

# **Sexual Assault in Prisons**

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# **Sexual Assault in Prison:** *Are these perpetrators dangerous in the community?*

## **Today's Agenda**

- **Overview of the problem**
- **Study findings**
- **Recommendations**

# **Sexual Assault in Prison: *Perpetrators and Victims***

**Extent of the problem  
is difficult to  
measure**

**These crimes occur in secret  
and victims don't report**

# Victim's don't report...

- Fear of retaliation
- Fear of being perceived as a soft target by other inmates
- Inmate code
- Officers sometimes encourage non-reporting
- Removal from facility (and programs/positive relationships/familiarity)
- Shame shame shame

# Sex offending in prison/jail

- Often dismissed as unique to the environment
  - Result of deprivation
  - Not reflective of risk to the community
  - An “administrative matter” so not prosecuted
  - Not prioritized for treatment

# Perpetrators of Sexual Assault

Prison misconduct seems to reflect a **propensity for antisocial behavior** that cuts across social situations

# IS SEXUAL OFFENDING BEHAVIOR IN PRISON INDICATIVE OF COMMUNITY RISK?

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# SEXUAL VIOLENCE CATEGORIES

- **Convicted Sexual Offender (n=635)** Individuals with past or current felony sexual offense convictions.
- **Factual Basis Sexual Offender (n=419)** Individuals whose history indicates sexual assaults or deviance for which they may not have been convicted. These cases often involve plea bargains where the factual basis of the crime involved a sex offense.
- **Prison Sexual Offender (n=70)** Individuals who have committed sex offenses against staff or inmates, or individuals who have displayed sexually abusive behaviors during their incarceration. For purposes of this analysis, the prison sexual offenders were further broken out into two groups.
  - **Prison Only (n=50)** Prison sexual offenders who had no known history of sexual offending in the community prior to incarceration.
  - **Prison Plus Community (n= 20)** Prison sexual offenders who also had a known sex offending history—factual basis or conviction—in the community prior to incarceration.

# Methods: Sample

- **3,338 adult male** offenders with an identified history of sexual violence
- Completed a state prison sentence in Colorado between **1993 and 2002**
  - First discharge during time frame
- The average length of incarceration was **4.3 years**

# Methods: Sample

- The **average age** at discharge was 37, ranging from 19 to 85
- **Time at risk** for recidivism in the community ranged from 4 months to 9.4 years
- Juveniles sentenced as adults, Spanish speaking, chronically mentally ill, developmentally disabled and female inmates were **excluded**

# Data Sources

- **Inmate data were provided by the Colorado Department of Corrections**
- **Arrest information was obtained from the Colorado Bureau of Investigation,**
- **District court case filings were obtained from the Colorado Judicial Department.**
- **These data were obtained via the Colorado Justice Analytics Support System (CJASS).**
- **New incarcerations were identified from the original prison data extract.**

# Data Sources: DCIS and...

- **Offender location and death information: ACCURINT**
- **Additional location data were obtained from:**
  - the Colorado Sex Offender Registry,
  - the National Criminal Information Center (NCIC), and the Colorado Department of Corrections DCIS.
  - Records were identified by matching on state identification number, social security number, FBI number, name, date of birth or any combination thereof

# Case attrition

- **Of the 3,338 cases**
  - **298 cases had been at risk for less than one year**
  - **606 offenders were located in another state**
  - **52 were released to criminal justice detainers**
  - **70 died**
  - **28 were deported**
  - **34 offenders were lost to follow-up**

# Most Serious Original Behavior

	Total	COPD conviction	Other documentation	Conviction in other facilities
Rape	13 10%	12 9%	0	1
<b>Sexual abuse</b>	<b>45</b> <b>33%</b>	<b>35</b> <b>26%</b>	5	5
Complicity or attempt to commit rape	3 2%	0	2	1
<b>Sexual misconduct</b>	<b>46</b> <b>34%</b>	<b>30</b> <b>22%</b>	13	3
Sexual harassment	12 9%	5	7	0
Unknown	16 12%	0	16	0
<b>Total</b>	<b>135</b> <b>100%</b>	<b>82</b> <b>61%</b>	<b>43</b> <b>32%</b>	<b>10</b> <b>7%</b>

