending upon how rape is defined and whether the incident reports come from random sample inmates or transgender inmates. Relying on inmates’ assessments of whether rape occurred in sexual incidents suggests that, in the random sample, rape (n=10) occurs most frequently in cells (40%) or in locations described as “other” (40%), such as “school restroom” and “behind the stage in the gym for movies.” In the transgender sample, rape (n=34) occurs most often in cells (44.1%) and second most frequently in the showers (32.4%). Using “oral or anal penetration by force or threat of force” as a definition of rape reveals that, in the random sample, incidents of rape (n=15) are most often reported to have occurred in a dorm (40%). Using this same definition, in the transgender sample, rape (n=39) occurs most often in cells (43.6%) and next most frequently in the showers (20.5%). Regardless of the definition of rape deployed in the study, the lesson here is that incidents of rape occur in multiple locations, some of which are construed as (comparatively) private spaces and some of which are understood as (comparatively) public spaces.

*When.* For both the randomly selected sample and the transgender sample, sexual assault/misconduct was most often reported to occur in the evening (Table 8).<sup>38</sup> However, for the inmates in the randomly selected sample who reported incidents, the afternoon was almost as frequently reported; and for the inmates in the transgender sample, the afternoon was reported a little more than half as often as the night. Comparatively few incidents occurred in the morning, with the random sample reporting 4% in the morning and the transgender sample reporting 13% in the morning. Nonetheless, what is telling is that sexual assault/misconduct can occur anytime of the day or night.

*Explanations for Sexual Assault/Misconduct (From the Point-of-View of Inmates).* Much has been written about “why” sexual assault/misconduct occurs in prisons and other correctional facilities; however, surprisingly, very few studies ask inmates directly about why—from their

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<sup>38</sup> For the purposes of this research, morning was defined as after 2 a.m., but before noon; afternoon was defined as noon to 6 p.m.; and evening was defined as after 6 p.m. to 2 a.m.

point-of-view—sexual assault happened to them while incarcerated.<sup>39</sup> This study is an exception because when inmates reported sexual assault/misconduct, interviewers asked an open-ended question: “*What do you believe this was about?*”

By far, the modal response to this question for inmates in the randomly selected sample and the transgender sample alike was that it was “sex-related” (Table 9). Sex-related includes a range of “motivations,” such as physical attraction (e.g., “he’d been after me for as long as he knew me”), perversion (e.g., “he was a sexual predator”), and sexual gratification (e.g., “he was releasing sexual energy”). Moving beyond references to sexual assault/misconduct being “sex-related,” an interesting pattern emerges. Namely, in the transgender sample, the incidents were reported to be about a wide range of issues, including: disrespect, retaliation, debt, illicit substances (e.g., tobacco, drugs, and alcohol), gangs, race, drug debt, power and control (e.g., “power trip,” “discipline,” “and he thinks he’s running things”), mood and emotion (e.g., irritated, moody, jealous, “being a dick,” “just crabby,” and “tempers flaring up”), and games and/or objects (e.g., disputes over chess, card games, handball games, and toilet paper). However, beyond the modal category of “sex-related,” the inmates in the random sample reported fewer explanations for specific incidents of sexual victimization: retaliation, race, power and control, and mood and emotion. Taking these accounts at face value suggests that sexual assault/misconduct among the transgender inmates is understood to be about a more diffuse set of set of dynamics than among the random sample inmates.

A glaring example along these lines emerges when comparing responses to the specific question “was this [incident] about sexual orientation?” Over two-thirds (69.0%) of the sexual assault/misconduct incidents in the random sample were reported to be about sexual orientation; however, a roughly similar percentage (70.6%) of the incidents in the transgender sample were reported *not* to be about sexual orientation (Table 9).

*The Involvement and Use of Weapons.* As reported in Table 10, a weapon was not involved in the vast majority of incidents of sexual assault/misconduct reported by both the randomly selected inmates (84.4%) and the transgender inmates (94.4%).<sup>40</sup> In the few incidents in which a weapon was involved, however, the frequency with which it was reported as actually used varied across the samples. In the randomly selected sample, the inmates reported that weapons were actually used in one-fifth (20%) of the sexual assault/misconduct incidents where weapons were involved. In the transgender sample, however, weapons were actually used in three-quarters (75%) of the sexual incidents where weapons were involved.

*Officers’ Awareness of the Incident and the Provision of Medical Attention.* Whether inmates reported correctional officers were aware of sexual assault/misconduct incidents and the

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<sup>39</sup> Fleisher and Krienert’s (2006) report addresses cultural myths about prison rape, but does not report inmate responses to some version of the question “Why did it happen to you?” More recently, Kruttschnitt and Carbone-Lopez (2006) published findings from a fascinating analysis of women prisoners’ subjective accounts of their violent crime, but sexual assault in prison was not addressed in that research.

<sup>40</sup> For the purposes of this study, body parts, such as a fist, were not counted as weapons.

frequency with which medical attention was provided when needed depends upon which sample of inmates is being considered. In the random sample, inmates reported that officers were aware of the sexual assault/misconduct in the majority (60.6%) of incidents, and that they received medical attention 70% of the time when it was needed (Table 11). Departing sharply from this pattern, however, in the transgender sample, inmates indicated that officers were *unaware* of the sexual assault/misconduct in the majority (70.7%) of incidents, and that they did *not* receive medical attention 64.3% of the time when it was needed.

*Comparing Contextual Features of Incidents of Sexual and Non-Sexual Violence.* To further understand the role of contextual features in incidents of sexual assault/misconduct requires assessing whether the context in which sexual assault/misconduct occurs is unique from or similar to the context in which non-sexual assault occurs. To this end, a series of chi-square tests on the random sample reveal that the majority of the contextual features discussed in this section—type of facility (prison or other type of correctional facility), time of occurrence (evening or morning/afternoon), presence of a weapon (yes or no), officers’ awareness of the incident (yes or no), and the need for medical attention (yes or no)—are not particular to sexual assault/misconduct. That is, there is not a statistically significant association between these features of violence and whether the incident was sexual or non-sexual. To further granulate the assessments along these lines, chi-square tests were run on two types of “non-sexual assault”: those that are riots and those are not. Regardless, there was not a statistically significant association. One variable—location within a facility (dorm or not)—constitutes the notable exception, with sexual assault/misconduct being more likely to occur in dorms than is the case in non-sexual incidents (riots and non-riots) ( $p < .05$ ). With this important exception noted, looking across a handful of contextual variables reveals that the general pattern seems to be that sexual assault/misconduct and non-sexual assault share the same contextual contours.

#### Relational Features of Sexual Assault/Misconduct

In this section the focus is on relational features of sexual assault/misconduct. Specifically, the analysis that follows examines sexual assault/misconduct in terms of the number of perpetrators involved, the racial/ethnic and gang composition of the parties involved, and the social distance between the parties involved.

*Number of Persons Involved.* Looking across all the reported incidents of sexual assault, it is clear that the vast majority of incidents involve two parties: a single perpetrator and the victim. Indeed, in 79.3% of the sexual assault/misconduct incidents reported by inmates in the two samples, only one other inmate was involved. At the other extreme, in the random sample, two incidents reflected a sexual assault committed by seven other inmates; in the transgender sample, one inmate reported being sexually assaulted by 13 other inmates on three occasions. The characteristics of the other person(s) involved and the nature of the relationship between the inmate reporting the incident and the other person(s) involved varied, as described below.

*Racial/Ethnic Composition.* From the point-of-view of inmates who reported incidents of sexual assault/misconduct, the vast majority of the incidents were not about race. When asked

specifically about the role of race in an incident, 93.5% of the incidents reported by inmates in the random sample and 94.4% of the incidents reported by inmates in the transgender sample were not seen as being “about race” (Table 9). Moving away from inmates’ assessments of specific incidents of sexual assault/misconduct, when inmates were asked about the cause(s) of prison violence in general without a delineation made between types of violence (i.e., “*When prison violence does occur, what is it usually about?*”),<sup>41</sup> the most common response was “disrespect” (26.7%), followed by “drugs” (15.7%), “debt” (12.5%), and then “race” (12.2%). When asked the more specific question, “*How often do you think violence is about racial tension?*,”<sup>42</sup> the modal response was “occasionally” (31.4%), but 45% of the inmates reported “all of the time” or “most of the time,” while 23.3% responded “rarely” or “never.” Looking across the findings on all three of these measures suggests that inmates rarely attribute racial motives to sexual assault, but view prison violence more generally to be more often about race. This pattern holds for both the random sample and the transgender sample.

Nonetheless, it is clear that race/ethnicity structures sexual assault/misconduct. When considering the racial/ethnic status of the inmate reporting the incident *and* the victim’s description of the racial/ethnic status of the perpetrator(s) involved in the incident, distinct patterns emerge in the two samples. In the random sample, sexual assault/misconduct is intraracial; 82.8% of the incidents of sexual assault/misconduct reported involved inmates of the same race/ethnicity, while only 17.2% involved inmates of different races.<sup>43</sup> In contrast, for incidents reported by inmates in the transgender sample, 36.1% were intraracial and 63.9% were interracial. A chi-square test of the association between sample (random sample or transgender sample) and whether sexual assault is intraracial or interracial reveals a statistically significant difference ( $p < .001$ ), with inmates in the random sample more likely to report intraracial sexual assault and the transgender inmates more likely to report interracial sexual assault.

*Gang Membership.* From the point-of-view of the inmates who reported incidents of sexual assault/misconduct, the vast majority of the incidents were not related to gang dynamics. When asked specifically about the gang status of participants in an incident, 93.8% of the

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<sup>41</sup> This question comes from the primary interview instrument rather than the incident portion of the interview schedule, thus it was asked of all study participants, regardless of whether they reported direct experiences with violence (sexual or otherwise).

<sup>42</sup> This question also comes from the primary interview instrument rather than the incident portion of the interview schedule, thus all study participants, regardless of whether they reported direct experiences with violence (sexual or otherwise), were asked this question.

<sup>43</sup> Reported in Table 12, half of the sexual assault/misconduct incidents in the random sample were reported by Black inmates, while the other half were reported by Hispanic (33.3%) and White inmates (16.7%) combined. This rank ordering corresponds to the rank ordering in prevalence reported in Table 5; in descending order, Black (60.0%), Hispanic (26.7%), and White (13.3%) inmates report being a victim of sexual assault/misconduct at least once. In the transgender sample, almost half of the incidents (46.1%) were reported by White inmates, with the remainder by Black inmates (21.1%), inmates the CDCR identifies as “Other” (19.7%), and Hispanic inmates (13.2%). This too generally corresponds to the rank ordering of prevalence reported in Table 5, with the notable exception of Hispanic and “Other” being reversed in descending order.

incidents reported by inmates in the random sample and 93.2% of the incidents reported by inmates in the transgender sample were not seen to be “about gangs” (Table 9). Inmates’ endorsement of non-gang aspects of the non-sexual assault incidents are only slightly lower, with 84.5% of the incidents reported by the inmates in the random sample and 87.8% of the incidents reported by inmates in the transgender sample not seen as being “about gangs.”<sup>44</sup> However, moving away from the inmates’ assessment of specific incidents of victimization, when inmates were asked “*How common do you think it is for prison violence to be about gang issues?*,”<sup>45</sup> 40.1% of the inmates reported prison violence is about gangs “all” or “most of the time,” 32.2% of the inmates said “occasionally,” and 27.7% of the inmates saw prison violence as “rarely” or “never” about gangs.

In essence, these perceptual measures produced seemingly contradictory findings: 1) incident level data suggest inmates rarely view sexual or non-sexual violence they experience in correctional facilities as about gangs; however, 2) the general question about the role of gangs in prison violence suggests that gang-related violence is fairly prevalent.

Nonetheless, as reported in Table 13, there is a bimodal finding regarding gang members’ involvement as perpetrators in sexual assault/misconduct incidents. In a little over half (51.5%) of the incidents in the random sample, all of the perpetrators involved in the incident were gang members; at the same time, in a little less than half (45.5%) of the incidents none of the perpetrators involved in the incident were gang members. Only one reported incident involved gang and non-gang perpetrators. This pattern of gang status among perpetrators is replicated in the transgender sample.

Using the victim’s report of gang membership for both the victim and the perpetrator(s), Table 13 also reports the gang composition of violent incidents.<sup>46</sup> Among incidents of sexual assault/misconduct in the random sample, two-thirds of the incidents include gang members as at least one of the parties involved and nearly half of the incidents (45.5%) involve the sexual assault of a non-gang victim by a gang member. The magnitude of gang involvement in sexual assault/misconduct is similar in the transgender-reported incidents: 58.9% involve gang members on at least one side, with proportionally fewer (33.9%) incidents involving gang members assaulting non-gang victims. Transgender inmates report more incidents with gang members on both sides (17.9%) than is the case in random sample incidents (9.1%). However, this difference in the pattern of gang involvement in the two samples is not statistically significant.

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<sup>44</sup> Interestingly, there was only one incident that did not involve gang members, but was “about gangs” from the point-of-view of the interviewee. In this case, the victim was a former gang member who was assaulted in a non-sexual way.

<sup>45</sup> This question comes from the general interview schedule rather than the incident portion of the interview schedule, thus it was asked of all study participants, regardless of whether they reported direct experiences with violence (sexual or otherwise).

<sup>46</sup> In contrast to the earlier section on “Victim Characteristics,” here we consider both past and current gang affiliations to capture the victim’s self-reported gang membership because the reported incidents could have occurred in the past three decades.

*Relational Distance.* A final feature of the relational aspects of sexual assault/misconduct is the relational distance between the victim and the perpetrator(s). As reported in Table 14, on this dimension of the relational features of sexual assault, for the random sample inmates there is a fairly even distribution along the continuum of relational distance wherein the perpetrators are “all or mostly strangers” (25.8%), “all or mostly [people who are] identifiable” (22.6%), “all or mostly acquaintances” (25.8%), and “all or mostly well known” (25.8%). In other words, sexual assault/misconduct does not manifest as a form of violence that differentially falls on various locations on this continuum; rather, it occurs between inmates of varying degrees of familiarity with roughly equal proportions. However, for the transgender inmates, the relational distance is skewed toward familiarity, with over 70% of the perpetrators being known well or an acquaintance of the victim.

*Comparing Relational Features of Incidents of Sexual and Non-Sexual Violence.* We relied on a series of chi-square tests on incidents reported by inmates in the random sample to assess whether relational features of sexual assault/misconduct differ from the relational features of non-sexual assault. Of the four relational variables discussed in this section—ratio of victim-to-perpetrator(s), racial/ethnic composition, gang composition and relational distance—two variables are statistically significant at the .05 level.

First, the racial/ethnic composition variable is significant, revealing that sexual assault/misconduct is more likely to be intraracial and non-sexual violence is more likely to be interracial ( $p < .05$ ). However, when riots are excluded, the relationship is no longer statistically significant, suggesting that the interracial aspects of non-sexual violence are more reflective of riots than incidents of non-sexual violence between few participants. In addition, sexual assault/misconduct incidents are significantly more likely to involve “all or mostly all” Black perpetrators than non-sexual incidents (riots and non-riot) ( $p < .05$ ).

Second, there is a significant relationship between gang composition and the two types of violent incidents. Non-sexual assault incidents are far more likely to incorporate gang membership among both victims and perpetrators (31.6%, including riots and 24.6% not including riots) than are sexual assault/misconduct events (9.1%) and less likely to have a gang perpetrator and non-gang victim (25.7% in non-sexual versus 45.5% in sexual assault/misconduct incidents) ( $p < .05$ ). The pattern holds when riots are excluded from the non-sexual incident comparison.

### **Getting Away from the Numbers and Back to the Experiences**

The numbers reported thus far are informative insofar as they reveal, in general terms, patterns and trends related to sexual assault/misconduct in California correctional facilities. However, they are less useful in revealing the subjective experience of inmates in California prisons who reported sexual assault/misconduct while incarcerated. Accordingly, the findings section of this report concludes with an overview of the kinds of experiences inmates reported to interviewers when asked about doing “sexual things against your will with other inmates

while incarcerated” as well as “sexual things that were perhaps not against your will, but you would have rather not done.”

In order to present narratives documented on the incident forms described in the previous section, select examples are drawn from the incidents of sexual assault/misconduct that occurred in California correctional facilities, as reported by inmates in the random sample and by inmates in the transgender sample. As the subsections below reveal, inmates reported a range of experiences with sexual assault/misconduct, including: the provision of sex in exchange for valued commodities, unwanted verbal harassment coupled with sexual groping, requests/mandates for oral sex, unwanted continued sexual attention in the context of the demise of a relationship, attempted rape, and forced anal and oral penetration. Illustrated in the remainder of this section, these types of experiences reveal the many ways in which sexual assault/misconduct is manifest in lived experiences of inmates serving time in California prisons. These experiences, in turn, reflect the structure of social relations and culture in correctional facilities, which are infused with fear of victimization, a desire for safety, negotiation for commodities, complicated ideas about consent, and interactional dynamics organized around race and gender.

*The Provision of Sex for Valued Commodities.* Inmates in both samples reported engaging in sexual conduct that was not against their will, but that they would rather have not done; however, the incidents reported by transgender inmates were most illustrative of the dynamics that underlie what others might refer to as “prison prostitution.” Among these inmates, often a distinction was made between sexual assault and other forms of sexual exchange. For example, a White transgender inmate who has served about seven years in California prisons reported never being sexually assaulted or raped because “you can’t rape the willing. If someone tries to rape me, I’ll get out of it. I’ll fight.” This inmate went on to describe at length a series of sexual encounters that she<sup>47</sup> would prefer not to be engaged in, but that are not against her will; indeed, by her own account, she often initiates undesirable sexual exchanges for self-interested reasons. As she described one incident:

It was this guy. He was ugly, real ugly. But he was beneficial to me. He had tobacco, ducats, coupons for the canteen, clothing, cosmetics, weed, etc. He came on to me. I figure I’ll work him. If I do it right, I don’t do anything that I don’t want to do. Sex. Oral lovemaking. I needed money, so I occasionally do it with him. It’s like casual prostitution. Prostitution in prison is different than prostitution on the street. Here you do it to get what you need.

When asked how she manages to meet with him to do this, she replied, “Sometimes you’ll get an officer that lets you keep the door open. He’s [the other inmate] a sugar daddy, a trick. We make him feel like a man. I believe rape is when someone has done something to you against your will.” When asked if what she described as prison prostitution is about sexual orientation,

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<sup>47</sup> Recall that, as reported in the introduction of this report, transgender inmates informed us that they prefer to be referenced with feminine generic pronouns.

she asserted, “Men in here look at us like we’re women.” Moreover, she explained, “Managing prison sex is easier than on the streets. In prison, everyone understands what’s going on.” Finally, when asked if officers know about this kind of exchange, she said, “We try to keep officers out of our business as much as possible.”

