PREDATOR OR PREY?

AN EXPLORATION OF THE IMPACT AND INCIDENCE OF SEXUAL ASSAULT IN WEST AUSTRALIAN PRISONS

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Brian Steels & Dot Goulding

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ORIGINS OF RESEARCH

The researchers, Dr Brian Steels and Dr Dot Goulding, each have almost two decades of experience in justice activism and prison reform. Subsequent to their own personal experiences of the prison system, they established the Prisoners Advisory Support Service (PASS) in 1996 and the Prison Reform Group of Western Australia (PRGWA) in 1999. In addition, both researchers have served as Independent Prison Visitors for the Office of the Inspector of Custodial Services, Western Australia, having roaming rights in each relevant prison and access to any prisoner who requested an appointment. Notably, Brian Steels has served two and a half years in prison and Dot Goulding supported her then partner during his six-year prison term.

Some time ago one of the researchers received a phone call from the mother of a teenager on remand at a WA Prison. This was his first time in prison. The mother was extremely distressed and told the researcher that her son had been raped in prison by a known sexual predator. He had phoned his mother, crying and telling her that he was terrified and wanted to kill himself. He had been taken to the infirmary briefly and then sent back to his unit, where the perpetrator was still held. The young man also claimed to have been beaten by a group of several other prisoners. Frantic for her son's safety, the mother rang the prison but was given no help, basically being told nothing was wrong and that she was being a nuisance. She feared that her son 'would come out of there in a coffin'. The assault had been reported to the prison authorities and the young man was seen by a sexual-assault counsellor. Nevertheless, against the counsellor's advice, he was sent back to the unit where his assaults had occurred.

Somehow the mother was given the researcher's contacts and made the call. The researcher called the then Inspector of Custodial Services WA who said he would look into the incident immediately. Indeed, the young man had been sexually assaulted by the known sexual predator and had been beaten by several other prisoners but when the Inspector arrived at the prison both the victim and the perpetrators were still in the same unit. The effect of the Inspector's visit, from the

perspective of this researcher, was that the young man was returned to the relative safety of the infirmary and his abuser was swiftly moved to another prison.

The point to note here is the fact that it took several days, a call to an outside agent, and another call to someone with the authority to enter the prison and make certain recommendations, for any meaningful action to be taken. During that time both the young man and his mother endured extreme fear and anxiety and the young man was essentially denied the help he needed.

<u>The questions that need to be asked are:</u>
Why was a young vulnerable first time prisoner (on remand) placed in the same unit as a known sexual predator?
Why was he taken from the relative safety of the infirmary and put back in the unit in close proximity to his abuser?
Why was his complaint deemed trivial by unit prison staff?
Why was his abuser not charged with a prison offence at the time?
Why was his abuser not moved elsewhere?
Why were the mother's concerns dismissed as nuisance value by prison staff?
Why did it take a visit from the Inspector of Custodial Services to deal with this incident swiftly and appropriately?

The above story provides a direct insight into the motives of this research. Over their years of involvement in prison reform work and prisoner advocacy, the researchers spoke with many prisoners who told of experiencing various forms of sexual assault while incarcerated. Most of these, mainly young vulnerable prisoners, had not reported their sexual assaults to the prison authorities. It was these stories of the effects of prison sexual abuse that more or less compelled the researchers to initiate this study in order to establish a knowledge base surrounding the incidence and effects of sexual assault within the prison environs. The researchers felt that the findings from such a study would help to raise awareness of prison based sexual assault among the broader community, relevant service providers and policy makers. It was envisaged that a comprehensive knowledge base of the incidence and impact of prison based sexual assault would inform practical strategies that might substantially

reduce the incidence of prison sexual assault and provide better informed support services for those impacted by such assault.

The researchers met with Ms Rosemary Hudson-Miller (Associate General Secretary, Mission Support), of the Uniting Church in Western Australia, who like Dr Steels and Dr Goulding saw the importance of a research agenda focused on sexual assault and abuse in prisons. This project is the first step on a research pathway that aims to include all stakeholders in addressing this 'unseen' problem which impacts well beyond the walls of the prison. We are measured by our capacity to apply basic human rights, even to those that are being sanctioned by the community, in an institutional setting. That prisoners are the victims of sexual abuse and assault in those very institutions is an indictment on the system that turns a blind eye.

This research is confronting. It is by its very nature, shocking.

INTRODUCTION

Definition of sexual assault for the purpose of the study follows Heilpern's (1998) definition:

For the purpose of this study, sexual assault is defined as physical contact of a sexual nature, where your involvement is forced upon you. This could be any of the following: unwanted anal sex; oral sex; wanking; fondling. The force may be by threat of, or actual, physical harm. In short, any unwanted sexual activity.

This study set out to investigate the incidence and social implications of sexual assault within the West Australian prison system. One of the key aims was to gauge the levels of both reported and unreported sexual assault, questioning the prison authority's claim that prison rape is a rare occurrence.

Although sexual assault occurs within both male and female prison populations, this study looked only at men's experiences, concentrating on men who had served time in prisons in and around the Perth metropolitan area. The researchers' questions covered overtly violent sexual assault as well as sexual assault through coercion. Within this context, the researchers attempted to provide an overall estimate of the prevalence of sexual assault within the male prisoner population in Western Australia. They also explored the connections between self harm, suicide ideation and sexual assault and looked at any links between past sexual victimisation and the likelihood of becoming a sexual predator.

The two specific research questions that the study addressed were;

- What factors might help to provide a basis from which to reduce the incidence of prison sexual assault?
- What types of service provision might better assist victims of prison sexual assault?

It was anticipated that the findings of the study would benefit men in prison, particularly young men in prison and first time prisoners who are at most risk of sexual assault. At the time of writing 4,831 adult males are in custody in Western Australian prisons (Department of Corrective Services WA Weekly Offender Statistics, Week ending 19th November 2009). The researchers also felt that the study would benefit prisoners' and ex prisoners' family members who may be at risk of contracting blood borne diseases such as hepatitis C and HIV/AIDS, as well as prison staff who might be at increased risk of contracting the aforementioned blood borne diseases. The community in general should also reap benefits from a possible reduction in the spread of blood borne diseases and a likely reduction in recidivism rates.

In preparation for the study, the researchers consulted with members of the Prison Reform Group of WA; members of the Institute of Restorative Justice and Penal Reform WA; several ex prisoners; the then Minister for Corrective Services WA; the Office of the Inspector of Custodial Services WA; Prison Superintendents; Prison Counselling Services; the Social Justice Consultant of the Uniting Church in Australia; management and staff of a relevant industry service provider (the organisation that subsequently elected not to participate in the study).

BACKGROUND TO RESEARCH

There has been little independent research on the incidence and effects of sexual abuse within Australian prisons (see for example Heilpern 1998). More recently Heilpern (2005) notes that imprisonment rates are continually increasing, indicating an increased risk of incidents of sexual assault within the prison context. The current national imprisonment rate is 169 per 100,000 of the adult population and the West Australian rate is 240 per 100,000 of the adult population. The Indigenous imprisonment rate in Western Australia stands at 3,811 per 100,000 of the adult Indigenous population. (ABS, June 2009). While there is no reliable quantitative or qualitative data on prison sexual assault Australia wide, research in the United States has found that young prisoners are five times more likely to be sexually assaulted in adult facilities within the first 48 hours of incarceration (Prison Rape Elimination Act, Pub L No 108-79).

Research into sexual violence in prisons, although scarce, has indicated that a broad range of factors can increase a prisoner's vulnerability to such attacks. Characteristics such as age, youth, physicality, intellectual disability, perceived passivity and being in prison for the first time correlate with an increased likelihood of being a victim of prison sexual assault (Human Rights Watch 2001; Heilpern 2005). The United Nations Human Rights Committee (1992) states that persons who are particularly vulnerable because of their status as deprived of liberty should not be subjected to inhumane treatment and that respect for their dignity must be guaranteed (HRC, General Comment, paragraph 3.). Viewing the incidence of prison sexual assault through the lens of the United Nations principles on human rights highlights that prison authorities have a duty of care for all persons who are incarcerated.

However, correctional facilities are, according to Cotton and Groth (1982), places where sexual abuse, harassment and rape present as high risk to prisoners. The under-reporting of male prisoner rape is well documented (Sabo et al 2001; Cotton and Groth 1982) and as Booyens et al (2004) assert, victims of prison rape 'are not likely to report the incident', as reporting often leads to a 'no-win situation for the victim' (Cotton and Groth 1982). In addition to the phenomenon of under-reporting, prisons

and prisoners do not receive much more than a cursory glance in mainstream media where male-to-male prisoner sexual assault fails to attract mention. Prison sexual assault remains largely hidden from public view, is usually left out of corrective services' annual reports, is frequently ignored by senior policy makers, and goes largely unchallenged by judges and lawyers, creating little more than a disinterested whisper outside of prison walls. As Booyens et al (2004) highlight, supported by Messerschmidt (2001), male prisoner rape is widespread, crossing jurisdictional boundaries and the various studies referred to by Booyens et al (2004) suggest that between 10% and 20% of imprisoned men had experienced 'pressured or forced sex' whilst incarcerated.

