REPORTING BEHAVIORS OF WOMEN INMATES

by

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A THESIS

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ABSTRACT

Sexual assault within the correctional system has been a constant issue in America since its creation. While special protections are supposed to be provided for vulnerable populations such as inmates, research shows that for many inmates in prisons around the country, adequate protection against inappropriate sexual behaviors is not ensured. The best way to ensure inmates’ protection is to have a reporting system in place, but this system can only work if the inmates trust the system and feel that it is legitimate enough for them to utilize it. If inmates do not file reports, there is a systematic issue with the prison’s reporting system that must be addressed. The present study was conducted by interviewing 40 women inmates in the Birmingham Work Release Facility in Birmingham, Alabama and it examined how comfortable inmates were with reporting inappropriate sexual behavior when it happens, and when the report is made, how they felt it was handled. The study found that after the Department of Justice settlement agreement made with the Alabama Department of Corrections that mandated changes to be made in the treatment of sexual assault within their facilities, women inmates felt more comfortable reporting abuse; however, reporting was highly dependent on the facility they were incarcerated in and the level of trust they had in the correctional staff. The conclusions of the study allow researchers to better understand the problem of inappropriate sexual behaviors in prisons as it relates to the reporting systems in place and be able to take meaningful steps to improve the safety of inmates in prisons today.

Keywords: Women’s prisons, sexual assault, legitimacy and trust, sexual assault reporting, PREA
DEDICATION

This thesis is dedicated to my loving family who have always stood by me in my academic endeavors – no matter how long it took me to complete them.

This thesis is also dedicated to the amazing women of this study who so willingly opened their hearts to me by sharing their stories with candor in the hopes of making a difference.
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1. INTRODUCTION

Sexual assault and rape are problems the United States have been facing for years yet there is still little confidence in the reporting processes for such crimes. Under-reporting and inadequate investigations have led to difficulties in assessing and prosecuting these crimes both with the public at large and within controlled populations. From the convict lease system, formed after the Civil War, to the 21st century maximum-security facilities, incarcerated women have experienced a constant threat of sexual violence within the correctional system. While circumstances surrounding sexual assault for incarcerated women have improved with reforms to the correctional system, the issue of sexual assault in prison has a long way to go before all women are protected from abuse within America’s prisons and jails.

The Prison Rape Elimination Act, passed in 2003, brought national attention to the issue of sexual assault and rape inside prisons and provided federal guidelines for all correctional facilities to follow that are designed to reduce the amount of sexual assault in the corrections system. The act protects inmates against sexual misconduct by correctional officers and fellow inmates alike, providing secure reporting processes to protect inmates. The data available on this topic is still limited and the implementation of this act is left solely up to the states themselves. Creating a law to reform sexual assault reporting and investigative procedures is a good first step to solving the issue of rampant sexual abuse in the correctional system, but interventive efforts cannot end there. The correctional system must ensure that the law’s implementation secures the promise of these protective measures so that the theory of the law becomes reality. Finally, and the focus of this study, correctional facilities must tackle the very real issues of legitimacy and
trust surrounding sexual assault reporting and investigative procedures. The corruption of these procedures has eroded any trust or legitimacy the process once may have held and correctional departments must work to rebuild the connection between inmates and the system. A flawless design can be implemented that adequately protects and finds justice for sexual assault victims, but if the victims do not trust the system in place, they will not utilize it. One must trust the system to be fair and just before reporting something as sensitive as sexual assault. Discovering what is important to women inmates in this regard will help in creating regulations to ensure the sexual assault reporting system of correctional facilities regains its legitimacy.

The current study examines incarcerated women’s perceptions of the reporting system in their facilities and whether or not they trust the system enough to report any misconduct they may experience. Asking the women what influences their decision to report or not report will be invaluable to lawmakers looking to create realistic policies of sexual assault prevention. Conducting qualitative interviews with women who are currently incarcerated about their trust in the prison reporting system will provide much needed data on the state of the reporting process in the Alabama Department of Corrections facilities. The findings will help policy makers and correctional management understand what is working and what is not when reporting inappropriate sexual behaviors and their subsequent investigations in women’s prisons and will in turn help them to create more realistic oversights and procedures to ensure the protection of all inmates and to ensure their reporting systems are something that victims of abuse feel comfortable utilizing.
2. LITERATURE REVIEW

History

The United States has had a serious problem with women inmates experiencing sexual assault since the criminal justice system started incarcerating women. Some of the most blatant examples of sexual victimization can be found in the immediate aftermath of the Civil War and the creation of the convict lease system designed to extend slavery in a constitutionally sound manner. Rape and sexual assault of female slaves was a common occurrence under slavery with no legal recourse for victims due to their enslaved, non-citizen status. This abuse continued even after slavery was made unconstitutional by the 13th Amendment of the United States. This amendment left one glaring caveat: it states that, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction” (Library of Congress [emphasis added]). The inclusion of a legitimate way to continue slavery ‘as a punishment for crime’ led to the infamous Black Codes that sought to criminalize black bodies and the convict lease system that continued the economically fruitful practice of slavery. However, the insistence on keeping black people subservient to whites was not solely for economic gain. The social advantages of being white were not something that the people of the nation were ready to give up. The importation of tenets of slavery into the criminal justice system allowed whites to continue their social and physical domination of black people legally and without oversight. Analyzing how the criminal justice system created a prison system that continued the indignities of slavery is an important step in understanding abuses that continue to plague the system today.
As stated above, enslaved women faced a constant threat of sexual assault from their white overseers. As a continuation of slavery, the convict lease system placed black women in the same position as they, yet again, worked under the complete control of white managers. The convict lease system instilled in white overseers the idea that everything that was allowed under slavery would be allowed to them as well, including unquestioned access to black women’s bodies. Rampant sexual assault in these work camps was an accepted pillar of the criminal justice system, especially when it came to incarcerated black women.

Talitha L. LeFlouria, in her book *Chained in Silence: Black Women and Convict Labor in the New South*, explores the experiences of black women in Georgia’s prison system spanning from the creation of the convict lease system to the chain gang. Since Africans were brought to the states for slave labor; the stereotype of the sexually promiscuous black woman had been used as an excuse for white men to rape black women. This stereotype persisted into the convict lease system where black women faced sexualized punishments and persistent sexual assault. LeFlouria (2014) examines whippings as a form of sexual attack. Inmates were forced to strip in public so that they could be whipped upon their bare skin. The constant sight of a naked black woman bolstered the idea of the promiscuous black woman (LeFlouria). Sexualized punishment parallels to the criminal justice system’s use of strip searches as punishment for women in correctional facilities and the absolute control correctional officers have over incarcerated women’s bodies today is not constrained to a single race. Though the female inmates were separated from the males in some camps, they remained easy prey for white overseers. Victim blaming was a key excuse for rape within the prison system because of the sexualized stereotype of black women. Black women were blamed for their own rape because of the reinforced stereotypes of the sexually available black woman: black women were incapable of being raped
(LeFlouria). This line of thinking remains prevalent in the correctional system today as many women inmates, especially ones with histories of sexual crimes such as prostitution, are considered ‘un-rapeable’ because of their hyper-sexualization.

