

Testimony to the Review Panel on Prison Rape

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Thank you for inviting me to testify before this important panel. In my second time before the Panel, I am again testifying as a prison sociologist who has conducted research in local, state and federal prisons and jails for almost 25 years. My written testimony outlines my credentials: I received a PhD in Sociology from UC Berkeley in 1984, where I conducted research on correctional officer culture. I was employed by the Federal Bureau of Prisons as a research analyst from 1987 to 1990, working in a male institution and the Central Office. Since 1990, I have been a Professor of Criminology at California State University-Fresno, continuing my work in women's prisons and juvenile female offenders. I have also done work with the National Institute of Corrections as a trainer and a researcher, primarily in the areas of operational practice and agency planning in women's prisons, staff sexual misconduct and gender-responsive policy. I have written two books and numerous other publications relating to women's issues, prison culture, drug treatment and other program evaluations. I have conducted empirical and policy research on PREA since 2006.

In this testimony, I will describe my perspective on issues specific unique to women's facilities that should inform in the implementation of PREA policies.

I will describe the context of gendered violence and safety in women's correctional facilities and how this context should be considered in developing and implementing the PREA Standards. My research with my colleagues Dr. James Wells and Dr. Jocelyn Pollock found that the context and correlates that produce and support sexual violence also can promote safety in facilities for women. We also found that prior victimization often contributes to a cycle of future and repeated victimization among women—a finding consistent with NIS-BJS data and studies by Wolff in New Jersey. Our study also relied on the ecological framework suggested by the Centers for Disease Control and Prevention (CDC) in their 2004 report, *Sexual Violence and Prevention: Beginning the Dialogue*. This model provides both a framework for analysis and a foundation for prevention and intervention policies and practices in women's correctional facilities. We argue that prevention and intervention, through inmate programs and education, staff training and other operational practices, are primary strategies in meeting the goals of PREA.

This study, *Gendered Violence and Safety: A Contextual Approach to Improving Safety* (NIJ, 2008) describes the dynamics and context of interpersonal sexual and physical violence in women's correctional facilities. Multiple organizational, environmental and individual factors contribute to violence in women's facilities. Analysis of our data found that the dynamic interplay between individual, relational, community, facility and societal factors create and sustain violence potentials in women's jails and prisons. Staff members play a critical role in creating the potential for sexual violence and conflict. In a similar way, aspects of policy and practice also can support or mitigate such violence. In advocating this prevention and intervention strategy, we argue that these same factors can create and sustain sexual safety as well.

Like all aspects of incarceration, violence in women's correctional facilities was markedly gendered and nested within a constellation of overlapping individual, relational, institutional, and societal factors. We learned that violence between female inmates occurred on a continuum, ranging from verbal intimidation to homicide. Violence was most prevalent at the lower end of the continuum and quite rare at the extreme end. While our research was consistent with prior findings that violence in women's prisons was not as severe or as prevalent as in men's institutions, we did find that some forms of violence were particular to women's facilities and required their own definitions and separate policy response.

We found that violence in women's jails and prisons is not a dominant aspect of everyday life, but exists as a potential, shaped by time, place, prison culture, interpersonal relationships, and therapeutic options to address past victimization or to treat destructive relationship patterns contribute to the potential for violence in women's facilities.

PATHWAYS OF WOMEN OFFENDERS

Several key features pave the pathways to prison and jails for women and have a direct impact on sexual violence and safety while in custody. Here I will discuss the importance of relationships in women's lives and the role of past and present victimization. Each of these contribute to a better understanding of the gender differences in the BJS-NIS data and allow for a gender-based explanation of the marked differences in the results of the NIS for female and males inmates. To summarize, the factors that shape the context for sexual violence include:

- Relationships: Past and Present
 - Centrality of relationships
 - Disconnection from family and children
 - Difficulty in distinguishing among types of relationships
- Victimization & re-victimization
 - Inappropriate sexualization through violence and abuse
 - Reproducing abusive relationships with other inmates and staff

- Mental health struggles
- Contextual facility features
 - Staff and inmate cultural support for all forms of violence
 - Potential re-traumatization within correctional operations
 - Levels tolerance of derogatory and sexual comments to inmates
 - Perceptions of safety held by inmates and staff
 - Programs to address relationship, trauma and other safety issues
 - Attitudes toward women
 - Inmate confidence in reporting and investigation
- Implications for staff sexual misconduct
 - Status and material issues related to relationships with staff
 - Pressure from authority figures, particularly male
 - Seeking validation through relationships with authority figures
 - Fear and trust issues regarding revealing sexual activity

These factors are described in some detail below. Recommendations for policy and practice conclude this testimony.