The Western Australian context

The extent to which sexual violence is prevalent in prisons is little understood. The ways in which sexual violence affects the lives of victims, their families and the broader population, both in prisons and within the wider community, is also not well known. Drawing on the knowledge and experiences of members of the Prison Reform Group of Western Australia the incidence of sexual assault within West Australian prisons has become more apparent. Also, Heilpern's (1998) comprehensive study of sexual assaults in NSW prisons found that one in four males between 18 and 25 years reported that they had been sexually assaulted while in custody. Also, Goulding's (2007) study of long term imprisonment supports Heilpern's estimate of high levels of sexual assault in prisons.

Prisoner on prisoner sexual abuse occurs in both male and female prison populations however, as previously stated, sexual assault in prison is rarely reported. Non-reporting of sexual assault within the prison environment is most often put down to the high levels of personal shame associated with male-to-male rape and, most importantly, a real fear of the prospect of further and escalating violence if such assaults are reported to the authorities.

Sexual assault in custodial settings can be overtly violent and brutal. It can also be based on subtle coercion and intimidation. Prison sexual assault may also involve gangs, rendering victims as ongoing objects of sexual exploitation or it may

encourage victims to develop the same predator mentality in order to survive prison. For example, one participant in Goulding's (2007) study noted that *'you are either predator or prey. I started off by being beaten, raped and intimidated; then I lost all fear and thought "what's good for the goose"'*. In this way the aforementioned young man played out the scenario whereby victims of prison sexual assault seek to regain their power through the same violent means by which they think it was lost.

Social significance of the study

Since most prisoners eventually return to society, their behaviour and the effects of their trauma are likely to follow them, thus introducing an important dimension into newly formed or long standing relationships among loved ones, relatives and local communities. Attention to the social and emotional wellbeing of prison inmates is crucial if they are to return to their families and communities rehabilitated towards ideals of positive citizenship and able take responsibility for future actions. Their experiences of imprisonment and the criminal justice system in general are likely to permeate into their networks and beyond, along with their learned behaviours (prison culture), and mental and sexual health issues gained through the experience of being incarcerated. As indicated by the National Centre for Victims of Crime, case studies show that the psychological trauma associated with male rape is not too different to the experiences of women, and reactions generally include; depression, anger, anxiety, guilt, self-blame, sexual dysfunction, flashbacks, and feelings towards self harm.

Victims of sexual assault within the prison context also suffer from these conditions, however, prisoners are unlikely to be able to escape situations of repeated sexual abuse (Heilpern 1998; Heilpern 2005). The ways in which sexual assault impacts on the lives of victims are indicated in physcial, psychological, social and sexual problems. Male sexual assault can result in mood swings, interrupted sleeping and eating patterns, extreme fear, suicide ideation, sexual violence and an inability to form long lasting relationships.

Research into the long term effects of prisoner sexual assault indicate that it can also play an important role in increased drug use, and has the potential to turn non-violent offenders into people with a propensity for violence (Heilpern 1998, 2005; Goulding

2007). The implications of prison sexual assault can make it less likely for prisoners to successfully reintegrate into society upon release, thus leading to a higher likelihood of reoffending. A further significant impact of prisoner sexual assault is the transmission of blood borne diseases such as HIV/AIDS, Hepatitis C and other sexually transmitted diseases (Heilpern 2005; Human Rights Watch 9). For instance, Hepatitis C is diagnosed within the general Australian population at a rate of 1 per cent but within the male prison population in Western Australia this figure escalates to 30 per cent. While condoms are available in some Australian prisons the context of sexual assaults in prison most often precludes their use.

Sexual assault in Australian prisons has not come under close scrutiny. As previously mentioned, this is not the case in the United States. The introduction of the Prison Rape Elimination Act of 2003 has seen judicial, political and social support for the reduction of prisoner sexual assault in United States prisons. This Act requires that the Bureau of Justice Statistics develop new national data collections on the incidence and prevalence of sexual assault within prisons. This United States policy adopts a mutlifaceted approach that includes a mandatory yearly census of reported sexual assaults; insists on periodic training and education programs for all authorities responsible for prison sexual assault and the policy also requires systematic reporting that details the rates and effects of prisoner sexual assault. This study provides a basis to begin comparing the situation in United States prisons with what is occuring in West Australian prisons. Most importantly, it provides a local knowledge base for Australian prison authorities and relevant government departments which can be used to formulate effective policy, practice and legislation which could significantly reduce levels of sexual assault in prisons.

RESEARCH METHODOLOGY

At the planning stage of this research project it was anticipated that data would be collected in three main ways. These were: (1) An analysis of current procedure and practice related to sexual assaults in prisons, (2) Discussions with allied professionals, key stakeholders and relevant prison staff and, (3) Extensive in-depth interviews with prisoners and ex-prisoners. Indeed, the in-depth interviews constituted the major part of the study but did not pan out as originally planned.

In explanation. It was originally proposed to conduct up to 100 in-depth interviews with prisoner participants and up to 50 in-depth interviews with ex-prisoners. However, due to circumstances beyond the researchers' control which resulted in one of the researchers eventually being refused entry to prisons for this study, the research team was thus prevented from interviewing prisoners. The researchers then elected to interview only ex prisoners. This decision was made because of the lengthy delays involved in decisions by the relevant statutory body being made and the resultant financial restraints. Also, in the original plan it was agreed that prisoner participants could choose to speak with either a male or female interviewer. In the event, when the male researcher was unable to conduct 'in prison' interviews, the researchers decided not to proceed with prisoner interviews and to extend the numbers of ex prisoner participants. Eventually, all 150 interviews were conducted with ex prisoners living in the community.

One hundred and fifty ex prisoners were interviewed, most of these were interviewed on two or three occasions. The interviews were semi structured and lasted from 30 – 90 minutes. Each interview covered issues related to perceived levels of sexual assault; knowledge of actual sexual assault incidents; the impact of sexual assault on victims and other prisoners; typology of which prisoners are most likely to be singled out for assault; and the impact of such assault on the ability to successsfully reintegrate with family and community upon release. The research team ensured that appropriate supports were in place for any participants who may have experienced anxiety by reliving traumatic situations. Interviews were, in the most part, recorded and transcribed and where possible transcriptions were returned to participants and

any requested alterations or ommissions made. Several participants declined to be recorded. In those cases, one researcher conducted the interview while the other took notes. No identifying material was included in the transcripts.

Analysis of current practice and procedures

This involved:

- A review of national and international literature on the nature and dynamics of violence in prisons.
- A review of national and international literature on prison culture.
- A review of national and international literature on sexual violence and the dehumanisation of 'the other'.

Discussions with allied professionals, key stakeholders and prison staff

In the original research plan it was intended that a further sample group of approximately 15-20 would be derived from prison staff and other allied professionals in order to probe and explore the issues that surround sexual assault in West Australian prisons. However, this part of the project was also substantially cut back because of (1) the decision of an industry relevant organisation to disassociate itself from the project after several months of participation on the research advisory group and, (2) the research eventually not taking place in prisons precluded the research team being able to interview prison based counsellors. However, the researchers continued discussions with other allied professionals and key stakeholders. Their views were sought on issues related to the impact of prison sexual assault on victims and other prisoners, and their perceptions of the incidence of sexual assault in prisons. Their reflections helped to inform the study.

In-depth interviews with ex-prisoners

The researchers conducted in-depth interviews with 150 ex-prisoners. Each participant was seen at least once following the initial interview. Although there were slight deviations in some cases the most common practice involved the two researchers conducting a brief preliminary interview where the purpose and framework of the research was explained and any questions answered. The preliminary interview was then followed by one or two in-depth interviews or conversations with the opportunity for further follow-up if requested.

1. The primary interview gave an opportunity to researchers to explain the process and for participants to ask questions. It gave possible participants an opportunity to decide whether or not to engage in the research, to select to speak with either one or both researchers, to let researchers know if the meeting place was appropriate, and to provide participants with contact details of counselors and community resources as a part of the follow-up process.

2. The first of the in-depth conversations were formed around interview prompts developed from meetings with several ex-prisoners during the early stages of developing the research proposal.

3. The second conversation picked up on issues and events that were raised during the first meeting, enabled clarification of details and gave participants an opportunity to check transcripts of the previous interviews.

As the study focused on the participants' day to day knowledge of and/or experience of sexual assault among men in prison, it was crucial to the study to ensure that their voices were not only recorded accurately but that their accounts were as full as possible. Thus, and in line with a phenomenological and symbolic interactionist approach seeking to 'faithfully represent and describe the social world as it is known to those who live in it' (Psathas 1973:7), participants were asked to give as much detail as they felt comfortable with about their knowledge, feelings and/or experiences of prison sexual assault.