Like the slave owners before them, white overseers of labor camps remained exempt from legal punishment for raping black women. Through LeFlouria’s (2014) extensive research, she never found a single case where an authority figure was found guilty and sentenced for raping a black woman in a prison camp. It will be shown that prosecuting correctional officers for abuse is still difficult. Another parallel that one can draw from the experiences of black women in the convict lease system to today’s prisons is the prevalence of victims of sexual assault hiding their victimization. Hiding one’s own sexual assault makes determining how prevalent sexual assault was in the convict lease system and how prevalent it is in today’s facilities extremely difficult. Pregnancy was a possible consequence of sexual assault upon women inmates and prenatal care within correction facilities appears to have always been lacking. LeFlouria explains how prison camps lacked basic medical equipment and when the equipment was present, it was uncared for, leading to complications in pregnancies and infections the doctors were unqualified to treat. These pregnancies within prison camps were commonly the result of an overseer raping the black inmate. At one facility in Georgia, it was the standing order from the overseer that newborns would be taken from their incarcerated mothers and thrown into the river. Through the Julia Tutwiler Report later in this section and the qualitative interviews discussed in later sections, one will see the similarities between pregnancies that occurred within the prison walls during the convict lease system and correctional facilities today.
Early prison reformers largely ignored the presence of sexual assaults in the prison work camps (LeFlouria). Though the reformers were able to separate women inmates from men inmates, women were still exclusively overseen by white men and so sexual assault was not mitigated. It wasn’t until the close of the 19th century that prison reformers, a reform movement heavily influenced by women, began talking about sexual assault in correctional facilities. LeFlouria discovered that molesting women inmates was ‘customary’ and the lack of visibility given to the issue of rape has been a constant throughout our prison systems. Even today, sexual assault in the correctional system is considered by many to be “America’s most open secret”.

*No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity,* published in 2016 and written by Sarah Haley, also looked at black women’s experiences in the criminal justice system of the south during the mid 1800s to the early 1900s. Like those before her, Haley found that black women were targets for state sanctioned violence both within the court system and work camps – later the chain gang. In her work, Haley acknowledges some key issues with mistreatment in the prison system that are still relevant today, namely, the fact that regulations can be legally agreed upon, but those regulations largely go unenforced (Haley). She notes that many times, investigators would write up the horrible conditions they witnessed in prison work camps, yet did nothing to remedy the terrible conditions the inmates faced. During this era, physical and sexual abuse against women was almost entirely racialized (Haley). White women being sentenced to chain gangs and work camps was met with outrage from the community, prison investigators, and attorneys that white women would undergo such harsh treatment. Whenever a white woman was punished by being sent to the fields to work (a job only relegated to men and black women) and the rare instances white women were lashed, there would be an uproar over the inhumanity of treating a woman with such brutality. The hundreds of black
women on chain gangs and in work camps who were regularly whipped were met with public silence.

The contrast of outrage and silence continued when allegations of sexual assault were revealed to the public; however, when the public was unable to see the inner workings of the prison, neither white women nor black women had their cases of sexual assault adequately investigated. Haley writes of a case where a white woman accused a warden of an “indecent proposal” and after asking her friend what to do about it, she was punished for revealing the sexual harassment. She was severely punished (for a white woman) for rejecting the warden’s advances and then revealing them to another inmate. Black women who were regularly punished harshly with whippings surely saw this instance of a white woman having the protections of femininity, femininity that was denied to black women, stripped away no doubt saw this incident as a clear message to all incarcerated women: the administration does not care who you are or what you’ve done, reporting sexual assault will not be tolerated (Haley). Through piecing together firsthand data from numerous sources, Haley discovered that inmates who did not report sexual assaults were not just spared from punishment for reporting, they were actively congratulated and given glowing recommendations to be released from incarceration early from the wardens of their facilities. Preferential treatment by the correctional authorities gives women another incentive to hide the abuse they suffer at the hands of the state.

Haley also analyzes the difficulty researchers encounter when trying to get accurate numbers of sexual assaults within the prison system. Poor records were kept, and once the prison labor camps were turned over from private companies to the government, even fewer records were kept. The best gauge to determine how many rapes happened at any given facility was to look at the medical records of pregnancies and births. Medical records, however, only provided
the number of women who were raped, became pregnant, and then carried their babies to term. There are many reasons records of birth are an incomplete data source to discover the prevalence of rape within prison camps. First, not all sexual assaults are rapes and not all rapes result in pregnancy; second, some women utilized various methods to abort an unwanted fetus; and finally, not all pregnancies naturally carry to term. (Haley). Birth records, an inadequate measure of sexual assault in prison camps, leads to yet another question: how can the amount of abuse that took place within prisons that does not leave a physical mark (like the birth of a child) be estimated? Sexual harassment such as verbal assaults have no way of leaving an indelible mark that can be seen though tangential records (such as birth records), so numbers on abuses like these are almost impossible to accurately gather. Written records are important in understanding what was deemed important to organizations and absences of records speak as loudly as the presence of records. Legal records were kept in a much more systematic way than convict camp records and the lack of the prosecution of prison guards in cases of rape is notable. “There is not a single record of an investigation or prosecution for a guard’s violation of black women in Georgia’s convict camps” (Haley, 2014, p. 113). Haley goes on to make a point that is incredibly salient today. Speaking of the lack of prosecution for black women’s rape within the convict camps of Georgia, she says, “[h]ere the state’s crime of ‘omission and proaction’, or lack of prosecution and tacit sanctioning of rape implies that the sexual assault of black women was part of the will of the state” (p. 114). This is a chilling analysis of the role of the state in prosecuting those who have been found to have sexually assaulted women who are under the custody of the state, and it is made even more chilling when applied today. As the current researcher will demonstrate later in the literature review, the state is still not prosecuting those who rape women in correctional facilities. Should Haley’s analysis of the state during the convict labor camp era
stand with today’s lack of legal action against those who abuse incarcerated women? Could it be argued that, due to the lack of investigations into staff misconduct, the rape of incarcerated women is ‘the will of our current state’?

The process through which inmates reported abuses they suffered in the correctional system was an incredibly damaging one. Those accusing the prison staff of some misconduct had to testify before the state without the benefit of their confidentiality being protected and then return to the facilities run by the staff they had just made a complaint about. Clearly, this created dangers to the inmate testifying against the officials because they would be subject to further mistreatment once they left the courthouse and were returned to the facility where the original abuse occurred (Haley). This threat of institutional retaliation is still salient today. Public sentiments on women raped in prison are the same today as they were during the convict lease system – many believe they can’t be victims or they egged the abuse on (Haley). Finally, Haley discusses how women who had been sexually assaulted or abused outside of prison had a higher likelihood of ending up incarcerated and experiencing further victimization at the hands of the state. Many of the cases Haley analyzed showed that the reason for the incarcerated woman’s arrest was for defending herself against a male aggressor. The courts of the 1800s and 1900s did not consider self-defense a viable legal defense for a black woman, thereby sentencing abused women to years of incarceration where they would face even more abuse. Through these examples, one can see that many issues inmates faced when dealing with sexual assaults in correctional facilities in the late 1800s and early 1900s hold true today.
Present Day

In modern times, the United States still has a problem when it comes to reporting crimes that involve sexual assault and rape. The Bureau of Justice Statistics (2016) defines rape as the “forced sexual intercourse including both psychological coercion as well as physical force” and sexual assault as “a wide range of victimizations, separate from rape or attempted rape. These crimes include attacks or attempted attacks generally involving unwanted sexual contact between victim and offender. Sexual assaults may or may not involve force and include such behaviors as grabbing or fondling. Sexual assault also includes verbal threats” (BJS, 2016). The National Crime Victimization Survey estimates that in 2014, there were approximately 284,350 rapes and sexual assaults on persons in the United States (NCVS, 2015). The Uniform Crime Report shows that there were about 90,185 rapes that were reported to law enforcement (UCR, 2015). The NCVS estimates that only about 33.6 percent of rapes and sexual assaults that took place in the United States were reported to the police, which means that police were unable to investigate 66.4% of the sexual attacks that happened. Sexual assault is a field of study that has grown over recent years but largely focuses on adolescents and college age women.

