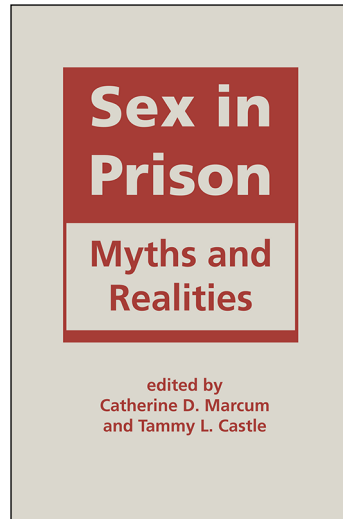


EXCERPTED FROM

Sex in Prison: Myths and Realities

edited by
Catherine D. Marcum
and Tammy L. Castle

Copyright © 2014
ISBN: 978-1-62637-030-2 hc



1800 30th Street, Ste. 314
Boulder, CO 80301
USA
telephone 303.444.6684
fax 303.444.0824

This excerpt was downloaded from the
Lynne Rienner Publishers website
www.rienner.com

Contents

<i>Acknowledgments</i>	vii
1 Examining Prison Sex Culture <i>Catherine D. Marcum</i>	1
2 Consensual Sex <i>Kristine Levan</i>	13
3 Sexual Victimization <i>Richard Tewksbury and David P. Connor</i>	25
4 Responding to Sexual Assault <i>Barbara Zaitzow</i>	53
5 Conjugal Visitation <i>Tammy L. Castle</i>	77
6 Gay, Lesbian, Bisexual, and Transgender Inmates <i>Ashley G. Blackburn, Shannon L. Fowler, and Janet L. Mullings</i>	87
7 Health Issues <i>Roberto Hugh Potter and Jeffrey Rosky</i>	113

8	International Contexts	129
	<i>Tomer Einat</i>	
9	Local Perspectives	139
	<i>Danielle McDonald and Alexis Miller</i>	
10	Further Implications	153
	<i>Tammy L. Castle and Catherine D. Marcum</i>	
	<i>References</i>	163
	<i>The Contributors</i>	185
	<i>Index</i>	189
	<i>About the Book</i>	191

1

Examining Prison Sex Culture

Catherine D. Marcum

Inmates live very different lives compared to individuals outside prison walls. Every move they make within a twenty-four-hour period is regulated and supervised. Trips to the bathroom, recreation time, and eating lunch, such simple activities, are constantly monitored by corrections officers. Termed “total institutions” (Goffman, 1961), prisons are closed facilities that separate individuals from society. Everything an inmate does is performed inside a prison without break. They are same-sex societies, which makes being in them even more of an adjustment from living in a free world with access to both sexes and other opportunities. Further, residents share all aspects of their lives with the others in that facility (Hensley et al., 2003). As interaction with family and friends during incarceration is limited, if even existent, inmates will often become emotionally and physically dependent on each other in many ways.

Although portions of their life are extremely regulated while incarcerated, inmates do hold control over their emotional and mental selves. In other words, total institutions cannot control values, beliefs, and norms of social roles of inmates, nor can they prevent them from sharing these mores with other inmates. Prison subcultures are formed within the facilities as a result of these shared values. For example, a group within the prison may worship Judaism together and uphold those values. Or another group may support the beliefs of a

particularly violent gang and still practice those values while incarcerated. Further, the formation of this subculture is a means of mitigating a sense of social rejection as a result of incarceration as well as a way to rebel against the norms and values of normative society (Bondesson, 1989; Irwin, 1980; Sykes, 1958). Inmates who are incarcerated can commiserate with others inside prison walls rather than experience the potential shunning of those on the outside.

