

# Why Now?

Awareness and Pressures

Addressing Staff Sexual Misconduct with  
Offenders

March 12-17, 2006

# Training Objectives

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- Participants will identify reasons for the emergence of staff sexual misconduct with offenders as an issue of concern for corrections agencies
- Participants will understand how the factors impact the ability of agencies and society to addressing staff sexual misconduct
- Participants will become aware of major reports addressing SSM with offenders

# Awareness

- Increased incarceration
- Escalation of numbers of staff hired
- Increased use of and awareness about community corrections
- Rise in legislation
- Increased litigation
- Media coverage
- Increased studies done about abuse of offenders
- Comparison to coverage of similar abuses in other institutions
- Passage of the Prison Rape Elimination Act of 2003

# Internal Factors: Increased Incarceration

- The total estimated correctional population in 1980, was 1,840,400; in 2004 it was 6,996,500
- In 1995, 7,398 federal inmates were female; in 2003, female federal inmates numbered 11,635
- In 2000, 4,095 juveniles (under 18) were housed in state and private adult correctional facilities
- 2000, 104,413 juveniles were in private and public residential custody facilities in the United States

# Internal Factors: Staff

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- Training
- Increased need for staff:
  - Pre-mature advancement
  - Staff turn-over
  - Hiring Practices
- In 2000, there were roughly 430,033 correctional staff members (federal, state, and private), 1 staff for every 16 offenders

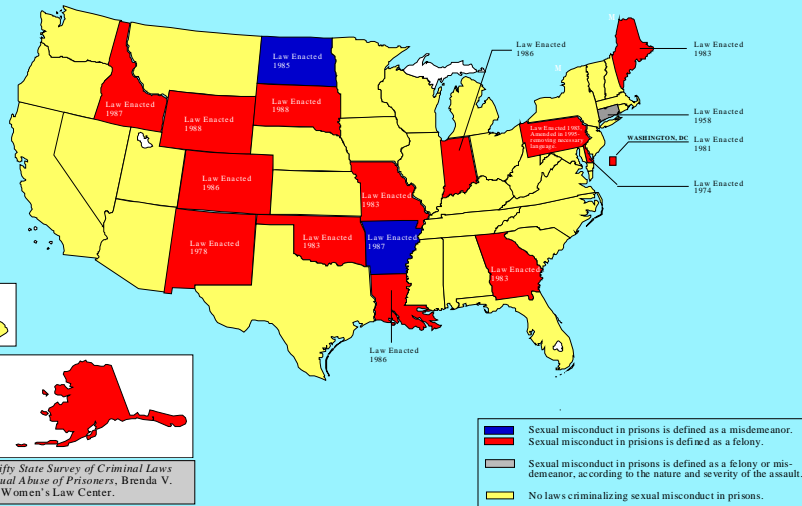
# Internal Factors: Community Corrections

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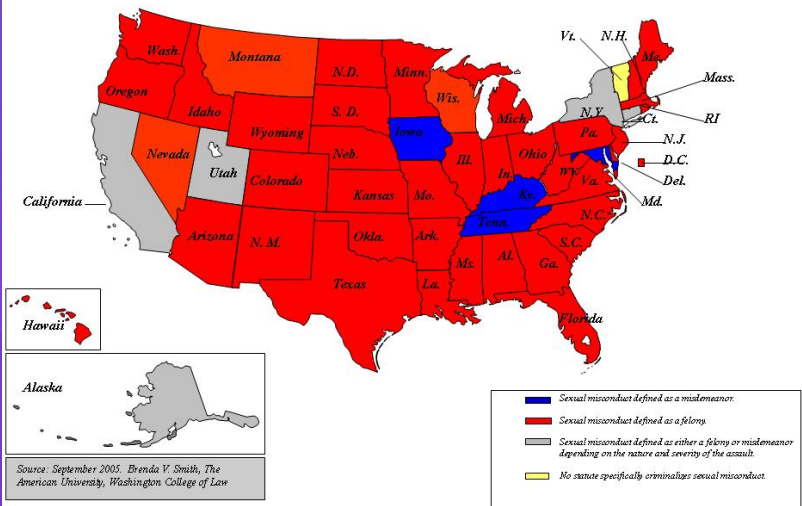
- In 1993, 2,903,061 U.S. adults were on probation and 676,100 were on parole
- At year end 2003, 4,073,987, U.S. adults were on probation and 774,588 were on parole

