

Prison Warden Attitudes Toward Prison Rape and Sexual Assault

Findings Since the Prison Rape Elimination Act (PREA)

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This study examines the attitudes and beliefs of U.S. state prison wardens toward prison rape since the implementation of the Prison Rape Elimination Act (PREA), signed into law in 2003. PREA mandates a zero-tolerance policy for sexual assaults within correctional systems and requires comprehensive collection of national data on prison rape and sexual assault. Prison wardens play a key role in the implementation and enforcement of prison policies and it is important to assess their attitudes and beliefs toward prison rape. To date, there has been only one study conducted that examines wardens' attitudes toward prison sexual assault, and it was completed before the implementation of PREA. It found that a majority of the wardens surveyed reported that their prison rape and sexual assault policies were considerably less effective than staff training and increased inmate supervision. The current study replicates the prior study in a post-PREA environment.

Keywords: *prison rape; prison wardens; Prison Rape Elimination Act; PREA*

There is a common perception that prison rape is widespread and underreported (Dumond, 2003; Hensley, 2002; Hensley, Struckman-Johnson, & Eigenberg, 2000; Hensley, Dumond, Tewksbury, & Dumond, 2002; Hensley, Koscheski, & Tewksbury, 2003; Struckman-Johnson and Struckman-Johnson, 2000; Struckman-Johnson, Struckman-Johnson, Rucker, Bumby, & Donaldson, 1996; Wooden & Parker, 1982). However, there has been a great deal of controversy about the true pervasiveness of prison rape and sexual assault. Current findings suggest that the prevalence of male prison

rape ranges anywhere from 0.3% to 14.0% (Hensley, Koscheski, & Tewksbury, 2003; Nacci & Kane, 1983). It is hypothesized that this discrepancy in base rate estimations is a result of underreporting by offenders because of shame and fear of retribution (Eigenberg, 2000; Nacci & Kane, 1983; Saum, Surratt, Inciardi, & Bennett, 1995; Struckman-Johnson et al., 1996), the failure of authorities to identify a common definition of sexual assault, and the misinterpretation of coerced sexual activity as being consensual (Eigenberg, 2000; Hensley et al., 2002).

The Prison Rape Elimination Act (PREA)

Although rape within prison walls was identified as a problem as early as the 1930s and 1940s (Fishman, 1934; Kinsey, Pomeroy, & Martin, 1948), only within the past decade have male prison rape and prison assault become widely recognized by the prison system, the public, and legislators alike (Davis, 1968; Gardner, 1986; Hensley et al., 2002; Human Rights Watch, 2001; Nacci & Kane, 1983, 1984; Struckman-Johnson et al., 1996; Wooden & Parker, 1982). As a result of growing concern, President George W. Bush signed PREA (2003) into law on September 4, 2003 (Bureau of Justice Statistics [BJS], 2004). PREA applies to all federal and state correctional and detention facilities as well as local jails, private facilities, and police lock-ups (Stop Prisoner Rape, 2005). PREA was created to address many issues surrounding prison rape and sexual assault. The new act mandates a new zero-tolerance policy for sexual assaults within correctional systems, provides funding for research and program development, and requires a comprehensive collection of national data on prison rape and sexual assault. In addition, PREA created a federal commission tasked with developing standards for addressing the problem of prison rape (BJS, 2004; PREA, 2003; Stop Prisoner Rape, 2005).

PREA requires BJS to collect national data on the incidence and prevalence of sexual assault within correctional facilities. The bureau conducted its first national study in 2004 and surveyed more than 2,700 correctional facilities holding 79% of all adults and juveniles in custody (BJS, 2005). This study was conducted by reviewing administrative records, a method that BJS admits is insufficient for fully understanding the problem. In a June 2004 status report, BJS reported that it is "tasked with developing reliable methods to measure the problem so that it can be addressed and eliminated" (BJS, 2004, p. 1). BJS indicated that although it was unable to develop a reliable method of measuring sexual violence for its first study, it reported

that future data collections will be based on victim reports of sexual violence of both current and former inmates “to permit reliable comparisons that overcome the limitations of administrative records” (BJS, 2005, p. 1).