Another White transgender inmate reported experiencing non-sexual violence while incarcerated and engaging in sexual relations that while not against her will, she would rather not do. With regard to the latter, she replied, “Yeah, I got myself into some debt and had to pay for it.” When asked to describe the most recent incident in which this had occurred, she reported: “A month ago I got a \$20 paper—I paid cash for that [speed]. He says, ‘You know I like you and you don’t have to pay.’ So we went to have oral sex.” Without detailing each incident of these sexual exchanges, she estimated that this happens “30 or 40 times a year. There are way too many. They are no big deal.” She also volunteered a way of making sense of these kinds of incidents: “This is not real sex” and explained that real sex involves “penetration.”

In a similar case, a Hispanic transgender inmate who identifies as gay reported having to do sexual things against her will as well as sexual things that were not against her will but that she would rather not do. With regard to the latter, for example, she reported routinely providing sex to other inmates in order to pay debts she incurred for wine. According to this inmate, it was clear that her debts could not be paid any other way; moreover, if her debts were not paid, violence would ensue. As the inmate explained after describing a specific incident that revolved around payment of debt:

People in prison can easily become suckered into a lifestyle that they don’t want if they accumulate debt and owe favors. Soon they find it can all be taken care of with sex. It can easily become a commodity here—a much sought after commodity. It’s a trap if you don’t want that life. You have to learn to say “no” in a way that will make others believe it.

Reading across these kinds of incidents, a central theme emerges. Inmates make a substantive distinction between sexual assault and other types of undesirable sex in correctional facilities (i.e., sexual exchanges that they would rather not do). When making this distinction, they often report the latter as a basic fact of prison life, which in and of itself generally does not evoke the same level of outrage as sexual assault. Accordingly, in the remainder of this section, the focus is on incidents that inmates described and generally acknowledged to be against their will.

*Verbal Harassment Coupled with Sexual Groping.* A number of inmates reported that routine verbal harassment coupled with physical groping of a sexual nature is part of their incarceration experience. For example, a White heterosexual inmate who has served about nine years in prison reported being sexually assaulted once in prison. In 2000 another inmate described by the respondent as a “White gay guy” grabbed his “ass” and said he would make him his “girlfriend.” The inmate providing this report threw the other inmate off the tier,

which was about a 12 foot drop, and thereafter nothing else happened. Moreover, he reported, officers were aware of these incidents and moved the sexual perpetrator to another yard.

A Black inmate who identifies as bisexual, is housed in an HIV unit, and is serving his third prison sentence, reported, somewhat matter-of-factly, “Lots of homosexuals rub against me. I tell them ‘no’ and have to push them away. I have a friend who helps me. He has a lot of pull in my building. He can keep me safe. He’s respected.” As he described it: “There’s this transsexual in the building. He just won’t leave me alone. He comes at me all the time to utilize the opportunity. I always push him away. Nothing ever happens.” When asked how many times this occurred, he replied, “The rubbing? Hundreds of times.” When asked if he considered this sexual assault, he didn’t answer yes or no; instead, he said, “No one reached down my pants.”

Likewise, a Mexican inmate who identifies as gay answered “no” when asked if he was ever sexually assaulted while incarcerated, but when asked if he had been groped or fondled against his will responded affirmatively. He indicated that this has happened to him seven times. In the most recent incident, which took place in a dorm in a California prison in 2006, another Hispanic inmate grabbed him and pulled at him while asking him to “bend over and show him stuff.” He also explained that, in other incidents, inmates on the yard have pulled on his trousers, groped him, and pulled his shirt off. Defining this kind of behavior as sexual harassment, the inmate reported that officers are aware it is going on and “They have fun with me.” He also commented that it happens no matter where he is housed and that “Telling won’t help. There’s nothing they can do.” By his account, there are 30 guys who regularly come on to him, but always one at a time. They make sexual advances toward him in the shower, on his bunk, and in living areas. He explained that it is frustrating to deal with this everyday, commenting: “On the street I can walk away and choose who I deal with. Here I can’t. . . [I]f people of another race come up [to him] it creates tension and could turn into a bigger issue.”

As a final example along these lines, a transgender inmate who identifies as straight (i.e., a straight female attracted to men) and lives in an HIV unit explained it this way: “We transgender inmates get harassed all the time by both inmates and officers. When you move to a new housing unit, everyone is like bees. We need crisis cells.” When asked if she had ever had to do anything sexual against her will, she replied, “A lot—so many times I can’t count.” When pushed for an estimate, she said “50.”

These examples of verbal harassment and groping speak to the ways in which the prison environment is sexualized such that this particular zone of engagement is sometimes, but not always, defined as sexual assault by inmates. Importantly for our purposes here, inmates report that these kinds of interactions can be managed just as readily as they can become the springboard for other types of sexual violence, as described in the next subsections.

*Requests/Mandates for Oral Sex.* According to inmates, verbal sexual harassment and groping are often accompanied by pressure for oral sex. For example, a Mexican inmate who identifies as bisexual reported numerous incidents in which another inmate approached him and

required him to perform oral sex on him. In the most recent incident, which occurred in a state prison in 2006, it was his “bunkie,” who the inmate being interviewed described as a White inmate. In another incident, which occurred in a county jail in 2000, it was a Native American inmate with whom he was acquainted. The inmate reported that in both cases, as well as others, his sexuality was both known and the cause of the incident. Unprompted, the inmate reported that during these incidents he was not fearful, even as it was against his will. He did, however, report having “regrets.” Elaborating along these lines, he said: “I’ve never talked about these things before and it really helps me think about the things I’ve done, but it also depresses me to think I’m about to go back into that life.” He also explained that he tried to tell a sergeant that he is gay and wished to be segregated. The sergeant opened the door of the office and said, “You’re what? You’re gay?” while other inmates walked by. Since that time, the inmate reported, he does not tell anyone anything, in large part because “This kind of behavior will get you stabbed.” When asked what he thought could be done to prevent these kinds of things from happening, he replied, “The conduct of the people taking the report needs to be a little more mature and professional” and that “It is considered a joke by administrators.”

Illustrating a different scenario, a Cuban inmate who identifies as gay reported that his only sexual assault occurred in a county jail in 1989 when another inmate, who he described as a “stranger,” approached him and demanded that he perform oral sex on him. When the inmate providing this report refused, the perpetrator attacked him and he fought back. When prison officials became aware of the event, according to the inmate being interviewed, they told him, “If you don’t want to do it, then you’d better fight back.” When asked if there was anything else about this incident that would help the interviewer understand it, the inmate stated that the perpetrator later apologized and they became friends. As he said, “It was nothing important.”

Although the ways in which request/mandates for oral sex vary, a clear picture is painted by inmates’ reports of incidents. Like sexual harassment and groping, in some cases such requests can be dismissed without incident and in other cases they become the first moment in an interactional chain that results in sexual assault. As the examples above reveal, they often are delivered and heard in a context of fear, threat of violence, and the belief that correctional officials will not or cannot provide safe haven (i.e., protection).

*Unwanted Sexual Attention in the Context of the Demise of a Reported Consensual Relationship.* Inmates from both samples reported engaging in consensual sexual relations with other inmates and some reported being involved in what they deemed to be relationships with other inmates. As reported by inmates in both samples, these consensual relationships turned violent in ways that resulted in sexual assault.

In one case, a Black inmate of small(er) stature<sup>48</sup> who identifies as gay reported that he was sexually assaulted in a California prison in 2005. This occurred after a consensual relationship

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<sup>48</sup> Inmates whose weight and height are one standard deviation below average are deemed “small(er) in stature.”

with an inmate went “bad.” As he recounted, “He was a nice person. A lot of class about himself. But he was a liar. Sex was beautiful, but he did a lot of things to make it ugly and I thought I would rather not have done that.” In making sense of how things “went bad,” this inmate explained that it was “just normal relationships like anywhere else that went bad.”

In another example contextualized by a consensual relationship “gone bad,” a small(er) stature, Black transgender inmate who has served seven and a half years in California state prisons, described the following occurring in 2005:

I was in a relationship with another inmate. I’m involved with [him] for two weeks and another inmate spoke to me. [He] got angry and slapped me. I said, “I’m not going to go through this.” So he got up and stopped me from leaving. I knew if I tried to leave it would be worse. A month later another inmate gave me a compliment in the day room. [He] called me into the bathroom to talk. I saw this look on his face. He was angry. He spun me around and knocked my tooth out. Another inmate saw this and told the police. An officer saw this. I showed him my tooth. He said, “You’ll be alright.” One week later, and I’m still terrified. So I just want to make it work out. A few weeks later he started forcing himself on me. He raped me. [The interviewer asked if it was anal penetration and the inmate said, “Yes.”] This goes on for a year. Every day he’s raping me in the shower. I was seeing a counselor, but I don’t tell her. I was too afraid. I told her I was just getting beat up.

These examples evidence the complicated nature of prison relationships as well as the consequences for sexual assault when one inmate desires to terminate the relationship. Most relevant for this study, the demise of the relationship becomes a catalyst for violence (sexual and otherwise). However, as the next two subsections reveal, a relationship is not required for attempted rape and rape to occur.

*Attempted Rape.* While reporting varying types of sexual assaults, inmates made a distinction between rape and attempted rape. For example, a heterosexual Black inmate who has served about 22 years in California prisons reported one attempted rape. In 1999 his prison cellmate, a Black inmate, “took a liking” to him and “made advances.” His cellmate tried to “force himself” on him. Without providing much detail, this inmate defined this as “attempted rape” and “something traumatic” that required medical attention and resulted in officers moving the cellmate.

Providing more detail, a small(er) stature, Black inmate who identifies as gay reported an attempted rape in a county jail in 1975. He reported five Black guys “were trying to tear my clothes—it was an attempt—one tried to hit me and I blocked. I didn’t know it would be like that. I learned to fight after that.” This inmate perceived this assault to be about “sexual orientation”; to quote the inmate, “That’s all it was about.” Tellingly, the inmate also reported responsibility for the incident by asserting the following: “It was kind of my fault” because “an officer asked me if I was going to be okay and I said yes.”

When distinguishing between attempted rape and rape, inmates in this study made it clear that they thought that they were going to be raped and they avoided it by “fighting back.” Indeed, in not a single incident reported in this study was an attempted rape averted as a result of intervention by correctional officials. Recognizing this, it becomes clear that attempted rape is a catalyst for fear, violence, and a sense of shame born of attributions of personal responsibility. So, too, does rape, as described below.

*Forced Oral and Anal Penetration.* With varying degrees of detail, inmates reported being sexually assaulted by being forcibly penetrated orally and anally, sometimes multiple times. The incidents of rape reported by inmates took place over the last 30 plus years. And, as revealed below, inmates reported different ways of making sense of this type of victimization, including blaming prison officials for not keeping them safe and blaming themselves for not doing what it takes to stay safe while incarcerated.

For example, a transgender inmate who identifies as straight and lives in an HIV unit responded to an interviewer’s request for a specific incident of sexual assault by describing a scenario that has happened in the dorm routinely during her 25 year incarceration history: “I’m asleep and people jump on top of me. You keep your mouth shut. Take it. Get it over with. No fight. If I fight it I go to the hole and lose programming—no visits in ad-seg.” Later in the interview, when describing another incident, she explained, “After a couple of times, you think it can’t be as bad as the last time. You try to keep the bruises to a minimum so you don’t go to ad-seg. You just get through it.” “Getting through it,” from this inmate’s point-of-view, is part of the burden of serving time.

Moving back in time, a Black, heterosexual inmate reported being raped in 1970 in a cell after he was put with four White inmates who he described as “skinheads” who were “trying to make a name for themselves.” He described being penetrated anally by all four men as a “part of prison life” that, from his point-of-view, is about race. This “part of prison life,” he reported, led to injuries that required stitches and medication and resulted in a report being taken on a CDC115.<sup>49</sup> When asked by the interviewer for anything else about the incident that might help to understand it, he added that “prison life has changed a lot” and that “prison rape is no longer a problem.”

Another inmate corroborated this assessment of “then” and “now.” He—a Black inmate who has been incarcerated for a total of 15 years and who identifies as bisexual—described being raped multiple times and then concluded sexual assault in prison no longer happens. He reported having to do sexual things against his will on over ten occasions, which he differentiated as “the big three” and “the rest were quickies,” such as “hand jobs.” In the interview, he explained that he was not sure that the “quickies” were against his will because they were performed by homosexuals and he liked it, but that the “big three” definitely

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<sup>49</sup> Title 15 (a policy manual for the CDCR) calls a 115—the actual number on the form—a Rules Violation Report, which is supposed to be completed when inmate misconduct is believed to be a violation of law or is not minor in nature.

constituted sexual assault, including rape. The first incident in the “big three” occurred in a California state prison in 1983 when he was raped at knife-point in a way that required medical attention. He described that perpetrator as a Black inmate who was a “stranger” and a gang member. As the inmate reported, “Back then, that was how they showed muscle.” The inmate explained that at the time he was 19 years old and that he blames himself for being “dumb enough” to go into the shed and for being feminine, really attractive, and wearing his hair in jheri curls. Although he definitely considered it rape, he commented, “Now that I think about it, it wasn’t that bad. At least he gave me a wrap around at the same time.” When the interviewer asked if there was penetration, the inmate replied, “Oh yeah, he got all the way in there.” Unsolicited, he observed, “Who would have thought, and only God knew, that I would be sitting in front of [the interviewer] talking about all these things.”

The other two incidents reported by this inmate, which occurred in 1987 and 1988, involved being sexually assaulted after getting drunk with other inmates. In one case, he woke up and another inmate was “sucking on my dick”; thereafter, “other people found out” and the inmate reporting the incident left him “turned out.” Interestingly, when asked for elaboration, the inmate reported that he “put my trust in him and it was a mistake.” The inmate also observed that now “prison laws have changed and made it safer.” Likewise, when describing another incident, he said, “Now this would never happen. Anyone can do time in prison without worrying about it. They took the weights so people aren’t big Gorillas anymore.”

As noted in the quantitative analysis, the vast majority of sexual incidents involved one perpetrator. For example, a small(er) stature, Black heterosexual inmate who has served about twenty years in state prison reported having to do something sexual against his will on two occasions. In the most severe incident, he described that in 1982 he was sleeping and woke up to find a large Black man in his cell. He explained that this other man was another inmate an officer let in his cell. The other inmate was sitting on the toilet with a cord in his hand, which made the inmate reporting this incident afraid and made him decide to have sex with the intruder “so that he wouldn’t hurt me.” As he said, “It was scary to me because he was bigger. I ended up having sex with him—I wanted to be sure nothing happened to me physically.” The victim reported that he told officers of the incident, but nothing was done formally or informally.

In contrast, the following account illustrates victimization by multiple perpetrators on an ongoing basis; indeed, for this inmate it is so pervasive that the inmate refers to sexual assault as a “lifestyle.” A Hispanic transgender inmate who has been incarcerated ten years reported being raped twice and, in the process of describing the incidents, also illustrated an intersection between race, gangs, and protection. This inmate did not want to talk about the specifics of the rapes, but explained that, in 1997 a group of Mexican inmates told her she had to take care of their sexual needs or they would hurt her. Three of them “took turns fucking” her in her cell. In return, she explained, she got what she needed—protection—even as she was forced to engage in prostitution. This, she explained, was how she was initiated into being the property of a gang. From her point-of-view, she had to do it or die. Moving away from the details of this and one other incident she reported, she explained that transgender prisoners are

taken in by their own race and given what they need—protection, canteen, make-up, etc. In return, they are “owned” by the “head honchos” of the group. Part of the ownership, she asserted, involved the requirement to engage in prostitution. After reporting that she had been raped twice while incarcerated, this inmate did not want to talk about the specifics, but proclaimed “It’s a lifestyle, not an incident.” Clearly, from her portrayals, “the lifestyle” is anchored in the pursuit of both safety and valued commodities.

Reports of sexual assault suggest that rape is also an outgrowth of inmates’ *failure* to secure adequate protection from another inmate. Consider the account provided by a Black transgender inmate who reported having consensual sex in prison “all the time” as well as having to do sexual things against her will with other inmates and staff during her 15 years of incarceration. She stated that she had had been “brutally” penetrated both anally and orally in a county jail. In 1992 she chose to be in the mainline and was safe for four or five months before seven Black inmates raped her in a dorm twice over a two-week period. She explained that the rapes occurred because of her orientation as a transgender person and because the men were jealous that she was sleeping with one guy and that guy was not strong enough to protect her. This inmate asserted that the officers were made aware of the incidents after her mother came to visit, but the officers did not document the incidents.

Other incidents resulted in more official responses, but ultimately, in the eyes of the inmates, little meaningful official action. For example, a Black inmate who described his sexual orientation as straight reported being raped once in almost 13 years of incarceration in state prisons and over four years in county jails. As he reported it, while in a county jail in 1997, he was held down by two inmates, both of whom were Black and one of whom was a “bandit.” The “bandit” anally penetrated him. The inmate indicated that the officers were aware of the incident, but were “nonchalant” in their response. A report was taken and a rape kit was performed. However, from the victim’s point-of-view the response was insufficient: “Nothing happened to anyone.”

A transgender inmate who identifies as straight and lives in an HIV unit went beyond echoing the comment about a lack of institutional response and suggested that correctional officers facilitate prison rape. During an interview in which she reported being raped multiple times in California correctional facilities, she described an incident in 1999 in which she was in the shower washing her clothes. “Other inmates were in the shower and the prison guards locked them in the shower.” As she explained:

It surprised me. It happened quickly. He just came up from behind and penetrated me. I don’t know what to make of it. I think he just could do it and he did it. Everybody knows the guards won’t do anything about it. They know, too, and they don’t do anything about it. They locked us in there.

More recently, she reported, in 2000 she was serving time in a California state prison when another inmate walked into her workplace and said, “I’m going to rape you.” Twice her size, the other inmate proceeded to engage in forced anal sex with her. As she said: “He leaves. We

went back to work.” When asked if she needed medical attention, she answered affirmatively, but indicated that she did not receive medical attention because officers were not aware of the incident. When asked for elaboration, she replied, “I would like to have prosecuted him.” But, as she said when describing a more recent incident of sexual assault: “The administration at this place doesn’t give a fuck about transgender inmates. If it hasn’t been reported, it doesn’t happen.” Moreover, she said, “My observation: no one wants to get involved.”

