

Literature Review by Jaclyn Massey

In 2007 there were a total of 2, 293, 257 prisoners in the United States (US Department of Justice). The number of individuals incarcerated in the U.S. has been increasing over the last 30 years (Jones & Pratt 2008). There are a number of negative consequences associated with the rising number of prison inmates. This increase in prisoners has led to an increase in homicide, violence and sexual assaults within prison walls (Colvin 1992). Approximately 300,000 inmates per year report being victims of sexual violence (Anderson 2001). There are 196,000 male prisoners every year who fall victim to sexual assaults (Anderson 2001). Sexual violence in prison has been a topic that has been significantly under-researched. There are many different types of sexual violence seen in prison and all can result in physical as well as emotional trauma for the victims (Lipscomb, Muram, Speck, & Mercer, 1992). This paper will address the prevalence of sexual violence that exists in American prisons. It will also examine the characteristics of the perpetrators as well as the victims, the types of assaults and the consequences these attacks have on the victim. It will also briefly identify what the government is doing to address and prevent the incidence of sexual assaults in our prisons.

It is extremely difficult to find the exact number of sexual assaults that occur every year in the United States Federal and State prisons. There has only been one study conducted about the prevalence of sexual assaults in jails and fewer than 50 studies regarding sexual victimization in Federal and State prisons (Gerald G. Gaes and Andrew L. Goldberg). Sexual victimization among male inmates can range from sexual threats, touching, oral as well as anal intercourse (Struckman-Johnson 1996). Davis (1968) was

the first researcher who attempted to estimate the prevalence of sexual assaults in US prisons. There was a total 3,304 individuals interviewed in this study however, only 97 of these inmates had reported being a victim of sexual assault. However, Davis found that some of the participants interviewed were victims of repeated sexual attacks. Davis discovered that in total there were actually 156 assaults which involved 176 attackers. Davis believed many inmates did not participate in the study due to fear of retaliation from other inmates. This also was a time when prison rape was not as openly talked about as it is now and it can be assumed that many victims felt embarrassed or ashamed of the attack and were unwilling to admit being raped. A study done ten years later examining prison rape in Tennessee's State Penitentiary estimated that about three-quarters of the prisoners had recalled at least one rape per month, more than one-third recalled at least one rape per week; and 30% had reported that rape as well as other sexual assaults had occurred more often than once a week within the prison (Jones 1978).

In addition to being victims of completed sexual acts inmates can also fall victim to sexual threats and pressure. A study published two years later in 1980 investigating sexual victimization in the New York State prison found that out of the 76 respondents 28% have experienced some form of sexual pressure by other inmates (Lockwood 1980). Another study done that same year in a California medium Security prison found that 14% of the 200 inmates interviewed had felt pressure to engage in a sexual act with another inmate (Wooden and Parker 1982). Struckman– Johnson (1996) estimated that out of the 486 male inmates interviewed in Nebraska prisons, 22 % have experienced at least on incident where they felt pressured to perform an unwilling sexual act to a fellow inmate. Four years later, Struckman and Johnson administered the same questionnaire to

a total of seven Midwest prisons. In this study they had a total 1,788 men who participated, 20% of these men had experienced pressure as well as forced sexual contact (Struckman Johnson 2000)

It is quite evident that sexual pressure given by other inmates has existed in the prison systems for a number of years. However, this may not be the case for all types' prisons in the United States. A study conducted by Saum, Surratt, Inciardi, and Bennet in 1995 investigated the prevalence of sexual victimization in Delaware Prison systems. The participants in the study were inmates in a Therapeutic Community. There were a total of 101 participants, of these participants 60% had reported not witnessing or hearing about rape occurring that prior year (Saum, Surratt, Inciardi, and Bennet 1995). Only 3% of the inmates interviewed had witnessed one rape while only 1% had witnessed two (Saum, Surratt, Inciardi, and Bennet 1995). One participant in the study had reported being a victim of rape, while 5 had reported being a victim of a rape attempt (Saum, Surratt, Inciardi, and Bennet 1995).

After examining more recent studies, it is apparent that there are still a significant number of inmates who are victims of sexual assaults. In 2004, the Borough of Justice administered a survey focusing on prison rape to 2,700 correctional facilities including prisons, local/ private jails and juvenile delinquent centers throughout the United States (US Department of Justice 2004). The study reported that there was a total of 5, 528 allegations of sexual violence reported. The National Inmate Survey was also administered to a total of 146 states prison between the month of April and August in the year 2007 (U.S. Department of Justice). The sample size consisted of 23, 398 inmates. The study found that about 4.5% of all State and Federal inmates had experienced one or

more incidents of sexual victimization while incarcerated (U.S. Department of Justice). Six of the prisons reported no incidences of sexual assaults from the inmates who were surveyed while 10 prisons had reported a victimization rate of 9.3 percent (U.S. Department of Justice). These studies are evidence that sexual victimization within the United States prisons has existed for a number of years and is still prevalent in our society today.