Relationships and prior victimization

Covington (1998) describes the “relational model” of development for women. The premise is that the primary motivation for women throughout life is not separation, but connection. Women’s emotional development is dependent upon relationships and when women feel disconnected from others, they experience disempowerment, confusion, and anxiety. Dysfunctional families where emotional support is weak or non-existent and where relationships with primary caregivers may be rife with violence or exploitation dramatically affect a woman’s ability to have healthy relationships in her adult life. Patterns emerge where the woman may form a sequence of intense, but dysfunctional relationships (Covington, 2000).

One of the most consistent findings has been that female offenders are more likely than male offenders to have experienced violent victimization in childhood, and much more likely to have experienced violent victimization than non-incarcerated women. This finding has been replicated in probationer samples, jail samples, and, especially, female prisoner samples (Snell, 1994; McClellan, Farabee & Crouch, 1997; Pollock, 2002; Owen, 1998; Bloom, Owen & Covington, 2003; Browne, Miller and Maguin ,1999),

Childhood sexual victimization has been linked to a wide range of physical and psychological consequences, including personality disorders, depression, suicidal and self-destructive behaviors, eating disorders, anxiety, feelings of isolation and stigma, poor self esteem, poor social and interpersonal functioning, trust issues, substance abuse, sexual problems, and high risk sexual behavior (Breitenbecher, 2001; Islam-Zwart & Vick, 2004; Eastal, 2001; Ketring & Feinaur, 1999). Such victimization has been linked to later prostitution and drug abuse as well (Browne & Finkelhor, 1986). Cathy Widom (1991, 2000) argues that childhood experiences of victimization contribute to the multiple problems female offenders have in adulthood, including lack of intellectual performance, inability to cope with stress, suicide, abuse of alcohol and drugs, sensation seeking and anti-social attitudes, and lower levels of self esteem and sense of control.

It can also be argued that a prison sentence sometimes recreates trauma and aggravates the symptoms of PTSD. The experiences of pat-downs and strip searches are re-creations of childhood sexual abuse, especially when the authority figure abuses his or her position. Maeve (2000) argues that female prisoners' violence, dissociation, depression, and self-mutilating behaviors could be predicted based on their prior histories. Women's violence in prison relationships can be understood by recognition of PTSD symptoms.

Sexual victimization, in childhood or adulthood, seems to be correlated with re-victimization. This too is echoed in the BJS-NIS data. Studies consistently demonstrate that women and girls who are raped are more likely than non-victims to experience subsequent sexual victimization (Breitenbecher, 1999; Messman-Moore & Long, 2000; Tjaden & Thoennes, 2006). This certainly seems to be true for incarcerated women, although exactly why such women are vulnerable to re-victimization is unclear. For incarcerated women, it is most probably due to a variety of risky behaviors and their tendency to become involved with abusive partners and engage in high-risk sexual behavior. However, one study identified a greater vulnerability to sexual harassment and coercion from authority figures for those women who had experienced prior sexual victimization (Messman-Moore & Long, 2000).

WOMEN'S PRISON EXPERIENCE

The subculture in women's prisons has been described as very different from that found in prisons for men (Pollock, 2002; Owen, 1998). While all researchers note that some violence does occur, it has been perceived as relatively rare. Women's sexual relationships are described as usually consensual rather than coercive; unlike men, women sometimes develop pseudo-families as a result of these relationships. These affiliations mimic familial relationships in society, with mothers, fathers, siblings, and children acting in general accordance with their role (Owen, 1998; Pollock, 2002; Girshick, 1999). While some more current research disputes the presence of familial groupings (Greer, 2000), others note their continued existence (Keys, 2002). Inconsistent findings may be due to type of institution, regional differences, or methodology.