Consider an incident reported by a Black transgender inmate who identifies as straight and who has been incarcerated in California prisons for 17 years. She reported the following happened in a prison in 1990:

I had this one cellie. He was a predator. This person—it was like a game. It was like playful harassment. He's wrestling with me to know he's stronger. He gave me food and then told me I owed him. He pulled a weapon on me and threatened to kill me if I didn't give him a blowjob or if I told anyone. He told me he'd kill me if I moved out of his cell. It seemed like a thousand times but it was probably like 30 over a couple of months. I didn't tell anyone. I didn't know prison life. It finally stopped because he got transferred. He would put a knife to my neck, knock me around, throw me to the [illegible]. He made me what I am now.

When asked to elaborate, the inmate said, “I was scared. I thought he’d use the knife. And I was new to this prison scene.”

Consider another report provided by this same inmate. She reported being raped multiple times while incarcerated. For example, the inmate reported that in 1991:

My cellie was a bigger guy. We were playing a game of monopoly. It happened. We started wrestling in a playful way. It went from playful to power. He took my briefs off and fucked me. I resisted it but then I quit. After this one, I wrote a note that said "help" on it and put it on the window. They came and got me and took me to the hole. When in the hole I refused to go back to the GP. I refused to go to the yard. So they left me in the hole for six months. Then they transferred me. I felt punished and abused. Prison is hell. The original note is still in my C-File.

The inmate went on to report that this incident happened because [back then] “He knew I was homosexual” and he wanted “sexual gratification.” After reporting this incident to the interviewer, the inmate vehemently encouraged the interviewer to look in the C-File to find the note mentioned in the report.

A small(er) stature, Black transgender inmate who has served seven and a half years in California state prisons, reported being raped multiple times while incarcerated in California state prisons. According to this inmate, in 2001:

They put me in a cell with a guy I'd never seen before, a gang-banger. We're feeling each other out, finding out who's who. One night, a week later, I woke up and he's trying to put his penis in my mouth. Once I realized what was going on, I tried to push him off. But he was too strong. He got what he wanted after he started hitting me and choking me. He raped me up the ass. I went to the officer and told him [that] I was not comfortable [sharing a cell with the perpetrator]. But [I] didn't tell him the real reason.

When asked if there was anything else that could facilitate further understanding about this incident, the inmate added, "If I wasn't in prison, this wouldn't have happened." This same inmate reported an earlier incident that occurred while in a California state prison in 1993:

I was in a dorm. He would come to my bed and make comments about me. How nice my butt was. He knew I was homosexual. He would show off his body. He was trying to seduce me. One night I was in the shower. The shower is real small. You can see the shower from the booth but I don't know where the woman [correctional officer] was. I was showering, he came in, locked me in there, grabbed me. He was much bigger than me. He pushed me back into the shower. I'm looking up at the glass, the booth, wondering where the lady [officer] is. He pushed me toward the back of the shower. He forced himself on me.

The interviewer asked if anal penetration occurred and the inmate said: "Yes. Afterward I went back to my bunk. No one spoke about it. No report." This inmate recounted an earlier prison incident from 1982:

I'm new in prison, real young, naïve. On the bus shackled to another homosexual, he tells me if I tell the officers I'm homosexual they will put me in a single cell. The officer asked me if I were homosexual and I said, "No." The officer tells me I'm going to [location deleted] and another inmate who looks like a straight dude just starts fondling my crotch. No others were around. He's coming onto me. I think "Okay, this is how it is in prison." Two days later we—the whole [location deleted]—goes to the yard. Another guy asked me to braid his hair. I'm braiding this black man's hair when an officer yells from the tower, "Everyone get down." I got down. Later that night an officer comes to me and says pack your stuff you're moving. He says one of your homeboys wants you to cell with him. They moved me to this other guy's cell. I asked the next guy, who is a [illegible] and can get me moved, "Did you move me over here and he said yes." He gave me a long t-shirt and told me to put it on. I did. We're both sitting on his bottom bunk playing cards, talking about our backgrounds. We're getting along. I got up to use the bathroom in the cell. As I was standing at the urinal he told me to sit down when I use the bathroom. I did. I was scared. The next day he asked me to shave my legs, so I

shaved my legs. I went to a guard on the yard and told her what was going on. She tells me to get out of the cell. The next day I got a slip to see the counselor. My cellie saw the slip and told me not to tell counselor I was homosexual. He told me, "There is no place in this prison." He had control over the [illegible] people and the others. I didn't tell the counselor. My cellie asked for oral sex. I said, "No." He accepted that but then he wouldn't help me lower my bunk and tells me to sit on the floor. I wasn't that sexually experienced. I had one sexual partner to that point. The next day he's nice and apologizes. The next evening, after dinner, we played cards on his bed. He pounced on me, chokes me. I was fearful for my life. I passed out. When I came to, I saw blood and I was extremely sore and I was placed on the floor. He's just sitting there staring at me. I thought of the movies—where it is a big Black raping guy. I was scared to move. Then he asked me, "Do you want me to help get the bed down?" I cleaned myself up and then went to bed. The next night—at 4 a.m.—I got transferred to [location deleted]. I told the Captain that I need to see the doctor. I told him why.

As a final exceptionally telling example, a Black heterosexual inmate who has been incarcerated 19 and a half years in California state prisons, reported being raped on one occasion. He was raped by his cellmate in a California state prison in 2003. As he described it:

On [location deleted], I came back to the cell after work and found my cellie going through my things. He stopped. He felt caught. Later that evening he got drunk or high. I went to sleep on my [bottom] bunk. He starts hitting me and then he pulls a knife on me. I fought but I was asleep and on medication. Anyway, he told me take my underwear off. I said, "Come on man. I can sense where this is going." He held the knife and sodomized me. I don't scream because I'm worried about the police. They take too long to get there. I thought this guy would kill me. I just wanted to stay alive, to live to see another day. He did what he did. He told me to clean up. I did. The next morning they called me out to go to the doctor [for an ongoing medical issue]. When I come back from the doctor, I see an officer bringing my cellie back from [location 1 to location 2]. I think, "At least he's out of my life." But then I noticed he stole all my property. I told the officer, who called the officer on [location 2] and tells him to hold the cart to check for my things. But he passed it to his homeboys, except my beard trimmers. So he got busted. The sergeant gave him a theft and he got transferred to [a different prison]. I'm glad he's away, not in my cell. But I want revenge. He shamed me. I want to get back at him. But we're on separate yards.

When asked if anyone knew about this incident, the inmate reported:

No inmates knew because I didn't scream. I'm so mad and frustrated that I try to kill myself by hanging myself. Then they put me in a crisis bed. I eventually

told the doctor about the rape. They took reports. But I don't know anything about what happened to him. I'm mad at [prison name deleted]. Two weeks later I tried to kill myself again. Then Dr. [name deleted] made me EOP. I never told Dr. [name deleted], but I've told other doctors. They took reports. I told [officer's name deleted] the whole story because they wanted to put another guy in my cell. He made me single cell. I refused a cellie and they put me in the hole. That's when I told him what happened to me. If they try to double-cell me, I'll go to the hole.

When asked what could have been done to avoid this, the inmate explained:

Don't report sexual assault immediately because that would keep us separate and then I couldn't get revenge. It began with a mistake. But even after it began, there's nothing to do. I say anything and I get labeled. I told my mother and father. They told me not to pursue it. They reminded me that I have 20 to life so I don't want a snitch jacket. This is really personal...that I'm telling you. Now they tell me to "find someone to live with." I thought *he* was someone I could live with.

## Summary of Findings and Recommendations

Before highlighting the main findings presented in the previous pages and offering some recommendations that derive from them, it is useful to acknowledge what veteran prison researchers already know: doing research in prisons on inmates is hard work, in large part because it is often fraught with many obstacles. As Arriola (2006) recently summarized in an article aptly titled "Debunking the Myth of a Safe Haven," which appeared in the premier journal devoted to bringing social science knowledge to bear on pressing criminological (and by extension correctional) concerns, *Criminology & Public Policy*:

Conducting research in correctional settings is extremely difficult. Inmates (and any other institutionalized population for that matter) are considered a special population deserving of additional research protections. Thus, getting Institutional Review Board approval for research in correctional settings is difficult. Moreover, many correctional administrators may not see research as a priority and not want researchers "poking around" for fear that they may discover something less flattering. Additionally, multiple levels of approval may be needed before the research can move forward (thus, gaining entry may be difficult), and inmates are generally distrustful of researchers and therefore may be less willing to serve as research participants than those who are not confined (2006:138).

The problem succinctly described by Arriola is exacerbated when the topic to be studied is sexual assault in correctional facilities.

Research on sexual assault in correctional facilities is (now) conducted in a larger context in which law, research, and politics intersect in historically unique ways. Federal law (i.e., The Prison Rape Elimination Act of 2003) and state law (i.e., The Sexual Abuse in Detention Elimination Act of 2005) focus newfound attention on sexual assault in detention facilities, encourage new ways of thinking about how best to foster safety in prisons, and demonstrate a commitment to increased and improved data collection and research on sexual assault in prison and other detention facilities. At the same time, research on sexual assault in correctional facilities gets reported and disseminated in a politically charged environment in which multiple stakeholders express concern about portrayals of the nature of the problem and vet appropriate remedies to address it. Included in these expressions of concern and vetting processes are corrections officials who admit they do not know the extent of prison rape (At risk: Sex abuse and vulnerable groups behind bars, 2005; Facing prison rape, part I, 2004), interest groups standing ready to contest empirical portrayals of sexual assault in prison (Stop Prisoner Rape, 2006), and social science researchers who, unfortunately, have very little agreement on the contours of sexual assault in correctional facilities and are not well-positioned to offer reliable and generalizable data from which to adjudicate disagreements (Gaes & Goldberg, 2004).

In this context, the findings reported in this document derive from rigorous original data collection made possible by a team of social science researchers, CDCR administrators as well as rank-and-file officers, and hundreds of cooperative inmates housed in California prisons. Combined, their efforts resulted in gathering interview data from 361 inmates housed in seven CDCR prisons; an exceptionally high voluntary participation rate by inmates; two informative samples, one of which is representative of the population of six prisons housing 19,584 inmates and approximates the larger population in California's male prisons (excluding reception centers, fire camps, and EOP inmates); and, most importantly, the successful completion of data collection, and by extension this report, with no harm to inmates and little (if any) disruption to the functioning of the prisons that served as research sites from which data were collected.

This research constitutes a significant advance in larger efforts to understand the causes, manifestations, and consequences of sexual assault in correctional facilities. At the end of the day, it is a single piece of research that, by design, is "basic" in nature. We emphasize its single status in order to acknowledge what good researchers know: the empirical production of knowledge about any topic, and certainly knowledge about sexual assault of any type and knowledge about inmate behavior of any type, is collective, cumulative, and (if done well) inevitably slow-going. A single piece of research is never definitive. This report is no exception.

Calling this research "basic" implies that it was first and foremost devoted to developing empirically-grounded knowledge about sexual assault in correctional facilities experienced by

inmates housed in adult male prisons in California. Rather than evaluating an intervention, which is more the province of applied research, the goal for this research effort was to understand the prevalence, victim characteristics, incident characteristics, and lived experience of sexual assault in California correctional facilities. That goal was pursued and achieved, knowing that doing so could aid in fashioning effective policies and programs designed to reduce sexual assault and respond to it fairly, constitutionally, and humanely when it occurs. With this in mind, then, below is a summary of the main findings and, in the final subsection, recommendations that derive from the findings.

### **Summary of Findings**

*Prevalence.* Slightly more than 4% of 322 randomly selected inmates in California state prisons reported being sexually assaulted while in a California correctional facility. This estimated prevalence, as well as the many extrapolations reported in this report, is higher than some previous research would suggest and lower than other previous research would suggest (Gaes & Goldberg, 2004). Sexual assault is 13 times more prevalent among transgender inmates (4.4% to 59%).

Moving beyond these core findings about prevalence, the other findings about prevalence can be summarized as follows:

- 2.2% of randomly sampled inmates defined at least one incident of sexual assault while in a California correctional facility as rape;
- 41.2% of purposively sampled transgender inmates defined at least one incident of sexual assault while in a California correctional facility as rape;
- 3.1% of randomly sampled inmates reported an incident of rape while in a California correctional facility when “oral or anal penetration by force or threat of force” is deployed as a definition of rape;
- 50% of the purposively sampled transgender inmates reported an incident of rape while in a California correctional facility when “oral or anal penetration by force or threat of force” is deployed as a definition of rape;
- 50% of the randomly sampled inmates who were sexually assaulted described being sexually assaulted on a single occasion while the other half reported multiple occasions;
- 75% of the purposively sampled transgender inmates who were sexually assaulted reported being sexually assaulted on multiple occasions;
- Combining both samples, the majority of inmates in this study who reported being sexually assaulted while in a California correctional facility described being sexually assaulted recently (i.e., since 2000);
- For the vast majority of randomly sampled inmates, prison violence is overwhelmingly non-sexual, with few inmates experiencing both sexual and non-sexual victimization and over a third (37%) of the inmates reporting never being involved in violence of any kind while in a California correctional facility; and
- For the vast majority of the purposively sampled transgender inmates, prison violence is overwhelmingly sexual, with considerable overlap between sexual and

nonsexual victimization (53%) and just 13% of the inmates reporting never being involved in violence of any kind while in a California correctional facility.

*Characteristics of Victims.* With the exception of Asian inmates and inmates between the ages of 18-25, every type of inmate in the random sample reported sexual assault. Specifically, the following types of inmates reported sexual assault in California correctional facilities: inmates in varying age ranges (26-35, 36-45, and 46 and older), inmates in different racial/ethnic groups (Hispanic, White, and Black), both gang and non-gang members, inmates in every custody level, inmates with and without mental health problems, inmates sentenced for an array of offenses (violent, property, and drug), inmates that are and are not registered sex offenders, and inmates serving a life sentence with the possibility of parole as well as those serving lesser terms of imprisonment.

However, some victim characteristics are more pronounced than others. Sexual orientation and race are clearly connected to sexual assault in California correctional facilities. Indeed, about 67% of the non-heterosexual inmates (i.e., gay, bisexual, and other) in the random sample reported sexual assault compared with about 2% of the heterosexual inmates. Also, 50% of the non-heterosexual inmates who reported sexual assault are Black and, even more pronounced, 83% of the heterosexual inmates who reported being sexually assaulted are Black. Corroborating these descriptive statistics, inferential statistical models reveal non-heterosexual inmates and Black inmates are considerably more vulnerable to sexual assault/misconduct in California correctional facilities.

In addition to the findings about race and sexual orientation, the following findings related to victim characteristics warrant consideration:

- Over two-thirds of the randomly sampled inmates and the purposively sampled transgender inmates who reported being sexually assaulted while in a California correctional facility have had mental health problems;
- About two-thirds of the randomly sampled inmates who reported being sexually assaulted while in a California correctional facility were sentenced for a violent offense;
- Inmates in the random sample with an official classification of mental health problems are statistically significantly more likely to have been sexually assaulted, and inmates who are not so classified are statistically significantly more likely to have been assaulted in a non-sexual way; and
- In the random sample, non-heterosexual inmates are statistically significantly more likely to experience sexual assault and heterosexual inmates are statistically significantly more likely to experience non-sexual assault exclusively.

*Characteristics of Incidents.* An examination of the incident characteristics reveals both contextual and relational features of sexual assault/misconduct.<sup>50</sup> With regard to the former,

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<sup>50</sup> Incident-based analyses included inmate-reported events that were against their will as well as those that while not against their will, they would rather not have done.

sexual assault/misconduct can occur in any type of correctional facility, a variety of locations within correctional facilities, and any time of the day. However, most incidents described by random sample and transgender inmates occur in state prison; incidents occur most often in dorms and cells for the randomly selected inmates and cells and showers for the transgender inmates; and they occur most often at night, according to inmates in both samples, but incidents reported by the inmates in the random sample occur almost as often in the afternoon. Inmates offer a variety of explanations for the occurrence of sexual assault/misconduct in correctional facilities, with transgender inmates offering a more varied set of attributions about the causes of sexual assault/misconduct. The majority of incidents of sexual assault/misconduct described by both samples do not involve weapons or require medical attention. In the random sample, the contextual features of incident characteristics of sexual assault/misconduct are generally similar to the characteristics of non-sexual violence, with one notable exception: sexual assault/misconduct is statistically significantly more likely to take place in dorms.

There are also patterns in regard to the relational features of sexual assault/misconduct. The vast majority of sexual assault/misconduct incidents involve one victim and one perpetrator. With regard to race/ethnicity, there is a statistically significant relationship between type of inmate (random sample inmates or transgender inmate) and whether sexual assault/misconduct is intraracial or interracial; specifically, inmates in the random sample are more likely to describe intraracial sexual assault/misconduct while transgender inmates are more likely to report interracial incidents. The role of gangs in sexual assault/misconduct is evident in both samples. For example, two-thirds of the sexual assault/misconduct incidents reported by inmates in the random sample involve gang members (in either party) and over 45% of the incidents involve a gang member assaulting a non-gang member. This general pattern holds for inmates in the transgender sample, too. The findings related to the final relational variable—relational distance between the perpetrator(s) and the victim in incidents of sexual assault/misconduct—are sample specific. In the random sample of inmates, sexual assault/misconduct occurs between parties with varying degrees of familiarity (from “stranger” to “well-known”). In contrast, the relational distance between inmates involved in sexual assault/misconduct incidents reported by transgender inmates is skewed toward familiarity.

As with the contextual features, sexual assault/misconduct incidents share many relational characteristics with non-sexual violence. For example, the proportion of single perpetrators and the relational distance between victim and perpetrator(s) is similar. Aggregate analyses suggest that sexual incidents are more likely to be intraracial, but more fine-grained assessments revealed that this is not the case when sexual assault/misconduct was compared with riots excluded from non-sexual violent events. Hence, the sole exception to this pattern of similarity is that sexual assault/misconduct incidents are less likely to involve gang members among both victims and perpetrators than are non-sexual incidents.