# External Factors: Rise in Legislation

**State Criminal Laws Prohibiting Sexual Misconduct with Offenders in 1990**  
National Institute of Corrections



**State Criminal Laws Prohibiting Sexual Abuse of Individuals in Custody**  
National Institute of Corrections/American University, Washington College of Law – September 2005



# External Factors: Litigation

***Amador v. Superintendents of Dep't of Corr. Serv., 2005 WL 223050***  
**(S.D.N.Y. Sept. 13, 2005)**

Suit was filed in behalf of individual current and released women inmates for injunctive and declaratory relief and monetary damages for sexual abuse in New York state prison.

***Lucas v. White 63 F. Supp. 2d 1046 (N.D. Cal. 1999)***

In Dublin, California, three female inmates were awarded \$500,000 in damages after male staff from the men's security unit "sold them as slaves to male inmates."

***Women Prisoners of the District of Columbia Department of Corrections v. District of Columbia 877 F. Supp. 634 (D.D.C. 1994)***

The Court ordered that the District of Columbia to adopt order prohibiting sexual harassment involving employees and female inmates, to take appropriate steps to prevent and remedy sexual harassment, to provide diagnostic evaluations for women prisoners as they provide for.

# External Factors: Studies The 90's

1996

1999

*Sexual Misconduct in Prisons: Law, Agency Response, and Prevention*  
(DOJ/ NIC, 1996)

*All Too Familiar: Sexual Abuse of Women in U.S. State Prisons,*  
(Human Rights Watch, Women's Rights Watch, 1996)