Whilst Blumer's (1969) argument that sociologists must immerse themselves in the area of life that they seek to investigate was noted and matched researchers own preferences, others maintain that over-identification itself carries dangers. Scraton (2004) contends that research with marginalised social groups can leave the researcher 'open to accusations of "over-identification" with their "research subjects", of "idealising" the "view from below", of distorting the analysis in pursuit of political agendas and of exploiting the "vulnerable" to build academic reputation'. However, throughout this study the researchers have emphasised the importance attached to

establishing trust between themselves and the participants, particularly given that 'in-depth research sets out to achieve maximum openness' (Scraton 2004).

The researchers' task was made easier by their collective previous experiences and associations with several of the participants. At the same time, this proximity placed an expectation that the researchers would be sympathetic to what was said. For many of the ex-prisoners, being 'one of them' and 'a supporter in a prison reform group' meant being their staunch supporter, not giving up on prisoner's rights, and making a commitment to telling how it is for the under-dog. It was from this viewpoint that the researchers had to balance their academic and critical criminological work with the integrity of their work for social justice.

As previously explained, the study was delayed for seven months, although Ministerial approval had been forthcoming within weeks of application. Eventually permission to carry out the research in prisons was effectively revoked when subsequently the Commissioner of Corrective Services WA denied one of the researchers access to prisons for this study because of the nature of his past conviction, thus effectively revoking his permission to interview primary participants in prison. Because of financial and time restraints and also to keep up the momentum of the study, during this extended delay both researchers continued to access and interview ex prisoner participants.

Snowball sampling

Although the researchers felt that snowball sampling would have been an inappropriate technique for use within a prison setting, they felt that it was an appropriate approach for use amongst those ex prisoners living in freedom in the community. Consequently, accessing ex prisoner participants was initiated through the use of snowball sampling. The researchers have a vast informal network of ex prisoners and invitations went out to this network to attend information sessions. Initially twenty ex prisoner participants were recruited through these information sessions. This initial group of participants then spoke to their own personal networks and in this way the help of the 150 ex prisoner participants was enlisted. The researchers, therefore, cannot claim that this group of participants constitutes a random sample. However, the researchers contend that snowball sampling is an

effective method for use in research which uses in depth qualitative methodology in order to explore particularly sensitive topics with extremely marginalized social groups such as ex prisoners (Jary & Jary 1991).

Snowball sampling has its limitations, relying as it does upon the first few participants to provide contacts within their small and often homogenous social networks. However in this study a number of ex-prisoners, well known to both researchers, provided a broad (mainly) metropolitan base upon which to begin snowball sampling. The initial 20 male ex prisoners all lived within or close to the Perth metropolitan area and all had served at least 6 months in prison. All of the men were provided with information on the research project, confidentiality was ensured, the security of and access to data was explained, as was the strict code of ethics that was placed upon researchers. Seven of the original 20 participants did not want to have their interviews recorded. Nevertheless, they were prepared to read the written notes and each of these men agreed to their transcripts being used. All participants were assured that pseudonyms would be used in transcripts and in any oral or written report and that all other identifying information would be removed.

One of the major concerns during research of this nature is the possibility of participants divulging details of a specific criminal offence. Because of this possibility and given that research records can be subpoenaed, for the protection of researchers and participants, consideration had to be given to any possible legal consequences. With this in mind, prior to each face-to-face interview the researchers told participants that for legal reasons they would not collect information that could lead to the identification of either victims or perpetrators of any crime. More generalized information on prison sexual assault was asked for and, where specific incidents were referred to, the researchers asked participants to be careful not to identify names and dates. This effectively diminished the researchers' knowledge specific to any particular incident of sexual assault so that actual knowledge gleaned through interviews would be of a more general nature, rendering any research records to be of no value in court proceedings and therefore unlikely to be subpoenaed.

The researchers selected interview methods that provided participants with the opportunity to speak freely of their knowledge, feelings and experiences surrounding the issue of prison sexual assault. Prompts were used only to ensure that all relevant

issues were covered. The interview technique provided participants with flexibility of time and place within a safe and secure situation. All participants were encouraged to arrange follow-up interviews wherever possible; although it was also possible for them to make contact with researchers by telephone.

The need for these kinds of safeguards is underlined by Lowman and Palys (1999), who agree that: 'since the interaction would not have happened if we had not initiated it, a tremendous burden is placed on us to ensure no adverse effects befall the participant because of our entry into their lives'. The researchers already knew approximately 20 per cent of the men who participated in the study.

The twenty original participants were all from different networks accessed by both researchers. From this original group a further thirty-eight names and contact details were provided. Follow up of this group of thirty-eight provided a further large group of ex-prisoners who could be contacted. Subsequently, word got out on the ex-prisoner grapevine and among their families and supporters and several ex prisoners self-referred in order to participate in the study. Several of these men lived outside of the Perth metropolitan area, but close enough for a half-day journey for the initial interview and follow-up interviews. From these self-referrals came another wide selection of ex-prisoners. All interviews were conducted with both a male and female interviewer present. Each participant was asked if he would prefer to be interviewed by the male or female researcher. In the event, the majority of participants said that they did not mind. Those participants who chose to be interviewed by a gender specific researcher permitted the other researcher to be present, allowing any ethical concerns to be addressed. In this way the researchers were able to access participants of various ages, different criminal convictions, culturally diverse backgrounds and with broad differences in social networks. Researchers did not distinguish between Indigenous and non-Indigenous participants. All participants had been released within the past three years.

Ethical considerations

Ethical clearance was obtained from Murdoch University's Human Ethics Committee and the Research Application & Review Committee (RARC) of the Department of Corrective Services WA. As previously mentioned, this clearance from RARC was

later revoked for one of the researchers by the Commissioner for Corrective Services WA. This researcher was refused permission to interview participants who were currently serving terms of imprisonment.

This study examined issues of an extremely sensitive and traumatic nature and so qualitative, gender and culturally appropriate methodology was used throughout the collection of primary source data. In addition, to ensure that participants were not further traumatised by sharing their stories, all interviews were conducted by researchers experienced in the field. Particular care was taken to follow all normal safeguards relating to the collection of sensitive material. Interviewers ceased any line of questioning that appeared to cause distress and let the participant lead the discussion. Confidentiality was assured, keeping in mind that the disadvantage that imprisonment entails can mean that participants may give too much information in the relief of finding a safe space within which to speak. Researchers were particularly careful to safeguard the personal boundaries of participants.

The participants

The primary participants were all ex prisoners who had served time within Western Australian prisons within the last three years. They were all male, ages varying from 19 years to 58 years. Fifty nine of the 150 participants were in prison for the first time. The length of their served sentences ranged from 6 months to 5 years. Although the research team has not analysed data in terms of ethnic background, it is relevant to provide an ethnic breakdown. Ninety three participants were white Australians, 33 were Aboriginal Australians; 24 were Australian citizens/permanent residents born overseas (mainly from Great Britain and New Zealand). Fourteen participants identified themselves to the researchers as gay men. This is particularly relevant as each of these men felt that their sexuality ensured they were at extremely high risk of sexual assault within the prison system. Nine of these men said that they deliberately hid their homosexuality because they felt it put them at serious risk.

The secondary participant group was made up of various industry professionals and key stakeholders. Eleven prison officers (2 recently retired) were interviewed. Four of these were female officers. Two members of the Prison Reform Group of WA and a prison chaplain participated in the research. Also, immediately prior to

commencement of the study, in depth conversations were held with 4 prison superintendents.

MAJOR ISSUES

The interviews revealed a number of key issues relating to prison based sexual assault. The issues are all inter-related but have been organized under the most relevant heading. This chapter is devoted to the discussion of these issues as follows and in no particular order of importance:

- Masculine power and domination
- The problem of non-reporting
- Who is most at risk
- What time and place presents the greatest risk
- Drugs, dependency and sexual activity
- Staff attitudes and training
- Service provision for victims of sexual assault and vicarious trauma

N.B Pseudonyms are used at all times in this section for ex prisoner participants and also for prison staff who participated.

Masculine power and domination

All of the participants in the study alluded in some way to masculine power and the domination of others less powerful, making a central point that violence of all types is commonplace within prisons. Indeed, prison environments provide for a masculinity that is connected to power and domination and forever challenged among peers and officers, adding to the prison culture of brutality and violence and the systemic view of men as prisoners first. Sykes and Cullen (1992) contend that this masculinity is therefore 'never a static or finished product. Rather, men construct masculinities in specific social settings'. Furthermore there are those who fulfill various roles especially within prisons, including those who are prepared to give information to prison officers; those who run the drug trade; and those who use violence. Violence and the threat of violence have currency in prison. Sykes and Cullen's contention supports Messerschimdt's (2001) suggestion of 'the threat of violence to advance

their own interests'. Messerschimdt goes on to say that 'one way that power relations are constructed among inmates is through rape'. Indeed his study found that such situations are made worse by a silence that enables and promotes power; a silence maintained by swift and violent repercussions. In his article on prisoner rape Hanser (2003) goes further and suggests that the prison culture itself provides numerous rationalizations and justifications for male prisoner rape, adding that '…the prison subculture stigmatizes victims in such a manner that places the victim in a nearly powerless position to resist subsequent victimization'. Heilpern (1998), too, notes that:

> Prisons are, above all else, a closed environment with a pecking order based on brute force, gang power and fear. They have their own economy, hierarchy, discipline… The power stratifications of prison populations also apply to sexual relations between prisoners… each system has a hierarchy with 'punk' – the term punk is used for a man who is coerced… into a passive homosexual role – at the bottom.

