

Sexual Abuse of Incarcerated Woman

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Abstract

The current research proposal paper is based on the concept of sexual abuse of incarcerated women. The paper defines the concept and explains the challenges that female inmates are exposed to. Special reference is made with respect to sexual abuse by male correctional officers. Thus, the paper gives recommendation of how this problem can be managed. In addition, it makes observation on the need to give special care of women who have been exposed to such suffering.

Keywords: Incarcerated women, sexual abuse, inmates

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Introduction

The word incarceration refers to the act of confinement or imprisonment of an individual or people. Similarly, the concept of inmate refers to a resident of a dwelling that carries a number of occupants and whose occupants are confined. From the perspectives of criminal justice, an incarcerate or an inmate refers to a person who is legally confined or imprisoned to serve a specific jail sentence as decreed by a court of law. It may also refer to people that are detained in a prison cell waiting for the completion of the process of justice. Women committed to the prisons are victims of sexual violations and other human rights abuses while in the correctional facilities.

Incarceration of Women

The standard and nature of services offered to the incarcerated people has evolved over ages. In the United States for instance, the early prison facilities were known to be very inhumane. This was so in regards to basic requirements for human health, sanitation, and safety. For instance, both men and women were housed in a single large room, which encouraged sexual abuse of female inmates by their male counterparts (Pollock, 2004).

Traditionally, the prison staff was also dominated by male figures that molested female inmates rather than male ones. As a result of this, reformation of prisons services began to be experienced, especially from the Western world before the influence sprung to American society. For instance, the United States of America adopted the policy of housing women inmates in separate rooms from men by 1870 (Pollock, 2004). Consequently, Mount Pleasant Female Prison was established as the first female correctional facility.

The use of male officers to guard female incarcerates has, however, remained one of the persistent challenges to women in prisons. Although the Western world has always advocated for policies that allow female inmates to be under female guards, little was realized until the 1970s when the United States passed a legislation of Equal Employment Act that created an opportunity to employ women guards on equal basis as men. Talvi (2007) cited that although this enabled the female inmates to have access to female officers, the male guards were still assigned duties in such places that were perceived as more strategic ones, such as the gates.

On the other hand, this act can lead to the shift of roles in the family. In many cases, the children are likely to remain under the care of a single father who has to double up the responsibilities of both parents. In addition to this, the incarceration of a mother can lead to depletion of family resources as the children turn to depend on the father's sole effort, as well (Travis & Waul, 2003). Although the government often holds to policies that provides for care for such children, they are only considered as basic hence, the quality is highly compromised (Solinger, 2010).

To the mother, the ability to cope up with the environment, especially after the incarceration in prison, remains a challenge. Despite the corrective process that such women have gone through, they are likely to experience rejection from the rest of the community who still consider them as criminal even after finishing their jail terms (Travis & Waul, 2003). In addressing this, incarceration of women should be backed up with relevant therapeutic measures at all affected levels. For instance, the children and the spouses have to be made understand and cope up with the new conditions of living. Furthermore, the incarcerated women have to be offered a therapeutic service that is geared toward enhancing self-acceptance and helping them

fit into society after the prison term. In return, society should be inducted on the need to accept and help such women fit in society without unnecessary ridicule, prejudice, and discrimination.

Sexual Abuse of Female Incarcerates

Sexual victimization and vulnerability are one of the dangers that female incarcerates are exposed to in their daily living in the prisons. As a result of this, women have been perceived to be at higher risks of sexual abuse, especially, by the male guards during and before the prison terms. The cases of abuse of female prisoners by male staff members have been recorded as notorious in the United States (Talvi, 2007).

The sexual offenses against female prisoners that have often been reported include rape, assault, and groping based on their past risks. In other cases, scenes that are meant to be private are watched by the male guards, and that puts women at more risks. Such risks include male guards watching female inmates as they undress, dress, or take showers (Talvi, 2007). In addition, it has been reported that women who have a history of sexual abuse before their prison terms have higher chances of yielding to such misconducts since they had already been psychologically conditioned to respond to such coercions and threats. As a result of this, such women are easily abused based on their fear for further violence.