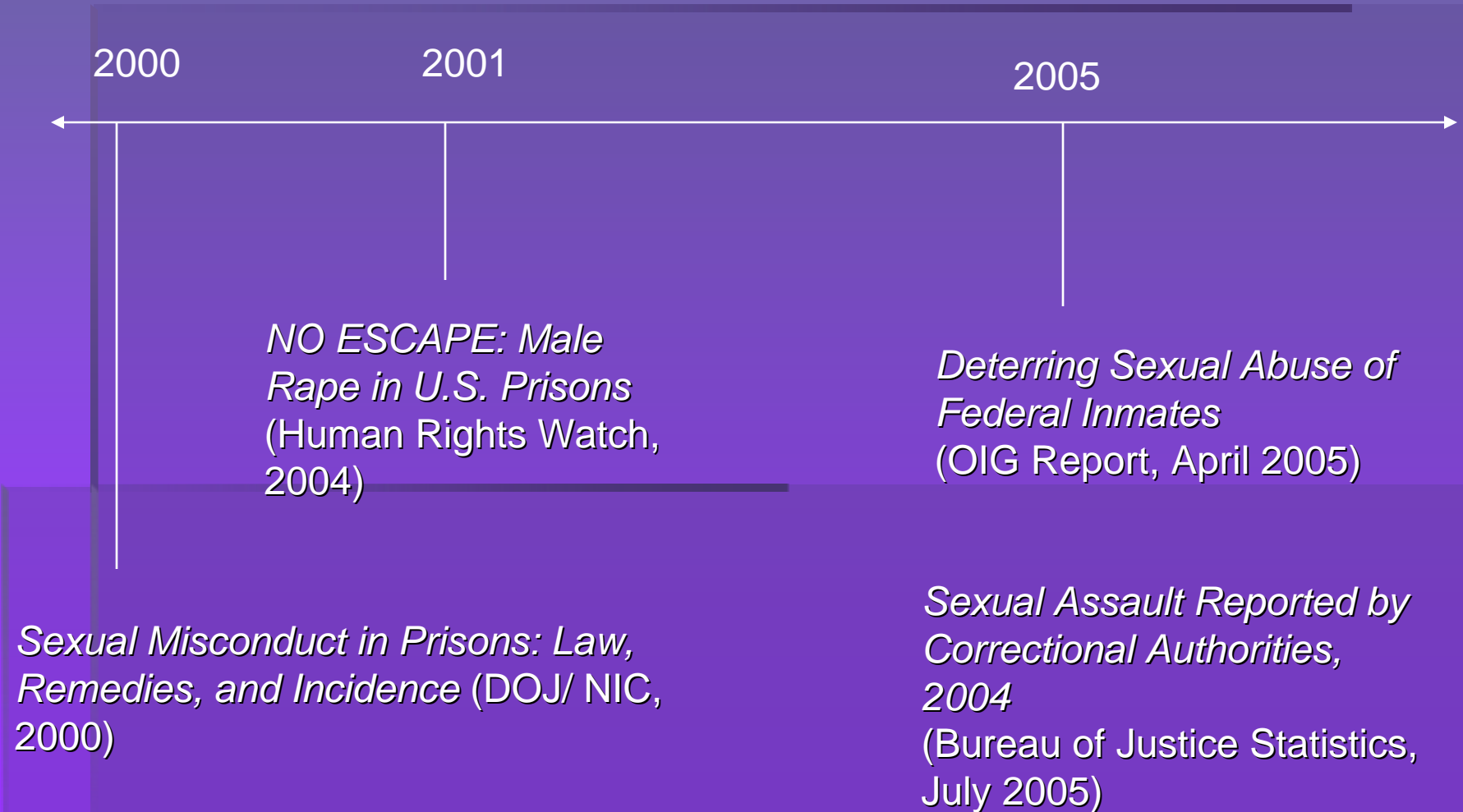
*Women in Prison: Issues and Challenges Confronting U.S. Correctional Systems* (GAO, 1999)

*U.S. Women in Prison: Sexual Misconduct by Correctional Staff* (GAO, 1999)

*Not Part of My Sentence, Violations of Human Rights of Women in Custody*  
(Amnesty International, 1999)

*Integration of the Human Rights of Women and the Gender Perspective:*  
(United Nations, 1999)

# External Factors: Studies 2000- Present



2000

2001

2005

*NO ESCAPE: Male  
Rape in U.S. Prisons*  
(Human Rights Watch,  
2004)

*Deterring Sexual Abuse of  
Federal Inmates*  
(OIG Report, April 2005)

*Sexual Misconduct in Prisons: Law,  
Remedies, and Incidence* (DOJ/ NIC,  
2000)

*Sexual Assault Reported by  
Correctional Authorities,  
2004*  
(Bureau of Justice Statistics,  
July 2005)

# External Factors: Free World Abuse Cases

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- **The Church: Dayton Daily News, 2005**

Reverend sentenced to 10 years in prison and designated a sexual predator for pleading guilty to 11 counts of gross sexual imposition and was ordered to pay for counseling for the victims.

- **Foster Care: Associated Press, 2005**

An employee of the state Department of Children's Services who transports children under his supervision to or from meetings with potential foster parents was charged with sexual battery by an authority and accused of orchestrating attacks on teenagers. Police are currently trying to determine if others under his supervision were assaulted. He has worked for the Department of Children's Services since 2001 despite a police record that includes arrests for assault and possession of a controlled substance.

- **Government: The San Diego Union Tribune, 2003**

A suit was filed in October of 2002 on behalf of three female police officers, holding that there was "continuingly severe and pervasive course of discriminatory treatment, discriminatory harassment, and a hostile work environment at the police department.