Each of the participants who were raped suffered from what Messerschimidt (2001) suggests is 'a complex interlocking of masculinities in prison' whereby these masculinities are 'quite clearly unequal, and prison rape is one practice for constructing power hierarchies'. In their study of subcultural violence, Wolfgang and Ferracuti (1967) place masculinity at the core of the violent subculture, portraying male violence as overt physical aggression.

In the prison setting sexual abuse and violence becomes a bold announcement to other male inmates of power and dominance over them, whilst at the same time placing weaker males into subservient roles (Tucker 1981; Davis 1982; Messerschimidt 2001). Once raped, the male is often known to others through the grapevine as either a cat – one who will perform sex for a price, or a bitch – one who, in order to survive his prison term, has had to adjust to being in a relationship with another male. The labeling by the predator and using that label to further impose their will, is a strong marker of domination and control. Once word gets out that he has been raped, the victim often continues to suffer a series of humiliating experiences, from name calling to further sexual harassment to being raped again.

Predatory violence within prisons is often used to cement positions of strength and prison rape, like all forms of rape, is about power and control rather than sexual gratification (Goulding 2007). One ex prisoner participant in this study, now in his thirties, spoke of being gang-raped during his first prison term when he was a teenager. Andy described his traumatic experience in this way:

> *When I first went to prison as a teenager five blokes got me down in the shower and took turns raping me. I was so terrified. I was sure they were going to kill me so I couldn't dog on them. After they'd all finished with me they made sure I'd never dog on them. They threatened what they'd do to me if I did. I was a mess after that. I thought about killing myself a lot and 'arked' up all the time. I got myself some protection after that. Got myself in with a group of heavies who looked after me. I didn't get assaulted after that but for months I kept thinking they'd come and get me again.*

Vince also spoke of his experience of prison rape. For several weeks he shared a cell with a known sexual predator.

> *The first night in that slot he propositioned me for sex. I told him to fuck off. The next thing I know he's got me face pinned against the wall and he's fucking strangling me. Then he starts pummeling me on the head all the time telling me what he's going to do to me… At the end of the day it was just safer to give him head. At least he didn't fuck me up the arse like he threatened to. But I had to give that cunt head every fucking night I was doubled up with him. Eventually they moved me to minimum but he was known for it* (sexual violence) *and I was only 18 and they put me in a slot with him.*

The Problem of non-reporting

More than 90 per cent of the participants believed that sexual assault was grossly under-reported, many of these contending that it was most likely **not** to be reported. Heilpern (1998) also contends that 'sexual assault in prison is rarely reported' and, in reality, prisons are places of high risk and even higher levels of fear. Prisoners have little or no control over their living environment and whom they associate with and have no real avenue of escape open to them if threatened with violence (Edgar et al 2003). Consequently, all forms of assault including sexual assault are likely to be under-reported. According to Goulding's (2007) study 'only one out of three

participants who had been sexually assaulted had reported the assault to the prison authorities'.

The issue of non-reporting is often closely linked to a particular aspect of prison culture and the resultant lowly status given to prisoners who 'dog' on others. Being a 'dog' is a prisoner who tells on another – a give-up, snitch, or grass. Within the prison setting the code of silence is very strong, often due to the implications of having violence carried out against anyone who speaks out, in particular when it would result in a loss of privileges or serious charges being laid against another prisoner. Whilst he didn't give up the predator, an ex prisoner known as Bill had to assist not only a current victim, but protect the next cell-mate. He told his story in this way:

> *Man I was shit scared in case he* [predator] *came for me now I knew what was going on. This was fucking real. I had to keep it inside then watch my own back and his victim as well. I got him* [victim] *moved to my cell for the rest of the time he was there but he would cry and shake all over. Christ! What to fucking do when it happens to a mate eh? When he went home I still had another three months to do. When I got another young guy in there with me I watched out for him as well. Then I left. Now I'm here* [at home] *I have sort of struggled at times but getting over it slowly. Yeah I've been out for 8 months and still have nightmares about it.*

Weiss and Friar (1974) suggest that prisoners may view male prisoner rape as a part of the systemic punishment regime, the ultimate punishment, one that is sanctioned at least in part by authorities. Bill was just one of the participants who felt that the system played a part in the continuing number of rapes, adding *'I couldn't face another stupid officer who just treats you like you deserve it, asked for it, or wanted it. I reckon they get off on crims getting raped'.*

In a similar vein, Colin asserted that whilst serving his sentence he often heard of people being raped and thought little of it until it happened to him. He blames the lack of localized security and said that the *'wing officers turned a blind eye to it whilst it was going on'.* He claims that he shouted loud enough for his cell mates to hear, loud enough for *'everyone on the wing to hear, and yet no fucking officer got off his butt to*

help me'. In a later conversation Colin also stated that he had pressed the emergency button but *'no fucker came to assist until it was all over and only then it was my cell mate and the boys next door who were too shit scared to help'*.

The prison sub-culture ensures that whatever happens, no one speaks to anyone else about sexual assault. Hanser (2002) also suggests the 'prison subculture provides numerous rationalizations and justifications for prison rape', explaining that, through a system of 'inversed norms and mores', the prison subculture provides an 'incentive for perpetrators to commit prison rape'. Hanser (2002) also critically examines the situation of rape and maintains that correctional staff must deal with not only:

> …the full range of trauma symptoms that any victim will present, but must also be willing to contend with broader sub-cultural issues within the institution itself. Failure to do so can have the inadvertent effect of placing the victim at greater risk … resulting in a paradox that amounts to nothing less than a travesty of justice.

The other crucial issue here is the way in which prison systems have for so many years wandered along the path of neutralisation and denial. Cohen (2001) questions why it is that people who know of atrocities and human rights abuses do little about them. In this way he applies Sykes and Matza's (1957) 'neutralization techniques' to the topic of human rights and systemic neutralisation. Here, courtesy of Cohen (2001) and Sykes and Matza (1957) the study looks at neutralisation within the prison system with regard to male prisoner rape. In short, the study found that prison authorities tend to lean to the following:

- Denial of injury; all prisoners get into situations where they can claim to be injured, rape is no different
- Denial of victim; he probably started it, he asks for it
- Denial of responsibility; I can't watch over them every minute of the day
- Condemnation of the condemners; why attack us for their rape, its not as bad here as some prisons
- Appeal to higher loyalty; we keep telling the department to help us with this

That said it is incumbent upon prison staff and corrective services in general to

provide for the safety and good order of the prison. Good order has to include protecting prisoners against rape and all other forms of violence. In this study it was noted that risk management is largely ineffective in many areas of most prisons and, from listening to participant voices, it became apparent that denials and neutralisations remain evident throughout the system. Indeed, it was one such denial that became a trigger for this research. During a conversation with a prison superintendent at the end of an Independent Prison Visit, the superintendent commented that prison rape was a very rare occurrence.

Who is most at risk?

The study found that young men, gay men and first time prisoners are most at risk of being sexually assaulted whilst in prison. This finding is in line with most other jurisdictions in the western world.

Younger prisoners between the age of 18 and 30, as well as those men newly arrived in prison or those transferred to another prison where they have to settle into a new regime are the groups most often targeted by sexual predators. Krienert (2003) contends that male violence 'can be used to support and maintain status' within a male group. He further claims that when this is applied to a male prisoner population where some men pronounce their domination through aggression we identify 'the use of aggressive and violent acts' that encourage and 'allow men to maintain status in their male group. This aggression can take on the form of enforced or coerced sexual penetration of another, using the sexual act not for pleasure but for domination.

The participants in this study who identified themselves as being victims of prison sexual assault, many of whom were targeted and abused by others over a prolonged period, generally claimed that they did not receive satisfactory support. Although, it should be mentioned that some of these men did not report their abuse or their abuser(s). For some participants, this lack of support was made worse as some felt that they experienced re-victimisation from both the system and from relatives. For others these violent and/or coerced events were personally mortifying. Being sexually assaulted appeared to challenge their personal identity and reduce the likelihood of them coping with future close relationships. Indeed, in his second interview, Andy said: *'I've been out for a while now but I can't hold down a relationship. I don't do*

sex. I can't. I fuck it up every time. Doing sex just reminds me of what happened when I was nineteen'.