# Year Recidivism rates: One year

	Sexual Arrest	Violent Arrest	Other Arrest	Any Arrest	Incarcerated (any)
<b>Prison only (76)</b>	4%	<b>26%</b>	49%	<b>53%</b>	<b>9%</b>
<b>Prison + (32)</b>	9%	<b>6%</b>	41%	<b>44%</b>	<b>13%</b>
<b>Factual Basis (769)</b>	3%	<b>18%</b>	42%	<b>45%</b>	<b>6%</b>
<b>Convicted (1321)</b>	3%	<b>10%</b>	23%	27%	<b>3%</b>
<b>Total (2198)</b>	<b>3%</b>	<b>13%</b>	<b>31%</b>	<b>34%</b>	<b>7%</b>

# Recidivism rates: 5 years

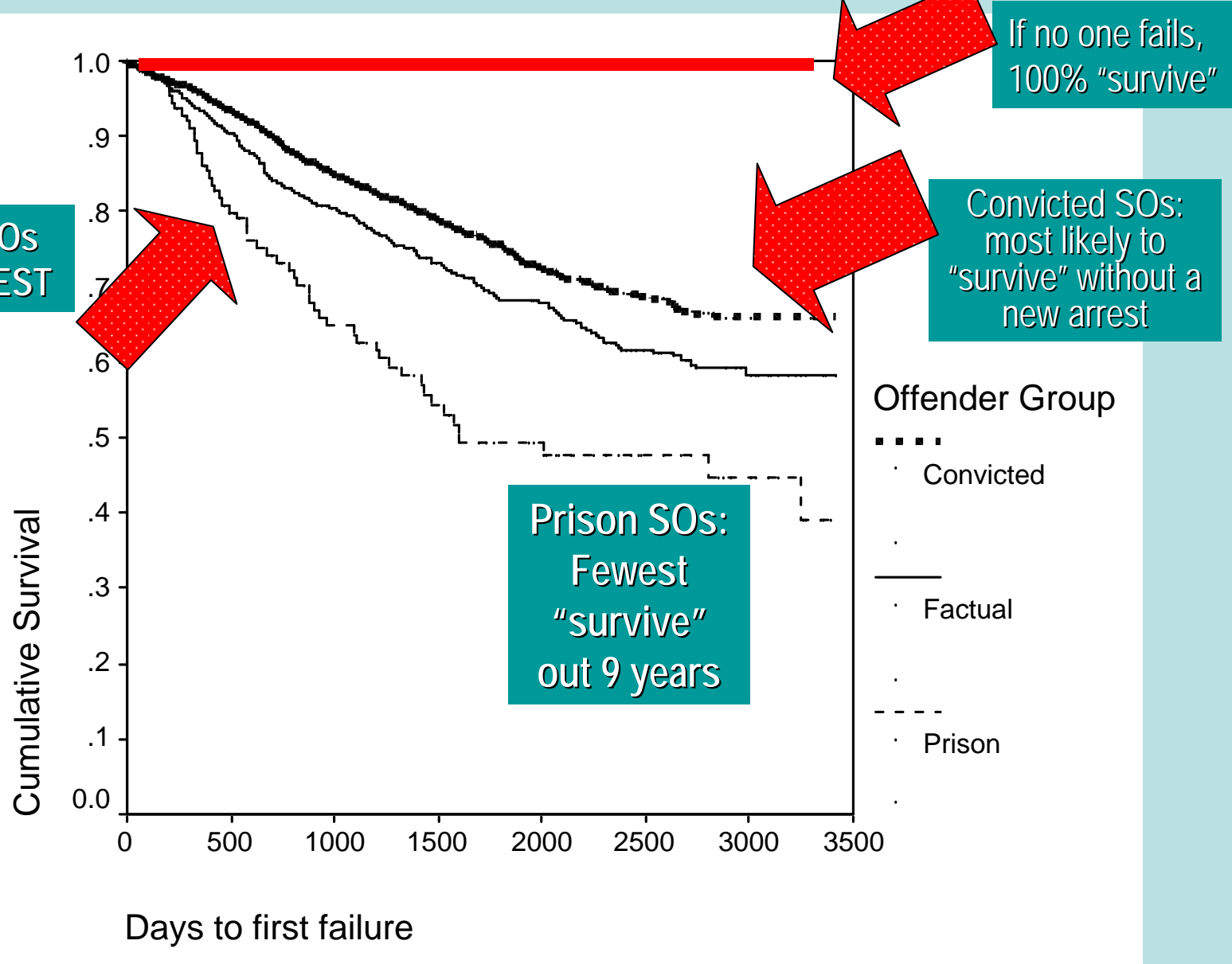
	Sexual Arrest	<b>Violent Arrest</b>	Other Arrest	Any Arrest	<b>Incarcerated (any)</b>
<b>Prison only (50)</b>	10%	<b>52%</b>	80%	<b>86%</b>	<b>50%</b>
<b>Prison + (20)</b>	20%	<b>35%</b>	90%	<b>90%</b>	<b>60%</b>
<b>Factual Basis (419)</b>	9%	<b>46%</b>	83%	<b>86%</b>	<b>34%</b>
<b>Convicted (635)</b>	12%	<b>32%</b>	66%	71%	<b>27%</b>
<b>Total (1124)</b>	<b>11%</b>	<b>38%</b>	<b>74%</b>	<b>78%</b>	<b>31%</b>