For the purposes of its study, BJS used the PREA Section 10 definition of rape as “the carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a person, forcibly or against the person’s will . . . or achieved through the exploitation of the fear or threat of physical violence or bodily injury” (BJS, 2005, p. 3; PREA, 2003). Although BJS used a specific definition of rape, it found during its study that “correctional administrators frequently expressed concern about the absence of uniform definitions” (BJS, 2005, p. 4). Because of problematic issues such as disparate definitions, differential reporting capabilities of institutions, and the lack of uniform tracking of sexual violence, BJS warns that caution should be taken when interpreting the results of this 2004 national survey (BJS, 2005).

BJS published its first report in July 2005, titled “Sexual Violence Reported by Correctional Authorities, 2004.” The study uncovered 8,210 allegations of sexual violence reported nationwide for 2004, with 37% of these allegations concerning inmate-on-inmate nonconsensual sexual acts. When converted to base rates, the researchers found 3.15 reported allegations of sexual violence per 1,000 inmates, with 1.16 allegations of inmate-on-inmate nonconsensual sexual acts per 1,000 inmates. Overall, however, BJS found that only 30% (2,100) of the original 8,210 allegations of sexual violence were substantiated (BJS, 2005).

Prison Wardens and PREA

PREA has significant implications for both the detection and the prevention of prison rape and sexual assault. Many of the policies introduced in PREA require the support of prison administrators such as wardens. Hensley et al. (2002) noted that wardens and correctional administrators are the people who most completely affect and direct the everyday lives of inmates because they are the ones who create policies and set them in motion. Wardens are also the ones who determine whether researchers can have access to their institution’s inmates and records. Because of a warden’s status, his or her beliefs and attitudes toward rape and sexual assault can have a great impact on the rules and culture of the penal institution that he or she oversees.

Research on wardens’ attitudes and beliefs regarding prison rape and sexual assault is sparse. In a literature review on correctional environments in general, Sims (2001) reviewed wardens’ beliefs about overcrowding,

race issues, and prison amenities. However, attitudes specific to sexual assault were not addressed. Although there are many studies that have derided prison wardens and administrations for their apathy and neglect of prison rape (Hensley et al., 2002; Human Rights Watch, 2001; Wooden & Parker, 1982), there are very few that have actually studied the causes of such apathy and neglect. Without such data, we have no way of knowing whether wardens aid or hinder the perpetration of prison rape and what beliefs and attitudes lead to their subsequent dealings with these issues.

To date, there has been only one study conducted that dealt directly with wardens' attitudes and beliefs toward prison sexual assault. Hensley et al. (2002) distributed anonymous surveys to 441 wardens from all over the United States to determine (a) their beliefs on the effectiveness of prison policy in preventing sexual assault, (b) their beliefs on the effectiveness of staff training to stop prison rape, and (c) their beliefs about the effectiveness of increasing inmate supervision to deter sexual assault. The authors had a 51.2% return rate ($N = 226$) and found that slightly more than half (53.3%) of the wardens believed that institutional policies were "somewhat effective" and that 6.7% of the wardens found them to be "not at all effective." A slight majority (51.3%) of the wardens agreed that training of staff members can be "completely effective," whereas 4.9% of the wardens marked staff training as "not at all effective." A large majority of the wardens (74.4%) believed that increased inmate supervision by staff would be "completely effective," with only 1.2% of wardens finding the supervision "not at all effective" (Hensley et al., 2002). These results suggest that a majority of the wardens not only viewed their prisons' pre-PREA rape and sexual assault policies as considerably less effective than staff training and increased inmate supervision but also seemed to have relatively little faith in the policies to begin with.

This study replicates Hensley et al.'s previous research conducted prior to PREA in an effort to investigate the attitudes and beliefs of U.S. state prison wardens toward different aspects of male prison rape following the implementation of PREA.