When inmates enter prison, they begin to adapt to the prison lifestyle and the subcultures that are present. According to Einat and Einat (2000), they are participating in the concept of “prisonization.” Multiple researchers have attempted to provide theoretical explanations of the adjustment and behavior of prison inmates (Clemmer, 1940; Irwin and Cressey, 1962; Sykes, 1958; Toch, 1977), with two main theories receiving the most support. The deprivation model asserts that deprivations (or losses of liberties) experienced in prison are the main influence on an individual’s response to incarceration. According to Sykes (1958), five main pains (or losses) result from imprisonment:

1. Liberty and freedoms available to those not incarcerated.
2. Goods and services, ranging from choosing a grocery store to picking a mechanic.
3. Heterosexual relationships with men and women of an individual’s choice.
4. Autonomy and self-sufficiency.
5. Security and protection from harm.

As a mechanism for coping with the loss of these freedoms and liberties, the inmates form a new set of values and norms, some of which lead to inappropriate behavior during incarceration (Marcum, Hilinski, and Freiburger, forthcoming). For example, individuals on the outside have the freedom to participate in heterosexual relationships at their leisure. As incarceration only allows the cohabitation of others of the same sex, many inmates choose to participate in homosexual relationships, an activity that is banned in prison.

The second theoretical frame of thought, the importation model, suggests the inmates bring in norms, values, and beliefs held prior to incarceration, and this transference of prior ideals influences their behavior (Irwin and Cressey, 1962). In other words, religious preferences, gang affiliations, and family values continue to be an integral

part of inmates' lives even after incarceration, and they bring those values in with them to the facility. Inmates do not stop believing in the Jewish faith or supporting the mores and values of the Latin Kings just because they become incarcerated—all of these personal affiliations go with them. Further, these personal characteristics are likely to have influenced their involvement in crime before arrest and affect their behavior while incarcerated. Gang affiliation provides a classic example, as corrections officials are constantly trying to separate gang members to prevent altercations and riots while they are incarcerated, as well as to intercept communication to members on the outside.

Prison Argot

Despite the influential factors of the development of the prison subculture, it is evident that it exists. And, as common with all subcultures, a language is utilized in this total institution. While the majority of the inmates have English as a first language, a language or slang is also developed within prison walls. This language, referred to as prison argot, is distinct from the language of noninmates (Hensley et al., 2003) and is functional for inmates. It is representative of a collective stand of coping with prison life and its deprivations (Goffman, 1961). As mentioned previously, incarceration results in deprivation of certain freedoms, but also leads to uncomfortable living conditions, boredom, uncertainty about the future, and adaptation to the types of peers present in the prison environment (Farrington, 1994; Toch, 1992). Much like how children use “pig Latin” or other secret codes to communicate to avoid detection by parental supervision, inmates have developed argot to use as a distinct language.

Language itself is an important method of communication, as well as a key component in socialization and development of behavioral codes (Dean-Brown, 1993; Dietrich and Graumann, 1989). Different cultures and subcultures can be identified by the language they use. Inmates can be identified by the slang they use while incarcerated, and it identifies the needs and interests of the group (Hensley et al., 2002). According to Einat and Einat (2000), prison argot has six functions:

1. Uniqueness, as a distinct language allows a person to stand out.
2. Alleviation of feelings of rejection by individuals on the outside, whether friends, family, or general society.
3. Development of relationships with other incarcerated inmates within the facility.
4. Declaration of membership in the subculture, as proficiency in a language indicates affiliation with a society.
5. Identification tool indicating acceptance by a group, as only inmates are authorized to use prison argot.
6. Secrecy.

Prison argot allows for roles to be developed within the prison societies and for hierarchies of social status to be developed. It also indicates the level of respect the inmate has from other inmates and staff members (Dumond, 1992). These roles do not exclude prison sexual hierarchy, as a structure of roles is associated with sexual activities within prison walls. Males and females often adapt to prison life in different ways, including formation of sexual relationships. For instance, men often participate in sexual relationships as a method of obtaining protection from more feared inmates, while women participate in these relationships to gain companionship or form a pseudo-family atmosphere. In turn, the prison argot associated with sexual habits of inmates defines their role (e.g., “father/uncle,” indicating a dominating role in a female family, or “fag,” indicating a submissive role in a male relationship).