It is extremely difficult to develop a certain set characteristics associated with sexual aggressors in the prison system. (Stop Prison Rape 2007). Authorities have not yet created a profile for a typical perpetrator. Even though there are a number of differences that exist between these men, studies have found some similarities that are believed to be associated to sexual aggressors (Stop prison Rape 2006). Race appears to be a significant factor when analyzing the characteristics of sexual aggressors in the United States prison systems. The Struckman- Johnsons (2000) study found that in 74% of the incidences reported the sexual aggressor was said to be African American. Davis also had similar findings in his study examining the Philadelphia jails systems. He reported that 56% of prison rapes involved Black perpetrators. Carroll's study on the prevalence of prison rape reported that even though African Americans only comprised 22 % of the inmate population in the prison he was examining, his finding were quite similar to that of Davis's study, stating that Blacks had been participants of majority of the sexual assaults that were reported (Carroll 1985). Starchild (1990) reports that about 90% of prison rapes that occur are inter-racial. A study focusing on Tennessee prison systems also reported that not one black prisoner who participated in this study was able to even recall an event

in which a white prisoner had raped or even attempted to rape a black prisoner (Bowker 1980).

An inmate's age as well as physical physique are also factors associated with sexual aggressors in our prison systems. Sexual assaults appear to be more prevalent in prisons comprised of younger inmates (Carroll 1980). Davis's 1968 study estimated that the average age of a prison rapist is about 24 years old. Lockwood's study in 1980 also had similar findings, stating that 46% of sexual aggressors were less than 19 years old. In addition, an inmate who is physically aggressive and larger in size is also more likely to prey on other inmates who are much smaller and have less ability to protect themselves (Lockwood 1980). Lockwood found that the victims of sexual assaults were usually about 15 pounds less than their perpetrators. A prisoner's background history such as their socio-economic status is also associated with the likelihood of becoming a sexual aggressor.

The Stop Prison Rape study (SPR) collected information from a total of 200 prisoners across 37 states. In their study they found sexual aggressors typically have a lower level education and come from a low socioeconomic status compared to other inmates, including their victims. The study found that many of these men had been in trouble before for previous history of violent offenses (SPR 2006). Davis believed that by engaging in rape, members of low socio-economic classes are able demonstrate their dominance in the prison as well as assert their masculinity to other inmates (Davis 1968). Toch's study of New York state prisons found that sexual aggressors were more likely to have grown up in urban than non-urban areas. Toch found that inmates who were from urban areas were more likely to be the sexual aggressors rather than the victim. These

findings are similar to that of SPR's, stating that sexual aggressors are more likely to be individuals who are known as "Street smart" and are often members of gangs (SPR 2006).

Inmates who are incarcerated for violent crimes and are serving longer sentences are also more likely to take on the role as the attacker. The SPR study had found that inmates who are in prison for serious offenses as well as serving long or life sentences are more likely to be the aggressor in a prison rape (Stop Prison Rape 2007). Davis (1968) found this similarity as well, stating that 68% of the attackers in his study were convicted of more serious felonies than compared to the 38 % of the victims (Davis 1968). Chronco1989 study also found that victims of rape tend to be incarcerated for non violent crimes compared to their attacker. His study also revealed that inmates who are serving a long-term sentence are more likely to assume the role of a sexual perpetrator. From this information one can assume that the aggressors are usually inmates who might feel as if they having nothing to loose since they know they will be spending majority of their adult life in prison. It can also be suggested that these men are just taking the violence that they have learned from the streets and using it in prisons to establish authority and fear from weaker inmates.

Any individual who is incarcerated in a detention facility could be at risk to becoming a victim to sexual violence. However, there are certain characteristics believed to be associated with sexual abuse victims. An individual's age, personality, physical characteristics, mental health as well as sexual orientations are all factors that can put them at risk for becoming a victim of sexual violence (Mariner 2001).