Owen (1998) describes "the mix" as the activities women engage in that are likely to get them into trouble with each other and with prison officials. The "mix" included involvement with homosexuality, use of drugs, and fighting. Alarid (2000), Greer (2000), and Pogrebin and Dodge

(2001) suggest that this culture is changing, and sexual coercion and victimization does occur quite often in women's prisons.

Emerging research indicates that distinguishing consensual from coerced sexual relationships in women's prisons may be more difficult than earlier researchers assumed. Some research indicates that a little less than half of female prisoners have participated in sexual relationships with other prisoners, with age (younger) and length of sentence (longer) being most predictive of participation (Hensley, Tewksbury, & Koscheski, 2002). Most of the women who engage in homosexual relationships in prison did not have that sexual orientation outside of prison.

Smith (2006a & b) points out that a potential result of the PREA focus on sexual assault and victimization in men's and women's prisons is that consensual sexual activity between inmates will be targeted and punished by correctional authorities. She notes that sex may occur between female inmates for trade, freedom, transgression, safety, and love. According to Smith, sex is considered a fundamental right and, even though a prison sentence involves a great deal of limitations on one's freedom, it may be that individuals should retain this particular self expression. This principle should be kept in mind in developing policies and procedures designed to reduce sexual victimization in prison.

Staff sexual victimization

From the early 1900s to the late 1970s, female officers guarded most female prisoners in this country. Since the late 1970s, most states have allowed male officers to work in prisons for women. Today in many states, over 50% of correctional officers in prisons for women are men (Pollock 2002). This has led to female inmates being patted down, and, in some cases, strip searched by male officers. When female inmates have challenged such treatment, utilizing the right to privacy and Eighth Amendment arguments, some courts have agreed that women and men are not "similarly situated." Courts have acknowledged the fact that many women in prison have experienced sexual abuse by men, which arguably makes them different from male prisoners who are not as likely to have this history of victimization and, therefore, do not experience the same level of anxiety or violation as do women when undergoing a search conducted by a guard of the opposite sex (for a review of cases, see Pollock, 2002; Flesher, 2007). Standard policies and procedures in correctional settings (e.g., searches, restraints, and isolation) can have profound effects on women with histories of trauma and abuse, and they often act as triggers to re-traumatize women who have PTSD (Maeve, 2000). However, not all courts accept this argument and pragmatic concerns force prison administrators to utilize male officers for supervision in housing units, for transportation, and other duties that put them in positions of direct supervision over female inmates.

Again, it important point to note is that female inmates are not a homogenous group of passive victims. Some do fall in love with correctional officers, some actively exploit male or female officers who fall in love with them, and some willingly participate in sexual banter. If it is true that female inmates actively seek out sexual relationships with male staff members, it may be the case that such relationships are truly consensual; or it may be that such relationships can be understood as the tactics of the oppressed, a result of sexualized identity and low self image

because of childhood sexual abuse, or a result of gender socialization. Regardless of motivation, sexual relationships with inmates are unprofessional, against policy, and, in most states, illegal, regardless of consent.

Official reports of sexual victimization (inmate-inmate or staff-inmate) are almost certain to be lower than the actual number of incidents. Inmates indicate in most studies that they would be unlikely to report any but the most extreme cases of sexual victimization. Calhoun and Coleman (2002) found that the female inmates in their study agreed that the consequences of exposing sexual assault are too costly to both the inmate and the staff, and therefore underreported. Hensley, Tewksbury, and Koscheski (2002) suggest that the lack of female inmate's reporting sexual coercion may be due to fear of repercussions, and wanting to protect their social image or reputation to other inmates because being a victim may be seen as a sign of weakness.

IMPLICATIONS FOR POLICY AND PRACTICE

The Prison Rape Elimination Act is intended to improve sexual safety in correctional environments. In this study, we argue that sexual safety has a gendered meaning. We argue that improving safety for female offenders requires a focus on the context of sexual violence and safety in order to effectively prevent and intervene in violence in women's facilities. The first step in meeting the goals of PREA is to recognize that safety and violence have different meanings for female and male inmates. Our data lead us to conclude that aspects of the overall context, including individual, relationship, living unit, and facility-based factors, either support or mitigate the potential for sexual and other forms of violence in women's facilities. While many individual-level risk factors can be addressed with individual-level treatment, we argue strongly that aspects of place, policy, and practice contribute to violence and safety. In many cases, the living unit may be the "place" where sexual and other forms of violence can occur, but we also found that any location in a facility has this potential. In a similar way, aspects of policy and practice either support or mitigate such violence.