In 1934, Joseph Fishman conducted one of the first studies on sex in a male prison facility (Hensley et al., 2003). At that time, homosexuality was a criminal offense. Men were sent to prisons, such as the Welfare Island Penitentiary in New York, to serve time for sexual offenses such as homosexuality, corruption of a minor, and purchasing sex from another man. These men were termed “fags” or “fairies” and wore feminine-type apparel and makeup. Aggressive inmates, labeled as “wolves” or “top men,” took advantage of these more feminine male inmates and targeted them for sexual victimization. Although research between 1934 and now has expanded, the same basic trend has maintained itself in the prison system regarding aggressive inmates and passive inmates. A multitude of researchers (Donaldson, 1993a; Sagarin, 1976; Sykes, 1958) even went to the

extent of labeling inmates who participate in homosexual activity into a continuum of categories, ranging from the masculine aggressors (aka “daddies”) to the passive feminines (aka “punks” or “fags”).

Sexual aggressors, or “wolves,” in prison facilities focus on proving masculinity and machismo in order to become the dominant force in a sexual relationship. “Wolves” assume the role not only to obtain the physical release associated with sex but also to establish a reputation and avoid victimization. Although they are participating in homosexual relationships (whether consensually or through force), they are not labeled as such and instead earn a high place in the institutional hierarchy (Donaldson, 1993a; Kirkham, 1971). Their ability to dominate other men is not considered a manner of sexual preference, but an issue of manliness and strength.

There are two main roles the other counterpart of the homosexual relationship can take. “Fags” (or the passive individuals in the homosexual relationship) are stereotyped by other inmates as playing a natural role and assumed to be the same way on the outside. They are feminine and flamboyant, therefore not a threat to other masculine inmates. According to Donaldson (1993a), “fags” were indicated as having “pussies” and not “assholes” and wore blouses and not shirts. Although these individuals (or “queens”) do not earn as much “respect” as the “wolves,” they do earn some as they are assuming a natural role. In other words, they are given some credit for accepting the role as the passive male in the relationship. On the other hand, “punks” or “jailhouse turnouts” are given to inmates for the purpose of forcible sex (rape). They do not display feminine characteristics as “fags” do and are not respected as they are viewed as cowards who are weak and unable to defend themselves. Hensley and colleagues (2003) stated they are men who cannot fulfill the role of a man. Further, Donaldson (1993a) asserted these men were generally younger, first-time offenders, white, and smaller in stature. Kirkham (1971) called them “canteen punks” as they were not only used for sex, but more for goods and services (much like a prostitute).

Wooden and Parker (1982) went even further to explain argot sexual roles by distinguishing between the actual physical altercation, so who was the insertor and insertee. The insertee can be either a homosexual or a weaker heterosexual. Often referred to as “broads,” “bitches,” or “sissies,” insertees were suggested to take on the feminine roles and even names. The insertors were those who had masculine

personas that were referred to as “stud,” “straight who uses,” or “jockers.” Calling a man a “jocker” generally indicated he was a rapist, but as this behavior is situational in prison, it is accepted. A male who assumes this role in the sexual relationship is assumed to be the stronger and more dominant individual.

Sexual Behaviors in Prison

As discussed previously, incarceration results in a loss of many freedoms and liberties. Participation in sexual relationships with others is one of those liberties, a behavior that is of extreme importance to many. Although participation in sexual relationships is forbidden in correctional facilities, correctional administration cannot prevent prisoners from being consumed with sex (Money and Bohmer, 1980). As a result of the sexual deprivation they experience, prisoners may seek relief in alternative ways (Worley and Worley, 2013).

Participating in autoerotism is often a behavior inmates will choose to relieve sexual tension. Of the few studies done on this behavior, it appears to be acceptable among the inmate population. Wooden and Parker (1982) found that every inmate in their study reported masturbating while incarcerated, with 46 percent masturbating three to five times per week and 14 percent masturbating daily. Furthermore, Hensley, Tewksbury, and Koscheski (2001) found that 99.3 percent of their male inmate sample reported masturbating while incarcerated. Interestingly enough, the more educated inmates were more likely to be frequent masturbators. Although Hensley, Tewksbury, and Wright (2001) found that less female inmates admitted to the behavior, a large portion (66.5 percent) of female inmates in a southern facility participated in regular masturbation.