Method

Participants and Procedure

Using the American Correctional Association's 2004 directory, a random sample of 500 wardens working in all-male U.S. state prisons was invited, via mail, to participate in a survey aimed at examining their

thoughts on male prison rape. In addition to the survey, the wardens were mailed a consent form, a debriefing form, and an envelope with the return postage paid. The approximate time to complete the questionnaire was 10 to 15 minutes.

Demographic characteristics of the wardens are presented in Table 1. Of the sample ($N = 60$), 85.2% ($n = 46$) were male and 14.8% ($n = 8$) were female. A majority of the wardens were Caucasian (76.7%), with 18.3% of respondents identifying themselves as African American or Black and 3.3% as Latino or Latina. The mean age of the responding wardens was 49.7 years ($SD = 6.4$ years), and their average number of years as a prison warden was 11.3 ($SD = 8.0$ years). The mean number of years of education of the warden sample was 16.7 ($SD = 3.0$ years). Nearly half of the wardens in the sample worked at state prisons in the South (45.0%), one fourth worked in the Midwest (26.7%), and 16.7% and 11.7% worked in state prisons in the West and Northeast, respectively.

Measures

This survey was created using themes, questions, and scales based on measures used in two previously published studies (Eigenberg, 2000; Hensley et al., 2002). The questionnaire had five sections: Demographic Information, Prevalence of Male Prison Rape and Sexual Assault, Classification of Male Prison Rape and Sexual Assault, Prevention of Male Prison Rape and Sexual Assault, and Current Institution Policies and Practices.

Demographic information. Demographic variables include age, gender, ethnicity, religion, educational history, U.S. region, and length of time as warden.

Prevalence of male prison rape and sexual assault. This section included questions from Hensley et al. (2002) on the known sexual assault rate within the warden's institution, the amount of sexual assaults that occurred during the past year that the warden knows about, and the estimated percentage of consensual sex and forced sex within the institution.

Classification of male prison rape and sexual assault. Ten different scenarios of situations between two or more male inmates were presented and wardens were asked to identify the situations they believed constituted prison rape or sexual assault. This section is loosely based on Eigenberg's (2000) study that presented six vignettes about prison rape.

Table 1
Demographic Characteristics of Wardens

Characteristic	<i>n</i>	%
Gender		
Male	46	85.2
Female	8	14.8
Ethnicity		
African American or Black	11	18.3
Latino or Latina	2	3.3
Caucasian or White	46	76.7
Native American	1	1.7
Age		
30 to 39	3	5.9
40 to 49	21	41.2
50 to 59	26	51.0
60 to 65	1	2.0
Education		
BA or BS	30	52.6
MA or MS	20	35.1
PhD or PsyD	2	3.5
U.S. Region		
Northeast	7	11.7
South	27	45.0
Midwest	16	26.7
West	10	16.7
Religion		
Christian	13	21.7
Baptist	20	33.3
Protestant	6	10.0
Catholic	8	13.3
Other	13	21.7

Note: *N* = 60.

Prevention of male prison rape and sexual assault. Directly based on Hensley et al.'s (2002) questions, wardens were questioned about their opinions on different methods of prison rape prevention. These included the following: (a) "How effective do you believe institutional policies and procedures can be in preventing sexual assault between inmates?" (b) "How effective do you believe staff training can be in preventing sexual assault between inmates?" and (c) "How effective do you believe increased or enhanced supervision by staff can be in preventing sexual assault between inmates?"

Wardens were also asked whether they agreed or disagreed with eight statements about the role of correctional officers in preventing prison sex. Some examples include “Correctional officers should patrol areas frequently to prevent consensual sexual acts,” “Correctional officers should talk to inmates about the risk of sexual assault,” and “Correctional officers should do everything they can to prevent consensual sexual acts.”

Current institution policies and practices. The final segment of the questionnaire asked the wardens to describe their current policies concerning prison rape and sexual assault, the origin of these policies, and the method of reporting prison rape within their institution. Wardens were also questioned about the consequences of prison rape and how they were applied.