The Bureau of Justice Statistics (2016) indicates that around 4% of inmates incarcerated in a state or federal prison experienced some form of sexual victimization between the years of 2011-12. The BJS found that women reported at higher rates than men, but as stated earlier, the number of reports and the number of actual victimization may differ significantly.

The Prison Rape Elimination Act (PREA) was signed into law by President George W. Bush in 2003 and outlines reforms to be made in all correctional facilities in America. The act is intended to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to
protect individuals from prison rape” (PREA, 2003). The Department of Justice’s (DOJ) Final Rule was published in 2012 and outlines how every correctional facility, meaning all prison security levels and jails, must follow the standards that have been set out by the Department of Justice to protect every inmate from sexual assault and harassment while they are incarcerated. These standards enumerate the different methods of reporting each facility must have in place and available to inmates, standards facilities must follow that curb the opportunity for sexual assault to take place, training for both staff and inmates on PREA, the presence of a specific PREA compliance officer within every facility, and the steps an institution must take when a report of sexual assault is made (PREA, 2012). Despite the act demanding reforms to prisons geared toward protecting inmates from sexual assault and harassment, some correctional facilities throughout the country have ignored the standards provided and currently, there is no method for the DOJ to ensure all facilities are complying with the law.

Little research has been conducted to analyze the reporting processes that are in place throughout America’s prison system. The research that follows is largely focused on the problem of inappropriate sexual behaviors in prisons, but some of the research examines the inmates’ experiences with the reporting systems. All mention of the prison reporting system is tangential to the broader study topics and no studies that look primarily at the reporting system have yet been widely publicized.

There are many factors that influence the likelihood of sexual assault. In their longitudinal study, “Child Sexual Abuse, Pose-Traumatic Stress Disorder, and Substance Use: Predictors of Revictimization in Adult Sexual Assault Survivors”, Ullman, Najdowski, and Filipas (2009) find that methods used to numb the pain of childhood abuse lead individuals to be
more at risk for sexual assault in their future. Child sexual abuse, PTSD symptoms from abuse, and substance use are all common characteristics of incarcerated women.

Ryan Walsh and Steven Bruce (2014) researched what factors influenced a victim to make the decision to report, or not report, a sexual assault. The study was conducted on free individuals, not inmates, however the reasons can be similar to the reasons inmates cite in their decision to report. They found that when the victim wished the assault to remain private, when they viewed the assault as trivial, or viewed the assault as less serious were less likely to report the assault to the police. The relationship between the victim and perpetrator also had a significant role in their likelihood of reporting the incident. Walsh and Bruce looked at what impact mental health had on the likelihood of reporting as well, finding that those with symptoms of PTSD where one avoids the triggering situations were less likely to report an assault and those whose symptoms cause them to re-experience the trauma were more likely to report. These findings echo the reasons the participants in this study cited for choosing not to report sexual abuse within correctional facilities.

The article “Conceptualizing and Stopping State Sexual Violence Against Incarcerated Women” (VanNatta, 2010) discusses the issue of inappropriate sexual behaviors in women’s prisons. VanNatta notes that government research has almost completely focused on men and sexual violence between inmates, ignoring the issue of staff and correctional officers engaging in these inappropriate behaviors with inmates, specifically women inmates. VanNatta argues that the way inappropriate sexual behaviors, specifically sexual assault, is currently conceptualized has flaws because prison dynamics are vastly different from larger society so a prison-specific understanding of what could count as a sexual attack is necessary. Power imbalances in prison are an example of this discrepancy since the idea of ‘consensual sex’ is complicated (and
completely refuted) by the fact that correctional officers control every aspect of inmates’ lives. VanNatta proposes a new addition to the category of inappropriate sexual behaviors: strip searches. Investigations have found that strip searches can be used for punishment or harassment of female prisoners, and not only used for the safety purposes for which they were designed (VanNatta, 2010).

In Illinois, when a prisoner reports that a staff member has raped her, she is placed in segregation and all resources such as phone calls, visits, work, and school are taken away until the investigation is completed. Through the qualitative interviews in later sections, it is seen that this was the case in Alabama facilities as well. While in segregation, the inmate may be sexually assaulted more (VanNatta, 2010). In VanNatta’s study, it was difficult for women inmates to get in touch with someone to start an investigation in time for a rape kit to be administered and correctional officers were found to have actively sabotaged investigations once they had been started. If the allegations of sexual assault have been determined to be false, the inmate also faces severe penalties such as segregation and an extended sentence (VanNatta, 2010). Thus, prisoners have good reason to not report rape or inappropriate sexual behaviors supporting research findings that reveal paper reports are not representative of what is really happening. Qualitative interviews must be conducted to get a more complete image of the prison reporting process when it comes to inappropriate sexual behavior.

“Sexual Coercion Reported by Women in Three Midwestern Prisons” (Struckman-Johnson and Struckman-Johnson, 2002) is another article reviewing the issue of inappropriate sexual behaviors in prisons. The Struckman-Johnsons point out what many other researchers also have, that sexual abuse against incarcerated women is one of America’s “most open secrets”. The researchers note that women in prison are seen to lack credibility since many have engaged
in prostitution in the past (Struckman-Johnsons, 2002). Being seen as sexually promiscuous before incarceration makes them less likely to be perceived as victims to the public and correctional officials and as will be seen later, they may not be perceived as victims by fellow inmates either. The Struckman-Johnsons conducted a two-tier study that consisted of a written survey and interviews with the inmate participants. Some of the interviews in the study by the Struckman-Johnsons show that officers harassed and sexually assaulted the prisoners and informed the victim that if she told anyone, no one would believe her. When inappropriate sexual behavior is reported, the report is often not taken seriously. For the amount of incidents reported in the survey by inmates, very few were reported to the staff of the prison (Struckman-Johnsons, 2002). This study highlights the lack of response by prison staff to inappropriate sexual behavior reports again stressing the need for qualitative interviews with inmates in order to understand the extent of abuse.

In 2007, the Department of Justice conducted an investigation into inappropriate sexual behavior in America’s prison system in accordance with the Prison Rape Elimination Act. A report on this investigation was written by Owen, McCampbell, and Wells. Correctional officers working in men’s prisons around the country were asked about their experiences in dealing with inappropriate sexual behavior in the prison. The participants stated that they did not have much personal experience with inappropriate sexual behavior or investigations, but they acknowledged that inappropriate sexual behavior happened more than they were aware of (Owen et. al., 2007). The study identified variables that made investigating inappropriate sexual behaviors in prison difficult as well as elements present in successful investigations. Insights were provided on how the investigative system can be reformed to be more effective. For example, Owens et. al. argued
that, in order for inappropriate sexual behaviors to be effectively dealt with within prisons, there must be a collaborative effort between inmates, staff, and partners outside the prison itself.