Inmates know this behavior is normally forbidden during incarceration. However, research has indicated that male inmates will rationalize this behavior in order to continue to participate in masturbation. Worley and Worley (2013) tested this behavior with Sykes and Matza’s neutralization theory, which has been used to explain many types of criminal behavior, such as shoplifting (Cromwell and Thurman, 2003), digital piracy (Morris and Higgins, 2009), and sex trafficking (Antonopoulos and Winterdyk, 2005). They questioned male inmates about their behaviors and the effect on female correctional

officers in the prison. Worley and Worley found that, when participating in autoerotism in prison, inmates will usually justify the behavior by denying an injury took place, stating that no one was harmed or the female staff members enjoyed the display. Many inmates denied a victim in the instance, stating either females did not belong in a prison setting so they got their just deserts, or by working at a prison they obviously wanted to see male genitalia. With either form of neutralization used, the responsibility was removed from the male and often placed on the legitimately employed female staff member.

Inmates will also use masturbation to establish inappropriate relationships with correctional officers (Dial and Worley, 2008). If an inmate masturbates openly and the behavior is ignored by the staff member, the passive acquiescence is perceived as a go-ahead to establish a relationship. However, if the staff member chastises the inmate for the behavior, the rebuke indicates the staff member is not interested in a relationship, and the inmate will pretend the behavior was “an accident.”

Some inmates will persist in attempts to participate in inappropriate relationships with correctional staff, despite rejection by the staff. Allen and Bosta (1981) asserted that these offenders can be placed into five categories, and this process involves an intricate system of information gathering and actions:

1. *Observers* monitor correctional staff to determine who would be the most likely to be manipulated into these relationships and then release this information to those inmates who will actually perform the manipulation.
2. *Contacts* obtain personal information about staff and turn it over to other inmates.
3. *Runners* test staff members to gauge determination of the officer to enforce rules, such as asking for a candy bar or extra food at lunch.
4. *Point men* are the lookouts for the inmates who participate in the manipulation.
5. *Turners* attempt to befriend employees and manipulate them into inappropriate behaviors.

Turners can also be separated into three categories: (1) heartbreakers, who seek to form emotional bonds; (2) exploiters, who use employees

to get what they want, such as contraband or information; and (3) hell-raisers, who use relationships to create problems (Worley, Marquart, and Mullings, 2003).

While the majority of correctional facilities have rules against public autoerotism, this behavior still occurs in prison, sometimes to the point of creating an adverse environment for inmates and correctional staff. In *Beckford v. Department of Corrections* (2010), a federal appellate court ruled that the Florida Department of Corrections failed to fix a hostile work environment for female health-care workers and correctional staff. Male inmates in maximum security continuously masturbated in the presence of fourteen female employees over the course of three years. They would participate in “gunning,” where the inmates openly masturbated in the presence of the employees by standing on toilets or mattresses to ensure the victims could see the behavior. They would ejaculate through the food slot on their doors. The staff resorted to wearing sunglasses and headphones to avoid the harassment, as the Department of Corrections refused to attempt to amend the inmates’ behavior.

Many inmates who participate in sexual relationships with other same-sex inmates during incarceration do not identify themselves as homosexuals (Hensley, Tewksbury, and Wright, 2001). In what is termed *situational homosexuality*, individuals who are immersed in single-sex environments resort to same-sex sexual activity to relieve desires with the understanding they will return to heterosexual sexual activities once removed from the segregated environment (Sagarin, 1976). Ibrahim (1974), one of the first researchers to examine situational homosexuality, determined that six factors within the structure of a prison contribute to this behavior:

1. A prison is a sex-segregated community and sexual gratification can only be achieved through a person of the same sex.
2. Although the behavior is forbidden and regulated, it is often tolerated by corrections officers and other inmates. This passive acceptance encourages the creation of status roles, where some inmates are assigned more masculine identities while others are seen as weaker.
3. Insufficient work opportunities lead to boredom and idle time for long periods. Inmates who work are kept busy and are less likely to participate in deviant behaviors.