# Type of Sexual Arrest at Five Years Post Release\*

	Indecent exposure	Incest	Voyeurism	Sexual assault	Sex offense unspecified
<b>Prison only (5)</b>	20%	0	0	<b>80%</b>	<b>0</b>
<b>Prison + (4)</b>	0	0	0	<b>76%</b>	<b>0</b>
<b>Factual Basis (37)</b>	16%	0	5%	<b>90%</b>	3%
<b>Convicted (75)</b>	7%	3	0	<b>86%</b>	0%
<b>Total (121)</b>	<b>10%</b>	<b>2</b>	<b>2</b>	<b>86%</b>	<b>1%</b>

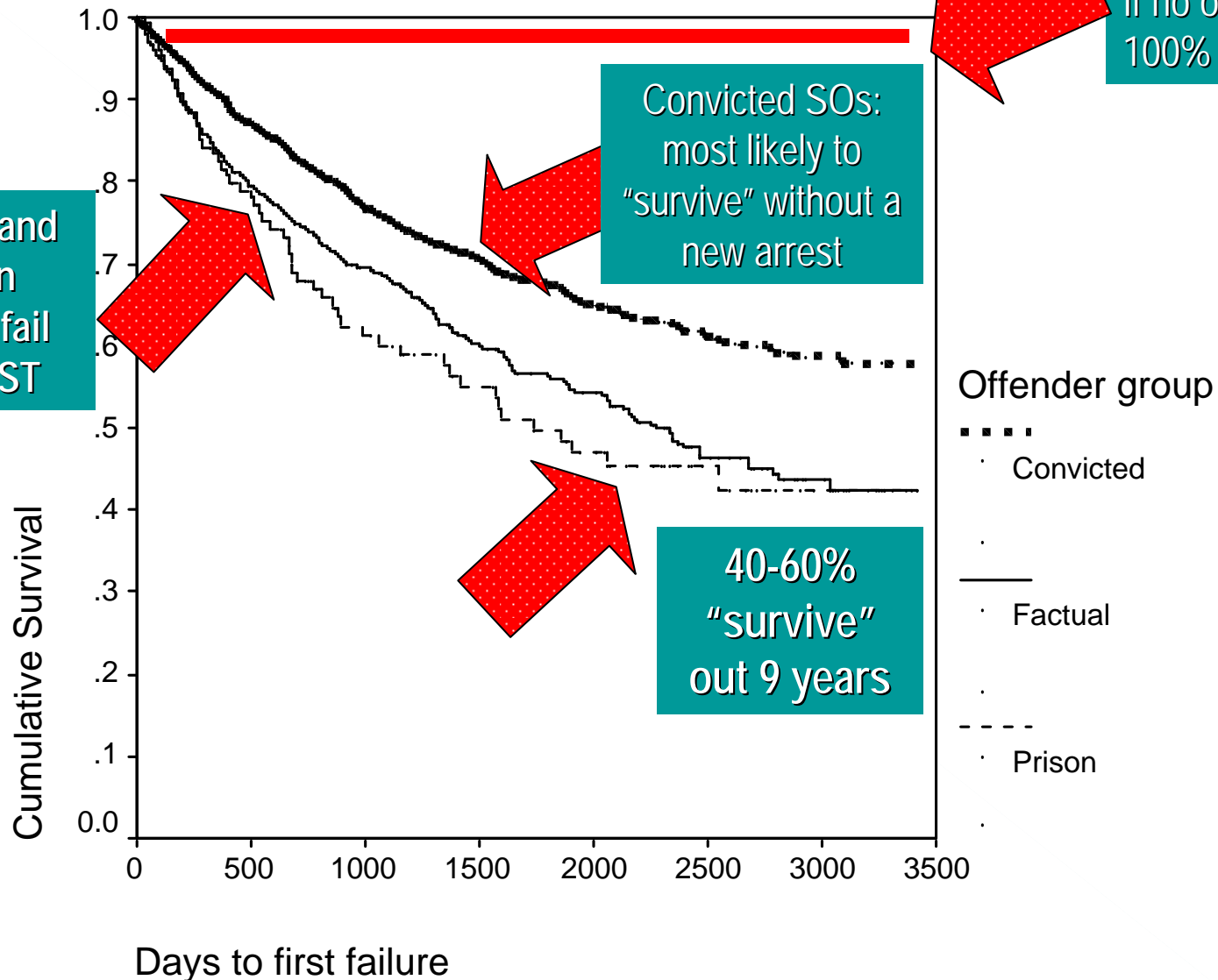
\*The crimes presented here represent the most serious new sex crime charge for arrests occurring during the follow-up period