Results

Prevalence of Male Prison Rape and Sexual Assault

When asked about the number of sexual assaults that have occurred within the past year that they knew about, 51.8% of the wardens reported 0 assaults; 23.2% reported knowing of 1 assault and 25.0% knew of 2 or more assaults. The highest number of assaults reported was 5. When estimating the percentage of forced sex within their institutions, 96.6% of the wardens believed it was below 10% of their inmate population and 3.4% believed it was between 10% and 25% of their inmate population. By comparison, when estimating the percentage of consensual sex within their institutions, 47.3% of wardens believed it was below 10%, 30.9% believed it was between 10% and 25%, and 21.8% estimated that it was 26% or above of their inmate populations.

Wardens were presented with the question “What is the known sexual assault rate in your prison?” and asked to write out an answer. The most prevalent responses were “0” (26.8%), “extremely low/very low/low” (15.0%), “less than 1% to 1%” (13.6%), and “less than 1 a year” (8.5%). There were also a few other responses indicating a very low level of known sexual assault, such as “less than 5%” (1.7%), “less than two a year” (1.7%), and “1 during my tenure” (1.7%). Very few wardens (5.1%) gave answers that indicated some form of an elevated sexual assault rate. These responses were “approximately 6 per year,” “17%,” and “1 or 2 a month.” In addition, 17.0% of the wardens responded to this question with the answers “unknown,” “not clear,” “NA,” or “no stats kept at this time.”

Classification of Male Prison Rape and Sexual Assault

The respondents were provided with 10 different scenarios of male prison sexuality and asked to answer “which, if any, of these situations [do] you consider prison rape or sexual assault?” Results for the 10 vignettes are presented in Table 2. Six of the vignettes had at least two thirds of the wardens responding yes that they perceived the situation to be prison rape or sexual assault. These were, “An inmate is asked for sex by another inmate in exchange for protection,” with 66.7% of the wardens answering yes; “A man in prison for sex offending against boys is pressured to have sex by another inmate,” with 87.9% answering yes; “An inmate is persuaded to have sex in exchange for commissary goods such as cigarettes and magazines,” with 69.0% of wardens responding yes; “An inmate is asked for sex and is threatened with the fact that if he does not cooperate, the other inmates will be told that he is an informant,” with 84.5% choosing yes; “A new inmate wants to join a certain gang. In order to be initiated, he must have sex with all of the other members of the gang. He complies and is initiated,” with 67.2% answering yes; and finally “An inmate known for sexually assaulting other inmates is forced to have sex by one of his previous victims,” with 96.6% of the wardens answering yes, it is prison rape or sexual assault.

The other four vignettes were seen as more ambiguous by the wardens, and all received the highest percentage of warden’s answers being “maybe, I am not sure if this is prison rape and sexual assault.” These were, “Two cellmates have sex in their cell at night, and neither have sex with other inmates,” with 55.0% of wardens responding maybe; “Two men are found having sex. They are known to be good friends,” with 55.2% choosing maybe; “Two men are found having sex. Both are known homosexuals,” with 58.6% answering maybe; and finally “Two men are found having sex. One is a known homosexual and one is not,” with 70.7% of all wardens answering maybe.

Prevention of Male Prison Rape and Sexual Assault

When presented with questions about their opinions on methods of prison rape prevention, the U.S. state prison wardens were asked to reply whether they believed three different methods would be “not at all effective,” “somewhat effective,” or “completely effective” at preventing prison rape and sexual assault. Of the sample, 69.0% believed that institutional policies and procedures can be “somewhat effective” at preventing sexual assault, 51.7% of the wardens believed staff training can be “somewhat effective” at preventing sexual assault, and 70.7% believed that increased

Table 2
Warden Responses to “Which, If Any, of These Situations [Do] You Consider Prison Rape or Sexual Assault?”