We also argue that a prevention approach is the foundation for a gender-appropriate response to PREA. We argue that safety can be maximized by addressing these contextual factors. We also submit that, in order to meet the goals of eliminating physical and sexual violence in all facilities, systems and agencies must expand their approach beyond counting, investigations, and sanctions. We agree that these strategies are integral to a broad-based response to PREA but argue here that a comprehensive approach to PREA includes prevention, intervention, and treatment, as well as the more traditional responses of investigations and sanctions.

We suggest that correctional systems consider a broader definition of safety to include physical, psychological, social, moral, and ethical safety. Expanding on these broader components of safety for female offenders directs our attention not only to improving safety in women's facilities, but also supports successful re-integration and rehabilitation. For many women, jails and prisons do not address these multiple dimensions of safety. We suggest that investing in programs, education, and treatment that address interpersonal violence and its collateral damage will increase safety in the women's prison, and may reduce recidivism among female offenders by addressing their pathways to prison.

We continue to believe that improving all forms of safety is good correctional practice and has broader implications for meeting the goals of incarceration.

USING THE ECOLOGICAL MODEL TO REDUCE FACILITY VIOLENCE

The Ecological Model, promulgated by the Centers for Disease Control and Prevention (CDC, 2004), provides a foundation for prevention policies and practices in women's correctional facilities. The Ecological Model, with an emphasis on interaction among individual, relational, community, and societal factors, expands the targets for improving safety. Our data led us to conclude that these four interactive factors either support or mitigate the potential for sexual and other forms of violence in women's facilities. While many individual-level risk factors can be addressed with individual-level treatment, we argue strongly that aspects of place, policy, and practice contribute to violence and safety. Key components of an approach that utilizes the Ecological Model include:

- Defining the solutions in terms of populations rather than only individuals
- Prevention concepts and strategies as a foundation for planning, implementing, and assessing activities
- A comprehensive approach that includes individual and system-level strategies
- Data-informed practice
- Building partnerships with victims advocates and social and mental health providers
- Programs that are population-based and culturally competent
- Addressing both the short-term and long-term negative consequences of sexual and other forms of violence.

Individual Factors

Individual level influences include personal history factors that increase the likelihood that an individual will become a victim or perpetrator of violence. For women in prison and jail, these individual level factors include: prior sexual victimization and other forms of violence in their pathways to prison; histories of substance abuse; past or current disconnections from family and children; past experience as sex workers or other risky sex practices; and prior relationships with violent partners. Prevention and intervention strategies within this level include:

- Education and training in trauma, trauma response including symptoms of Post-Traumatic Stress Disorder (PTSD), domestic or intimate partner violence and its impact of behavior for all offenders, regardless of individual assessments
- Clinical treatment for those who have experienced violence and trauma prior to incarceration
- Victim-sensitive medical and mental health treatment for those who have experienced victimization while incarcerated

- Orientation and on-going education about how women can protect themselves and avoid risky relationships and situations.

Relationship Factors

Relationship level factors are those which increase risk as a result of relationships with peers, intimate partners, and/or family members. While the majority of relationship issues in prisons and jails involve other female inmates, relationships with staff should also be addressed. Policy-makers and managers of women's facilities continue to struggle with how to respond to prisoner relationships. Obviously, correctional responses to prisoner relationships are within the purview of correctional administrators. It must be noted that these relationships are an enduring reality of how women do their time. Prevention and intervention strategies within this level include:

- Frank discussion of relationships and their benefits and consequences at orientation
- Discussion of alternative ways for women to develop pro-social and healthy relationships with each other
- The identification and development of healthy boundaries within and outside of relationships
- Opportunities for involvement in effective programs that provide constructive activities while in prison and jail
- Programs that provide alternatives to violent behaviors such as conflict management, de-escalation strategies, and batterer intervention programs
- Education on identifying the warning signs and components of a full spectrum of abuses, awareness of how domestic and intimate partner violence manifests itself and escalates within facilities, protective mechanisms to promote personal safety, healthy boundaries with inmates and staff, and breaking the cycle of violence.