Kristine Schanbacher wrote the article “An Inside Job: The Role Correctional Officials Play in the Occurrence of Sexual Assault in U.S. Detention Centers” in 2015. Schanbacher examines different ways in which officials sexually victimize inmates, create situations where abuse can occur, and fail to take action when abuse is reported. She then explains how it can be incredibly difficult for abusive correctional officers to be legally held accountable for their actions. The Prison Litigation Reform Act of 1996 was intended to stop frivolous lawsuits made by inmates, but instead created a system so complex and filled with pit-falls that it became extremely difficult for inmates to file a grievance against an officer (Schanbacher, 2015, p. 51). One such pit-fall is the caveat that if an inmate makes one mistake while filing a grievance, their right to sue is ‘forever forfeited’ (Schanbacher). These reforms to the litigation process make it much easier for officers accused of abuse to settle the complaint outside of the court room, denying inmates of their right to have an impartial investigation of their claims. Another glaring issue with this Act is that it necessitates physical harm to be visible. Inmates were unable to file reports of verbal or mental abuse (Schanbacher). The Prison Rape Elimination Act of 2003 was intended to fix these issues and protect inmates from sexual assault within the prison system. As examined above, the Department of Justice currently has no way to ensure all facilities are following the guidelines set up under PREA (Schanbacher).

There is a lack of research into women inmate’s experiences with the sexual assault reporting system and, in the light of PREA guidelines designed to protect inmates from those behaviors, it is important for researchers to conduct studies to determine if these guidelines are functioning properly.
The literature, specifically on the recent investigations into sexual assault at the Julia Tutwiler Prison for women, a part of the Alabama Department of Corrections (ADOC), impacted this research study. The study is being conducted in light of a recent criminal investigation into sexual assaults within correctional facilities under the control of the ADOC and most of the women who will be participating in this study were once incarcerated in Julia Tutwiler Prison for Women. Only five participants had not been incarcerated at Tutwiler during their time in ADOC facilities. In researching official data regarding Julia Tutwiler prison, many gaps in information documented were noted. Resources from the Alabama Department of Corrections that show disciplinaries in the prison facilities in Alabama do not have statistics available for staff on inmate crime. The only disciplinary topics available are inmate on inmate crime, inmate on staff crime, and suicides (Alabama DOC, 2015). The lack of transparency makes it difficult for information about staff on inmate behaviors to be evaluated because it simply does not exist in an obtainable form. Lack of obtainable records about abuses that occur within correctional settings echoes back to the lack of reliable reporting in convict labor camps of the 1800s and 1900s.

A United States Department of Justice investigation was conducted at Julia Tutwiler Prison for Women in 2014 due to allegations of inappropriate sexual behaviors against women inmates perpetrated by the staff of the prison. The investigation concluded that Julia Tutwiler staff had been violating the Eighth Amendment rights of the inmates housed in the prison for at least two decades and noted the inadequate reporting and investigative policies the prison provided. The Department of Justice stated that, “the inappropriate sexual behavior, including sexual abuse, continues, and is grossly underreported, due to insufficient staffing and
supervision, inadequate policies and procedures, a heightened fear of retaliation, and an inadequate investigative process” (DOJ, 2014). In response to this report, the United States Department of Justice reached a settlement agreement with Julia Tutwiler Prison management in May of 2015 that provided protections for inmates such as sufficient staff, hiring of more female correctional officers, the installation of camera systems, education for the inmates on the proper procedures to report inappropriate sexual behaviors, protection from staff retaliation at reported inappropriate sexual behaviors, and staff training. The installation of shower curtains, bathroom stall partitions, male correctional officers having to announce themselves before walking into a women’s living quarters, installation of PREA phones, the hanging of PREA informational posters around the facility, and the creation of a PREA officer were all changes mandated by the settlement agreement. The investigative process followed by the staff at Julia Tutwiler has also been reformed in an effort to ensure timely and thorough investigations into all reports. Independent monitors have also been put in place to make sure Julia Tutwiler staff is complying with the new regulations set forth by the Department of Justice (DOJ, 2015).
3. METHODOLOGY

Theoretical Framework

In his book *The Legitimation of Power*, David Beetham (1991) sets out to create parameters in which social scientists can study power and its legitimacy. Beetham defines his argument as “identifying the empirical consequences that legitimacy has for the character of power relations, for the different ways in which they are organized, and for the extent to which the powerful can actually count on the obedience or support of those subordinate to them.” (Beetham, 1991, p. 5). The criminal justice system is arguably one of the most important institutions to maintain the legitimacy of its power not only for the public at large, but for incarcerated populations as well. According to a Gallup poll conducted in June of 2016, American’s confidence in the criminal justice system was sitting at a dismal 23% with 36% saying they had either ‘very little’ or ‘no’ confidence in the system (Gallup, 2016). This of course, only accounts for free Americans’ views of the criminal justice system; the incarcerated population’s level of confidence in the system remains a mystery.

So how can researchers go about measuring the amount of trust and legitimacy inmates give the prison system? Beetham lays out some guidelines of observable variables to gain an understanding of legitimacy. “What is important for legitimacy is evidence of consent through *actions* which are understood as demonstrating consent with the conventions of the particular society, such as: concluding an agreement or entering into a contract with a superior party;…voting in an election or plebiscite; and so on.” (Beetham, p. 12). To translate this to the study topic it is important to add to the action ‘participating in the current system of justice by
reporting misbehavior’. A lack of reporting (taking action in accordance to the conventions of the institution) can be seen as a rejection of the legitimacy of the power the prison authority figures have.

So how does an institution lose legitimacy in the eyes of the people? One way is through the corruption of the institution itself. Lawrence Lessig, speaking on corruption in the pharmaceutical industry in his forward in the *Journal of Law, Medicine, and Ethics*, says that “[i]nstitutional corruption is manifest when there is a systematic and strategic influence which is legal, or even currently ethical, that undermines the institution’s effectiveness by diverting it from its purpose or weakening its ability to achieve its purpose, including, to the extent relevant to its purpose, weakening either the public’s trust in that institution or the institution’s inherent trustworthiness” (Lessig, 2013, p. 2). The focus of the current thesis research is on the sexual assault reporting system within correctional institutions and the level of trust inmates have in the system. Using this definition of corruption and the findings of the Department of Justice investigation of how reports were handled by the administration of Julia Tutwiler Prison, it can be argued that the sexual assault reporting system in the Alabama Women’s Correctional Facilities had been corrupted, therefore losing legitimacy in the eyes of the government of the United States and the inmates within each facility. The authorities of the prison stopping sexual assault from being investigated and creating environments where sexual assault would go unpunished clearly ‘diverted’ the reporting process ‘from its purpose’ and ‘weakened its ability to achieve its purpose’.

So how does one regain the trust and legitimacy an institution has lost? The Department of Justice recognized this loss of trust and legitimacy within the prisons of Alabama and created a settlement agreement in 2015 in an attempt to reform the sexual assault reporting process.
within the prisons so that they meet the Prison Rape Elimination Act standards developed in 2003. Despite the DOJ’s investigation, no research has been conducted on the inmate’s trust, confidence, and perception of legitimacy of the sexual assault reporting system in prisons. This study attempts to measure these variables, and how they have changed since the settlement agreement, by interviewing women inmates in the Birmingham Work Release Facility in Birmingham, Alabama. Has the legitimacy of the prison’s power been restored and if so, how was this accomplished?
**Research Design**

To answer these questions, an exploratory study has been designed to investigate the reporting of inappropriate sexual behaviors in a women’s correctional facility and the subsequent investigations. The data for the study was collected by conducting face-to-face interviews with women inmates in a women’s correctional facility in the south, the Birmingham Work Release facility. The design of this study was cross-sectional, collecting data from participants at only one point in time. The participants will not be contacted at a later date for new information; the goal of the study was not to follow them over a period of time. Data collection involved loose-structured interviews composed of both quantitative and qualitative questions. The researcher sought to understand how comfortable inmates felt about reporting inappropriate sexual behavior within the prison system and their experiences with the investigative process that occurred after the report was made. Institutional Review Board approval was given for an interview with the PREA coordinator at the Birmingham facility to cross check the answers the inmate women gave on how they believed the reporting system worked. The PREA coordinator was also to be asked how the decisions about how the reports are handled were made since the federal PREA guidelines leave many aspects of enforcement to individual states, possibly even up to individual facilities.