# Recidivism: New sex crime arrest



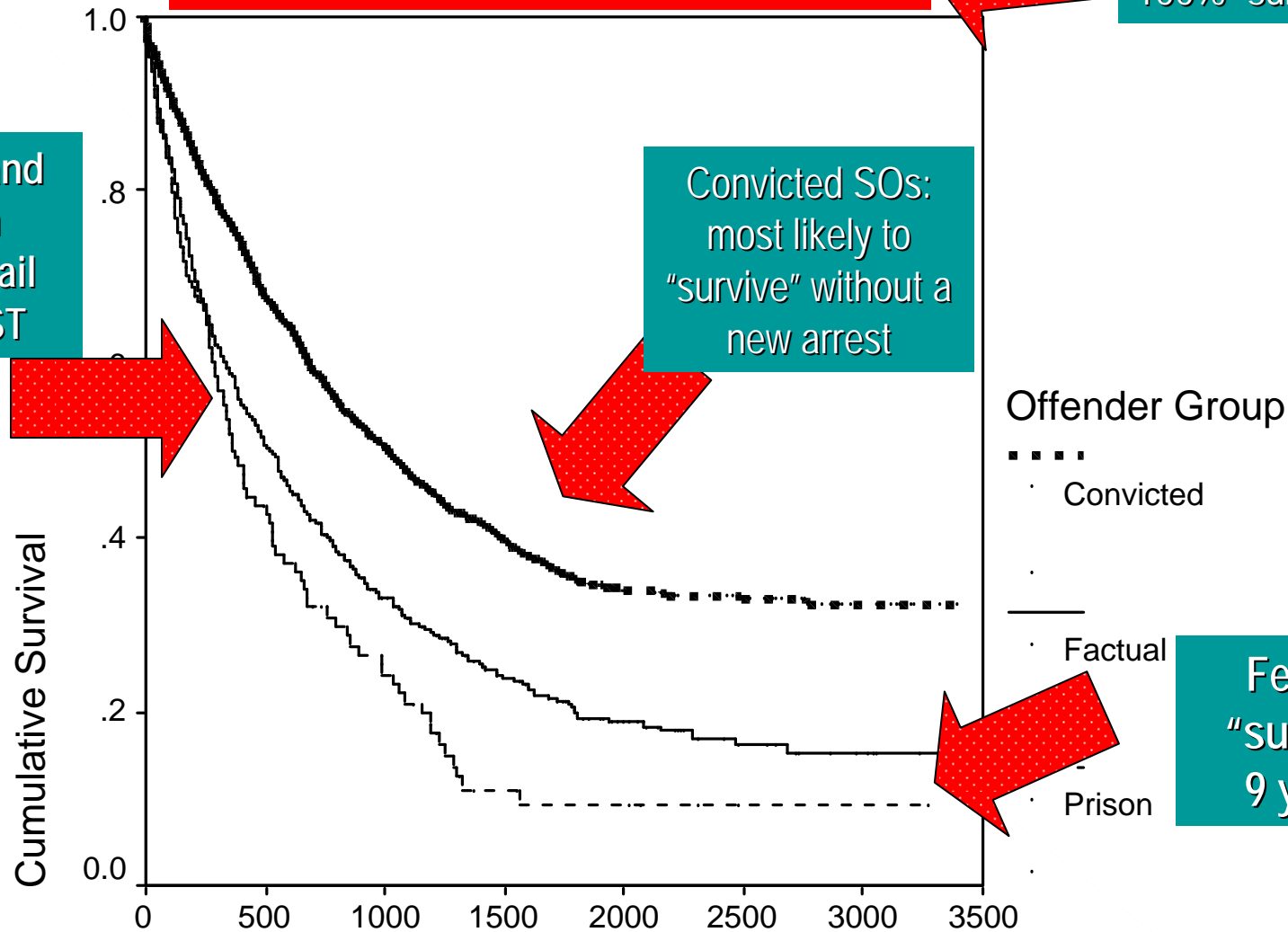
N=3169 p<.0001

# Recidivism: new violent crime arrest



N=3169 p<.0001

# Recidivism: Arrest for any new crime



If no one fails, 100% "survive"

Factual and Prison groups fail FASTEST

Convicted SOs: most likely to "survive" without a new arrest

Fewest "survive" 9 years

N=3169  
Days to first failure  $p < .0001$ , chi square=134.55, df = 2

# Conclusion from CDOC study

- Prison sex offenders and factual basis sex offenders are dangerous
- **Public safety should be a priority consideration (investigate and PROSECUTE)**
- Documentation of these cases is critically important

# Conclusion

- **From our national PREA study:**
  - **“No Tolerance” or “Zero Tolerance”** includes harrassment, non-contact offenses, and verbal offenses
  - **Staff must pursue, and assume inmates can't report**
  - **Leadership is CRITICAL to safety**
  - **Every report/allegation/suspected case is completely investigated**
  - **Staff with knowledge and do nothing are investigated and seriously consequenced**
  - **Relationship with prosecutors must be established**

Heil, P., Harrison, L., English, K., & Ahlmeyer, S. (2009).  
Is prison sexual offending indicative of community risk?  
*Criminal Justice and Behavior* 36(9), 892-908.