Item	Yes (%)	No (%)	Maybe (%)
1. An inmate is asked for sex by another inmate in exchange for protection.	66.7	20.0	13.3
2. Two cellmates have sex in their cell at night, and neither have sex with other inmates.	18.3	26.7	55.0
3. Two men are found having sex. They are known to be good friends.	17.2	27.6	55.2
4. Two men are found having sex. Both are known homosexuals.	17.2	24.1	58.6
5. Two men are found having sex. One is a known homosexual and one is not.	19.0	10.3	70.7
6. A man in prison for sex offending against boys is pressured to have sex by another inmate.	87.9	3.4	8.6
7. An inmate is persuaded to have sex in exchange for commissary goods such as cigarettes and magazines.	69.0	15.5	15.5
8. An inmate is asked for sex and is threatened with the fact that if he does not cooperate, the other inmates will be told that he is an informant.	84.5	6.9	8.6
9. A new inmate wants to join a certain gang. In order to be initiated, he must have sex with all of the other members of the gang. He complies and is initiated.	67.2	19.0	13.8
10. An inmate known for sexually assaulting other inmates is forced to have sex by one of his previous victims.	96.6	0.0	3.4

and enhanced supervision by staff can be “completely effective” at preventing prison rape and sexual assault.

Current Institution Policies and Practices

The warden sample was asked, “Does your institution currently have policies concerning prison rape and sexual assault?” and 98.3% ($n = 59$) of respondents answered yes. The 1.7% ($n = 1$) who did not answer yes wrote that such policies were “under development.” When asked what these policies concerning prison rape were, 49.1% ($n = 27$) of the wardens responded that they enforced PREA or a PREA-related policy, such as “zero tolerance” and “mandatory reporting.” Some other policies that prisons developed on their own or in addition to PREA were protective custody, toll-free

sexual assault hotline, and medical and mental health services for the victims of sexual violence. When asked about the consequences for inmates who engage in prison rape and sexual assaults, 88.1% ($n = 52$) of the wardens reported initiating a criminal investigation and pressing charges and prosecuting the perpetrator if necessary, 64.4% ($n = 38$) reported bringing disciplinary sanctions against the offender within their own institution, and 35.6% ($n = 21$) of the sample reported enforcing a policy of segregation and/or security increase.

Finally, the wardens were asked if the consequences to the perpetrator differ because of the identity of the perpetrator or victim, and 91.5% of the wardens answered no. Some reasons cited by the wardens who answered yes for a possible difference in consequences because of the identity of the perpetrator were whether the offender was mentally ill or if he had a prior history of rape or sexual assault perpetration.

Discussion

The current study found that the majority of U.S. state prison wardens who responded to the survey reported that male prison rape and sexual assault is a low base rate phenomenon and that their prison's current sexual assault rate is either 0% or below 1%. In addition, the wardens reported that there is not very much sexual activity happening within their institutions, either consensual or forced.

U.S. state prison wardens were able to identify sexual assault in situations where force was used as well as in situations where more covert coercion was utilized. However, in more ambiguous situations where prison sex was occurring but there were no signs of either physical force or coercion, U.S. state prison wardens were unsure about the nature of these sexual activities. This suggests that these wardens are keeping an open mind and not dismissing sexual activity as consensual merely because the recognizable elements of force or coercion were not present. These findings are encouraging because there can be no prevention of prison rape without proper classification of the activity as nonconsensual.

Both institutional policies and procedures and staff training were viewed by the wardens as being somewhat effective at preventing prison rape and sexual assault. Most important, they believe that increased inmate supervision by staff can be completely effective at preventing prison rape and seem to regard this as the best method of prevention available within their institutions.

Finally, this study found that U.S. state prison wardens have policies in place to prevent prison rape and that about half of these are based on PREA or PREA-related policies. State prisons also have certain consequences for committing prison sexual violence such as criminal investigation and prosecution, disciplinary sanctions, segregation, and a raise in the inmate's security level.