**Population and Sample**

The population of this study is all 211 women currently incarcerated in the Birmingham Work Release Facility in Birmingham, Alabama who can read, speak, and understand English. The facility staff posted flyers throughout the facility one week before the study interviews were scheduled to begin, indicating that there would be a study conducted in the facility. The only information given on the flyers was that a study was being conducted about experiences in the
prison system; the specific nature of the study was withheld from the larger population. The entire nature of the study was not included in the flyer to protect the participants from scrutiny or stigma. Inappropriate sexual behaviors can be difficult to talk about and if the entire facility knew the study was on such a topic, participants may have been inclined to not participate in the study to avoid stigma. A copy of the flyers used can be found in Appendix A.

Because the population studied is contained and well documented, the researcher recruited participants from the alpha roster of incarcerated women procured from the warden of the Birmingham Facility. The sample was selected by using simple random sample procedures to ensure as little volunteer bias as possible and to ensure a large enough sample. Forty names were randomly selected, but after many of those who were initially selected declined to participate in the study, the researcher continued to randomly select participants until 40 individuals had been interviewed. The names of those sampled were kept in a secure location. The only individuals privy to the sample was the researcher, the warden, the warden’s secretary, and the prison staff member who was chosen to bring the participants from general population to the interview room. Due to a miscommunication among the staff of the facility, for a time the participants were called to the interview room over the facility intercom. After the researcher explained the concern for confidentiality to the correctional officers and relevant facility staff, they refrained from using the intercom for the remainder of the study. The sample consists of 40 women, currently inmates in the Birmingham Work Release Facility, of all ages, and all races, all of whom can speak, read, and understand English.

Forty participants were chosen for this study because, as this is a qualitative study, sample sizes tend to be smaller while still being able to provide clear and diverse data. Smaller sample sizes also allow researchers to work within time limitations for academic studies.
Instrument

The method of data collection for this study was a loosely structured, face-to-face interview schedule. A copy of the interview template can be found in Appendix B. The data collected from the interviews has been analyzed to find common themes for women inmates and their experience with reporting inappropriate sexual behaviors within the prison. Any barriers the women may face while reporting inappropriate sexual behaviors have been noted, as well as assessing how they were treated during the investigative process after reporting the inappropriate sexual behaviors.

Conclusions were drawn after the analysis of the data to determine how effective inmates felt the inappropriate sexual behaviors reporting process was and if distrust or the belief that the system is ineffective was found. The exploratory study does not have a hypothesis, conclusions were drawn through inductive logic after reviewing the answers given to open-ended questions in the interview. Solutions have been proposed to address the specific problems that were revealed in the study.

The interview schedule contained ten sections for a total of thirty questions, both open and closed ended. Each section contained several closed-ended questions which were then followed up by open ended questions to gain a fuller understanding of the participant’s answers. The goal was to encourage the participants to openly discuss the topics with enough structure to answer the research question, but not enough structure to limit the participants’ narratives. The instrument was pre-tested by the researcher conducting two mock interviews that were observed by the thesis chairperson.

Section I of the interview began by gathering control variables though demographic information on the participants. The demographic information (age, race, educational level,
former occupation) was gathered as standard information to describe the sample of women inmates when writing the thesis. Section II of the interview then asked about the participant’s family history such as where they were living prior to incarceration and the experiences the participant had during childhood. Previous research has found that abuse during childhood is a predictor of abuse during adulthood so asking these questions will help the researcher identify similar life courses experienced by the participants and how these could affect the likelihood of reporting inappropriate sexual activities. Section III of the interview delved into the participant’s criminal history and incarceration record. The length of time served in different locations may influence the participant’s experiences and reporting behaviors. After going over the participant’s criminal history, Section IV of the interview inquired about the participant’s history of sexual victimization outside of correctional facilities. As with childhood abuse, previous sexual abuse has been shown to have effects on future sexual abuse. The decision of the participants to report any sexual assault that may have happened to them outside of a correctional facility may also have an effect on whether or not they choose to report assaults that happened inside a correctional facility.

Section V of the interview was the point in the interview where the main questions posed in this research study were investigated. The women were asked about their knowledge of PREA and the protections it offers and sought to discover if the participants knew the best actions they would take within the Birmingham Work Release Facility to report any sexual misconduct. Section VI asked the participant about her experience with inappropriate sexual behaviors while incarcerated. The women were then asked whether they know of someone who has experienced inappropriate sexual behaviors while incarcerated. The questions were posed in such a manner that if the participant felt uncomfortable admitting their own experiences, they had the
opportunity to offer any information they were willing to give in a more anonymous way. The next section asked about reporting behaviors. The participant was asked if the individual who experienced the inappropriate sexual behavior reported the behavior and how the report was handled by the correctional staff. The participant was also asked about the experiences of the individual who reported during the investigation of the inappropriate sexual behavior. Section VII, the end of the investigative questions, asked the participant about the outcome of the investigation into the reported behavior. This gave the researcher information on how the investigations were concluded.

Section VIII of the interview focused on the general feelings the participant had about the reporting process itself. They were asked how they felt about the reporting process available at the Birmingham Work Release Facility, they were asked about what they liked and disliked about the system and were asked for suggestions to change the process. Section IX covered the participants’ hypothetical use of the reporting process by asking questions such as whether they felt comfortable reporting and whether they felt the staff would be helpful to them. The participants were then asked how they felt about the reporting process in the other facilities they had been housed in. The last part of this section probed the participant further by asking them if they feel that staff training, a screening process during the hiring of correctional officers, or the authority figures in the prison could influence how comfortable inmates feel about coming forward and reporting sexual assault.

The end of the interview, Section X, asked if there was anything about the reporting system the participant would like to speak about that was not brought up during the interview.
Setting

The only site where research was conducted was the Birmingham Work Release Facility in Birmingham, AL, which opened in 1973. This is a minimum security facility for women, meaning that inmates are confined to the inside of the correctional facility but are free to move around the different rooms as they wish. There is only one entrance and exit which is monitored and a correctional officer who searches every individual who enters the facility. The facility includes large dormitories with rows of bunk beds and bathrooms on either end of the room; there is a room filled with books and computers where GED classes are held; a ‘movie room’ where women can watch a large film projected on the wall, and a smaller snack room filled with tables, vending machines, and a TV on the wall. There are phones throughout the facility and drop-boxes on the walls, a separate box set aside for PREA grievances, along with posters about PREA. The canteen is situated next to the back door across from ‘central’ where the officers on duty keep track of people entering and leaving the facility. The PREA compliance officer shares an office with the facility counselor just off the main dining room just beside the double doors that lead to the administrative portion of the prison that holds the warden’s office. Inspirational quotes are painted in large, colorful letters along the walls and the women greet those they see walking through the facility. The incarcerated women are constantly coming in and out of the back door either going to their off-campus jobs or gearing up for their lawn maintenance work on the facility grounds. As is echoed in many of the interviews, the Birmingham facility, though a minimum-security prison, was open, clean, and the oppressive sense one would expect to feel in a prison was noticeably absent.