In terms of support for victims of prison rape, Hanser (2003) suggests that 'correctional staff must deal with not only the full range of trauma symptoms that any victim will present, but must also be willing to contend with the broader issues within the institution itself'. In general terms this would mean a greater degree of safety and protection of all prisoners, particularly the less aggressive men who most often present as vulnerable to sexual assault. One of the participants, Dave, noted that: *'If you weren't fucking vulnerable before being thrown in there* (prison) *you are pretty soon after arriving'.*

Fear of disclosure of rape amongst the participants was strongly linked to them having experienced a lack of trusted and confidential support mechanisms as well as possible repercussions from fellow prisoners. Dave also spoke of his immediate dilemma after *'having to give a head job to the bloke whilst his mate held me in a head-lock'.* He spoke of his fear of even mentioning his assault in this way: *'How do you say he made me suck his cock to an officer who really doesn't know you well, and then tells you to go and wait until someone calls you to speak with you'?* He added that the prison code of silence was very strong and that it was *'always risky to talk to someone in case they should speak about it to an officer or got back to the rest of the unit'.*

Among the participants who had experienced prison rape, there was little confidence in prison officers' ability to effectively deal with their trauma. In concert with the lack of prison officer support, there was also a perception that officers were unlikely to be able to read all of the signs of predatory behaviour and grooming. Several of the younger participants noted that predatory behaviour amongst prisoners most often remained unchallenged and untreated, with 'in prison' sexual predators often being released to the community without prison charges being laid. This phenomenon is undoubtedly seriously impacted by the problem of under-reporting of prison sexual assault.

Feelings of frustration and experiences of injustice raised many issues for affected participants. However, the knowledge that their abuser(s) was able to continue

victimising themselves and/or others was particularly disturbing. The participant known as Peter put it this way:

> *I was 26 when I went in three years ago. I've now been out 7½ months and still scrub my arse to try to feel clean. He had dirty nails, stinking breath and filthy behaviours and I had to share a slot with him. One night after lock-down he grabbed me and told me to suck him off. Then he smacks me hard in the head and I fell down on the floor. I thought he was going to strangle me for sure. He was fucking mad the bastard and then he started on me and kept going until I fainted. He told me not to dog or he would make it worse. I had only been in for four weeks. He went on to fuck other young guys the same way. Do you reckon he was protected? He had the run of the young clean skins.*

Conversations with the participants identified a common theme of being powerless to male sexual violence, highlighting the vulnerability of some prisoners in violent situations. This was of major concern to those men who were sexually assaulted in a manner whereby they ejaculated during the abuse, in this way indicating to the abuser that their (victim's) erection was evidence that *'they liked it from me, they always got a hard on'* (Normie) or *'they would cum in my hand'* (Robert).

Following such damaging and humiliating circumstances the participants spoke of an urgent need for support. Although there is some support for prisoners who have been sexually assaulted, it is most often unavailable at the crucial time. Frank is a case in point. He said:

> *It all happened in minutes. I was in the top block at the prison, just been there four days when he did it to me. It was Friday. I'll never forget it. I thought I would die. A few saw what was happening but did nothing. I shouted and screamed and yet funny how none of the screws heard me eh? I went to the boss and he said I was like other young blokes there and asked for it. Next morning I spoke with him before he went off [duty] and he said that there was nothing anyone could do. He put me down for medics on Monday! What a fucking wanker! I rang my woman and she tried to get help. She came in later that Saturday afternoon but even she couldn't get them [prison officials] interested in what had happened.*

According to Messerschmidt (1993) accomplished male performance in violent situations enhances masculinity, regardless of whether or not the violence is traditional male violence or an alternative type, such as male-to-male rape. In this study we heard several reports whereby sexual domination presented opportunities for violence and risk taking, thus enhancing the masculine role. Human Rights Watch (HRW) goes on to explain that in some instances, victims of male sexual assault have described 'a long period of harassment that escalates in stages, from leering to sexually aggressive comments to threats, culminating in a physical assault'. In other instances HRW concedes that the progression 'is much more rapid: an inmate who makes an ugly comment at lunch may commit rape in the evening'.

In support of Frank's claim, and to relate the previous comments on masculine dominance, one of the men who claimed to have had several young male prisoners share his sexual interests whilst sharing his cell over a three year period spoke of the ease of grooming and pressing young men into sexual favours:

> *I've had a couple of young lads that'll take it from me anytime for a hit or another favour… nah, its not abuse, I give them something and they give me something back in return. I also advise them to keep quiet.*

Another participant who claimed to have *'had access to as much sex as I want'* added that he had greater opportunities among young men who didn't know the system too well and *'were looking for a bit of help'*. This participant, a known sexual predator within the system, had regularly been placed among younger prisoners and spoke of being quite willing to share his cell. He also mentioned that the ablution blocks *'were open for a bit of casual sex'*. This raises substantial issues surrounding the ethical position for custodial officers and the department itself with regard to making crucial common areas such as ablution blocks safe areas for prisoners, suggesting that there is indeed a human rights perspective here.

Being sent to prison for the first time is for most people a harrowing experience, but to be raped within weeks of entering prison can mean a life sentence. In the study several young men said that they were assaulted during the early part of their sentence by known predators. This appears to be systemic with a modus operandi explained by

participants as occurring in different locations, and using the code of silence as explained by Gary: *'keeping my head down, seeing nothing, hearing nothing and saying nothing, especially if I did see, hear or know'.*

Gay prisoners often suffer continually throughout their sentence under the threat of sexual abuse. They are often seen as 'fair game' by predators, and being placed in protective custody does not provide protection from sexual abuse. Indeed, from the conversations with participants, protection units appeared to be even more fraught with the danger of being preyed upon since many predators were also housed in protection units. Liam, a young gay ex prisoner, told of his experience in prison:

> *I have always been gay but have also had long-term relationships. Prison was no place to send me. It was during my time in 'protection' that I was often abused sexually. What protection I have to ask? No one really cares do they, especially for young people like me.*

Victims of male rape often end up with a damaged self-image, a degree of emotional distance and may even blame themselves for the assault (Mezey and King 1989; Brochman 1991; Isley1991). The participant known as John describes his confusion following rape:

> *My sister can read me like a book and when she saw me [during a family visit] she kind of came straight out with it and asked me if I had been raped. What could I say? She cried with me and then said she was going to get it sorted. A woman screw came over to see what was going on and that's when I got to tell someone. I was asked to make a statement but nothing came of it all. They wanted to know if I consented to it and that sent me into a fucking spin; did I? Didn't I? Did I ask for it? Could I have tried harder to escape him?*

The participants' voices present a major concern with regard to human rights standards, ethical practices surrounding risk management and victim's treatment following abuse, particularly given the vulnerability associated with persons held in total institutions.

What time and place presents the greatest risk?

According to accounts from prison officers, other staff and the ex-prisoner

participants, lock-downs, especially at night in double-up cells presented the greatest danger of sexual assault from predatory cellmates. On the other hand, communal shower areas were felt to be places of greatest risk during unlock in the mornings, evenings and during unlock at weekends. During the unlock periods prisoners generally move around the units more freely, going to and from activities and visits, having meals and using the period as leisure-time. This is often considered by prison staff as a period when 'very little happens and the place is quiet' (Prison Officer). However, the ex prisoner participants appeared less confident that this was a time where one's guard could be let down. They largely agreed that violence could occur in prisons at any time.

According to the participants, prison farms, or minimum security facilities, presented as high risk environments because; (a) prisoners are permitted more freedom of movement; (b) there is more time and space to conduct further criminal acts; (c) and there are large areas that cannot readily be covered by surveillance. That said, the protection units of maximum-security prisons were clearly viewed as places of high risk because both vulnerable prisoners and perpetrators were often housed together. Indeed, any prison could be seen to be a place of high risk for those prisoners who were moved to another unit or prison. According to most participants any new situation could lead to greater vulnerability.

Damien said that he had previously been raped and found that he was denied the status of a victim and felt that he had to take on part of the blame for his assault. He then went on to say that his cell mate who sexually assaulted him told him that no-one would believe him as he had *'cum over the bed as though you enjoyed it'*. This incident left Damien in a state of shock and continual fear as he had another year to serve. He acknowledged that the assaults continued for *'about another two months and then I was moved to another prison'*. Damien's situation was made worse as upon arrival at the new prison another predator was waiting and his cycle of abuse began again. The label that he was given at one prison, was conveyed to another, thus making his life *'hell, I just wanted to die, and thought of so many ways to take my own life. I have never recovered'*.