And inmate's age as well as physical stature can make them much more susceptible to becoming a target of rape. An inmate who exhibits youthful characteristics or is a boy under the age of 18 who is incarcerated in an adult prison is far more likely to become a victim of rape (Mariner 2001). In 2004 there were more than 7,000 youths under the age of 18 who were incarcerated in adult facilities (SPR 2006). It is reported that inmates between ages 13- 18 are most vulnerable to becoming a victim of sexual violence (SPR 2006). When juveniles such as teenagers are incarcerated with adults they are five times more likely to report acts of sexual violence than in a youth detention centers (SPR 2006). Hensley's (1999) study on Oklahoma detention facilities found that the average age of a rape victim was 20.5 years old and the average time the first sexual threat had occurred was within a period 4.5 months of being incarcerated. An inmate's physical stature is also important in determining whether they are more susceptible to becoming a victim of sexual violence. Smaller inmates in height and weight are usually more vulnerable to becoming a victim, being unable to protect themselves properly against larger inmates (Mariner 2001). Smaller inmates have a difficult time in prison, feeling intimidated or overpowered by larger prisoners (Mariner 2001). However, size is not the only predictor associated with rape victims. An individual's attitude can increase or decrease their chances to becoming a victim of sexual assaults.

Studies have found that an inmate's attitude can help in preventing them from being a victim of sexual violence. A strong aggressive attitude is just as important as an individual's physical strength (Mariner 2001). Inmates who are more timid, fearful, unaggressive, unassertive, shy or passive are much more likely to be sexually assaulted in prison (Mariner 2001). These individual tend to lack the skills that are believed to be

necessary to defend themselves in an attack (Mariner 2001). From this information it may be assumed that by exhibiting an aggressive and assertive attitude the individual is able to demonstrate to other inmates that they are willing to put up a fight and defend themselves from an attack. Inmates therefore might be more prone to choose a more passive and fearful victim who they believe will put up far less of a fight.

The crime in which an individual is incarcerated for as well and the amount of time they have been in prison are both factors associated with becoming a victim of sexual violence. New prisoners are believed to be more susceptible to succumb to threats or sexual acts demanded by older prisoners (Mariner 2001). This could be due to the fact that these individuals are more likely to be lacking allies and are unfamiliar to the prison ways and “codes” (Mariner 2001). These individuals may make the mistake of agreeing to perform sexual acts on other inmates in return of protection. However, these inmates usually become what is known as a “punk” and are preyed upon by a number of other inmates (SPR 2006). It is usually first-time non-violent offenders who tend to lack what is known as “street smarts” who are the victims and are less likely to protect themselves against a sexual act (SPR 2006). Victims of sexual violence are usually in prison for much less serious or violent crimes than their perpetrators (SPR 2006). They are usually incarcerated for crimes such as drug offenses, burglary, car theft, financial theft, etc (Mariner 2006). If these individuals are incarcerated in a detention facility that is overcrowded it is much more likely that non violent offenders will be surrounded or cellmates with individuals who are far more violent and dangerous than them (SPR 2006). As stated before, the crime in which the inmate is incarcerated for is also a factor associated with becoming a victim to sexual violence. An inmate who has committed a sexual act

against a child is also far more likely to be sexually as well as physically attacked by other inmates (Mariner 2001). These individuals may try to keep their crime hidden from other inmates due to the fear of the repercussions they will face by other inmates. Once their crime has become known other inmates might “attack” these individuals as a way to teach them a lesson for their actions and rape is considered to be their punishment for their crime (Mariner 2001). Sexual predators against minors are the most often victimized inmates and the number one target for prison rape (Mariner 2001).

An inmate’s race as well as sexual orientation is also believed to contribute to factors that make them more susceptible to become a target of sexual abuse. Individuals who are white tend to be the victim when the attacker is of African American descent (Mariner 2001). When African Americans or Hispanics are victims of sexual abuse the perpetrator is much more likely to be a member of their own racial or ethnic group (Mariner 2001). There is far greater solidarity among racial minorities and understandings that exist between the groups (SPR 2006). Many of the rapes reported in prisons consist of Black perpetrators and white victims (Starchild 1990). It is suggested that black prisoners are more likely to assault white prisoners as revenge for years of oppression (Mariner 2001). Therefore, rape is done as a form of a hate crime rather than for sexual pleasure (Mariner 2001). In prison, whites are no longer the dominant groups and are usually perceived by the prison populations as weaker and vulnerable targets (Mariner 2001). In prison Blacks are the dominant group who uphold the power and control to engage in sex acts with homosexual whites and blacks inmates (Knowles 1999). However, these inmates usually prefer to target and rape non-homosexual white inmates as a form of humiliation. To the African-American prison population rape is

more about humiliation and degrading the white community than about power or sex (Knowles 1999).