4. Overcrowding of prisons causes close quarters for inmates, in which they watch each other change clothes and use the bathroom. Older inmates often take advantage of this situation with the younger inmates.
5. The current classification system of inmates does not segregate individuals based on sexual preference.
6. Complete isolation from the outside world and the norms of society can influence inmates to develop their own norms, one of those entailing sexual interaction with other inmates.

Data Collection

Gathering accurate data from inmates regarding any form of behavior or lifestyle characteristic can be extremely difficult. First, accessing this protected population can be a challenge for any researcher. Even if access is granted by the appropriate administration, the utmost importance is placed on prison safety, so a scheduled appointment at a facility can be cancelled without prior notice. However, the second issue that can present itself is obtaining honest answers from the inmates. Inmates can be hesitant in answering questions about offending behaviors (or even victimization) for fear of punishment or retaliation. Inmates are extremely distrustful, so even if the research assures anonymity, inmates will assume their behaviors will be immediately reported to administration. Or inmates may answer dishonestly to rebel against participation in a study or to make themselves look like more impressive offenders. With that being said, research performed on sexual relationships in prison has produced varied results.

A stereotypical assumption suggests that entrance into an incarcerating facility as a resident (aka inmate) equates to a guaranteed experience with sexual victimization. In other words, a societal assumption exists that a person will be raped while incarcerated. Although the fear of sexual victimization while incarcerated is actually more common than the actual occurrence (Tewksbury, 1989a), it is becoming a prevalent problem for our corrections system. Early assertions of the occurrence of sexual assault during incarceration were speculative as gaining access to prisons to conduct research is difficult.

Multiple recent studies have indicated that, while it may not be as prevalent as Hollywood and myth would have us believe, inmate

rape is widespread and underreported (Dumond, 2003; Hensley, 2002; Hensley et al., 2002; Hensley, Koscheski, and Tewksbury, 2003; Struckman-Johnson and Struckman-Johnson, 2000). While as early as the 1930s rape was recognized as an issue (Fishman, 1934), it was not until 2003 that President George W. Bush signed the Prison Rape Elimination Act (PREA) into law (Bureau of Justice Statistics, 2004) to address this noted form of victimization within prison walls. PREA addressed the increasing problem of prison rape by creating a zero-tolerance policy for sexual assaults in the correctional system, providing funding for research and programs, and requiring data collection on rape and assault. Since the implementation of PREA, punishment for those perpetrators of sexual assault has increased in severity. Inmate perpetrators may be relocated to a more secure facility or placed in solitary confinement. Staff perpetrators can be fired from their positions or even criminally prosecuted. Furthermore, PREA requires the Bureau of Justice Statistics to annually report occurrences of sexual victimization of inmates perpetrated by inmates and other staff members. While obtaining a precise number of occurrences is difficult due to the issues noted above, the requirements of PREA are a positive step in regard to the development of prevention policies.

Reported rates of sexual assault inside correctional facilities have varied from 1 percent to 41 percent (Wolff and Shi, 2008), generally due to two factors: (1) the underreporting of occurrences, which is attributed to the stigma of being assaulted and fear of retribution (Eigenberg, 2000; Struckman-Johnson et al., 1996) and (2) methodology variances in regard to what is considered sexual assault (Beck and Harrison, 2007a; Struckman-Johnson and Struckman-Johnson, 2006; Wolff and Shi, 2009). For example, Beck and Harrison (2007a) found that the average rate of rape is below 5 percent, but the between-facility rates vary from 0 percent to 12 percent (Wolff et al., 2006). The first report by the Bureau of Justice Statistics reported 8,210 allegations of sexual violence within prison walls nationwide, but only 2,100 of the allegations (30 percent) were substantiated.