In addition to the general findings reported thus far, the following constitutes core findings derived from an incident level analysis of sexual assault/misconduct reported by inmates in this study:

- Inmates provide a variety of explanations for sexual assault, but by far the most common understanding of incidents of sexual assault/misconduct is “sex-related” (i.e., physical attraction, perversion, and sexual gratification);<sup>51</sup>
- Transgender inmates offer a more diffuse set of explanations for sexual assault;
- Inmates in the randomly selected sample were considerably more likely than inmates in the transgender sample to attribute sexual assault to dynamics related to “sexual orientation”;
- Inmates in the randomly selected sample stated that officers were aware of sexual assault/misconduct incidents the majority of the time and medical attention was provided when it was needed the majority of the time;
- Inmates in the transgender sample reported that officers were not aware of sexual assault/misconduct incidents the majority of the time and medical attention was not provided when it was needed the majority of the time;
- From the point-of-view of inmates in both samples who experienced sexual assault/misconduct, the vast majority of the incidents was not about racial dynamics;
- From the point-of-view of inmates who reported sexual assault/misconduct, the vast majority of the incidents was not about gang dynamics;

*The Lived Experience of Sexual Assault/Misconduct.* The inmates’ descriptions of their sexual assault/misconduct experiences enriched the quantitative assessment of the interview responses. The range of experiences elicited by the three different questions asked in the interview confirms the value of measurement triangulation. These accounts reveal considerable gray area in the terrain between forced, coercive, and non-coercive sexual interactions, with a range of undesirable sexually-charged situations often seen as “a fact of prison life.” However, there is little ambiguity in the expression of fear of victimization and concern for personal safety that are woven through many of these narratives. A distressing number of inmates who have been sexually assaulted while incarcerated appear to blame themselves for their victimization, often by referencing ignorance, a failure to navigate the “rules” of prison culture, a failure to interrupt a chain of interactions leading to assault, or a failure to secure protection by other inmates or correctional officials. While some inmates noted their approval of correctional policy and response to sexual assault (including the PREA specifically), few inmates view correctional personnel as allies in the pursuit of personal physical safety. Finally, the gendered dynamics of social interaction in correctional facilities, including those that house same-sex inmates, underlie inmates’ accounts of sexual assault/misconduct and provide a platform from which recommendations related to the findings from this study can be offered.

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<sup>51</sup> When the basis for a finding is not qualified by reference to a particular sample (i.e., random sample or transgender sample), the finding applies to both samples.

## Recommendations

A consideration of the findings detailed in this report and summarized above suggests a handful of recommendations. Some of the recommendations presented in this section have been endorsed by the CDCR PREA Commission, Stop Prisoner Rape, the National Institute of Corrections, and other entities devoted to reducing sexual assault in correctional facilities and responding to it effectively when it occurs. To conclude this report, our recommendations are divided into two general categories: research and policy. The latter—policy—necessarily has implications for practice.

*Research.* The scope conditions of this research ensure that more research needs to be conducted to further understand the causes, manifestations, and consequences of sexual assault in California correctional facilities as well as to inform interventions designed to detect and respond to sexual assault in California correctional facilities. Future research should take three directions.

First, other populations of inmates need to be the target of research, most notably inmates housed in correctional facilities for women and juveniles. Both of these populations of inmates are extremely important and worthy of comparable research attention due to the increased rate of incarceration of women and to the suspected vulnerabilities of each group. In addition, transgender inmates housed in correctional facilities for men deserve more research attention. Future research along these lines would be especially valuable if it focused on the connection between inmates' immediate living environment and the probability of sexual assault. For example, inmates' vulnerability to sexual victimization in different housing arrangements (e.g., single/double cell or dorm assignments, general populations versus segregated units) should be examined. Finally, the findings presented in this research suggest that studies devoted to examining the correlates of sexual assault among non-heterosexual inmates, inmates of color, inmates with mental health problems, and inmates who are smaller in stature would be beneficial.

Second, moving beyond a focus on inmate-on-inmate violence, future studies on an array of incarcerated populations need to collect empirical data on a broader range of types of sexual assault. For example, it would be valuable to have future research expand the focus to staff-on-inmate sexual assault/misconduct as well as inmate-on-staff sexual assault/misconduct. Because this study was limited to sexual victimization, future research should include data collection on perpetration and ascertain whether there are similar patterns and correlates between sexual assault victimization and perpetration in correctional facilities. Likewise, it would be valuable to have future studies collect data on sexual assault victimization and perpetration in both carceral and non-carceral settings to determine if there is a connection between these experiences in the community and correctional facilities.

Third, it would be beneficial to initiate and fund future studies designed to assess current efforts to respond to sexual assault in California correctional facilities. As the CDCR moves forward with current efforts to implement interventions into the dynamics that lead to sexual

assault, the propensity of inmates to forego reporting sexual assault, and the failure of CDCR officials to respond appropriately when sexual assault is reported, research will be needed to determine “what works” in general and how different interventions fare on different inmate populations.

*Policy.* In many ways, the policy changes developed by the CDCR PREA Commission that are being implemented constitute a significant advance in the CDCR’s efforts to respond to sexual assault in ways that comply with the Prison Rape Elimination Act of 2003 and the Sexual Abuse in Detention Elimination Act of 2005.<sup>52</sup> Given the prevalence estimates reported here, it is useful to affirm the value of this Commission’s work and continue to support the Commission’s efforts to develop training protocol on prevention, detection, and response for CDCR employees. In particular, the Commission’s efforts to reduce sexual assault and improve mechanisms for responding to sexual assault when it occurs warrant commendation, even as these activities require independent evaluations.

There are a number of policy considerations that warrant special focus in order to respond to sexual assault in California correctional facilities. First, the implementation of policies designed to address overcrowding likely would serve to reduce violence in California correctional facilities; the findings presented here suggest that—because sexual assault and non-sexual assault share common correlates—anything that can be done to reduce violence writ large is likely to reduce sexual assault, too. Imagine, for example, a situation in which fewer inmates share cells, fewer inmates live in environments not originally designed as housing (i.e., gyms), and fewer inmates are housed in situations in which cohabitants are incompatible by virtue of background, physical stature, or cultural differences. Other research suggests violence would decline under these conditions; this study, which reveals that sexual and non-sexual violence share some generative processes, suggests that sexual violence would also decrease.

Second, and related, revisiting the policy-specified considerations that inform initial and permanent housing assignments in correctional facilities is advisable. Many of the findings presented in this research can be used to inform decisions about “compatibility” when making housing assignments.<sup>53</sup> In particular, further consideration of the roles sexual orientation, race/ethnicity, mental health status, and physical stature play in sexual violence could inform housing assignments.

Just as recent revisions to the Initial Housing form (i.e., “the 1882”) have been made for the purpose of advancing the goal of racial integration, all housing assignment forms could be

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<sup>52</sup> See the “Sexual Assault Response Manual” for California Correctional Institutions and the “Sexual Assault Guide” for the Office of Internal Affairs, both produced by the CDCR.

<sup>53</sup> For a lengthy discussion of the importance of “compatibility” as a consideration in housing assignments, see the transcript of the public hearings held to discuss racial segregation in California prisons (Senate Select Committee on the California Correctional System, 2005).

altered to make considerations related to the vulnerability of sexual assault paramount.<sup>54</sup> The Sexual Abuse in Detention Elimination Act of 2005 identifies the following as risk factors for sexual victimization to be considered in determining housing assignment: age, violent or nonviolent offender, prior commitments, and a history of mental illness. This research suggests sexual orientation, race/ethnicity, and physical stature should be added to that list.

Where should the inmates who report the highest prevalence rate for sexual assault—transgender inmates—be housed and with whom should they be housed? This question has come up in the recent past as high-ranking CDCR administrators continue to struggle to manage overcrowding; this struggle unfolds in a context in which the vast majority of transgender inmates in California are housed in three prisons. The prevalence findings in this report suggest that it is useful to prioritize this question for further discussion and experimental research. However, an evidence-based response to this question is not obvious, even as it is entirely clear that transgender inmates' safety is the top priority and deliberate indifference must be avoided.

In light of this, there are two ways to determine what correctional facility environment constitutes the safest environment for transgender inmates: 1) by consulting the social science literature and 2) by consulting the voices of transgender inmates themselves, including the ones who participated in this study. With regard to the former, unfortunately, there is very little systematic empirical research that speaks directly to the ways in which particular types of housing assignments for transgender inmates correlate with vulnerability to sexual assault. Anecdotal evidence and the precedent-setting case brought by a transgender inmate (*Farmer v. Brennan* [114 S.Ct. 1970 (1994)]) suggest that transgender inmates are more vulnerable in non-segregated environments (see also Stop Prisoner Rape's (2005) report "Still in danger: The ongoing threat of sexual violence against transgender prisoners"). However, this issue has not been subjected to a systematic empirical test.<sup>55</sup> As a result, we know that transgender inmates are at high risk (as reported in this study), but we know very little about how that risk is statistically associated with specific housing assignments as opposed to other factors that might also be amenable to intervention, such as surveillance, programming, and physical features of the carceral environment in which they reside.

To complicate matters further, there is not agreement among transgender inmates about where they feel most safe and where they desire to be housed. In this study, some transgender inmates expressed a preference for segregated living (segregated could equal "among the other transgender inmates," "among the homosexual inmates," and/or "among the HIV positive inmates"), emphasizing that being among other transgender inmates feels like a safer way to serve time. In contrast, other transgender inmates express a preference to be among the general population rather than among "those people" (i.e., other transgender inmates,

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<sup>54</sup> For more along these lines, see the "Sexual Assault Response Manual" for California Correctional Institutions produced by the CDCR.

<sup>55</sup> To corroborate this observation, consider the testimony delivered on behalf of the Transgender Law Center by Chris Daley: "I have not seen verifiable data on this issue" (At risk: Sexual abuse and vulnerable groups behind bars, 2005:2).

homosexual inmates, and HIV positive inmates), emphasizing that living among other transgender inmates is stigmatizing within the prison population and, in turn, vulnerable-making.

In light of the lack of consensus among transgender inmates, it is imperative that more research be done on transgender inmates; in the meantime, one possibility for policy is to embrace a recommendation put forth in a report by Stop Prisoner Rape and the National Prison Project of the American Civil Liberties Union, “Still in danger: The ongoing threat of sexual violence against transgender prisoners” (2005): “To the greatest extent possible, these inmates should be given the opportunity to choose housing that feels safe and gender appropriate” (p. 7). Recognizing that the CDCR does not generally let inmates choose where to live, this is an infinitely reasonable recommendation in light of social science evidence that suggests that victims of violence are often better able to predict their victimization than social science actuarial tools (Gondolf & Heckert, 2003).

Related, it is also reasonable to invoke the structure of the Gender Responsive Strategies Commission and the expertise of its members to develop policies designed to enhance the safety of transgender inmates because transgender inmates fit squarely within a larger concern for “gender non-conforming inmates.”<sup>56</sup> As the quantitative and qualitative data presented in this report reveal, sexual assault in California correctional facilities is more pronounced among non-heterosexual inmates and often shrouded in essentialist beliefs about gender. Translated, one message that comes through clearly and consistently in the incident data on sexual assault is the idea that inmates who get sexually assaulted are not “real men”; rather, they are “rape-able” women. Seen in these terms, the issue of sexual assault in correctional facilities falls squarely into a larger discussion about the intersection between gender and violence.

Quite apart from whether the Gender Responsive Strategies Commission takes the lead on revisiting policies related to the safety of transgender inmates, the CDCR would be well-advised to consider Stop Prisoner Rape’s warning to avoid excessive reliance on isolation in response to sexual assault (2005, p. 4-5). Time and time again, inmates in this study indicated that they did not report sexual assault because they feared doing so would result in being placed in administrative segregation. As the report referenced above explained:

Aware of the risk of assault, but reluctant to create housing that accommodates transgender individuals, many facilities simply force those prisoners to live in some type of segregation. In some cases, the isolation is difficult to endure and

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<sup>56</sup> The interviews with transgender inmates in this study reveal that prison rape and other forms of sexual violence are definitely a concern for transgender inmates, but so too are things like increasing access to gender specific items such as bras, stopping officers from verbally harassing transgender inmates, and prohibiting transgender inmates from being strip searched in front of other inmates.

may constitute a de facto punishment for a gender identity that does not conform to societal norms (Stop Prisoner Rape 2005, p. 4).<sup>57</sup>

Shortly after this passage, the same report references the California Medical Facility in a positive way and then goes on to recommend avoiding blanket housing policies, such as automatically placing all transgender people in segregation or automatically housing inmates in general population by genitalia. The first example of a housing policy to be avoided has already been heeded by the CDCR PREA Commission and should be strictly enforced.

Moving away from specifically transgender issues, inmates generally indicated an unwillingness to report sexual assault to corrections officials, including corrections officers and counselors. This is not surprising given the growing literature that documents the many reasons inmates forego reporting sexual assault (Cotton & Groth, 1982; Human Rights Watch, 2001; Kunselman, Tewksbury, Dumond, & Dumond, 2002; Struckman-Johnson, et al., 1996). Nonetheless this finding prompts two interrelated recommendations. First, it would be useful to assess the degree to which the provisions established by the Sexual Abuse in Detention Elimination Act of 2005 have been/are being implemented and with what consequence. And second, if the Office of the Sexual Abuse in Detention Elimination Ombudsperson,<sup>58</sup> tasked with monitoring the prevention of and response to sexual abuse that occurs in CDCR institutions, is not securing reports of sexual assault, then alternative ways of enabling inmates to report sexual assault to non-CDCR officials should be considered.

These conjoined recommendations reflect the fact that inmates reported being sexually assaulted to a team of researchers, but often do not report sexual assault to CDCR officials. This, in turn, suggests that inmates are, under the color of confidentiality, willing and able to report sexual assault. Inmates generally do not believe that reports made to CDCR officials will be taken seriously, kept confidential, and/or result in any tangible positive consequence(s). In light of this, the solution is to provide venues for reporting that do not rely on CDCR officials as first responders (to reports), communicators, or adjudicators.

As just one example, consider one approach recently adopted in Texas: the use of a hotline run out of the Inspector General's Office and staffed by employees from the Inspector General's

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<sup>57</sup> A transgender inmate in this study corroborated this concern: "I like the PREA. They are doing the training. It's a fucking joke. PREA means if a rape occurs you slam the people by putting them in ad-seg."

<sup>58</sup> Based in the Office of the Inspector General, the Office of the Sexual Abuse in Detention Elimination Ombudsperson was created to ensure the impartial resolution of inmate and ward sexual abuse complaints. According to the Act, the ombudsperson in this Office shall have the authority to inspect all of the CDCR institutions and to interview all inmates and wards. In addition, the CDCR shall allow all inmates and wards to write confidential letters regarding sexual abuse to the ombudsperson; information about how to confidentially contact the ombudsperson shall be clearly posted in all of the CDCR institutions; the Office of the Inspector General shall investigate reports of the mishandling of incidents of sexual abuse, while maintaining the confidentiality of the victims of sexual abuse, if requested by the victim.

Office and the state Attorney General's Office. Since a sexual abuse scandal at the Texas Youth Commission became public in March 2007, prompting mass firings and resignations, investigations of 1,100 new allegations of sexual assault have been opened. In large part, these reports are forthcoming over a confidential hotline and are followed-up by investigators who travel to correctional facilities to talk with inmates who allege sexual assault (Blumenthal, 2007).

The most innovative recommendation emanating from this study is the development and implementation of a peer education program designed to educate inmates about sexuality, bodily integrity, consent, and the ways to avoid coercion in correctional facilities. The objective here is to go beyond current "one-shot" efforts at inmate education—through orientation materials distributed/shown to inmates when they enter a correctional facility—by providing ongoing education about sexual assault (and perhaps violence more generally).<sup>59</sup> One model for how this might be done is provided by Centerforce, which currently operates The Peer Education Program at three institutions (San Quentin State Prison, the Central California Women's Facility, and the Valley State Prison for Women) and has been positively evaluated.<sup>60</sup> The focal point of peer education is trained peer educators who engage with inmates in order to raise awareness, provide education, and serve as a resource. Prison peer educators can facilitate workshops, provide one-on-one outreach, and support and coordinate educational events sponsored by prison officials.

Through these types of activities and well-devised curriculum, inmates could be provided an ongoing opportunity to rethink how they understand sex, sexuality, consent, and harm. The value of providing these kinds of opportunities should not be underestimated in light of the incident data collected for this study that uncover beliefs about who is "rape-able" as well as what it takes to avoid being raped in correctional facilities. Therefore, the content of such an educational program should be devoted to conveying, in compelling terms, the idea to all inmates that non-heterosexual inmates do not desire sex with everyone or even anyone; that failure to fight in a threatening or coercive situation is not equivalent to consent; that raped inmates do not inherently prefer sex with men; that sexual victimization is not the victim's fault; and the CDCR is first and foremost responsible for managing correctional facilities in a way that eliminates sexual assault/misconduct.

Returning to the voice of an inmate revealed in the section devoted to the experience of sexual assault/misconduct: "You have to learn to say 'no' in a way that will make others believe it." Accordingly, peer education also can serve as a venue through which vulnerable inmates learn strategies to respond to sexual coercion in ways that are effective and empowering. Finally, peer education can raise the difficult question: what would you say if this happened to your mother, daughter, or sister?

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<sup>59</sup> For details on the CDCR's plans for inmate education, see "The Sexual Assault Response Manual" produced by the CDCR, and for an overview of legal mandates relevant to inmate education, see the Sexual Abuse in Detention Elimination Act.

<sup>60</sup> For more information on Centerforce, including positive reviews of the program, see <http://www.centerforce.org/programs/> (last visited April 12, 2007) and Werth and Sumner (2006).

Finally, it is important to recommend the obvious: CDCR officials should spend more time thinking about how to create carceral environments in which “fighting or fucking” (to quote inmates) are not the only options in some situations. Moreover, inmates in correctional facilities need to have those charged with running these institutions publicly demonstrate a commitment to zero tolerance for sexual assault. When an inmate in this study was asked, “How common do you think it is for inmates to be raped by other inmates,” he replied, “It actually happens, but not so much that the administration is forced to do something.” The CDCR’s challenge is to prove this inmate wrong. One way to begin to meet this challenge is by CDCR administrators signaling to inmates that they are doing something regardless of how frequently “it” happens. As former Secretary Hickman said under oath in a public hearing on sexual assault, this should be done “not just because it’s the law, but because we have made a commitment to safe prisons and because we treat prisoners humanely” (At risk: Sexual abuse and vulnerable groups behind bars, 2005).