Around 200 women were being housed at the Birmingham facility during the time of the study with one PREA officer assigned to the facility. Most of the women were sent from their
local jail to Julia Tutwiler Prison for Women before they were transferred out to the other ADOC facilities. Some women were transferred from Tutwiler to Montgomery and then Birmingham, and only a few women indicated that the Birmingham facility was the only ADOC facility they had been held in after leaving the local jail. The majority of women (n=132) in the facility were under MIO custody status, meaning they were not allowed to work a job outside the correctional facility, and the remaining women (n=79) were under COM custody which allowed them to hold jobs at local businesses during the day and return to the Birmingham facility after their shift.

**The Researcher’s Ethnographic Narrative.** The interviews took a total of six days over the course of four weeks. I worked with the schedule of the Birmingham facility to complete all 40 interviews, conducting from three to ten interviews on any given day. The interviews for the first four days took place in the old GED room in the facility that was being renovated. It was a bare, cinderblock room with a concrete floor scattered with a few candy wrappers and the room was empty save for a pile of lumber along the back wall and a shelving unit with building materials. I was given a narrow computer desk that had been pushed to the center of the room to sit at while the interviewees sat across from me in a rolling chair with a small desk attached to the arm. The room was in the main body of the facility and was situated across from the laundry room where women were regularly working. The fifth day of interviewing took place a week and a half after the initial interviews due to delayed replies from sampled participants. The old GED room was filled with far more building supplies by this time so the interviews took place in the current GED room that was filled with computers, old and new, and books that ranged from “Twitter for Dummies” to physics text books. The last day of interviews was conducted in the administrative section of the facility in the conference room that was connected to the warden’s office since he was out for the day.
Entering the facility for the first day of interviews was nerve-wracking because I didn’t know how the staff of the facility would view me, an outsider, coming into their carefully controlled territory to ask questions about their charge. These feelings were largely unfounded as almost every officer I interacted with was professional, cheerful, and more than willing to go out of their way to help me in any way I needed. The nervousness I felt toward the staff of the facility was nothing compared to the worry I had for how the women inmates would view me. Would they be open to sharing their experiences with a young stranger carrying a briefcase? Would they be afraid I was here to get them in trouble or would they think I was just another person coming in for a PREA audit to ask the same tired questions of ‘Do you feel safe’, ‘Have you ever been approached by an officer or an inmate’, ‘Have you ever been sexually assaulted’? Much to my relief, the women had no problem sitting down and answering all my questions. Once the interviewees realized I was mainly concerned about their opinions of the sexual assault reporting system, not if they had been assaulted themselves, they relaxed and became engaged in sharing their ideas about what was good about the system and what needed to change. During the days when I stayed long enough to catch the roll call before and after shift changes, the women who were being interviewed had to stay in the room even after the completion of the interview until the facility was taken off lock-down. Every time I sat with a woman after the tape recorder had been turned off, we talked about everything from home decoration to hopes that they could be granted parole so they could be there for the birth of their grandchild. By the last day of interviews, I couldn’t walk down the halls of the facility without at least one of the interviewees stopping me to say hello.
Data Collection Procedures

The researcher conducted mock interviews that were observed by the administrative contact at the University of Alabama in preparation for interviewing the participants of this study. The researcher received feedback in order to strengthen her interviewing technique and prepare her for interviewing official study participants. Permission to conduct the study was granted by the warden of the Birmingham Work Release Facility, James Tucker, and Dr. Wendy Williams, the Deputy Commissioner for Women’s Services for the Alabama Department of Corrections (ADOC), a position that was created in 2014 in the wake of the Department of Justice investigation into Julia Tutwiler Women’s Prison. Approval letters can be found in Appendix C and D. The study was then approved by the Institutional Review Board (IRB) of the University of Alabama after the researcher presented the study proposal to the full review board. The IRB approval letter can be found in Appendix E. A supplemental interview to be conducted with the PREA coordinator of the facility was also approved by the IRB, but the officer was unable to sit for the interview.

The loose-structured interviews conducted included some questions operationalized through simple methods such as (1) for ‘Yes’ answer, (2) for ‘No’ answer, and so on. Other questions were qualitative in nature to discover the personal experiences of the subjects that cannot be covered with quantitative questions. Qualitative answers also allow for participants to identify any information that needs to be gathered yet was omitted from the quantitative questions. These answers have been obtained through written consent to be audio-recorded. Two participants requested to be interviewed without the audiotape and the researcher took notes on the interview transcript for those two interviews.
Prior to being called into the interview room, the participants only knew that a study was being conducted about experiences in the prison system. Once the individuals chosen for the sample were present in the interview room, the purpose of the study was explained to them. Due to the nature of the prison environment, the women who were interviewed on the first day talked about their experience during the interview to inmates in the facility and so on the subsequent days, some participants had a better idea of the nature of the interview. The participant’s consent to participate in the study was obtained through an informed consent form. Each participant was asked to sign an informed consent form after they had been briefed on its contents, had a chance to review the document and ask questions, and before the interview began. Three participants did not wish to sign the consent form, and they were not interviewed.

Because the participants were inmates, there was a more involved informed consent for conducting this study. An application for research involving prisoners was completed (located in Appendix F) and approval from the ADOC, the warden of the Birmingham facility, and the IRB was obtained before the study began. Approval letters can be found in Appendices C, D, and E. The nature of imprisoned study participants makes informed consent an extremely important part of this study. All precautions were taken to ensure that the participants did not feel coerced in any way into participating in this study and that they understood that early release/parole or institutional rewards would not be given if they choose to participate and that institutional penalties would not be imposed if they decide not to participate. The risks and rewards for participating in this study were not significant and, therefore, should not have influence the participant’s decision to consent to the study or not.

Because some prisoners had various education levels, the researcher briefed the participant on the contents of the informed consent document and ensured that the interviewee
understood the implications of the consent form. The researcher answered any questions about the informed consent document that the participant had to ensure full comprehension of the document. The language used in the informed consent document is at an eighth grade reading level.

A copy of the Informed Consent Document can be found in Appendix G.

**Risks to Subjects**

Due to the sensitive nature of some of the questions, participants may have felt uncomfortable or may have had anxiety about topics that were asked about. Unfortunately, this psychological risk was not entirely avoidable because in order to learn about inappropriate sexual behaviors, some individuals may relive the assault or its aftermath as they recount it. The risk was mitigated, however, by allowing the participant the opportunity to not complete the interview or to skip certain questions she felt would cause her psychological distress. If the participant chose to answer the questions, it was with their full and conscious consent. None of the participants experienced an adverse reaction during the study, but all were made aware of the mental health representative on site. A mental health representative was available through the prison to all the participants if they felt as though they needed to speak with someone after the interview. In accordance with the Prison Rape Elimination Act (PREA), a PREA representative was also available for participants to contact.
Confidentiality of Data

The data and information gained throughout the duration of this study has been kept confidential to the highest degree. Only the researcher, research chair, study participants, and the warden of the Birmingham Work Release Facility have been told the objectives and specific topic of the research study. Even though this is a research study, the researcher is a mandatory reporter by law. The researcher made sure to inform participants of this before they signed the consent form. They were aware that if they spoke of a sexual assault incident upon themselves that they did not report, the researcher would be required to report it to the PREA officer.