Cases of Sexual Abuse of Incarcerated Women

Case 1: Christina Riley, Jacqueline vs. Russel E. Rollison

Overturf Brush Correctional Facility in Colorado has featured some cases of sexual abuse of female prisoners. For example, in 2008, Christina Riley and Jacqueline Overturf who were prisoners from Hawai'i were sexually assaulted by a prison guard known as Russel E.

Rollison (Hunter, 2014). The two women filed a case where they alleged that they were coerced by Rollison to engage in the sexual act. One of the complainants even saved Rollison's semen and turned it as evidence in court. Despite having the evidence in a form of the defendant's semen, the state officials did not take the case seriously. Instead, the women were dismissed on ground that they were actually hatching a plot to get back to their home state in Hawaii. Since the resettlement, all Hawaii inmates were transferred to Otter Creek Correctional Centre in Kentucky (Hunter, 2014). The complainant was not dealt with but only transferred.

Unfortunately, the charges were reduced to a non-sex offense and were even granted probation.

Case 2: Cassandra Collins vs. Prison Captain

In this case, Cassandra Collins was taken advantage of by the prison captain who had granted her request to be enrolled in a furlough program that allowed her to spend the night and part of the day with her little children during the six months of incarceration period. From this day on, the captain forced Cassandra Collins to have oral sex with him and threatened to discipline her if she turned down the deal (Schulz, 2001). In one of the instances with the support of the sheriff's deputy, he drove her to a nearby bush and actually raped her. Cassandra Collins reported the case to the Florida Department of Law Enforcement (FDLE) to initiate prosecution of the captain. The FDLE refused to initiate the charges against the captain for fear of lack of evidence. It actually took the initiative of fellow officers of the captain to initiate a case against the captain for also assaulting her sexually. It led to prosecution of the captain who pleaded guilty in the case and consequently put to serve jail term in federal prison (Schulz, 2001). From this case, it is evident that Cassandra Collins's case was easily dismissed on the grounds that it was a case of female prisoner versus a senior male prison officer.

New Policies in the Criminal Justice System

Based on this background, the American society has come up with a number of policies that are geared towards addressing the cases of sexual abuse of women in prisons and upholding their safety and human rights while incarcerated. For instance, President Bush signed the Prison Rape Elimination Act into law in 2003. In this law, the government showed her commitment to legally address the cases of rape in prisons. All the states were also called for to conduct research-based studies on this matter in all their contextual correctional institutions. The individual states were also mandated to formulate clear policies on how they shall deal with the problem and show a commitment to enhancing safety of prisoners while in prisons (Pollock, 2004).

Although this was considered as a pioneer strategy that paved the path for future actions, it did not categorically handle the issue of women raped by the female officers. It was still assumed that the women incarcerated were safe under the custody of male guards. The law thus only considered the rape cases between the inmates (Pollock, 2004). In 2005, another new strategy had to be drawn in response to the report that had been published by the Department of Justice and the Inspector General (Talvi, 2007). According to this report, there was a widespread of sexual abuse of female prisoners by the male staff. The report further pointed out that despite the realization of such evil and misconduct by correctional officers, only 37% of the offenders had been exposed to the legal process of the law. Furthermore, it was reported that only three quarters of these offenders were punished through probation, as well.

Upon this notification, the act of rape of women prisoners by guards was criminalized in 2006. The offenders who were convicted of such an offence were subjected to up to five years of

imprisonment. However, despite the fact that the law was clear on the offense, the correctional officers did not fully comply with the implementation of the law. For instance, in the following year, only 42 % of the cases reported were taken through the legal prosecution (Talvi, 2007). Out of these, only 23 % of the suspects were arrested and only 3% were charged by the court of law. Furthermore, it was also reported that 15% of the offenders were allowed to retain their jobs despite the fact that they were proved guilty of the offence.