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# Tables

**Table 1. An Assessment of Interviewer Effects on Potential and Realized Study Participants**

	Interviewer Characteristics					Potential and Realized Study Participants		
	Age	Sex	Race/ Ethnicity	Professor/ Graduate Student	Language	Inmates contacted by interviewer	Participation Rate (consent granted)	Usable Interviews
<b>1</b>	38	F	White	Graduate Student	English	50	80.0%	80.0%
<b>2</b>	54	F	White	Professor	English	3	100.0%	100.0%
<b>3</b>	45	F	Hispanic	Graduate Student	Spanish	19	89.5%	89.5%
<b>4</b>	29	F	White	Graduate Student	English	98	86.7%	82.7%
<b>5</b>	26	F	Asian	Graduate Student	English	77	83.1%	83.1%
<b>6</b>	25	F	White	Graduate Student	English	26	92.3%	92.3%
<b>7</b>	55	M	White	Graduate Student	English	35	82.9%	82.9%
<b>8</b>	26	M	White	Graduate Student	English	64	87.5%	81.3%
<b>9</b>	43	F	White	Professor	English	57	91.2%	89.5%
	TOTAL					429	86.2%	84.1%

**Table 2. A Comparison of Characteristics of the CDCR Adult Male Prison Population and Selected Research Samples<sup>1</sup>**

	Total Adult Male Prison Population		Facilities for Random Sample		Usable Random Sample		Usable Transgender Sample	
	N	mean/%	n	mean/%	n	mean/%	n	mean/%
<b>Total</b>	119,153		19,584		322		39	
<b>Age</b>								
Mean	119,153	36.6	19,584	37.9	322	39.1	39	39.0
Median		36		38		39		38
Std. Dev.		10.83		10.79		10.67		7.55
Range		18, 92		18, 87		20, 68		24, 61
18-25	20,579	17.3	2,796	14.3	36	11.2	1	2.6
26-35	38,623	32.4	5,762	29.4	90	28.0	10	25.6
36-45	34,906	29.3	6,223	31.8	102	31.7	21	53.8
46+	25,045	21.0	4,803	24.5	94	29.2	7	17.9
<b>Race/Ethnicity</b>								
Hispanic	46,581	39.1	6,392	32.6	92	28.6	8	20.5
White	30,422	25.5	5,274	26.9	99	30.7	12	30.8
Black	35,316	29.6	6,806	34.8	116	36.0	14	35.9
Asian	1,395	1.2	269	1.4	4	1.2	0	0
Other	5,439	4.6	843	4.3	11	3.4	5	12.8
<b>Offense Category</b>								
Violent	69,436	58.3	10,834	55.3	157	49.1	21	55.3
Property	20,617	17.3	3,680	18.8	76	23.8	11	28.9
Drug	20,953	17.6	3,668	18.7	63	19.7	6	15.8
Other	8,124	6.8	1,393	7.1	24	7.5	0	0

<sup>1</sup> Does not include inmates in reception centers or fire camps, or inmates who are designated EOP (Enhanced Outpatient) mental health status.

**Table 2. A Comparison of Characteristics of the CDCR Adult Male Prison Population and Selected Research Samples (Cont'd)**

	Total Adult Male Prison Population		Facilities for Random Sample		Usable Random Sample		Usable Transgender Sample	
	n	mean/%	n	mean/%	n	mean/%	n	mean/%
<b>Custody Level</b>								
1	22,482	19.2	4,496	23.4	79	25.3	4	10.5
2	39,127	33.4	5,489	28.6	86	27.6	12	31.6
3	29,070	24.8	5,136	26.7	90	28.8	11	28.9
4	26,688	22.7	4,092	21.3	57	18.3	11	28.9
<b>Life Sentence</b>								
Life	26,155	22.0	4,613	23.6	76	23.6	14	35.9
Life Without Parole	3,067	2.6	578	3.0	14	4.3	0	0
Death Row	599	0.5	3	0	0	0	0	0
<b>Sex Offender Registration</b>								
Yes	18,360	15.4	2,760	14.1	40	12.4	6	15.4
<b>Gang (verified)</b>								
Yes	15,576	13.1	2,065	10.5	27	8.4	0	0
<b>Mental Health Problems (official)</b>								
CCCMS <sup>2</sup>	19,301	16.2	4,845	24.7	91	28.3	17	43.6
Other Mental Health <sup>3</sup>	486	0.4	65	0.3	2	0.6	3	7.7

<sup>2</sup> Correctional Clinical Case Management System.

<sup>3</sup> "Other Mental Health" includes inmates in Crisis Beds, Department of Mental Health Status, and EOP.

**Table 3. The Prevalence of Inmates Reporting at Least One Incident of Rape in California Correctional Facilities and Prisons**

	Random Sample				Transgender Sample			
	In Any California Correctional Facility (n=320)		In Any California State Prison (n=320)		In Any California Correctional Facility (n=39)		In Any California State Prison (n=39)	
	n	%	n	% <sup>1</sup>	n	%	n	%
Inmate Assessment of Any Incident of Rape <sup>2</sup>	7	2.2	3	.9	14	41.2	13	38.2
<i>Missing</i>	2	-	2	-	5	-	5	-
Research Staff Assessment of Any Incident of Rape <sup>3</sup>	10	3.1	5	1.6	18	50.0	18	50.0
<i>Missing</i>	1	-	1	-	3	-	3	-

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<sup>1</sup> This reflects the valid % of the total sample who reported at least one incident of rape in California correctional facilities and for which at least one incident occurred specifically in a California State prison. Thus, these are not mutually exclusive categories.

<sup>2</sup> This includes inmates who described at least one of their incidents of sexual violence (by their own definition) as “rape.”

<sup>3</sup> This includes inmates who described at least one incident of sexual violence that was coded by the research staff as “rape” (i.e., oral or anal penetration by force or threat of force).

**Table 4. The Prevalence of Inmates Involved in Different Types of Violence in California Correctional Facilities**

	Random Sample		Transgender Sample	
	n	%	n	%
<b>Total</b>	318	100	38	100
<b>Sexual Assault/ Misconduct<sup>1</sup> (Only)</b>	6	1.9	7	18.4
<b>Sexual Assault/Misconduct and Non-Sexual Assault</b>	9	2.8	20	52.6
<b>Non-Sexual Assault (Only)</b>	185	58.2	6	15.8
<b>No Violence Reported</b>	118	37.1	5	13.2

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<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “*Have you ever had to do sexual things against your will with other inmates while incarcerated?*”; “*Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?*”; and “*Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?*”

**Table 5. Characteristics of Victims of Sexual Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Total (n=322)		Sexual Assault/ Misconduct <sup>1</sup> (n=320)		Sexual Assault <sup>2</sup> (n=320)		Sexual Misconduct <sup>3</sup> (n=312)		Total (n=39)		Sexual Assault/ Misconduct (n=39)		Sexual Assault (n=39)		Sexual Misconduct (n=29)	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Total</b>	322	100	15	4.7	14	4.4	1	.3	39	100	28	71.8	23	59.0	5	17.2
<b>Age</b>																
18-25	36	11.2	0	0	0	0	0	0	1	2.6	0	0	0	0	0	0
26-35	90	28.0	3	20.0	3	21.4	0	0	10	25.6	7	25.0	5	21.7	2	40.0
36-45	102	31.7	7	46.7	6	42.9	1	100	21	53.8	15	53.6	14	60.9	1	20.0
46+	94	29.2	5	33.3	5	35.7	0	0	7	17.9	6	21.4	4	17.4	2	40.0
<b>Race/ Ethnicity</b>																
Hispanic	92	28.6	4	26.7	3	21.4	1	100	8	20.5	6	21.4	6	26.1	0	0
White	99	30.7	2	13.3	2	14.3	0	0	12	30.8	10	35.7	7	30.4	3	60.0
Black	116	36.0	9	60.0	9	64.3	0	0	14	35.9	9	32.1	8	34.8	1	20.0
Asian	4	1.2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	11	3.4	0	0	0	0	0	0	5	12.8	3	10.7	2	8.7	1	20.0
<b>Gang (verified)</b>																
No	295	91.6	15	100	14	100	1	100	39	100	28	100	23	100	5	100
Yes	27	8.4	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> “Sexual Assault” includes individuals who reported “yes” to one of the following two questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”

<sup>3</sup> “Sexual Misconduct” includes individuals who reported “yes” to the following question only: “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

**Table 5. Characteristics of Victims of Sexual Violence in California Correctional Facilities (Cont'd)**

	Random Sample								Transgender Sample							
	Total (n=322)		Sexual Assault/ Misconduct (n=320)		Sexual Assault (n=320)		Sexual Misconduct (n=312)		Total (n=39)		Sexual Assault/ Misconduct (n=39)		Sexual Assault (n=39)		Sexual Misconduct (n=29)	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Gang (self-report, current)</b>																
No	254	84.9	13	86.7	12	85.7	1	100	35	97.2	25	100	21	100	4	100
Yes	45	15.1	2	13.3	2	14.3	0	0	1	2.8	0	0	0	0	0	0
<b>Custody Level</b>																
1	79	25.3	4	26.7	3	21.4	1	100	4	10.5	3	11.1	3	13.6	0	0
2	86	27.6	4	26.7	4	28.6	0	0	12	31.6	8	29.6	7	31.8	1	20.0
3	90	28.8	3	20.0	3	21.4	0	0	11	28.9	8	29.6	5	22.7	3	60.0
4	57	18.3	4	26.7	4	28.6	0	0	11	28.9	8	29.6	7	31.8	1	20.0
<b>Mental Health Problems (official)</b>																
No	229	71.1	6	40.0	5	35.7	1	100	19	48.7	12	42.9	9	39.1	3	60.0
CCCMS <sup>4</sup>	91	28.3	9	60.0	9	64.3	0	0	17	43.6	13	46.4	12	52.2	1	20.0
Other	2	.6	0	0	0	0	0	0	3	7.7	3	10.7	2	8.7	1	20.0
<b>Mental Health Problems Before Incarceration (self-report)</b>																
No	255	79.7	5	33.3	5	35.7	0	0	20	52.6	10	37.0	7	30.4	3	75.0
Yes	65	20.3	10	66.7	9	64.3	1	100	18	47.4	17	63.0	16	69.6	1	25.0

<sup>4</sup> Correctional Clinical Case Management System.



**Table 5. Characteristics of Victims of Sexual Violence in California Correctional Facilities (Cont'd)**

	Random Sample								Transgender Sample							
	Total (n=322)		Sexual Assault/ Misconduct (n=320)		Sexual Assault (n=320)		Sexual Misconduct (n=312)		Total (n=39)		Sexual Assault/ Misconduct (n=39)		Sexual Assault (n=39)		Sexual Misconduct (n=29)	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Sexual Orientation Before Incarceration</b>																
Gay	6	1.9	4	26.7	4	28.6	0	0	19	50.0	11	40.7	10	43.5	1	25.0
Straight	310	96.3	7	46.7	6	42.9	1	100	1	2.6	1	3.7	1	4.3	0	0
Bisexual	4	1.2	2	13.3	2	14.3	0	0	4	10.5	3	11.1	2	8.7	1	25.0
Other	2	.6	2	13.3	2	14.3	0	0	14	36.8	12	44.4	10	43.5	2	50.0
<b>Current Sexual Orientation</b>																
Gay	6	1.9	4	26.7	4	28.6	0	0	14	36.8	10	37.0	9	39.1	1	25.0
Straight	302	93.8	7	46.7	6	42.9	1	100	4	10.5	4	14.8	3	13.0	1	25.0
Bisexual	6	1.9	3	20.0	3	21.4	0	0	2	5.3	1	3.7	0	0	1	25.0
Other	8	2.5	1	6.7	1	7.1	0	0	18	47.4	12	44.4	11	47.8	1	25.0
<b>Consensual Sex</b>																
No	280	87.2	10	66.7	9	64.3	1	100	5	13.5	3	11.5	3	13.6	0	0
Yes	41	12.8	5	33.3	5	35.7	0	0	32	86.5	23	88.5	19	86.4	4	100

**Table 6. Victims of Sexual Assault in the Random Sample by Sexual Orientation and Race**

Sexual Orientation of Victim	Race of Victim	Sexual Assault		No Sexual Assault		TOTAL
		n	% race of victim	n	% race of victim	n
<b>Heterosexual (n=308)</b>	<b>Black</b>	5	4.5	105	95.5	110
	<b>Non-Black</b>	1	.5	197	99.5	198
<b>Non-Heterosexual (n=12)</b>	<b>Black</b>	4	80.0	1	20.0	5
	<b>Non-Black</b>	4	57.1	3	42.9	7

**Table 7. Characteristics of Victims of Sexual and Non-Sexual Violence in California Correctional Facilities**

	Random Sample						Transgender Sample					
	Sexual Assault <sup>1</sup> (n=320)		Non-Sexual Assault (Only) (n=318)		No Violence Reported (n=318)		Sexual Assault (n=39)		Non-Sexual Assault (Only) (n=38)		No Violence Reported (n=38)	
	n	%	n	%	n	%	n	%	n	%	n	%
<b>Total</b>	14	4.4	185	58.2	118	37.1	23	59.0	6	15.8	5	13.2
<b>Age</b>												
18-25	0	0	17	9.2	19	16.1	0	0	1	16.7	0	0
26-35	3	21.4	49	26.5	35	29.7	5	21.7	1	16.7	2	40.0
36-45	6	42.9	66	35.7	29	24.6	14	60.9	3	50.0	3	60.0
46+	5	35.7	53	28.6	35	29.7	4	17.4	1	16.7	0	0
<b>Race/Ethnicity</b>												
Hispanic	3	21.4	38	20.5	48	40.7	6	26.1	1	16.7	1	20.0
White	2	14.3	71	38.4	26	22.0	7	30.4	1	16.7	1	20.0
Black	9	64.3	65	35.1	40	33.9	8	34.8	2	33.3	3	60.0
Asian	0	0	2	1.1	2	1.7	0	0	0	0	0	0
Other	0	0	9	4.9	2	1.7	2	8.7	2	33.3	0	0
<b>Gang (verified)</b>												
No	14	100	173	93.5	104	88.1	23	100	6	100	5	100
Yes	0	0	12	6.5	14	11.9	0	0	0	0	0	0
<b>Gang (self-report, current)</b>												
No	12	85.7	148	83.6	91	86.7	21	100	5	83.3	5	100
Yes	2	14.3	29	16.4	14	13.3	0	0	1	16.7	0	0

<sup>1</sup> “Sexual Assault” includes individuals who reported “yes” to one of the following two questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”

**Table 7. Characteristics of Victims of Sexual and Non-Sexual Violence in California Correctional Facilities (Cont'd)**

	Random Sample						Transgender Sample					
	Sexual Assault (n=320)		Non-Sexual Assault (Only) (n=318)		No Violence Reported (n=318)		Sexual Assault (n=39)		Non-Sexual Assault (Only) (n=38)		No Violence Reported (n=38)	
	n	%	n	%	n	%	n	%	n	%	n	%
<b>Custody Level</b>												
1	3	21.4	36	20.0	39	34.5	3	13.6	0	0	1	20.0
2	4	28.6	43	23.9	37	32.7	7	31.8	4	66.7	0	0
3	3	21.4	56	31.1	29	25.7	5	22.7	1	16.7	2	40.0
4	4	28.6	45	25.0	8	7.1	7	31.8	1	16.7	2	40.0
<b>Mental Health Problems (official)</b>												
No	5	35.7	131	70.8	88	74.6	9	39.1	4	66.7	3	60.0
CCCMS	9	64.3	53	28.6	29	24.6	12	52.2	2	33.3	2	40.0
Other	0	0	1	.5	1	.8	2	8.7	0	0	0	0
<b>Mental Health Problems Before Incarceration (self-report)</b>												
No	5	35.7	152	82.6	95	80.5	7	30.4	6	100.0	4	80.0
Yes	9	64.3	32	17.4	23	19.5	16	69.6	0	0	1	20.0
<b>Mental Health Problems Since Incarceration (self-report)</b>												
No	4	28.6	118	64.1	92	78.0	5	21.7	4	66.7	4	80.0
Yes	10	71.4	66	35.9	26	22.0	18	78.3	2	33.3	1	20.0

**Table 7. Characteristics of Victims of Sexual and Non-Sexual Violence in California Correctional Facilities (Cont'd)**

	Random Sample						Transgender Sample					
	Sexual Assault (n=320)		Non-Sexual Assault (Only) (n=318)		No Violence Reported (n=318)		Sexual Assault (n=39)		Non-Sexual Assault (Only) (n=38)		No Violence Reported (n=38)	
	n	%	n	%	n	%	n	%	n	%	n	%
<b>Offense Category</b>												
Violent	9	64.3	92	50.0	51	43.6	11	50.0	3	50.0	3	60.0
Property	4	28.6	43	23.4	29	24.8	9	40.9	2	33.3	0	0
Drug	1	7.1	33	17.9	29	24.8	2	9.1	1	16.7	2	40.0
Other	0	0	16	8.7	8	6.8	0	0	0	0	0	0
<b>Sex Offender Registration</b>												
No	11	78.6	159	85.9	107	90.7	21	91.3	5	83.3	4	80.0
Yes	3	21.4	26	14.1	11	9.3	2	8.7	1	16.7	1	20.0
<b>Life Sentence</b>												
No	9	64.3	123	66.5	96	81.4	13	56.5	4	66.7	4	80.0
Life	5	35.7	50	27.0	20	16.9	10	43.5	2	33.3	1	20.0
Life Without Parole	0	0	12	6.5	2	1.7	0	0	0	0	0	0
<b>Sexual Orientation Before Incarceration</b>												
Gay	4	28.6	0	0	2	1.7	10	43.5	4	66.7	4	80.0
Straight	6	42.9	183	98.9	116	98.3	1	4.3	0	0	0	0
Bisexual	2	14.3	2	1.1	0	0	2	8.7	1	16.7	0	0
Other	2	14.3	0	0	0	0	10	43.5	1	16.7	1	20.0

**Table 7. Characteristics of Victims of Sexual and Non-Sexual Violence in California Correctional Facilities (Cont'd)**

	Random Sample						Transgender Sample					
	Sexual Assault (n=320)		Non-Sexual Assault (Only) (n=318)		No Violence Reported (n=318)		Sexual Assault (n=39)		Non-Sexual Assault (Only) (n=38)		No Violence Reported (n=38)	
	n	%	n	%	n	%	n	%	n	%	n	%
<b>Current Sexual Orientation</b>												
Gay	4	28.6	0	0	2	1.7	9	39.1	4	66.7	0	0
Straight	6	42.9	176	95.1	115	97.5	3	13.0	0	0	0	0
Bisexual	3	21.4	3	1.6	0	0	0	0	1	16.7	0	0
Other	1	7.1	6	3.2	1	.8	11	47.8	1	16.7	5	100
<b>Consensual Sex</b>												
No	9	64.3	159	85.9	109	92.4	3	13.6	0	0	2	40.0
Yes	5	35.7	26	14.1	9	7.6	19	86.4	6	100	3	60.0