For an assurance of confidentiality in the correctional facility, the researcher requested to the warden that the study’s topic remain confidential with only the warden being told the full scope of the study. The other personnel within the Birmingham Women’s Facility were told that there was a research study being conducted about women’s experiences in the prison system. The participants of the study were asked to not speak about the content of the study with the other inmates and correctional staff, though many participants spoke of the study anyways. The list of participants for the study was kept confidential as well. Only the warden, the correctional officer who brought the inmate from the general population to the interview room, and the warden’s secretary who scheduled the interviews was told who was participating in the study. To ensure confidentiality, there was no correctional officer in the interview room so none of the interview was overheard. The only individuals who were in the room during the interview were the researcher and the study participant. The interviews first took place in the old GED room that was being renovated at the time, then in the current GED room, and finally, in a conference room in the administrative section of the facility. The interviews did not begin until only the researcher and participant were present in the room.
The digital information regarding the study such as the participant list, correspondence with prison management, and audio files were kept in a UABox that was secured through the University of Alabama. The researcher was the only one with access to the UABox. The hard copy information such as the consent forms, hand-written notes during the interview, and the tape recorder itself either remained on the researcher’s person in a locked briefcase (if being transported) or in the locked safe within the researcher’s apartment. The researcher was the only one accessing this hard copy information. The researcher lives alone, so any information stored in the apartment remained confidential.

When transporting the research study information to and from the prison, all information was kept in the researcher’s locked briefcase. The researcher was the only one handling the case other than the prison staff at the security checkpoint entering the prison and even then, the staff did not flip through the documents. The researcher transported the information in their own personal car and the researcher is the only one who has access to the car.

Transcription of the interviews remained confidential. All transcription was done on the researcher’s personal computer and immediately saved on the UABox that contains the other study information. The audio tapes were listened to in a secure location with no one else present to overhear the participant’s voice. The researcher was the only one transcribing the interviews. The participant’s name has not been recorded on the interview transcript and once the consent form was signed and filed, there was no way to match an interview’s recording or transcript with an individual participant’s name. The researcher also reminded the participant to not indicate any names or identifying features of themselves or any other individual the inmate may talk about during the recording of the interview and if the participant did give names, they have been changed on the interview transcripts. This is to ensure that no one will be able to identify specific
people that may be spoken of during the course of the interview and to ensure complete anonymity.

Once the study is complete, the participant list for the study will be deleted from the UABox. All consent forms will be destroyed once the study is complete and the required time for keeping such documents has elapsed (five years after the study’s completion). There will be no record left to identify the specific individuals who participated in the research study. The audio-recordings of the interviews will also be destroyed within five years of the study’s completion.
4. FINDINGS

Demographics

Of the forty participants for this study, all identified as women. Of those forty women, 62.5% (n=25) identified as white, 27.5% (n=11) identified as black, and 10% (n=4) identified as mixed-race. This is significant because the Alabama Department of Corrections (ADOC) only uses three racial categories: black, white, and undetermined. The alpha roster from which the participant sample was chosen only had the races white or black to identify the listed women, none were listed as ‘undetermined’. This racial distribution is almost identical to the racial distribution of the entire Birmingham Work Release Facility (n=211), with 64% identified as white and 36% identifying as black (taking into account that of the 10% in the sample who identified as mixed race, some could be roughly categorized as ‘black’ and others ‘white’ which evens out the percentages in the overall population to match the sample population). The racial distribution of the Birmingham facility is also roughly the same as the entire population of women incarcerated by the ADOC (n=2,346) with 71% (n=1,680) being identified as white and 28% (n=664) identified as black. The Birmingham facility has a slightly higher percentage of black inmates than the overall incarcerated population, however the change is not significant.

Table 1 in Appendix H gives an overview of the ages of the women who participated in the study. There was an even distribution of ages with 50% (n=20) of participants being between the ages of 36-55. The youngest participant was 22 and the oldest was 74. Table 1 also depicts the education level of the participants, also showing an even distribution with about the same number of women in each of the education levels from women who dropped out of school in the
fourth grade all the way to women who had multiple degrees. Of the forty participants, 75% (n=30) indicated that they had received some level of education within the prison system and only 25% (n=10) had taken no educational classes during their incarceration. Ten women earned their GED within the prison system and many women spoke of enrichment classes, two claiming to have taken every class the prison system offered. Fourteen participants took advantage of the trade classes and gained their certifications in areas such as para-legal work, welding, cosmetology, floral design, and work skills. Six women even completed their Associate’s degree from behind prison walls.

Table 1 shows the vast majority of the women indicated that they had children, with 59.5% (n=24) indicating that they had more than two. Of the women who had children, 73.3% (n=22) were the primary caregivers and only 26.6% (n=8) were not. Most of the women who were not primary caregivers for their children indicated that their children were in the foster-care system, but one woman who had her child when she was only fourteen let her mother adopt the child so she could become their primary caregiver.

The majority of the women, 65% (n=29), were not currently in a legally defined relationship, being either single, divorced, or separated. Only around 27% (n=11) were married at the time of the interview.

Incarceration Demographics

Table 2 in Appendix H shows that of the forty women interviewed, almost half (n=19) were incarcerated for murder, manslaughter, or DUI murder. Twenty-seven point five percent (n=11) were incarcerated for non-violent drug offenses such as possession, trafficking, and manufacturing, with one woman having been charged with the chemical endangerment of a child. Fifteen percent (n=6) had committed some type of theft or robbery, usually related to the
impoverished status of the participant. The other 12.5% (n=5) of participants had varying crimes ranging from promoting prison contraband to arson. For 55% (n=22) of the women, this was the only time they had been incarcerated, and 25% (n=10) had been incarcerated two or three times before. Only 20% (n=8) of the participants were habitual offenders, some having been incarcerated four to nine times, though one interviewee had 78 crimes on her juvenile record and around 20 on her adult record. She explained that the majority of her juvie crimes were due to fights at schools with bullies.

The majority of participants (57.5%, n=23) had been sentenced to over twenty years with 12.5% (n=5) of those being incarcerated for life. The other 37.5% (n=15) were incarcerated for less than twenty years, several serving split prison sentences where they would complete three to five years incarcerated in a facility and the remainder of their sentence on parole. One woman was not given a set sentence to complete and another was unclear as to how long her current sentence would last. Three women (7.5%) had served 20-25 years in prison already, 57.5% (n=26) had served 5-19 years, and the remaining 27.5% (n=11) had served less than four.

Half of the participants had spent time in a facility outside of Alabama, 32.5% (n=13) of those spent time in a Louisiana facility as part of their Alabama sentence due to overcrowding in Alabama prisons. Eighty-seven point five percent (n=35) of the participants had spent time in the Julia Tutwiler facility and 72.5% (n=29) had spent time in Montgomery Work Release. Ten percent (n=4) had been in Columbiana, a very small facility that has since been shut down, and only 7.5% (n=3) of the women had only ever been incarcerated in the Birmingham Work Release Facility, where the study took place.
Pre-Incarceration Experiences

Table 1 in Appendix H shows an overview of the participants’ lives before incarceration. The vast majority of women worked a steady job, most in full-time work and a few working both full-time and part-time jobs. The majority of the participants had reliable housing, either owning a house or renting and around 12% (n=5) of the women specifically indicated that they lived in a trailer rather than indicating that they owned a house. Around 17% (n=7) indicated that they were living with family due to financial struggles, schooling, or caring for aged relatives and around 7% (n=3) of the women were homeless, either living out of their cars, staying in motels, or sleeping on friend’s couches. One participant was well off enough to have multiple houses in several different states.