Community and Facility Factors

For female offenders, these factors can be best thought of in terms of living unit and facility-level factors. This level includes the environment or the climate of the housing unit and the facility as a whole. In correctional facilities, these factors include the level of violence tolerated by the inmate population and the staff; the presence or absence of all forms of sexual harassment of women inmates by staff; a rehabilitative or custodial approach to facility management; and attitudes toward women offenders, and verbal/non-verbal interactions that are degrading, humiliating, and/or serve to decrease one's self-esteem while also perpetuating feelings of worthlessness, hopelessness, and despair. Prevention and intervention strategies within this level include:

- Clear policies that promote safety and healthy living, including zero tolerance for staff verbal, physical, and sexual misconduct

- Opportunities for program or other constructive activities
- Reporting and investigative procedures that protect confidentiality, provide treatment and referrals for appropriate services, while maintaining safety for victimized women
- Training for all staff concerning gender-appropriate ways to manage female offenders, with a particular emphasis on respecting female inmates, understanding the role of trauma and victimization as a pathway to prison/jail, sexual harassment, and staff sexual misconduct
- Provision of clinical and therapy programs that model safe relationships in and out of custody
- Training and education of staff and female inmates that address negative attitudes toward women, including perceptions and stereotypes of drug-using women, women of color, and women in the criminal justice system
- Programs and services that improve women’s economic and social status at release
- Programs that address victimization prior to incarceration and/or while incarcerated including how this influences the ways in which women “do time” and referrals for community service programs to assist with long-term recovery post-release
- A collaborative committee comprised of female inmates, custody, and treatment staff to develop and implement innovative ideas to reduce institutional violence.

As Covington (2002) has argued, women’s prisons and jails should work toward a comprehensive “trauma-informed” approach to prior violent victimization through a process that ensures all programs, policies and procedures will be trauma-informed. Program components should include teaching women about trauma, abuse, and post-traumatic stress disorder, typical responses, and helping them to develop coping skills. Policy and procedures should include staff training about trauma and its impact on women’s behavior while incarcerated, taking these trauma histories into account in classification and program assignments; and adopting “universal precautions” in relating appropriately to all women regardless of any reported prior victimization.

In addition to the policy recommendations above, there are several that we wish to emphasize separately. First, we must caution against unintended or collateral consequences created by over-reacting to behaviors that occur along the continuum of sexual victimization. For example, introducing new sanctions against all outward manifestations of relationships between women, without attention to whether or not the relationship is destructive, will have a serious and negative impact on all aspects of managing female offenders. We found that for some female inmates, especially lifers, their relationships with each other serve as essential elements in their psychological well-being. Any PREA-inspired policy response to sexual victimization should take care to distinguish between healthy and unhealthy prison relationships.

We do not find that an absolute ban on cross-gender supervision is warranted. The nature of female inmate-staff interaction and the vulnerabilities inherent in such interaction create the potential for abuse by both male and female staff members. Healthy and appropriate

relationships with male correctional officers can be very helpful to female inmates who may have only experienced exploitive relationships. However, it should be clear that prison and jail officials must take every precaution to ensure that all staff members understand and appreciate the boundaries of professional relationships with inmates.

CONCLUSION

Female offenders are different from male offenders in family background, criminal history, drug and alcohol use, and prior sexual and physical victimization. Their current lives are shaped by their past history. Violence in women's prisons is rarely stranger violence and, more often, takes place within relationships. Prior histories of intimate partner violence seem to be repeated in the prison environment. Cultural and subcultural factors also affect the potential for sexual and other forms of violence, as well as staff attitudes and actions. We argue that individual factors alone are not sufficient to understand vulnerabilities and victimization. While they may have a significant effect on any given woman's potential for violence and conflict, individual factors such as pre-prison victimization are mitigated or aggravated by contextual elements in the environment, including relationship, social, and environmental factors.

We urge the Panel to take these factors into account as they further the Standards and the development the Prison Rape Elimination Act.

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