**Table 8. Characteristics of the Setting of Incidents of Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Type of Facility</b>																
Juvenile Hall	3	8.3	1	.2	1	.3	0	0	0	0	0	0	0	0	0	0
Youth Authority	0	0	5	1.1	3	.8	2	1.9	1	1.3	0	0	0	0	0	0
County Jail	9	25.0	89	19.3	65	18.4	24	22.4	0	0	1	1.9	1	2.2	0	0
Adult State Prison	24	66.7	353	76.7	274	77.6	79	73.8	74	97.4	50	96.2	44	95.7	6	100
Private Correctional Facility	0	0	2	.4	2	.6	0	0	0	0	0	0	0	0	0	0
Adult Camp	0	0	5	1.1	4	1.1	1	.9	0	0	0	0	0	0	0	0
Adult Community Correctional Facility	0	0	4	.9	3	.8	1	.9	1	1.3	0	0	0	0	0	0
Federal Prison	0	0	0	0	0	0	0	0	0	0	1	1.9	1	2.2	0	0
Other	0	0	1	.2	1	.3	0	0	0	0	0	0	0	0	0	0
Missing	0	-	3	-	2	-	1	-	0	-	0	-	0	-	0	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

**Table 8. Characteristics of the Setting of Incidents of Violence in California Correctional Facilities (Cont'd)**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Where in Facility</b>																
Cell	7	23.3	113	24.5	108	30.4	5	4.7	33	44.6	9	17.3	9	19.6	0	0
Shower	2	6.7	7	1.5	7	2.0	0	0	16	21.6	3	5.8	3	6.5	0	0
Dorm	8	26.7	54	11.7	44	12.4	10	9.4	4	5.4	3	5.8	3	6.5	0	0
Gym	0	0	6	1.3	1	.3	5	4.7	0	0	0	0	0	0	0	0
Living Unit	5	16.7	42	9.1	28	7.9	14	13.2	1	1.4	4	7.7	4	8.7	0	0
Day Room	1	3.3	52	11.3	44	12.4	8	7.5	1	1.4	9	17.3	9	19.6	0	0
Yard	2	6.7	115	24.9	67	18.9	48	45.3	1	1.4	9	17.3	6	13.0	3	50.0
Kitchen/Dining	0	0	28	6.1	19	5.4	9	8.5	0	0	5	9.6	3	6.5	2	33.3
Hospital/Clinic	0	0	0	0	0	0	0	0	5	6.8	0	0	0	0	0	0
Multiple/Other	5	16.7	44	9.6	37	10.5	7	6.6	13	17.6	10	19.2	9	19.6	1	16.7
<i>Missing</i>	6	-	2	-	0	-	2	-	2	-	0	-	0	-	0	-
<b>Time of Day</b>																
Morning	1	4.0	140	33.3	107	33.1	33	33.7	9	13.0	15	32.6	13	31.7	2	40.0
Afternoon	9	36.0	152	36.1	113	35.0	39	39.8	19	27.5	18	39.1	15	36.6	3	60.0
Night	10	40.0	126	29.9	101	31.3	25	25.5	29	42.0	13	28.3	13	31.7	0	0
Across time units	5	20.0	3	.7	2	.6	1	1.0	12	17.4	0	0	0	0	0	0
<i>Missing</i>	11	-	42	-	32	-	10	-	7	-	6	-	5	-	1	-

**Table 9. Inmates' Explanations for Incidents of Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Open-ended responses</b>																
Disrespect	0	0	116	26.9	95	28.4	21	21.6	1	1.4	12	26.1	12	30.0	0	0
Retaliation	1	3.3	23	5.3	17	5.1	6	6.2	1	1.4	1	2.2	0	0	1	16.7
Property	0	0	3	.7	3	.9	0	0	0	0	0	0	0	0	0	0
Debt	0	0	10	2.3	6	1.8	4	4.1	7	9.6	1	2.2	0	0	1	16.7
Illicit Substances	0	0	19	4.4	15	4.5	4	4.1	1	1.4	1	2.2	1	2.5	0	0
Gangs	0	0	24	5.6	18	5.4	6	6.2	5	6.8	3	6.5	0	0	3	50.0
Race	1	3.3	53	12.3	26	7.8	27	27.8	1	1.4	2	4.3	1	2.5	1	16.7
Paperwork	0	0	2	.5	2	.6	0	0	0	0	0	0	0	0	0	0
Drug Debt	0	0	1	.2	0	0	1	1.0	1	1.4	0	0	0	0	0	0
Sex-Related	19	63.3	0	0	0	0	0	0	27	37.0	3	6.5	3	7.5	0	0
Power/ Control	3	10.0	18	4.2	16	4.8	2	2.1	9	12.3	3	6.5	3	7.5	0	0
Mood/Emotion	1	3.3	25	5.8	24	7.2	1	1.0	2	2.7	11	23.9	11	27.5	0	0
Mental Illness	0	0	10	2.3	10	3.0	0	0	0	0	1	2.2	1	2.5	0	0
Games and/or Objects	0	0	26	6.0	18	5.4	8	8.2	5	6.8	0	0	0	0	0	0
Multiple/Other	5	16.7	102	23.6	85	25.4	17	17.6	13	17.8	8	17.4	8	20.0	0	0
Missing	6	-	31	-	20	-	11	-	3	-	6	-	6	-	0	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

**Table 9. Inmates' Explanations for Incidents of Violence in California Correctional Facilities (Cont'd)**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Closed-ended Responses</b>																
<b>Race</b>																
No	29	93.5	352	72.1	286	82.4	39	37.5	68	94.4	46	90.2	41	91.1	5	83.3
Yes	2	6.5	126	27.9	61	17.6	65	62.5	4	5.6	5	9.8	4	8.9	1	16.7
<i>Missing</i>	5	-	12	-	8	-	4	-	4	-	1	-	1	-	0	-
<b>Gang</b>																
No	30	93.8	370	84.5	298	88.2	72	72.0	68	93.2	43	87.8	40	93.0	3	50.0
Yes	2	6.3	68	15.5	40	11.8	28	28.0	5	6.8	6	12.2	3	7.0	3	50.0
<i>Missing</i>	4	-	25	-	17	-	8	-	3	-	3	-	3	-	0	-
<b>Sexual Orientation</b>																
No	9	31.0	449	98.7	344	98.9	105	98.1	48	70.6	41	85.4	36	83.7	5	100
Yes	20	69.0	6	1.3	4	1.1	2	1.9	20	29.4	7	14.6	7	16.3	0	0
<i>Missing</i>	7	-	8	-	7	-	1	-	8	-	4	-	3	-	1	-

**Table 10. Involvement and Use of Weapons by Perpetrators in Incidents of Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Weapon Involved</b>																
No	27	84.4	340	73.9	301	85.3	39	36.4	68	94.4	41	80.4	40	87.0	1	20.0
Yes	5	15.6	120	26.1	52	14.7	68	63.6	4	5.6	10	19.6	6	13.0	4	80.0
Missing	4	-	3	-	2	-	1	-	4	-	1	-	0	-	1	-
<b>Weapon Used</b>																
No	4	80.0	8	7.1	5	9.6	3	4.9	1	25.0	0	0	0	0	0	0
Yes	1	20.0	105	92.9	47	90.4	58	95.1	3	75.0	10	100	6	100	4	100
Missing	0	-	7	-	0	-	7	-	0	-	0	-	0	-	0	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

**Table 11. Officers' Awareness and the Provision of Medical Attention for Victims of Incidents of Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Officers Aware of Event</b>																
No	13	39.4	147	32.1	144	41.0	3	2.8	53	70.7	13	25.0	13	28.3	0	0
Yes	20	60.6	311	67.9	207	59.0	104	97.2	22	29.3	39	75.0	33	71.7	6	100
Missing	3	-	5	-	4	-	1	-	1	-	0	-	0	-	0	-
<b>Medical Attention Needed</b>																
No	22	68.8	335	72.7	258	72.9	77	72.0	58	80.6	36	70.6	31	67.4	5	100
Yes	10	31.3	126	27.3	96	27.1	30	28.0	14	19.4	15	29.4	15	32.6	0	0
Missing	4	-	2	-	1	-	1	-	4	-	1	-	0	-	1	-
<b>Received Medical Attention</b>																
No	3	30.0	29	24.8	21	23.9	8	27.6	9	64.3	1	6.7	1	6.7	0	0
Yes	7	70.0	88	75.2	67	76.1	21	72.4	5	35.7	14	93.3	14	93.3	0	0
Missing	0	-	9	-	8	-	1	-	0	-	0	-	0	-	0	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

**Table 12. The Racial/Ethnic Composition of Incidents of Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Perpetrator(s) Race/Ethnicity</b>																
All or Mostly Black	19	65.5	142	31.1	121	34.4	21	20.2	51	70.8	26	50.0	26	56.5	0	0
All or Mostly White	5	17.2	132	28.9	126	35.8	6	5.8	4	5.6	4	7.7	4	8.7	0	0
All or Mostly Hispanic	4	13.8	112	24.6	83	23.6	29	27.9	13	18.1	16	30.8	11	23.9	5	83.3
All or Mostly Asian	0	0	9	2.0	8	2.3	1	1.0	0	0	1	1.9	1	2.2	0	0
All or Mostly Other	1	3.4	10	2.2	9	2.6	1	1.0	2	2.8	3	5.8	3	6.5	0	0
Equal Types	0	0	51	11.2	5	1.4	46	44.2	2	2.8	2	3.8	1	2.2	1	16.7
Missing	7	-	7	-	3	-	4	-	4	-	0	-	0	-	0	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

**Table 12. The Racial/Ethnic Composition of Incidents of Violence in California Correctional Facilities (Cont'd)**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Victim Race/Ethnicity</b>																
Hispanic	12	33.3	77	16.6	52	14.6	25	23.1	10	13.2	11	21.2	9	19.6	2	33.3
White	6	16.7	184	39.7	160	45.1	24	22.2	35	46.1	18	34.6	14	30.4	4	66.7
Black	18	50.0	179	38.7	128	36.1	51	47.2	16	21.1	14	26.9	14	30.4	0	0
Asian	0	0	5	1.1	2	.6	3	2.8	0	0	0	0	0	0	0	0
Other	0	0	18	3.9	13	3.7	5	4.6	15	19.7	9	17.3	9	19.6	0	0
<i>Missing</i>	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
<b>Concordance of Victim and Perpetrator Race/Ethnicity</b>																
Intraracial	24	82.8	286	62.7	263	74.7	23	22.1	26	36.1	27	51.9	26	56.5	1	16.7
Interracial	5	17.2	170	37.3	89	25.3	81	77.9	46	63.9	25	48.1	20	43.5	5	83.3
<i>Missing</i>	7	-	7	-	3	-	4	-	4	-	0	-	0	-	0	-

**Table 13. The Composition of Gang Status in Incidents of Violence in California Correctional Facilities**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Gang Member Perpetrators</b>																
Yes	18	54.5	240	56.7	155	47.8	85	85.9	33	49.3	19	40.4	15	36.6	4	66.7
No	15	45.5	183	43.3	169	52.2	14	14.1	34	50.7	28	59.6	26	63.4	2	33.3
Missing	3	-	40	-	31	-	9	-	9	-	5	-	5	-	0	-
<b>Proportion of Gang Member Perpetrators</b>																
None	15	45.5	183	43.3	169	52.2	14	14.1	34	50.7	28	59.6	26	63.4	2	33.3
Less Gang Than Non-Gang	0	0	6	1.4	1	.3	5	5.1	0	0	0	0	0	0	0	0
Same Amount of Gang as Non-Gang	0	0	20	4.7	1	.3	19	19.2	0	0	0	0	0	0	0	0
More Gang Than Non-Gang	1	3.0	11	2.6	0	0	11	11.1	0	0	0	0	0	0	0	0
All Gang	17	51.5	203	48.0	153	47.2	50	50.5	33	49.3	19	40.4	15	36.6	4	66.7
Missing	3	-	40	-	31	-	9	-	9	-	5	-	5	-	0	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

**Table 13. The Composition of Gang Status in Incidents of Violence in California Correctional Facilities (Cont'd)**

	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Gang Member Victim (verified)</b>																
No	36	100	427	92.2	330	93.0	97	89.8	76	100	52	100	46	100	6	100
Yes	0	0	36	7.8	25	7.0	11	10.2	0	0	0	0	0	0	0	0
<i>Missing</i>	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
<b>Gang Member Victim (self-report, ever)</b>																
No	29	80.6	276	62.6	232	68.0	44	44.0	48	76.2	32	68.1	29	65.9	3	100
Yes	7	19.4	165	37.4	109	32.0	56	56.0	15	23.8	15	31.9	15	34.1	0	0
<i>Missing</i>	0	-	22	-	14	-	8	-	13	-	5	-	2	-	3	-
<b>Concordance of Victim and Perpetrator Gang Membership</b>																
Both Gang	3	9.1	128	31.6	77	24.6	51	55.4	10	17.9	4	9.5	4	10.3	0	0
Victim Gang Perp. Non-Gang	4	12.1	29	7.2	26	8.3	3	3.3	4	7.1	9	21.4	9	23.1	0	0
Perp. Gang Victim. Non-Gang	15	45.5	104	25.7	75	24.0	29	31.5	19	33.9	13	31.0	10	25.6	3	100.0
Both Non-Gang	11	33.3	144	35.6	135	43.1	9	9.8	23	41.1	16	38.1	16	41.0	0	0
<i>Missing</i>	3	-	58	-	42	-	16	-	20	-	10	-	7	-	3	-

**Table 14. The Composition of Relational Distance in Incidents of Violence in California Correctional Facilities**

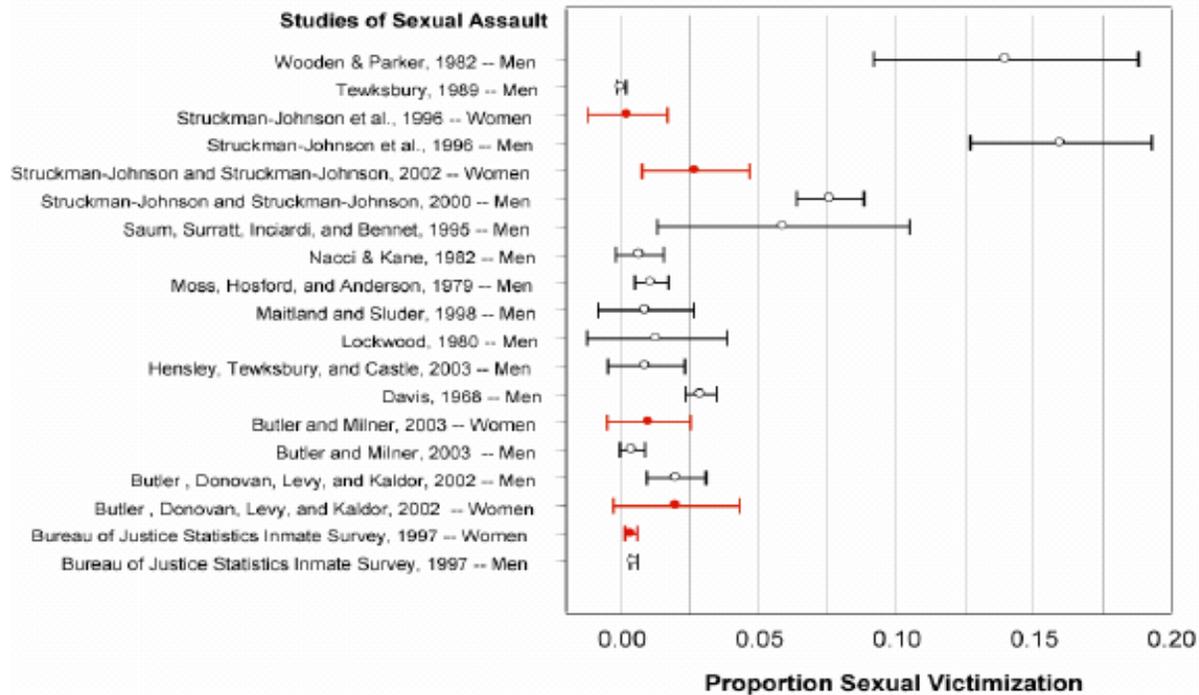
	Random Sample								Transgender Sample							
	Sexual Assault/Misconduct <sup>1</sup>		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot <sup>2</sup>		Sexual Assault/Misconduct		All Non-Sexual Assault		Non-Sexual Assault Non-Riot		Non-Sexual Assault Riot	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	36	-	463	-	355	-	108	-	76	-	52	-	46	-	6	-
<b>Status of Perpetrators<sup>3</sup></b>																
All or Mostly Strangers	8	25.8	111	25.0	86	24.7	25	26.0	11	14.9	10	20.4	7	15.9	3	60.0
All or Mostly Identifiable	7	22.6	91	20.5	75	21.6	16	16.7	11	14.9	8	16.3	8	18.2	0	0
All or Mostly Acquaintances	8	25.8	111	25.0	94	27.0	17	17.7	28	37.8	5	10.2	5	11.4	0	0
All or Mostly Known Well	8	25.8	101	22.7	87	25.0	14	14.6	24	32.4	23	46.9	23	52.3	0	0
Equal Types	0	0	30	6.8	6	1.7	24	25.0	0	0	3	6.1	1	2.3	2	40.0
Missing	5	-	19	-	7	-	12	-	2	-	3	-	2	-	1	-

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

<sup>2</sup> An incident is coded as a riot if the inmate used the word “riot” to describe the incident. Inmates were not asked specifically if this was a riot, rather they had to volunteer this description.

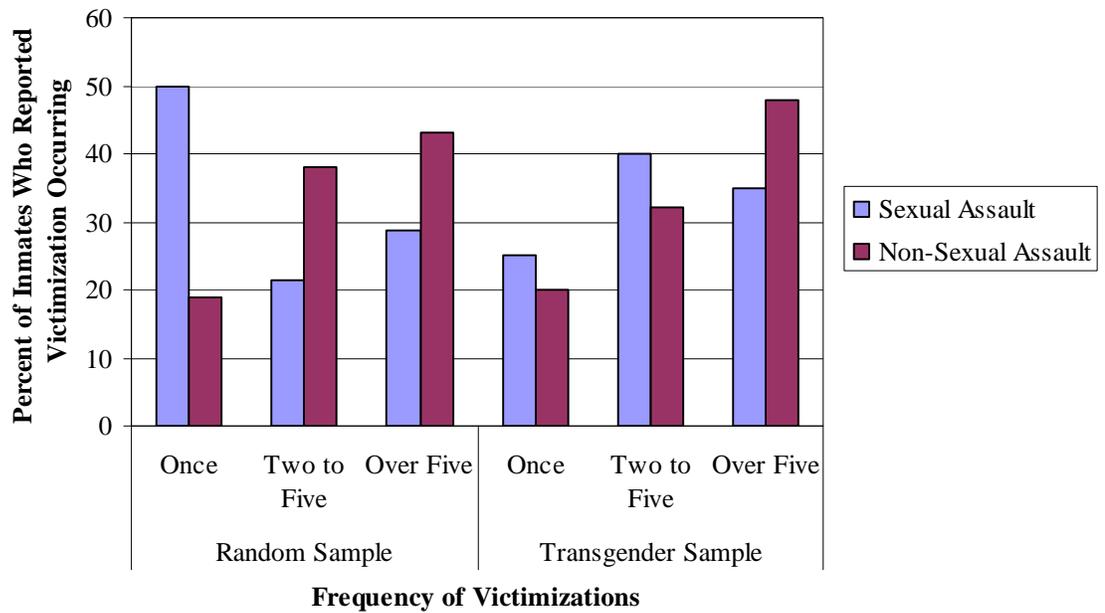
<sup>3</sup> This is from the point of view of the study participant.