An inmate's sexual orientation is another factor associated with victims of sexual violence in prison. Prisoners who are gay are more likely to be a victim of sexual violence (Mariner 2001). Many inmates therefore conceal their sexual preference to avoid becoming a victim of rape (Mariner 2001). Gay, as well as transgendered, populations are very susceptible to becoming a victim of sexual abuse. SPR reported that 41 percent of gay inmates had reported being victims of sexual assaults; this was three times higher than the heterosexual inmate population (SPR 2006). Wooden and Parker (1982) showed similar findings, reporting that homosexuals were four times more likely to be victimized compared to heterosexual inmates. In addition, transgendered inmates who exhibit female characteristics such as breasts, high voice or long hair are also extremely vulnerable to becoming a target of sexual attacks (Mariner 2001). From this information one could assume that heterosexual inmates may be more willing to engage in sexual acts with transgendered inmates because they resemble characteristics seen in females. Many reports made by transgendered as well as homosexual inmates tend to be disregarded or discredited due to the fact that correctional officials are more likely to believe these acts were consensual based on the victim's sexual orientation (SPR 2006).

It is extremely difficult to fully comprehend the affects that prison rape has on a victim, and there is currently no way to assess the damage that is done to individuals who are raped (Knowles 1999). After an inmate becomes a victim of rape, they are usually labeled as a target. Many of these men will experience a number of repeated rapes by multiple offenders after the first rape (Pinkerton, Galletly & Seal 2007). Many men who

are victims of sexual abuse are left beaten, bloody or even dead after an attack has taken place (Robertson 2003). These individuals usually report feelings of shame, depression and low self esteems after the attack (Donaldson 1995). Victims usually begin to feel stigmatized by their fellow inmates as well as the staff and many men are labeled as homosexuals after the rape (Robertson 2003). In essence, the male's identity is altered and he is now defined as female by his fellow inmates (Robertson 2003). Many victims are overwhelmed by the fear of another attack (Robertson 2003). This fear can disrupt the victims daily routine, interrupting his eating habits, sleeping habits as well as disruption is his male- female relationships (Knowles 1999). Males who are victims of sexual abuse may experience a disruption in their sex life, finding it difficult to have sexual relations with females after the rape (Knowles 1999).

The majority of inmates who are raped experience what is known as Rape Trauma Syndrome (RTS) (Robertson 2003). Individuals who suffer from RTS may experience suicidal thoughts, among other symptoms. Targets of sexual assaults are 17 times more likely to attempt suicide compared to inmates who are considered to be non-targets (Robertson 2003). Victims who suffer from RTS experience extreme emotions of pain and anxiety and many believe their masculine identity has been compromised after the attack (Robertson 2003).

It is clear that prison rape takes a tremendous toll on the victim mentally but also physically. The aftermath of a prison rape can be devastating, leaving the victim with a disease that may be incurable. The number of inmates who acquire HIV in prison is unknown, but it is evident that the disease is spreading within prison system (Pinkerton, Galletly & Seal 2007). It is estimated that approximately 1.9% of men in prison have

HIV (Pinkerton, Galletly & Seal 2007). An individual incarcerated is believed to be at a higher risk of contracting the disease (Pinkerton, Galletly & Seal). Between the years 1995 to 2000, the prevalence of HIV positive male inmates ranged from 2.3% - 2.1% (Robertson 2003). In March 2002 the National Commission on Correctional Health Care estimated that approximately 0.5% of inmates incarcerated in state and federal prison in the year 1996 had AIDS (Robertson 2003). This was 5 times the prevalence than the general U.S population (Robertson 2003).

As stated before, many victims of rape suffer from repeated attacks by multiple partners. This only increases their chances of contracting HIV as well as other sexually transmitted diseases. It is estimated that a male inmate who is raped once by 5 perpetrators has a 1 in 477 chance of acquiring HIV (Pinkerton, Galletly & Seal 2007). If the sexual attacks continue, so does the inmates chances for acquiring the disease. It is believed that a man who raped an additional 7 to 35 times risk increases to a 1 in 98 chance of contracting HIV (Pinkerton, Galletly & Seal 2007). Prison rape is violent sexual act and many victims suffer trauma to rectal tissue (Pinkerton, Galletly & Seal 2007). These injuries only increase an inmate's chance of contracting HIV. The findings clearly demonstrate that men who are victims of rape in prison are at a substantial risk for contracting HIV. HIV is an incurable and costly disease. There are 41 states that test inmates for HIV after an act of rape (Robertson 2003). However, one must remember that not all rapes are reported; therefore many HIV transmissions may not be detected. There are currently only 5 states that test all inmates for HIV and there are 4 states that test an inmate at the time of a prisoner's release (Robertson 2003). From this information one

may come to the conclusion that many prisons are not assisting in stopping the spread of HIV.