PREA was created to "develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape" (PREA, 2003). The findings of this study indicate that although still in its nascent phase, PREA's creation of common standards appears to be effective. The fact that half of the wardens in the sample responded that they are currently implementing PREA-developed or PREA-related policies is indicative of a major change within the U.S. state prison system. For the first time in penal history, states are attempting to adhere to a uniform code of prison rape policies, policies that, in theory, are backed by empirical research. Although it is still too early to see the changes that PREA in its final form will have on the U.S. state prison system, the results of this study suggest that prison rape and sexual assault reform are being recognized by prison administrators.

The findings of this study also support the assertion that male prison rape and sexual assault are low base rate events. These findings are similar to those of the BJS 2004 survey, which found that prison rape and sexual assault happen extremely rarely. This study's results are also analogous to those of Hensley et al. (2003), who found that 72% wardens reported having zero officially reported sexual assaults within their institutions within the past year. There are a number of reasons why the wardens may have reported so few sexual assaults within their institutions. It may be true that sexual assault is in actuality an event with an extremely low base rate, or it is possible that most prison rapes and sexual assaults are continuing to go unreported within U.S. state prisons.

The findings of the current study are remarkably similar to those of Hensley et al. (2002). When questioned about the prevention of prison rape and sexual assault, 51.3% of Hensley et al.'s sample found staff training to be "completely effective" and 48.3% of the current study found this method of prevention to be "completely effective" as well. When asked about the effectiveness of increased staff supervision, 74.4% of Hensley's sample and 70.7% of the current study's sample believed this method to be "completely effective." However, when Hensley et al. (2002) examined the effectiveness of institutional policies on the prevention of prison rape and sexual assault, only 6.7% of their sample reported that they believed they were "completely effective." By contrast, 29.3% of the current study sample responded

that institutional policies and procedures could be completely effective at preventing prison rape and sexual assault. One reason for the discrepancy between studies may be that prison wardens have greater faith in the effectiveness of PREA policies than in other policies of the past and believe that they will potentially be successful at preventing prison rape.

There are several limitations to this study. The first is that the data pool used was very small ($N = 60$; return rate = 14%), and having such a small sample limits the generalizability of the findings. However, although the current study's return rate is considerably lower than that of Hensley et al. (2002), it falls within the range typical of most survey studies. Another limitation of the study is that the delicate and politically sensitive nature of the questions asked in the survey may have influenced how the wardens responded. Having prison administrators report that their institutions have low levels of sexual assault is not surprising and furthermore should probably be expected. The fact that prison rape is such a politically and legally charged topic makes it almost impossible to obtain accurate estimates of prevalence, especially from administrators, as is reflected in the prison rape literature. In the future, it may be effective to ask U.S. state prison wardens about their estimates of prison rape prevalence within other institutions because it is possible the administrators may answer less defensively when discussing inmates out of their jurisdictions. Furthermore, it may have been helpful to have more information about the population and security level of the institution. The fact that larger prisons probably have more incidents of sexual violence and the fact that institutions with higher security give their inmates less access to each other are ideas that should be incorporated into any future study of wardens' thoughts on different aspects of prison rape.

For future study, the psychological community must come up with more accurate ways of measuring the true prevalence of male prison rape and sexual assaults. The BJS plan to survey former inmates about their prison sexual experiences may be the key to obtaining more accurate information. It is possible that being removed from the prison environment may make former victims of sexual abuse feel more comfortable reporting the events truthfully. Until new methods are implemented, there will always be the same debate within the literature on prevalence of prison rape; studies, such as this one, will continue reporting supposed low base rates, and the authors will continue arguing that these base rates are fundamentally flawed and extremely low.

It will also be essential to continue this line of research in the future as PREA and its policies become more entrenched and enforced. Because of PREA's relatively recent passing in 2003, there may be quite a few years

until all states have adopted PREA policies, BJS has collected more comprehensive statistics on prison rape, and the federal commission has created an effective body of standards for combating prison rape. Hopefully, as PREA becomes more ingrained within the federal penal system, the rates of prison rape and sexual assault will decrease even further.

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