# Figures



**Figure 1. Sexual Assault Victimization Prevalences (Effect Sizes) and 95% Confidence Intervals**

Source: Gaes, G.G., & Goldberg, A.L. (2004). *Prison Rape: A critical review of the literature, working paper*. Washington, D.C.: National Institute of Justice.



**Figure 2. The Distribution of the Frequency of Sexual and Non-Sexual Assault Among Random Sample and Transgender Sample Victims<sup>1</sup>**

<sup>1</sup> Reported percentages reflect the frequency of victimization for inmates who reported sexual and non-sexual assault. “Sexual Assault” includes individuals who reported “yes” to one of the following two questions: “*Have you ever had to do sexual things against your will with other inmates while incarcerated?*”; “*Just to be sure, have any of the following things every happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?*”



**Figure 3. Year of Most Recent Sexual Assault/Misconduct<sup>1</sup> Incident Reported by Victims in the Random Sample and the Transgender Sample**

<sup>1</sup> “Sexual Assault/Misconduct” includes individuals who reported “yes” to at least one of the following three questions: “Have you ever had to do sexual things against your will with other inmates while incarcerated?”; “Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?”; and “Well, what about sexual things [with other inmates while incarcerated] that were perhaps not against your will, but you would have rather not done?”

# Appendices

**APPENDIX A**  
**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

**Interview Start Time:** \_\_\_\_\_

*First, I am going to ask you some questions about your experience at this prison. Please remember that your answers to these questions are not going to be shared with staff or other inmates.*

**Section A**

1.	How long have you been here?	Years, Months
2.	Where are you currently housed?	
2a.	What kind of unit is that?	Single Cell, Double cell, Dorm, Gym
3.	How many hours a day are you on the yard?	
4.	Do you have a work assignment?	Yes, No
4a.	<b>[If yes]</b> How many hours a day do you spend at your work assignment?	
5.	How many religious services (if any) do you attend in a typical week?	
6.	How many family or friends visit you in a typical month?	
7.	Besides visits, how many times do you get a letter or have a phone conversation with family or friends in a typical month?	Letters ____ Phone ____
8.	Are there people in <u>this</u> prison you can talk to about personal problems?	Yes, No
8a.	<b>[If yes]</b> Who?	
8b.	<b>[If they don't mention counselor in Q8a]</b> Do you feel you can discuss personal problems with your Correctional Counselor?	Yes, No

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

9.	If you were in trouble of any kind in here, could you count on someone here to help?	Yes, No
9a.	<b>[If yes]</b> Who?	
10.	In general, how do you feel about the correctional counselors? Would you say...?	Very Positive, Positive, Negative, Very Negative, Neutral <b>[Don't read "Neutral"]</b>
11.	What about guards/correctional officers?	Very Positive, Positive, Negative, Very Negative, Neutral <b>[Don't read "Neutral"]</b>
12.	What about wardens and other administrators who run the prisons?	Very Positive, Positive, Negative, Very Negative, Neutral <b>[Don't read "Neutral"]</b>
13.	How do you feel about the medical/mental health staff?	Very Positive, Positive, Negative, Very Negative, Neutral <b>[Don't read "Neutral"]</b>
14.	Based on your experience, how racially integrated are prisons in California? In other words, how often do people of different races mix?	All of the time, Most of the Time, Occasionally, Rarely, Never
<b>Section B</b>		
<i>Now, I am going to ask you some questions about how you have been feeling lately ...</i>		
15.	In the last month, how often have you felt in control of your emotions? Would you say...?	All of the time, Most of the Time, Occasionally, Rarely, Never
16.	How often have you felt in control of your behavior?	All of the time, Most of the Time, Occasionally, Rarely, Never
17.	In the last month, how often have you felt hopeless?	All of the time, Most of the Time, Occasionally, Rarely, Never
18.	Depressed?	All of the time, Most of the Time, Occasionally, Rarely, Never

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

19.	Anxious?	All of the time, Most of the Time, Occasionally, Rarely, Never
20.	In the last month, how often have you been worried about your physical health (not including your safety concerns)?	All of the time, Most of the Time, Occasionally, Rarely, Never
21.	How about your physical safety?	All of the time, Most of the Time, Occasionally, Rarely, Never
<b>Section C</b>		
<i>Speaking of safety,</i>		
22.	Where in prison do you think inmates are most safe from being harmed by other inmates?	Cell, Shower, Living Area (other than cell such as dorm or gym), Day Room/TV Room, Yard, Kitchen/Dining Hall, Chapel, Hospital/clinic/infirmery Other _____ <b>[Don't read list]</b>
23.	Where in prison do you think inmates are least safe?	Cell, Shower, Living Area (other than cell such as dorm or gym), Day Room/TV Room, Yard, Kitchen/Dining Hall, Chapel, Hospital/clinic/infirmery Other _____ <b>[Don't read list]</b>
24.	How common do you think it is for inmates in general to be hit, kicked, punched, or otherwise assaulted by other inmates?	All of the time, Most of the Time, Occasionally, Rarely, Never
25.	When prison violence does occur, what is it usually about?	"Disrespect," "Retaliation," "Property," "Debt," "Drugs," "Gang," "Race," "Paperwork," Other _____ <b>[Don't read list]</b>
25a.	How often do you think prison violence is about racial tension?	All of the time, Most of the Time, Occasionally, Rarely, Never
25b.	If California prisons were more racially integrated, would there be more or less violence?	More, Less, The Same <b>[Don't read "The Same"]</b>

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

25c.	How common do you think it is for prison violence to be about gang issues?	All of the time, Most of the Time, Occasionally, Rarely, Never
26.	How common do you think it is for inmates to feel pressure from other inmates to do sexual things against their will?	All of the time, Most of the Time, Occasionally, Rarely, Never
27.	How common do you think it is for inmates to <u>actually</u> do sexual things against their will with other inmates?	All of the time, Most of the Time, Occasionally, Rarely, Never
27a.	Specifically, what about forced oral sex?	All of the time, Most of the Time, Occasionally, Rarely, Never
28.	How common do you think it is for inmates to be raped by other inmates?	All of the time, Most of the Time, Occasionally, Rarely, Never
29.	Where in prison do you think inmates are most likely to be forced to do <u>any</u> kind of sexual things with other inmates?	Cell, Shower, Living Area (other than cell such as dorm or gym), Day Room/TV Room, Yard, Kitchen/Dining Hall, Chapel Hospital/clinic/infirmery Other _____ <b>[Don't read list]</b>
30.	Where in prison do you think inmates are least likely to be forced to do <u>any</u> kind of sexual things with other inmates?	Cell, Shower, Living Area (other than cell such as dorm or gym), Day Room/TV Room, Yard, Kitchen/Dining Hall, Chapel, Hospital/clinic/infirmery Other _____ <b>[Don't read list]</b>
31.	How common do you think it is for inmates to willingly have sex with other inmates?	All of the time, Most of the Time, Occasionally, Rarely, Never
<i>Up to this point, I have been asking about other inmates. Now,</i>		
32.	How safe do <u>you</u> feel in prison?	Very Safe, Safe, Unsafe, Very Unsafe
33.	Do you feel more safe in prison or out in your community?	Prison, Community, The Same <b>[Don't read "The Same"]</b>

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

34.	How safe do you feel from being hit, kicked, punched, or otherwise assaulted without a weapon by other inmates?	Very Safe, Safe, Unsafe, Very Unsafe
35.	How about with a weapon?	Very Safe, Safe, Unsafe, Very Unsafe
36.	How safe do you feel from pressure from other inmates to do sexual things with inmates?	Very Safe, Safe, Unsafe, Very Unsafe
37.	How safe do you feel from <u>actually</u> having to do sexual things against your will with inmates?	Very Safe, Safe, Unsafe, Very Unsafe
38.	How safe do you feel from being raped by other inmates?	Very Safe, Safe, Unsafe, Very Unsafe
<b>Section D</b>		
39.	How often have you felt pressure from other inmates to do sexual things against your will?	All of the time, Most of the Time, Occasionally, Rarely, Never
<p><i>Now I want to direct your attention to your whole incarceration history in California, including experiences in prison, jail, juvenile hall, or any other youth correctional facility.</i></p>		
40.	Have you ever had to do sexual things against your will with other inmates while incarcerated? <b>[If no, go to Q40b]</b>	Yes, No
40a.	<b>[If yes]</b> About how many times?  <b>[If answer is 1 go directly to incident form and then start again at Q40f, if more than 1 go to Q40d]</b>	
40b.	Just to be sure, have any of the following things ever happened to you with other inmates while incarcerated: groping or fondling, kissing, genital contact, oral sex, or penetration against your will?  <b>[If no, go to Q40f]</b>	Yes, No

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

40c.	<p><b>[If yes]</b> About how many times?</p> <p><b>[If answer is 1 go directly to incident form and then start again at Q40f, if more than 1 go to Q40d]</b></p>	
40d.	<p>I'm going to be asking you about the 5 <b>[change # if it is less than 5]</b> most recent times this happened. First, I'd like you to think about the last time you had to do something sexual against your will ...</p>	Go to Incident Form.
40e.	<p>And what about the time before that?</p> <p><b>[Ask for up to 5 most recent incidents, then go to Q40f]</b></p>	Go to Incident Form.
40f.	<p>Well, what about sexual things <b>[with other inmates while incarcerated]</b> that were perhaps not against your will, but you would have rather not done?</p> <p><b>[If no, then go to Q40h]</b></p>	Yes, No
40g.	<p><b>[If yes]</b> About how many times?</p> <p><b>[If answer is 1 go directly to incident form and then start again at Q40h, if more than 1 repeat Q40d and Q40e, then go to Q40h]</b></p>	
40h.	<p><b>[If answers to Q40a, Q40c, or Q40g (together) are greater than 1, ask this question. If "no" to all or only 1 incident reported, go to Q42]</b></p> <p>Of the all the things that have happened to you, including what you've just told me, what was the worst sexual thing that has ever happened to you while incarcerated?</p>	Go to Incident Form.
<p><i>Thanks for telling me about those incidents.</i></p>		

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

41.	<b>[If answers to Q40a, Q40c, or Q40g are greater than those for which incident forms have been completed, ask this question]</b> Just so I can be sure, altogether, how many times (if ever) have you been raped while incarcerated?	
41a.	<b>[If Q41 is answered and is greater than 0]</b> How many of these occurred/occur in prison? <b>[or if 1]</b> Did this occur in prison?	
42.	Have you ever had to do sexual things against your will with staff?	Yes, No
42a.	<b>[If yes]</b> How many times?	
<i>Now, moving away from matters of a sexual nature, I'd like to ask you a few questions about other types of violence.</i>		
43.	Have you ever been hit, kicked, punched, or otherwise assaulted while incarcerated? And again, we are just speaking of other inmates. <b>[If no, go to Q45]</b>	Yes, No
43a.	<b>[If yes]</b> About how many times?  <b>[If answer is 1 go directly to incident form and then start again at Q45, if more than 1 go to Q43b]</b>	
43b.	I'm going to be asking you about the 3 <b>[change # as it relates to Q42a if less than 3]</b> most recent times this happened. First, I'd like you to think about the last time you were assaulted while incarcerated...	Go to Incident Form.
43c.	And what about the time before that?	Go to Incident Form.
	<b>[Ask for up to 3 most recent incidents]</b>	

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

Date \_\_\_\_\_

Facility \_\_\_\_\_

44.	Of all these types of things that have happened to you, including what you've just told me, what was the worst incident of non-sexual violence that has ever happened to you while incarcerated?	
<b>Section E</b>		
<i>Again, I'd like to thank you for sharing with me your experiences while incarcerated.</i>		
45.	In your opinion, what could be done to improve safety of inmates generally?	
46.	What about improving the safety of inmates with regard to having to do sexual things against their will?	
47.	In your opinion, what can be done to encourage inmates to report sexual assault or rape when they do occur in prison?	

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

Section F		
48.	What is the highest grade you completed in school?	_____ Grade, High School Graduate/GED, Some College, College Graduate, Any Post-Graduate
49.	Are you currently married, separated, single, or divorced?	Married, Separated, Single, Divorced  Other _____
50.	Do you have any children?	Yes, No
50a.	<b>[If yes]</b> How many?	
50b.	<b>[If yes]</b> What are their ages?	
50c.	<b>[If yes]</b> Before being incarcerated, how often did you have contact with them?	All of the time, Most of the Time, Occasionally, Rarely, Never
51.	Has anyone in your family ever been incarcerated?	Yes, No
51a.	<b>[If yes]</b> Who?	
52.	Are you religious?	Yes, No
52a.	<b>[If yes]</b> What is your religion?	Christianity, Judaism, Islam, Hinduism, Buddhism Other _____ <b>[Don't read list]</b>
53.	Before being incarcerated, did you have any mental health problems?	Yes, No
54.	Since being incarcerated, have you had any mental health problems?	Yes, No
55.	Before being incarcerated, did you have any problems with alcohol?	Yes, No
56.	Before being incarcerated, did you have any problems with drugs?	Yes, No

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

57.	Before being incarcerated what was your sexual orientation?	Gay, Straight, Bi Other _____
58.	What is your sexual orientation now?	Gay, Straight, Bi Other _____
59.	Have you had consensual sex while incarcerated? <b>[If no, skip to Q60]</b>	Yes, No
59a.	<b>[If yes]</b> With whom? <b>[circle all that apply]</b>	Correctional Officer, Cellmate, Other Inmate, Other Facility Staff, Someone Outside of Prison Staff, Other _____ <b>[Don't read list]</b>
59b.	<b>[If yes]</b> Where in the correctional facility have you had consensual sex? <b>[circle all that apply]</b>	Cell, Shower, Living Area (other than cell such as dorm or gym), Day Room/TV Room, Yard, Kitchen/Dining Hall, Chapel, Hospital/clinic/infirmery Other _____ <b>[Don't read list]</b>
60.	Are you currently a member of a street gang?	Yes, No
60a.	<b>[If yes]</b> What gang? <b>[Then skip to Q60e]</b>	
60b.	<b>[If no]</b> Were you ever a member of a street gang?  <b>[If no, skip to Q61]</b>	Yes, No
60c.	<b>[If yes]</b> What gang?	
60d.	When did you leave?	Year, Month
60e.	How long have you been/were you a member of this street gang?	Years, Months
61.	Are you currently a member of a prison gang?	Yes, No

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

61a.	<b>[If yes]</b> What gang? <b>[Then skip to Q61e]</b>	
61b.	<b>[If no]</b> Were you ever a member of a prison gang?  <b>[If no skip to Q62]</b>	Yes, No
61c.	<b>[If yes]</b> What gang?	
61d.	When did you leave?	Year, Month
61e.	How long have you been/were you a member of a prison gang?	Years, Months
<b>Section G</b>		
62.	At what age were you first detained or incarcerated in California?	
63.	In what type of facility was your first detention or incarceration?	Juvenile Hall, County Jail, Other _____
64.	How many times have you been incarcerated in a California juvenile hall? <b>[If 0 skip to Q66]</b>	
65.	Altogether about how much time have you spent in a California juvenile hall?	Years, Months
66.	How many times have you been incarcerated in the California Youth Authority? <b>[If 0 skip to Q68]</b>	
67.	Altogether about how much time have you spent in a CYA facility?	Years, Months
68.	How many times have you been incarcerated in a California County Jail? <b>[If 0 skip to Q70]</b>	

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

69.	Altogether about how much time have you spent in a California Jail?	Years, Months
70.	How many times (including this time) have you been incarcerated in a California State Prison?	
71.	Altogether about how much time you have spent in California State Prisons?	Years, Months

**Section H**

72.	Is there anything else you'd like me to know about your experiences in prison?	
-----	--	--

*This is the end of the interview. Thank you very much for your time and willingness to participate. I won't tell anyone here what you've said and you don't have to tell anyone either. Sometimes after interviewing, people think of other things they wanted to say. If this happens please feel free to write to us at that PO Box address with any other thoughts that come up about violence in prison or anything else you think might be helpful for us to know.*

**[Interviewer Observation]**

**University of California, Irvine**  
**Violence In California Correctional Facilities Research Project**

Respondent ID# \_\_\_\_\_

Interviewer Initials: \_\_\_\_\_

Date \_\_\_\_\_

Facility \_\_\_\_\_

**Interview End Time:** \_\_\_\_\_

Interview ID # \_\_\_\_\_  
 Date \_\_\_\_\_  
 Facility \_\_\_\_\_

Sexual Assault/ Rape (circle) 1 2 3 4 5 WE	<input type="checkbox"/> Against your will <input type="checkbox"/> Just to be sure <input type="checkbox"/> Rather not do
Physical Assault (not sexual) (circle) 1 2 3 WE	

<b>What Happened?</b> (sequence of events)	<input type="checkbox"/> Riot <input type="checkbox"/> Mutual Combat										
<b>When?</b>	Year				Time of Day (morning, afternoon, night)						
<b>In what facility?</b>	Name:				<input type="checkbox"/> Juvenile Hall, <input type="checkbox"/> Youth Authority, <input type="checkbox"/> Jail, <input type="checkbox"/> Adult State Prison Other: _____						
<b>Where in facility?</b>	Cell	Day room/ TV room	Shower	Living Area (Dorm, gym)	Yard	Kitchen/ Dining	Hospital/ Clinic	Chapel	Other		
<b>Was it one person or more than one?</b>	Number _____										
<b>Who was it?</b> (no names)	Stranger (don't know)		Identifiable		Acquaintance		Known Well. If so, how?				
<b>What do you believe this was about?</b>	"Disrespect"	"Retaliation"	"Property"	"Debt"	"Drugs"	"Gang"	"Race"	"Paper-work"	Other:		
<b>Race/Ethnicity of other person/people?</b>	Black		White		Hispanic		Asian		Other (what?):		
<b>Was it about race or ethnicity?</b>	No	Yes	If yes, how did you know?								
<b>Was he/were they a gang member?</b>	No	Yes	If yes, which gang?				Street		Prison		
<b>Was it about a gang issue?</b>	No	Yes	If yes, how did you know?								
<b>Was it about sexual orientation?</b>	No	Yes	If yes, how did you know?								
<b>Was there a weapon involved?</b>	No	Yes	If yes, what weapon(s)?				Was it actually used?				
<b>Did you need medical attention?</b>	No	Yes	Did you get medical attention?			Yes	No. If no, why not?				
<b>Were officers aware of the event?</b>	No	Yes	If yes, How?			If yes, what did they do? (i.e., What happened to you and the other person/people?)					
						<u>You</u> <input type="checkbox"/> Official Report Perceived (Any other action?)			<u>Other Person/People</u> <input type="checkbox"/> Official Report Perceived (Any other action?)		
<b>Is there anything else you can tell me about this incident that can help me understand it?</b>											
<b>Do you consider this incident to be "sexual assault," "attempted rape" or "rape"?</b>	Sexual Assault	Attempted Rape	Rape	Neither	Interviewer's Assessment of Events						
					Sexual Assault	Attempted Rape	Rape	Protective Pairing	Other:		