The Bureau of Justice Statistics also reports sexual victimization occurrences specifically relating to jails. They have found among the 40,419 jail inmates participating in the survey, 3.2 percent experienced one or more incidents of sexual victimization (Beck and Harrison, 2008). Almost 2 percent reported an incident involving another

inmate. In regard to predictors of the victimization, the report asserted that sexual victimization in jails was not related to facility characteristics but inmate characteristics. In other words, inmate characteristics such as criminal history, violence factors, and age are significantly related to sexual assault compared to the organization and population of the jail facility.

Some of the research in the field is directly aimed at exploring inmate-on-inmate sexual victimization. For example, Hensley, Castle, and Tewksbury (2003) surveyed female inmates in a southern correctional facility and found that of the respondents ($n = 245$), 4.5 percent reported incidents of sexual coercion while 2.0 percent admitted to perpetrating the incidents against another inmate. Wolff and Shi (2008) recently investigated occurrences of inmate-on-inmate sexual victimization at thirteen facilities in one state. Of the 6,964 male inmates surveyed, 4 percent reported some form of sexual victimization perpetrated by another inmate. Victimization was more frequently reported by females ($n = 564$), at a rate of 22 percent. The most common form of victimization was categorized as abusive sexual contact, which involved sexually inappropriate touching, and was not frequently reported to prison authorities. Nonconsensual sexual acts (i.e., sexual assault or rape) between inmates were rare (less than 2 percent), but much more likely to be reported to prison authorities. Furthermore, 75 percent of the male inmates who reported victimization stated they had experienced one to three forms of the victimization, while 95 percent of the reported female victims claimed experiencing one to three forms of the victimization.

Examining Prison Sex Culture

Our purpose in this book is to provide the reader an updated and accurate examination of the prison sex culture in the United States, as well as comparing our current state with other nations. The contributors of this book are scholars in the field with extensive expertise on this topic, and combined, they provide a thorough review of the contemporary issues of prison sex behaviors. Listed below is a brief description of each chapter.

In Chapter 2, Kristine Levan discusses the consensual sexual relationships in prison and the dynamic that is involved. Conversely,

Richard Tewksbury and David P. Connor examine nonconsensual relationships in prison in Chapter 3. While sex in prison is illegal, whether consensual or forced, it affects the entire prison experience for inmates in regard to safety, commerce, and emotions. Barbara Zaitzow examines in Chapter 4 the corrections system's response to the tension caused by this situation and gives suggestions to assist victims and prevent future occurrence.

The next few chapters present information on the repercussions of participating in any sexual relationship in prison. In Chapter 5, Tammy L. Castle discusses conjugal visitation and marriage of an inmate to an individual outside the prison walls, and how our corrections system handles these particular instances. In Chapter 6, Ashley G. Blackburn, Shannon L. Fowler, and Janet L. Mullings address the notion of gender role sexuality and the adaptation process of new and existing inmates in the prison environment. Roberto Hugh Potter and Jeffrey Rosky examine, in Chapter 7, health issues associated with participation in a sexual relationship in any venue, specifically sexually transmitted diseases (STDs), the human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), and pregnancy. And in Chapter 8, Tomer Einat provides the reader with an international perspective on prison sex and a comparison of the United States with other countries around the world.

The remaining chapters serve to address special issues associated with sex in prison. In Chapter 9, Danielle McDonald and Alexis Miller offer a special case study investigating the effect of PREA on female inmates in a correctional facility in Kentucky, which allows the reader to see a real-world application of existing legislation. Finally, the editors conclude with Chapter 10, a policy implication review of the material presented in the previous chapters.

We believe this book will be an asset to academics and practitioners alike as it will demonstrate how our corrections system is evolving and adapting to this pressing issue. As you read, please consider the past and current states of the issue and if our corrections system is effectively addressing the needs of inmates, as well as providing effective punishment to deter future inappropriate and illegal behavior.