# External Factors: Free World Abuse Cases Cont'd

- **Military: The Baltimore Sun, 2005**

The quarterback who led Navy's football team to a college bowl game victory last season has been charged with rape, indecent assault and conduct unbecoming an officer after an investigation by the Naval Criminal Investigative Service

- **Educators: Fresno Bee, 2005**

A former Hanford West High School teacher was arrested for sex-abuse counts and having a relationship with a student from the school.

- **Doctors: San Francisco Chronicle, 2005**

A San Francisco doctor is facing charges that he sexually assaulted two patients under the guise of giving them medical exams, police said. An elderly patient reported that she was subjected to a medical exam that she felt amounted to an assault.

# External Factors: PREA

- In 2003 Congress passed the Prison Rape Elimination Act finding that:
  - insufficient reporting and research has been done on the issue of prisoner rape
  - conservative estimates find that 13% of inmates have been sexually assaulted; this translates into nearly 20,000 persons now incarcerated have been or will be victims of sexual assault and over the past 20 years the number of persons under correctional supervision that have been victims of sexual assault exceeds one million.
- Under PREA Congress has appropriated nearly 60 million dollars a year until 2010 to work to research and eradicate prison rape

# External Factors: Media

## ***Virginia Ex-Deputy Guilty of Having Sex With Inmates (Washington Post, 2004)***

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An ex-deputy was convicted of intimidating two female inmates into having sex with him while they were in custody. Prosecutors accused him of abusing his authority as a deputy to extract sex from the women who were in a work-release program; the women felt as though they had to comply to stay in the program. In April of 2004 the ex-deputy was sentenced to six years in prison as well as having to pay \$840.00 in restitution for the counseling costs of one of the victims. Upon release, the ex-deputy will also be placed on three years of probation.

## ***Ex-Jailer Required to Register as a Sex Offender (The Pantagraph Bloomington, IL on November 2, 2004 )***

The 2002 Livingston County Correctional Officer of the Year will serve several weekends in jail and register as a sex offender and was sentenced to 15 weekends in jail and \$300.00 in fines as well as joining the state's sex offender registry.

# External Factors: Media Continued

## ***Former teacher at federal prison charged with having affair with inmate (As reported by NBC on February 25, 2006)***

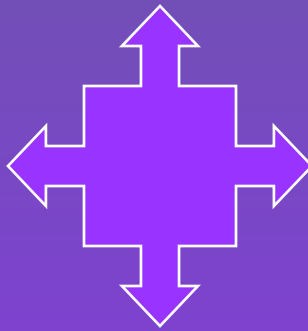
A former teacher at the federal prison in Florence is charged with having an affair with an inmate and is believed to have passed on confidential information that led to a stabbing attack on an inmate informer.

## ***Spotsylvania Deputies Receive Sex Services in Prostitution Cases (The Washington Post 2006)***

In Spotsylvania County, as part of a campaign by the sheriff's office to root out prostitution in the massage parlor business, detectives have been receiving sexual services from "masseuses." During several visits to Moon Spa on Plank Road last month, detectives allowed women to perform sexual acts on them on four occasions and once left a \$350 tip, according to court papers.

# Pressures

Premature promotions due to increased number of management/supervisory positions needed



Diminished staff training resources & ineffective training -- hesitancy to be specific on sensitive issues

Public policy & attitude towards offenders

More “free world” abuse of power cases

# Summary

- Increase of public awareness in issues of abuse both in societal and correctional settings
- Increased Litigation
- Growth of Offender Population
- Increase in numbers of staff needed to run an agency
- Premature Promotions due to increased number of management/ supervisor positions needed

# Summary

- Diminished funding for staff training
- Ineffective training- hesitancy to be specific on sensitive issues
- Public policy and attitude towards offenders
- Unclear staff/ offender boundaries in community corrections and secure confinement