HIV is not the only disease prevalent in US prisons. There are a number of other sexually transmitted diseases that rape victims are at risk of contracting. In 1996 the National Commission on Correctional Health Care found that 2.6-4.3% of all prisoners had syphilis (Robertson 2003). The report also stated that 2.4% of all prisoners had Chlamydia, 17- 18.6% had hepatitis C and 7.4% had tuberculosis (Robertson 2003). Even though these numbers may appear small one must remember that without early detection and proper treatment these diseases can be spread easily. In order to stop the spread of sexually transmitted disease there must be more prevention methods used to stop unsafe sex as well as rape in US prisons.

It was apparent that state and federal prisons lacked the ability to protect inmates from rape as well as any other form of sexual assault. More needed to be done to shine light on this problem as well as try to reduce its occurrence. On September 4, 2003 the Prison Rape Elimination Act was signed and passed by President Bush (Swales 2008). This is the first United States federal law dealing with sexual assaults that occur in prison. The goal of PREA was to acquire a better understanding of the incidence and effects of prison rape. The act also wanted to provide information, resources, recommendations as well as funding to assist in protecting individuals who are victims of prison rape (Swales 2008). The main purpose of PREA was to create a zero-tolerance policy for sexual assaults in prison as well as make prevention a top priority within the United States prison institutions (Swales 2008). Prison officials would now be held accountable for failing to protect inmates against rape. The PREA now held a higher

standard for prison officials and they were now mandated by law to help detect, prevent, reduce as well as punish prison rape (Swales 2008).

There are a number of steps that must be taken in order to achieve the goal of the PREA. The PREA states that prison officials must be trained and educated to detect the signs of sexual assaults. They must be able to recognize these signs and symptoms associated with an aggressor as well as a victim (Thompson, Nored & Dial 2008) Officials must also understand that it is their legal obligation to protect the well-being of inmates, no matter what danger it may put them in. As well as prison officials, inmates must also be properly educated to detect the signs of sexual assault. Inmates need to be aware of the dangers that they may face in prison as well as the certain measures they can take to protect themselves as well as other inmates. If inmates know that they will not be put in more danger by reporting incidences of rape then they will be more likely to report sexual assaults. The PREA also suggests that information regarding sexual assaults should be posted or made available to keep the issue fresh in their minds (Thompson, Nored & Dial 2008). These flyers or posters should also contain information on how to report any coercive or assaultive behavior they may witness (Thompson, Nored & Dial 2008). Many state and federal prisons have adapted this idea in their prison orientation practices. In these prison systems incoming inmates receive information about how to better protect themselves and avoid potential attacks. They also learn how to safely report any sexual activity they may witness as well as how to obtain medical assistance or counseling if they become a victim to an attack. It is important that incoming inmates learn the punishments and consequences they will face if they engage in any type of sexual activity (Thompson, Nored & Dial 2008). Many prisons have prohibited any

sexual activity between inmates due to the fact that it may be too difficult in some situations to distinguish between consensual or nonconsensual sex (Thompson, Nored & Dial 2008). It is also important for prison institutions to remember that mandatory separation is crucial after an attack has taken place. As stated before, it is very likely that a victim will suffer from repeated attack by their attacker as well as other inmates. Certainty of separation will also make the victim less reluctant to report the rape if they know they will be separated and safe from another attack by their perpetrator (Thompson, Nored & Dial 2008).

It is clear that prison rape is still prevalent in United States prison institutions, with more than 300,000 inmates becoming a victim each year. It is also important to remember that there are great numbers of sexual assaults that go undetected and unreported. There are certain individuals who may be more at risk than others for becoming a victim and it is usually those who are younger, smaller in size, nonviolent, or a new inmate who is unfamiliar with the prison ways. However, no one is completely safe and anyone can become a victim of prison rape. The psychological as well as physical effects of prison rape can be life altering for the victim and they may never be the same person they once were. Prison rape has been a topic that has been considerably under-researched over the years. However, with the adoption of the Prison Rape Elimination Act there is hope that this may change. More responsibility is now being placed in the prison system and a prisoner's safety is becoming a priority. If the standards of the PREA are followed then there is hope that the incidence of prison rape will dramatically decline and possibly so will the incidence of violence as well as transmissions of HIV and STI's. People are now

becoming more aware of prison rape and with time hopefully more will be done to prevent it.

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