Drugs, dependency and sexual activity

A prisoner's dependency on drugs is often heavily linked to illegal prison activities that include coerced and purchased sexual favours. Drug dependent prisoners claim that they can suffer such painful withdrawals that they seek access to illicit drugs via other prisoners. For those ex-prisoner participants who were strongly addicted to drugs when entering prison, claims of pressure to exchange sexual favours for access to drugs were common, especially among the young and vulnerable prisoners. The two themes that stood out among the comments were:

- Left to their own devices to deal with addiction and the sexual advances made by prisoners offering support and drugs
- Support for dependency often comes from sexual predators

For the participants who spoke of this, the fear of being without a drug, especially in those first few days of the sentence, was too much. Their distressed condition was noticed as much by prisoners with predatory sexual tendencies as it was by officers, yet it was often that the first offer of support came from the predator. Matt was one of the participants who went to prison for the first time. He was 19 yrs old, severely drug dependent and disconnected from his family. He spoke of having to do whatever he could to stay alive:

> *Back then man it was weird and all. I was out of it most times, wanting to score and stuff, and when they put me away I was always having to do favours. You know, to get some gear to last the day out, a blow job or fucked up the arse man.*

Matt has been out of prison for over a year and is still to make the break with drugs. His comment on lack of help with his drug dependency is worthy of note: '*when I was real out of it I needed gear and help and got both from a guy who is supposed to be a real creep'*. In addition, Ray, a friend and previous cellmate of Matt, made it clear that when you needed gear you faced the risk of *'doing a few favours to get it'*. He added, *'I had some cash on the outside at the time, and a couple of mates who organised for me to get my hands on gear inside, but for some they just had to take it [sex] for it a hit.* Ray also claimed that he had learned from previous *'spells inside'* that *'if you need good gear, you have to think smart or do things you never would dream of on the outside'*. He added that he has seen many young prisoners '*having to bend over before they could touch the gear', but also that 'some of the blokes would*

lend some gear and help out, only doing sex as an aside, or if it was offered in exchange'.

Whatever the reasons, prisoners who have a serious addiction to illicit drugs are, according to participants, very likely to be targeted by sexual predators. Predators with an addiction were said to sell some of their stash to support their habit, and 'gift' a small amount for sexual favours.

Staff attitudes and training

Prison Officers expressed concern over the following issues;

- Staff training and support to deal with violent incidents
- Drugs and sex-trading
- Lack of understanding of the issues at head office, leading to under resourcing at the coal face
- Not enough time to deal with either the victim or the small group of known predators.

The prison officer participants were polarized between claims that 'rape rarely happens' (MO7) or it 'happens too frequently' (MO1). All officers agreed that prison rape happens – it was the frequency and seriousness that was at issue. Three out of four of the female officer participants believed that prison rape occurred on a regular basis. They also claimed that not enough support was available either for officers or prisoners and that the issue of prison sexual assault was often buried at the unit level. A lack of training was a major concern and that, together with the issue of under reporting, compounded the problem of inadequate victim support. They said that the aspect of the 'us and them' prison culture meant that prisoners would rarely trust prison officers with their stories.

All of the women prison officers interviewed felt that prisoners who were directly impacted by sexual assault would be more likely to approach a female officer for help in preference to a male prison officer. Three out of the four women officers thought that rape was a serious problem for the prisoners and the system, that it occurred far too often and that officers were left under skilled to deal with such first line responsibility. Female Officer 1 put it like this:

> I was deeply concerned over one case where everyone kept it all 'in-house' so to speak, and yet a few of us were really suffering with the young man who had tried to put up a fight, and tried very hard to get somebody to listen to him. At the end of the day, I had to do what I was told – not to get involved.

Female Officer 2 described her feelings after witnessing the aftermath of a particularly violent gang rape.

> The young prisoner was in a terrible state. Several other prisoners had raped him with an implement and he was bleeding badly and understandably very distressed. Although we had a good idea who had assaulted him he wouldn't make a complaint, he wouldn't name his attackers. He had to be kept in the hospital bay for a few days and then he was shipped out to another prison allegedly for his protection.

Officers working in prison industries tended to hear more about any alleged assaults, claiming that due to their closer working relationship with the male prisoners they were often the first prison officials to hear the stories before they became 'official incidents'. Two industrial officers spoke about the code of silence among their peers not to disclose events that had not been reported to the unit officers.

Several male prison officers spoke about the difficulty with a lack of support and training to cope with the personal trauma of male rape. One senior officer in particular said that he thought that things could be handled more effectively if the issues surrounding male prisoner rape were discussed more openly within head office. He added that he felt that senior management at head office 'didn't want to get involved unless the shit was going to hit the fan'. He also thought that the system was in denial of the situation. Another male officer claimed that prisoner-on-prisoner rape was a rare occurrence, claiming that most sexual activity within the prison was 'young junkies doing it for their fix and that's not rape in my book'. However, it is important to note that all eleven officers who participated in the study agreed that prison rape did occur. Once again it was the level of violence and frequency of sexual assault incidents that were at question. Also seven out of the eleven prison officers said they could name between 10 and 12 serious repeat sexual predators within the West Australian prison system. These were described as the 'seriously violent rapists' and

were considered to be in addition to the numerous other abusers who were thought to 'cajole and coerce' mainly young and first time prisoners into unwanted sexual activity for protection against other predators and/or to satisfy the victim's drug dependency.

Service provision for victims of sexual assault

Providing services for prisoners who have experienced rape first hand as a victim, or for others who have been impacted upon vicariously as a fellow prisoner, a supportive mate, prison officer or family, is crucial in order to decrease the harm done and allow the process of healing to begin. Acknowledging that serious harm occurs is a starting point. To illustrate this, after a sexual assault occurred a prisoner assisted a victim-prisoner to complain, and then he had to seek protection in another prison for his own safety. Kevin and Bruce both claim that they were moved to another prison after they supported a victim and disclosed the predator although, in both incidents, nothing further happened to the predator and they didn't receive any support for helping and witnessing a traumatic event.

Participants described information within the prisons on the support for male victims of sexual assault as poor. In general terms, prisoners have no family and friends for support around them during the first few hours after such an assault. Several of the participants who had reported their assault spoke of experiencing difficulties accessing professional support within the prison. This lack of timely support was noted among prison officers who were concerned that help was not always available in a timely manner. Chaplains also spoke of not being always informed of an alleged rape and therefore would not be in a position to assist a prisoner. Participants reported that the police were seldom called into the prison to interview victims of sexual abuse, although the option was there should a prisoner wish to press charges, be prepared to identify the perpetrator, provide forensic evidence and be subjected to claims that they may have agreed to provide sexual favours.

From the prisoner perspective, Sid spoke of a lack of support following his sexual assault:

> *I spoke with the boss* (prison officer) *who was helpful and told me I could see a prison psych. After that it was the cops. Trouble is, fuck all happened. I was*

> *told that it would be best for me to move as I would be at risk not only from the cunt that did this to me but from his fucking poofter mate. Later I had to face my girl who comes in on Saturdays. What the fuck was I supposed to tell her? When I got out she made a joke about me being a pretty boy inside, so I gave her a slapping for it. She used to make these stupid remarks but I still couldn't tell her about it. I don't think I will.*

According to many of the participants, one of the more bizarre procedures at play within the prisons was the tendency for prison authorities to remove the victim of assault to another prison rather than the perpetrator. This was viewed as unjust practice because it removed any peer support and placed the victim at further risk as he was being moved to a facility where he was unknown. In addition, not one of these men spoke of having a successful legal avenue to bring the predator to justice. Four men spoke of being moved out of their units 'for their own safety', and seven said that their predator was moved to another prison or out of the unit.

As reported by Campbell and Wasco (2005) 'The impact of sexual assault does not stop with the survivor's health and well-being'. They go on to claim 'that coping with the aftermath of rape can cause significant stress for the family, friends, and significant others of sexual assault survivors'. In this study, it was noticeable that several of those who were close to the victim as a friend, peer, or a supportive prison officer, felt the impact of such a crime upon themselves.

Vicarious trauma

Having people to speak to following such a traumatic experience such as rape is crucial for recovery and the journey towards becoming a survivor. Yet the possibilities for such positive contact are drastically reduced in a prison setting. Also it is important to have someone present who believes the victims' stories and does not discard them or devalue them as victims. Fellow prisoners are most often the first to hear of incidents of sexual assault. Within this study, it was noted that many of those who witnessed the assault or provided support for the victim, experienced vicarious trauma. Unfortunately, these men were given no support, although it has to be acknowledged that many never requested support, particularly when the sexual assault was not reported to prison authorities. Vicarious trauma, though, appears not to be

acknowledged. If proved, it could unlock a series of worker's compensation and legal claims from prisoners, serving prison officers and other professional workers in the field.

Campbell and Wasco's (2005) research on the impact of sexual assault upon female victims identified that 'the mental health effects of this crime are devastating as rape survivors are the largest group of persons with post-traumatic stress disorder'. For the men and women who have previously experienced rape or other forms of sexual abuse and have then become incarcerated, the compounded effect of trauma is significantly heightened. Hanser (2003) asserts that in these cases, 'mental health practitioners (need) to understand the sub-cultural interplays associated with prison rape'.