## APPENDIX B

### Official Data Collected from the California Department of Corrections and Rehabilitation

<b>Information Collected</b>	<b><i>Official Variable Name</i></b>
CDC Number	<i>CDCNO and LIFENO</i>
Name (last, first, MI)	<i>NAME</i>
Race/Ethnicity	<i>ETHNIC</i>
Date of Birth	<i>BIRTHDAY</i>
Height	<i>HEIGHT</i>
Weight	<i>WEIGHT</i>
Term Start Date	<i>ADM_DATE</i>
Min. Adjusted release date/ EPRD	<i>EPRD</i>
Length of Current Sentence	<i>SENTENCE</i>
Current Location	<i>LOC and LOC2</i>
Current Commitment Offense	<i>OFFSCAT and OFFSGRP</i>
Sexual Offender Registration	<i>SR_FLAG</i>
Mental Health (institutionally verified)	<i>MHCODE</i>
Most Recent Classification Score	<i>NSCORE</i>
Custody Level	<i>NLEVEL</i>
Gang (institutionally verified)	<i>GANGT839 or GANGV839</i>
Age at 1 <sup>st</sup> Arrest in California	<i>AGEARR839</i>
Three Strike Status	<i>HSTRIKE</i>
Lifer Status	<i>LIFER</i>

## APPENDIX C

### University of California, Irvine A Study of Violence in California Correctional Facilities Interviewer Training Manual

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December 15, 2006

VALERIE JENNESS  
CRIMINOLOGY, LAW & SOCIETY

RE: HS# 2005-4668, *Responding to the Prison Rape Elimination Act: A Study of Violence in California  
Correctional Facilities [Phase 2]*

The human subjects research project referenced above has been approved by the UC Irvine Institutional Review Board (UCI IRB). UCI IRB approval is limited to the described activities in the approved UCI IRB Protocol Narrative and extends to the performance of such activities at the sites identified in your UCI IRB Protocol Application. Informed consent from subjects must be obtained as indicated below. Approval conditions for the conduct of this research are included on the attached sheet.

NOTE: Approval of the Institutional Review Board does not, in and of itself, constitute approval for implementation of this project. Other UC Irvine reviews and approvals may be required (e.g., EH&S, Radiation Safety, School Dean, other institutional IRBs). Studies undertaken in conjunction with outside entities, such as drug or device companies, are typically contractual in nature and require an agreement between the University and the company. These agreements must be executed by an institutional official in the UCI Office of Sponsored Projects Administration. The University is not obligated to legally defend or indemnify an employee who individually enters into these agreements and investigators are personally liable for contracts that they sign. Accordingly, the project should not begin until all required approvals have been obtained.

Questions concerning approval of this study may be directed to the UC Irvine Office of Research Administration, 4199 Campus Drive, Suite 300, Irvine, CA 92697-7600; 949-824-6068 or 2125 (biomedical studies) or 949-824-6662 (social-behavioral studies).

**Level of Review:**

Full-Committee Review, 12/16/2005

**Informed Consent Requirements:**

1. Study is Permanently Closed to Enrollment
  - a. Long-term Follow-up in progress
  - b. Analysis of Subject Identifiable Data in progress



Ruth A. Mulnard, RN, DNSc  
Chair, Institutional Review Board

Approval Issued: 12/15/2006 to 12/14/2007

UCI (FWA) 00004071, Approved: January 31, 2003

cc: Department Chair – Bill Thompson

### Appendix E. Variables Used in the Analyses Presented in this Report

Variable	Description of Measure	Categories or Examples	Source	Question on Interview (#) or Incident Form
Age	Age of inmate <sup>1</sup> on May 1, 2006.	Mean, Median, Mode, Range, and Categories (i.e., 18-25, 26-35, 36-45, 46+)	Official Data	
All Non-Sexual Assault	Includes any incident of non-sexual assault reported to interviewers (up to three most recent and a worst event that could have occurred at any time).		Incident Form	Physical Assault
Causes of Prison Violence in General	Inmate's explanation for what causes prison violence in general. Categories are created by research team and not read to inmates when asked.	Disrespect, Retaliation, Property, Debt, Illicit Substances, Gangs, Race, Paperwork, Drug Debt, Sex-Related, Power/Control, Mood/Emotion, Mental Illness, Games and/or Objects, Multiple/Other	Interview	25
Causes of Prison Violence: Violence About Gang Issues	How often inmates think violence in general is specifically about gang issues.	All of the time, Most of the Time, Occasionally, Rarely, Never	Interview	25c
Causes of Prison Violence: Violence About Racial Tension	How often inmates think violence in general is specifically about racial tension.	All of the time, Most of the Time, Occasionally, Rarely, Never	Interview	25a
Concordance of Victim <sup>2</sup> and Perpetrator Gang Membership	Whether or not the victim (by way of self-report-ever or current street or prison gang) and the perpetrator(s) (from the point of view of the victim) are gang members.	Both Gang; Victim Gang and Perpetrator Non-Gang; Perpetrator Gang and Victim Non-Gang; Both Non-Gang	Interview/Incident Form	60, 60b, 61, 61b, Was he/were they a gang member?
Concordance of Victim and Perpetrator Race/Ethnicity	Whether or not the victim (as classified by the CDCR) and the perpetrator(s) (from the point of view of the victim) are of the same race/ethnicity.	Intraracial, Interracial	Official Data/Incident Form	Race/Ethnicity of other person/people

<sup>1</sup> Unless otherwise noted "inmate" always refers to the interviewed inmate.

<sup>2</sup> The "victim" always refers to the interviewed inmate and the "perpetrator(s)" always refers to the other inmate(s) involved in the incident (as described by the victim).

**Variables Used in the Analyses Presented in this Report (Cont'd)**

<b>Variable</b>	<b>Description of Measure</b>	<b>Categories or Examples</b>	<b>Source</b>	<b>Question on Interview (#) or Incident Form</b>
Consensual Sex	Inmate report of ever engaging in consensual sex while incarcerated (not exclusive to consensual sex with other inmates).	Yes/No	Interview	59
Current Sexual Orientation	Inmate report of own current sexual orientation.	Gay, Straight, Bisexual, Other	Interview	58
Custody Level	CDCR defined custody level of inmate on May 1, 2006.	Level 1, 2, 3, or 4	Official Data	
Explanation for Incidents of Violence (Closed-ended responses): Gang	Inmate's explanation for why specific incidents of violence in California correctional facilities occurred. Inmate's assessment of whether gang was an issue in the incident.	Yes/No	Incident Form	Was it about a gang issue?
Explanation for Incidents of Violence (Closed-ended responses): Race/Ethnicity	Inmate's explanation for why specific incidents of violence in California correctional facilities occurred. Inmate's assessment of whether race was an issue in the incident.	Yes/No	Incident Form	Was it about race or ethnicity?
Explanation for Incidents of Violence (Closed-ended responses): Sexual Orientation	Inmate's explanation for why specific incidents of violence in California correctional facilities occurred. Inmate's assessment of whether sexual orientation was an issue in the incident.	Yes/No	Incident Form	Was it about sexual orientation?
Explanations for Incidents of Violence (Open-ended responses)	Inmate's explanation for why the incident of violence in a California correctional facility occurred. Categories created by the research team and not read to the inmate when asked.	Disrespect, Retaliation, Property, Debt, Illicit Substances, Gangs, Race, Paperwork, Drug Debt, Sex-Related, Power/Control, Mood/Emotion, Mental Illness, Games and/or Objects, Multiple/Other	Incident Form	What do you believe this was about?
Exposure	Number of total months incarcerated in any California State Prison as reported by the inmate.	Number of Months	Interview	71

### Variables Used in the Analyses Presented in this Report (Cont'd)

Variable	Description of Measure	Categories or Examples	Source	Question on Interview (#) or Incident Form
Frequency of Non-Sexual Assault	The total number of times an inmate reports having been non-sexually assaulted while in any California correctional facility.	1-95 or more and Categories (i.e., 1, 2-5, >5)	Interview	43a
Frequency of Sexual Assault	The total number of times an inmate reports having been sexually assaulted while in any California correctional facility.	1-95 or more and Categories (i.e., 1, 2-5, >5)	Interview	40a, 40c
Gang (self-report, current)	Inmate reports current membership in either a prison or street gang (inmate defined) during interview.	Yes/No	Interview	60, 61
Gang (verified)	Whether or not the victim describing the incident was a gang member as officially verified by the CDCR.	Yes/No	Official Data	
Gang Member Perpetrators	Inmate reports that the other people involved in the incident were gang members.	Yes/No	Incident Form	Was he/were they a gang member?
Gang Member Victim (self-report, ever)	Whether or not the inmate describing the incident reported that he was currently or ever a member of a street or prison gang.	Yes/No	Interview	60, 60b, 61, 61b
Gang Member Victim (verified)	Inmate's gang membership collected at the beginning of his current commitment, using the CDCR classification sheet. Membership is verified by one of the following measures: self-admission, tattoos and symbols, written materials, photographs, staff information, other state agencies, association, offense, and legal documents and communications.	Yes/No	Official Data	
Inmate Assessment of Any Incident of Rape	Inmate that responds "yes" to one of three questions regarding sexual assault/misconduct, proceeds to provide at least one incident form regarding a sexual incident, and indicates that at least one of those reported incidents was rape (as defined by the inmate).	At least one sexual incident form indicating rape	Incident Form	Presence of at least 1, and answers "rape" to: "Do you consider this to be 'sexual assault,' 'attempted rape,' or 'rape'?"
Life Sentence	Inmates currently sentenced to life in prison, life without parole, or death row. No death row inmates were included in this sample.	No, Life, Life Without Parole, Death Row	Official Data	

**Variables Used in the Analyses Presented in this Report (Cont'd)**

<b>Variable</b>	<b>Description of Measure</b>	<b>Categories or Examples</b>	<b>Source</b>	<b>Question on Interview (#) or Incident Form</b>
Medical Attention Needed	Whether or not the inmate (from his own perspective) needed medical attention after an incident of violence.	Yes/No	Incident Form	Did you need medical attention?
Mental Health Problems Since Incarceration (self-report)	Inmate reports any mental health problem (inmate defined) since being incarcerated during interview.	Yes/No	Interview	54
Mental Health Problems (official)	CDCR defined mental health status of inmate on May 1, 2006.	No, CCCMS, Other Mental Health (DMH, CRISIS, EOP)	Official Data	
Mental Health Problems Before Incarceration (self-report)	Inmate report of any mental health (inmate defined) problem prior to incarceration during interview.	Yes/No	Interview	53
No Violence Reported	Inmates who reported “no” to all questions about sexual or non-sexual assault.	No	Interview	40, 40b, 40f, 43
Non-Sexual Assault (Only)	Inmates who reported “yes” to the question regarding non-sexual assault and “no” to all questions about sexual assault.	Yes/No	Interview	40, 40b, 40f, 43
Non-Sexual Assault Non-Riot	Includes any incident of non-sexual assault that the inmate did not identify as a riot.		Incident Form	Physical Assault/Riot
Non-Sexual Assault Riot	Includes any incident of non-sexual assault that the inmate described using the word “riot.”		Incident Form	Physical Assault/Riot
Number of Persons Involved	Number of people involved in the incident besides the victim.	Number	Incident Form	Was it one person or more than one?
Offense Category	CDCR classification of current commitment offense.	Violent, Property, Drug, Other	Official Data	
Officers Aware of Event	Whether or not officers were aware of the incident described (from the perspective of the inmate).	Yes/No	Incident Form	Were officers aware of the event?
Perpetrator(s) Race/Ethnicity	The race of the perpetrator(s) involved in the incident from the point of view of the inmate. Categories not read to inmates and created later by research staff.	All or mostly Black, White, Hispanic, Asian, Other, or Equal Types	Incident Form	Race/Ethnicity of other person/people?

**Variables Used in the Analyses Presented in this Report (Cont'd)**

Variable	Description of Measure	Categories or Examples	Source	Question on Interview (#) or Incident Form
Physical Stature	Inmate's height and weight at the time of commitment delineated by smaller versus other inmates. Smaller inmates are those coded as one standard deviation below the mean of the average random sample of inmates.	Less than 5'7", 143 lbs versus all other	Official Data	
Proportion of Gang Member Perpetrators	Amount of gang members involved in an incident (apart from the victim) versus non-gang members (from the perspective of the inmate). Inmates provided their best estimation as to the number of inmates involved in the incident that were gang members and research staff created appropriate categories.	None (No Gang Members Involved), Less Gang Than Non-Gang, Same Amount of Gang as Non-Gang, More Gang Than Non-Gang, All Gang	Incident Form	Was he/were they a gang member?
Race of Victim	CDCR classification of race/ethnicity of inmate collected at the beginning of the inmate's current commitment.	Black, Non-Black	Official Data	
Race/Ethnicity	CDCR classification of race/ethnicity of inmate collected at the beginning of the inmate's current commitment.	Hispanic, White, Black, Asian, Other	Official Data	
Received Medical Attention	If medical attention was needed after the incident occurred (as perceived by the inmate), whether or not the inmate received it.	Yes/No	Incident Form	Did you get medical attention?
Research Staff Assessment of Any Incident of Rape	Inmate that responds "yes" to one of three questions regarding sexual assault/misconduct, proceeds to provide at least one incident form regarding a sexual incident, and the narration provided indicates (to two research staff) that oral or anal penetration by force or threat of force has occurred at least once.	At least one sexual incident form indicating rape in narrative as coded by research staff	Incident Form	Presence of at least 1, and incident narrative indicates staff definition of "rape."
Sex Offender Registration	Inmate required, by California law, to register as a sex offender.	Yes/No	Official Data	
Sexual Assault	Inmates who reported "yes" to one of two questions regarding sexual assault.	Yes/No	Interview	40, 40b

### Variables Used in the Analyses Presented in this Report (Cont'd)

Variable	Description of Measure	Categories or Examples	Source	Question on Interview (#) or Incident Form
Sexual Assault/Misconduct	Inmates who reported "yes" to at least one of three questions regarding sexual assault/misconduct. Inmates in the category may have also responded "yes" to the one question regarding non-sexual assault.	Yes/No	Interview	40, 40b, 40f
Sexual Assault/Misconduct (Only)	Inmates who reported "yes" to at least one of three questions regarding sexual assault/misconduct and "no" to the one question regarding non-sexual assault.	Yes/No	Interview	40, 40b, 40f, 43
Sexual Assault/Misconduct and Non-Sexual Assault	Inmates who reported "yes" to at least one of three questions regarding sexual assault/misconduct and "yes" to one question regarding non-sexual assault.	Yes/No	Interview	40, 40b, 40f, 43
Sexual Misconduct	Inmates who reported "yes" to question regarding sexual misconduct regardless of their answers to the other sexual assault questions or the non-sexual assault question.	Yes/No	Interview	40f
Sexual Orientation Before Incarceration	Inmate report of own sexual orientation prior to incarceration.	Gay, Straight, Bisexual, Other	Interview	57
Sexual Orientation of Victim	Inmate report of own sexual orientation prior to incarceration.	Heterosexual, Non-heterosexual	Interview	58
Status of Perpetrators	The relationship (i.e., relational distance) between the victim and the perpetrator(s) from the point of view of the inmate describing the event (i.e., the victim).	All or mostly Strangers, Identifiable, Acquaintances, Known Well, Equal Types	Incident Form	Who was it? (no names)
Time of Day	Time of day at which the incident occurred.	Morning, Afternoon, Night, Across Time Units	Incident Form	When?
Type of Facility	Type of correctional facility in California in which the incident reported occurred.	Juvenile Hall, Youth Authority, County Jail, Adult State Prison, Private Correctional Facility, Adult Camp, Adult Community Correctional Facility, Federal Prison, Other	Incident Form	In what facility? (Type)

**Variables Used in the Analyses Presented in this Report (Cont'd)**

<b>Variable</b>	<b>Description of Measure</b>	<b>Categories or Examples</b>	<b>Source</b>	<b>Question on Interview (#) or Incident Form</b>
Victim Race/Ethnicity	Race of the inmate describing the incident that occurred.	Hispanic, White, Black, Asian, Other	Official Data	
Weapon Involved	Whether or not a weapon was involved in the incident.	Yes/No	Incident Form	Was there a weapon involved?
Weapon Used	If there was a weapon involved, whether or not it was used during the incident.	Yes/No	Incident Form	Was it actually used?
Where in Facility	Where in the facility the incident occurred.	Cell, Shower, Dorm, Gym, Living Unit, Day Room, Yard, Kitchen/Dining, Hospital/Clinic, Multiple/Other	Incident Form	Where in facility?
Year of Most Recent Sexual Assault/Misconduct Incident	For inmates who report an incident form for sexual assault/misconduct, the year in which the most recent incident was reported to have taken place.	Any year	Incident Form	When?

### Variables Used to Test Interviewer Effects

Variable	Description of Measure	Categories or Examples	Source	Question on Interview (#) or Incident Form
Age	Age of interviewer at the time of data collection.	Young (Under 35) vs. Old (35 or Over)	N/A	N/A
Race/Ethnicity	Interviewer race/ethnicity.	White vs. Nonwhite	N/A	N/A
Sex	Interviewer sex.	Male vs. Female	N/A	N/A
Professor/Graduate Student	Occupational status of interviewer at the time of the interview.	Professor vs. Graduate Student	N/A	N/A
Inmates Contacted by Interviewer	Number of inmates from whom interviewer sought informed consent.	Number	N/A	N/A
Participation Rate (consent granted)	Number of inmates seen by interviewer who granted informed consent.	Percent	N/A	N/A
Usable Interviews	Number of interviews determined by research staff as usable for final analyses.	Percent	N/A	N/A