Despite such relevant legislations, the need to address rape cases of female inmates by guards need to be given new and more strategic approaches. This should be done with a clear understanding of the fact that inmates depend on guards in order to have access to their basic needs and privileges. As a result of this, caution needs to be taken to hinder the possibility of the guards to access inmate's personal records that can empower them to threaten or harass women prisoners sexually.

Where possible, women prisoners should be handled by female officers and personal files of female prisoners are under the custody of female guards. In addition to these, the state should invest in more research activities that will address the prevalence of such offences as well as their possible solutions within the legal framework. This should include the role of all stakeholders such as fellow inmates, the community, the police, and the courts of law. All the legal institutions should show a commitment to corporate and address this matter in a manner that it will punish the current offenders and inhibit future occurrences of similar offences, as well.

Recommended Penalties on Rape Offenders

The success in curbing rape of women inmates by guards' relies heavily on the legal corrective and preventive actions that are taken against such guards. To begin with, the female prisoners need to be educated of their human rights irrespective of their situation as convicted criminals. They should be encouraged to report such misbehaviors and abuses without fear, intimidation, or bureaucratic hindrance. This can be further enhanced through official periodical evaluation procedures through which the inmates can express themselves and report unlawful treatments by the guards (Ferszt, 2011).

If a rape case is reported, the officer in question should be suspended from duty until the case is established. This should create room for fair and accurate investigation and implementation of the full force of the law. If the court establishes that a guard has raped or abused a female prisoner sexually, such an officer should be interdicted on the basis of failure to meet the integrity standard which is required to hold such an office. This will keep the officer from attempting to commit a similar act if exposed to a similar condition.

Besides these, measures should be taken right from recruitment and training of prisons 'officers to prevent occurrences of such misconducts. For instance, the process of recruitment of officers should include integrity checks that lock up people with questionable characters. Furthermore, those who have a record of such an offence should be automatically disqualified from the service (Ferszt, 2011). The training of the corrective officers should be long, elaborate, and based on professionalism rather than mere focus on physical fitness. The prison officers should be trained on the need to uphold the rights of prisoners and be informed of the penalties

that are accorded to any contrary behavior. Virtue, character, and integrity should be core points of focus during the trainings (Ferszt, 2011).

Handling a Female Rape Victim

In a confirmed rape case of incarcerated women by prison officer, the offender should be exposed to the legal process while the victim should be given special medical and therapeutics care. To begin with, such a woman should be taken through HIV test and should she test positive, she should be entitled to proper treatment, care, and victim support (Pollock, 2004). Besides this, a woman who suffers from rape by a prison guard should be taken for a pregnancy test. If the test is positive, the woman should have the right the abort or to contain the pregnancy. In case the woman concedes to carry the pregnancy, the officer in question should be compelled to meet the relevant expenses both during and after the prison term of the woman.

When serving the term, such a woman should be treated with dignity as an expectant mother. She needs to be accorded all the prenatal care that entails medical checkups, proper diet, and she should be additionally exempted from vigorous duties that cannot be sustained by such a condition. At the end of the term, the woman should be taken through a relevant therapy on parenting and coping up with the situations of the community outside the jail (Clarke & Adashi, 2011).

Conclusion

Incarceration is the process of confining people in prisons as a corrective measure imposed on convicted criminals. Although both men and women can be legally taken through this process, women are exposed to various dangers as they serve their prison terms. The most reported of these dangers include rape and other forms of sexual abuses by the corrective

officers. In order to curb this, the governments should implement policies that encourage female inmates to be under guard of female officers. Disciplinary measures should be taken against officers who commit such crimes. In addition, the victims should be given proper medical and therapeutic care both during and after the prison term. It is important to implement policies that instill discipline and integrity upon corrective officers from training levels. If a female inmate happens to be raped by a guard, she should be entitled to the right to abort, taken though HIV test, and accorded relevant medical care.

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