That said, the vast majority of the participants who were direct victims of prison rape remained fearful of further sexual exploitation should they have to re-enter prison. It was also noted that although this fear appeared to decrease for some over time, there was ample evidence that the impact of rape and its associated trauma continued to linger well beyond the sentence, impacting on families and negatively affecting intimate relationships. In saying this, several people said that the rape proved to be more devastating than the initial sentence itself. Doubts remained with individuals as to if and how they would eventually come through this, especially those in long-term relationships. For Randall, his return to live with his mother, girlfriend and brother after being abused in prison, was a *'terrible experience, a mix of wanting to be held and loved, and yet at the same time, feeling that I needed to tell them that I was afraid, afraid of my long term health, my mental state and nightmares of being forced to into sex'*.

Thomas was 23 years old at the time of his sexual assault. He spoke of the intense questioning by his partner after he told her that he had been raped during the early part of his eighteen-month prison term. She encouraged him to go along with her to her doctor who then provided him with confidential support and medical advice. He tells it how it was at the time, just 2 days out from prison;

> *We were sitting watching TV when something just brought it all back to me and I went into a rage. She didn't know what the fuck was wrong at first, for I*

> *was acting like a loony. When it all came out she was real fucking mad at me and thought that I had given her HIV, saying that I probably wanted the sex and then she went right off. It was only after we both calmed down that I explained it all to her. I have nightmares most nights, but she helps me with it. I just hope that after a couple of more years they will go.*

In terms of support and available service provision the general consensus amongst the participants was that it was often 'too little too late'. Troy was assaulted late on a Friday afternoon. He put it this way: *'What do you do when your arse is still sore, you have just had filthy hands around your throat and a dirty bastard telling you that it will be worse if you fucking dog on him?'* He went on to explain how he sat alone in his cell after being sexually assaulted for around thirty minutes until one of his mates came along. He told his mate what had happened and they went to see the Senior Officer who said that he would arrange for Troy to speak with a counselor. He eventually spoke with the counselor after lunch on the Monday. Meanwhile the predator continued to harass him and make threats all weekend. They moved the predator out of the unit and to another prison late Monday afternoon, almost three days after his assault. It is important to note here that, because Troy was imprisoned for a sexual offence himself, he was unable to access any support from the outside agency that provides sexual assault counseling services in prisons. Although he received some support from Prison Counseling Services he was denied the specialist services he needed. His story is one of several that tell of the dilemma that occurs for many inmates post-rape.

For many of the men who were raped, the traumatic experience often led to a changed sense of self within a changed world, as Morrison et al (2007:5) claims '…within a trauma model, an effect of rape for both primary and secondary victims is generally understood to be a "shattered world view"', which is said to lead to profound feelings of distrust and other negative experiences. Very few of these men spoke of seeking support from a chaplain or local doctor, the majority not wanting to discuss their situation with anyone. This was noted by several respondents as causing them further problems, especially among those men concerned with sexual health issues.

The researchers identified this notion of the changed sense of the self when many of the participants spoke of their experiences in attempting to face family and friends following their trauma. Dealing with the label, 'victim of male rape', even if applied by themselves, was often felt to be humiliating and devastating. Many of the participants experienced grave concerns that they might be accused of being a party to the assault. Several participants said that their sense of self was challenged, particularly those who spoke of their own confusion following the sexual assault when they felt unsure of their part in it.

It is a long road to recovery for the victims of male rape. It is also a difficult journey for those who try to provide support in a timely manner. People who assist victims to begin the journey into recovery are not spared its devastating effects. According to Wasco and Campbell (2005): '…rape crisis centre staff, rape victim advocates, and sexual assault therapists experience vicarious trauma… even those who study rape can become emotionally affected by bearing witness to the devastating impact of this crime'. The researchers in this study clearly identify with this aspect. Many participants in this study, although not direct victims of prison sexual assault themselves, were the first to deal with the rape of a peer, Also, those bystander participants who witnessed a sexual assault, said that they almost experienced the traumatic event first hand.

Little is known on the impact of male prisoner rape on peers and prison officers, and its impact upon the victim's close relatives and loved ones goes unreported. However, Morrison et al (2007) suggest that 'mothers and fathers of adult victims of sexual assault would also be significantly affected, if not traumatised by the rape of their adult child'. Several participants in the study who had been sexually assaulted in prison noted that their family members were *'more than a bit pissed off with the system'* (Bill; Randall; Thomas).

Whilst there is little Australian research into male victims of sexual assault in prison, there is even less academic literature concerning the effect of vicarious rape upon other prisoners. This group includes; the bystander, the observer, the person who is the first to hear of the trauma and, where the rape is reported, prison officers. For example, Gerry described how shattered he felt when his cellmate was raped:

> *He comes into my slot crying, not like him at all man. He just lands on my bed and spills his guts. Like, fuck, I thought he'd lost his woman or something then he tells me what happened. I never heard things like that, knew that it could happen but man, this was no shit. I didn't sleep for a couple of night just thinking about it, what he told me. That could've been me, man. The boss* (prison officer) *asked me if I knew anything. I did tell him a bit but I didn't want no one coming to put payback like that on me. I was shaking and needed to score to sleep. They* (prison officers) *didn't care about me, just told me to keep my fucking head down. That's all man.*

During out of office hours, the institutional setting of a prison provides very limited resources for people who are victimized. Unfortunately, and according to the vast majority of participants, these are the times when most sexual assaults take place. The other problem noted in the study was that prison officers, working continually under conditions of over crowding and under resourcing, had enough to contend with when presented with a person who reported being assaulted. Already over-stretched resources did not really allow for much attention to be paid to those suffering vicarious trauma. Nevertheless, the impact of rape moves well beyond the immediate victim. Eric's is a case in point. He put it like this:

> *I was told every little detail by my cellmate who was raped when he was getting cleaned up after a footy match. Then I was threatened and told that he was being punished and I would be next if I told anyone. I got a smack in the face to keep me quiet. I went to the medics and told them I sort of knew of something and that I needed help. I didn't know what I wanted but wanted something. I got nothing, no help but then I couldn't exactly tell them what had happened either.*

Also, not much is known about the impact of vicarious prisoner rape on people such as prison chaplains, officers and relevant professional staff. As one female officer explained:

> *...to hear of some of these stories is just the pits. You go home and can't get a particular few words out of your head, a face crying, or a young lad sitting next to you shaking with fear as he tells you all that went on.*

Another female officer spoke of being *'stressed to the max at seeing how little could be done for the poor bugger when he was so messed up'*. A male officer, recently retired, said that he was *'never given counseling or anything else for that matter'* after having to deal with a very stressful shift where a young prisoner *'was raped by a known predator'*. He went on to speak of several other similar situations that had happened over the years (MO3).

Within the context of risk management, vicarious trauma exists but is most often hidden by systemic codes of silence from prisoners and prison staff. This silence protects the perpetrators. Such silence also serves to protect the prison system from taking full responsibility for such traumatic breakdowns in the care and protection of vulnerable prisoners. The prison authorities have to manage risk and prisoner rape presents a massive risk in terms of possible legal claims by victimized prisoners. Looked at from this perspective, there is little real incentive for prison authorities to actively encourage the reporting of any form of assault. Conversely, it is encumbent upon prison authorities to strategise appropriately in order to minimize the incidence and impact of sexual assault in prisons.

FINDINGS

The 150 ex-prisoners who participated in the research generally fitted into one of the following categories.

1. Only had knowledge of sexual abuse occurring,
2. Had knowledge of abuse occurring and had experienced a degree of pressure to perform any kind of sexual act
3. Admitted to being a victim of sexual assault by another prisoner
4. Admitted being a perpetrator and had previously been a victim of prison rape
5. Considered themselves to be a predator but had not been a victim
6. Had not heard of anything themselves, but did not deny occurrence
7. Denied rape ever occurs within a prison setting

- **81** or **(54%)** of the participants interviewed said they had knowledge of sexual assault in West Australian prisons.
- **35** or **(23.3%)** of the participants interviewed disclosed that they had been placed under pressure at some time during their sentence in a West Australian prison to provide unwanted sexual acts, including masturbating and oral sex. The majority claimed that these incidents occurred within the first six months of their sentence.
- **116 or (77.3%)** had knowledge of an assault *and* had experienced a degree of pressure to perform some kind of sexual act **(Categories 1 & 2 combined)**.
- **21** or **(14%)** of participants said they had been sexually assaulted whilst held in a WA prison.
- **6** or **(4%)** acknowledged predatory sexual behaviour in prison. **4** of these said they had previously been sexually assaulted in prison themselves.
- **7** or **(4.6%)** were unsure if sexual assault occurred in prisons or not.
- **4 (2.6%)** claimed that sexual assault incidents do not occur in prisons.

Adding to the 35 who disclosed that they had been placed under some pressure to perform sexual acts, another 21 said that they had been direct victims of male prisoner rape, notably the abuse began in the early part of their sentence. Two of these men claimed to have asked for support from a specific outside support agency but as they

were serving sentences for some form of sexual assault and classed as sex offenders, they were told that they could not access help from that government funded service provider. The other men who received assistance from that particular service provider were generally satisfied with the service. Several men had sought and received support from the Prison Counseling Service for past and present issues and spoke well of the service they received. The main concern regarding service provision was timing. That is, such specialist services were rarely available when most needed immediately after the assault. Several participants said that had they had immediate access to appropriate services they might have felt more inclined to report.

Among the 35 who spoke of experiencing pressure to perform sexual acts, a common theme discussed was the level of overt sexual gestures and sexualised language that was commonplace among prisoners and largely ignored by prison staff. Several men among this group spoke about being groomed for sexual favours. They mentioned feeling uncomfortable or even trapped in particular situations.

Of the 21 men who were sexually assaulted, four spoke of being coerced into a relationship that provided them with either a sanctuary away from other predators or a degree of support. In three cases it was reported by the victim that the perpetrator sought out them out and encouraged them to consider becoming possible cellmates, situations that deteriorated into sexual abuse within days. Only 8 of these sexual assaults were officially reported to the prison authorities.

Thirteen of these men (in the group of 21) were serving a sentence of 24 months or less, and all had been sexually assaulted within the first nine months of their sentence. Two were on remand (unsentenced) at the time of their assaults. 2 of the participants spoke of being sexually assaulted within 3 weeks of being taken into custody and both were in protective custody at the time. These were both under 25 yrs old. Thirteen of the men who were raped were 25 yrs or younger. Only one was in his early 40s and he said that two prisoners raped him repeatedly over a prolonged period of time as a form of punishment or payback.

Of the 21 men, 11 said that they had been in and were returning to a heterosexual relationship upon release. Two of the group of 21 participants were gay. Two others

spoke of being unsure of their sexuality and were still suffering from symptoms of trauma and depression following release.

All 21 were concerned with their social and emotional wellbeing, especially regarding a lack of support at the time of their abuse. They also said that they had little or no support upon release to cope with a return to their ordinary relationships and their personal sexual health and hygiene. Most hid the facts of their assault from close and intimate family and friends. On the other hand, 7 of these men spoke of receiving immediate support and assistance from unit staff, by way of a listening ear or time out of the unit to talk it over. This did not necessarily lead to charges being laid or to further treatment for any of them. Two of the men in this group were provided with support from professional staff whilst still serving their sentences.

Four of the group of 21 admitted that their sentence was for a sex-related crime, thus precluding them from the services of a state funded sexual assault service. All four reported that they were violently sexually abused both anally and orally and three told of how they were given limited support throughout their sentence.

DISCUSSION AND FUTURE DIRECTIONS

Systemic Issues

An examination of the overall response from both prisoners and staff to the issue of male prisoner rape the following systemic issues became apparent.

- Overcrowding as a risk factor
- Safety issues in areas of high risk
- Limited knowledge on the topic of male prisoner rape

Overcrowding

Overcrowding together with under resourcing has been a continuous problem for prison authorities in Western Australia for decades. In the past year alone the prison population has escalated at an unprecedented rate. In illustration of this, the West Australian prison population increased by 835 or 21% in the past twelve months (between November 2008 and November 2009). In comparison, in the previous year between October 2007 and November 2008 the prison population increased by 53 or 1.3%. Overcrowding in prisons cannot be resolved by prison superintendents or by the Department of Corrective Services. They simply have to cope somehow. Historically, though, overcrowded conditions have contributed to situations of crisis within prisons. For example, the main conclusion of the Report of the Inquiry into an Incident at Casuarina Prison on 25th December 1998 (Smith, 1999), which was essentially a riot, was that 'overcrowding of the prison for an extended period of time together with decreased services to prisoners… and very little effective staff training were the "sparks that combusted within the tinderbox"' (Smith cited in Goulding 2007). Overcrowding places undue pressure upon prison facilities, prisoners and prison staff at the coalface. Overcrowding in prisons necessarily leads to 'double up' cells. That is cells, originally designed to hold one prisoner now most often hold two prisoners in close physical proximity, locked in together for up to 14 hours every day.

In this study doubled up cells were found to be places of high risk of sexual assault for vulnerable prisoners. Although prison management and unit officers endeavour to place prisoners in cells with appropriate cellmates, mistakes are often made. Indeed, during discussions about the research project with one prison superintendent the researchers were made aware of an incident whereby a young prisoner was doubled

up with an older relative. The elder relative sexually assaulted the young prisoner in the doubled up cell. This case clearly illustrates the difficulties that overcrowding presents to prison officers and prison management. Certainly the policy of 'double ups' has effectively coerced many prisoners into relationships that they would not have chosen for themselves. Within this study, several participants found themselves at the mercy of sexually aggressive cellmates.

Safety issues in areas of high risk

Both participants and prison officers agreed that certain areas within prisons presented higher risks. These were generally double up cells (previously mentioned), shower blocks and protection units. Shower blocks generally have no electronic surveillance; prisoners there are generally naked and therefore more vulnerable to sexual assault. Several of the participants said that they were assaulted in the shower block.

Protection units are used to house vulnerable prisoners. They are also often used to house sexual predators who may be in need of protection from mainstream prisoners. One of the participants in the study spent much of his two-year sentence in protection. He said that he was required to regularly perform sexual acts on a known sexual predator, also housed in the protection unit, in order to avoid *'being raped by some other notorious bastard who was known for it'*.

Limited knowledge on the topic of male prisoner rape

If we are to take seriously the claims of participants in this study, then we have to begin to acknowledge the damaging impact of sexual abuse on male prisoners. The direction within prisons to date has largely been one of neglect on this topic. It is simply too difficult to deal with. However, with an ever increasing prisoner population comes an ever increasing number of victims of prison based sexual assault. The Department of Corrective Services (WA) has a duty of care with regard to the safety of prisoners. If this is in some way found to be lacking then the department leaves itself open to serious legal consequences.

This study found that approximately 14% of male prisoners had experienced some form of sexual assault in West Australian prisons and that a further 23.3% had felt under some pressure to perform unwanted sexual acts. Marry this factor with a rapidly

growing prisoner population and the outlook is ever increasing numbers of particularly young, first time prisoners who are likely to become victims of prison sexual assault. Whilst there are industry professionals who can deal with the aftermath of male prisoner rape, there is an urgent need to improve service provion in this area. For example, a Monday to Friday, 9am – 5pm service provision is inadequate. Also, the practice of service providers refusing to offer services to a rape victim because he has been convicted of an offence of a sexual nature is both bizarre and unacceptable. There is also a need to rethink the basic nature of imprisonment so that prisoners who are the victims of assault of any kind might feel safe enough to report their assaults to the authorities. The problem of under reporting is vast. Undeniably, the research team feel that within this study the problem of under reporting held steadfast.

CONCLUSIONS & RECOMMENDATIONS

The study sought to gauge the incidence and social impact of sexual assault in West Australian prisons. After almost 400 interviews with 150 ex prisoner participants, 9 serving and 2 recently retired prison officers the researchers found that 21 men or 14% of the primary participants had been direct victims of sexual assault in prison. A further 35 men or 23.3% of the primary participants had felt under some pressure to perform sexual acts. Nineteen of the 21 victims of sexual assault acknowledged that they had considered suicide, feelings that they directly attributed to their experience of sexual assault in prison. Fourteen of the group of 21 said that they had ongoing difficulties with family relationships attributable to the general prison experience but further negatively impacted by the sexual assault.

The two specific research questions that the study addressed were (1) what factors might help to provide a basis from which to reduce the incidence of prison sexual assault? And (2) what types of service provision might better assist victims of prison sexual assault?

The primary and secondary participants identified several strategies that they felt might help reduce the impact and incidence of prison based sexual assault. These were as follows (in no particular order of importance):

- Initiate positive strategies that encourage reporting of abuse by prison staff and prisoners, and reduce the likelihood of violent payback
- Establish a mandatory annual census of reported sexual assaults from all prisons
- Establish a systematic reporting protocol that details both rates and effects of prisoner sexual assault
- Provide periodic training & education programs for all organizations and/or authorities responsible for prison sexual assault
- Reduce cell occupancy to one person
- Identify and remove ‘blind spots’ in units
- Hold perpetrators of sexual assault accountable and ensure that they receive adequate support to challenge their behaviour

- Ensure that perpetrators rather than victims are moved to another prison
- Enable victims to have easier access to police and legal representation

Following are the recommendations regarding which types of service provision might better assist victims of prison sexual assault:

- Provide secured ongoing funding to a non-government agency to support ***all*** prisoners who become victims of sexual abuse within the system (this recommendation is made to specifically include prisoners convicted of crimes of a sexual nature who are currently denied specialist sexual assault services in prison)
- Provide appropriate services on a '24/7 call in' basis when needed immediately after any assault, rather than days later
- Establish a confidential phone counseling support line for prison staff, prisoners and concerned family members
- Enable victims to have easier access to police and legal representation
- Provide incentives for prison officers and peer support workers to engage in further training to better support vulnerable prisoners
- Provide confidential 'exit' questionnaires for each prisoner released from custody to gather information on their treatment, programs, and other concerns

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