Lucy, a 55-year-old bank robber who identifies as half white and half Native American described her childhood, “I had the kind of childhood that nobody wants. And nobody cares. Nobody listens. That’s a long time ago, people listen now, but back then… it was a nightmare, to compare it to the childhood my children had.” Living in rural Florida, she describes how she had to drop out of school in the fourth grade to help her family work in the fields, how her family was always moving around, and how she finally ran away at the age of thirteen because her father molested her and when she reported it to the police, there was no punishment for her abuser. Thankfully, she was taken in by her then-boyfriend’s family who treated her well, but not all the participants in this study were so lucky.

Of the study participants, 32.5% (n=13) indicated that they had been abused in their childhood, many identifying more than one form of abuse perpetrated by more than one person in their life. Almost 77% of those 13 identified sexual abuse in their childhood, 38.4% identified physical abuse, and 23% identified verbal or mental abuse. Of those abused, 84.6% of the abuse
came from an immediate family member such as a mother, father, brother, or step-parent; 23% came from a relative such as a cousin, grandparent, or uncle; and only 15% identified abuse coming from a stranger, with one participant having been gang-raped by seven men when she was only thirteen. Diana, a 22-year-old white woman who had an extensive juvenile record due to fights with bullies at school had her childhood sexual assault compounded by her mother’s mental abuse, “Well I got raped when I was twelve. I called the police because my momma told me I got what I deserved, that I shouldn’t have been there.” Experiencing abuse was not the only exposure participants had to harmful home lives. Seven of the women indicated that they had witnessed abuse between their parents during their childhood, some even indicating that when they grew up and became involved in an abusive partner relationship themselves, they didn’t think anything of it because it was what they had seen all their childhood.

Of the forty women interviewed, only 57.7% (n=23) indicated that there was steady parental involvement in their childhood.

One participant, 54-year-old Candice, a black woman incarcerated for attempted murder after setting her apartment on fire, explained that even though she witnessed her father being abusive to her mother while she was young, she still had a good childhood,

I actually, you know, up until the age of five, you know, it’s just, that [witnessing my mother’s abuse] didn’t matter to me when I was little. But as I got older, I realized that that wasn’t right…I had a good childhood, you know, I’m the baby of the family so [laughs] yeah… basically, I got my way. You know, I was the baby.

Twenty-five percent (n=10) of the interviewees indicated only partial parental involvement with either one parent or the other becoming absent for long periods of time, 5% (n=2) indicated that there was either no parental involvement at all or the involvement that was there, they specifically characterized as ‘bad’, with 12.5% (n=5) indicating that they experienced
parental abuse. Patty, a 48-year-old white woman incarcerated for murder explains the difficult position she was placed in as she describes her childhood as,

[C]haotic. Um, because of the fact that my father was an alcoholic, um, he was very abusive his self. Um, not toward me, but toward other people. Um, and so that was something that I constantly seen, you know, growing up. And [pause] probably one of the reasons that I left when I did, to go with my mom.

Half of the participants (n=20) indicated that there was some form of familial dysfunction during their childhood with 6 indicating that there was parental substance abuse.

Despite challenging childhoods, 30% (n=12) of the participants indicated that their family lives got better as they grew up. Three participants indicated that the sexual abuse they had suffered during their early childhood ended in their teen years, and six indicated that as they got older, their parents changed for the better. For some, this meant their parents stopped fighting and for others, their parent’s drug use stopped and they turned their life around. Marsha, a 56-year-old woman incarcerated for a DUI murder, identifying as both white and Native American described her life as, “in the early years of my life, my parents drank and so…um, they partied a lot, so it was a very dysfunctional home. They later both turned their life over to Christ, when I was growing up in my teens, you know, early twenties, and their life was different at that point.”

**Pre-Incarceration Victimization and Reporting**

As shown in Table 3 in Appendix H, about half of the participants indicated that they had made a general report to the police prior to their incarceration. Some these reports were made in response to sexual assault, some were of crimes witnessed, other reports were of non-sexual crimes such as home break-ins, but the majority of police reports filed were for domestic violence. For the non-sexual crimes reported, participants indicated that they had overall positive interactions with the police, even if there was not much the police officer could do about the situation. Overall, the majority of the participants who had made a police report said that they
were happy with the way the police treated them in at least one of the police encounters they had. Multiple participants have varying accounts of police treatment because they reported more than one crime before incarceration.

Research has shown that a history of victimization is an indicator of future victimization. Despite only 32.5% (n=13) of participants indicating they experienced abuse during their childhood, 80% (n=32) of the women had been in an abusive relationship as an adult. Domestic violence and abusive relationships have been separated in this study because some women indicated that they had been in relationships where their partner influenced them to commit crimes or that their partner was controlling, but they would not consider the situation ‘domestic violence’. Abusive relationships refer to any situation where the partner was not ideal, but did not hurt the participant as well as including relationships where there was domestic violence whether it be physical, mental, verbal, or financial. Of those participants who experienced domestic violence, less than half reported the abuse to the police.

**Reporting Decisions**

**The Decision to Report.** “My husband used to beat me morning, noon, and night.” This is the answer Penelope, a 57-year-old woman who identifies as mixed-race: black, white, and Native American, and imprisoned for murder gave when asked whether or not she had ever been in a situation with domestic violence. Penelope reported her abuser multiple times because she was looking for help. Others reported for similar reasons though the results of reported abuse varied. Of the 32 women who experienced abusive adult relationships, only 14 reported their abuse to the police.
Some participants indicate that their decision to report was made after an episode of domestic violence that went farther than the previous assaults. Tomi, a 40-year-old white woman incarcerated for possession and theft described her decision to report in this way,

[I]t’s not really just the physical. It’s more the control, the manipulation, the put downs, stuff like I could never get better than him, the jealousy, the rage, the out of controls um, and it got to the point where you know, ‘you’re a piece of shit’, ‘you’re nothing but a crack head’, ‘you’re not going to do any better’. Course you’re doing the same things I’m doing, you know, ‘you’re a whore’, um, and that got to a – where he um, he did uh, hit me a couple times in front of my kids, and that will be the first and only time I actually ever called the police on him.

It took the violence escalating to a confrontation in front of their children before Tomi was ready to report.

Other participants describe the extreme physical harm done by their abuser as the reason they reported. They claimed that there would be no way for the police to deny the abuse once they saw the physical damage done. Charlotte, a 52-year-old white woman incarcerated for murder described her abuser and the injuries he caused,

[H]e was a fourth degree blackbelt in Tai-Kwon-Do, and when I got beat – which was a daily basis – uh, kicked, punched, head slammed, head through walls, whole nine yards, um you could, you couldn’t help but see it. You know, he could hit me one time and you would know it. You know, something would be shattered, out of place, swollen, black and blue.

These women reported their abuse to the police in hopes that the authorities would be forced into action due to the graphic nature of the abuse. Many of the women who chose to report the domestic violence they suffered were disappointed with the result. Many of the police interactions women described were of police officers ignoring the domestic violence or only offering half-measures such as simply telling the abuser to ‘stop it’.
The Decision to Not Report. The majority of participants who experienced domestic violence (n=16) chose not to report their abuse. Abigail, a 26-year-old white woman incarcerated for robbery and who was later sexually assaulted at the Birmingham facility, explains her situation,

［M］y husband was very abusive... physically, verbally, mentally just, I mean. I would be timed every time I left the house, I had this much time to go to the gas station, go grocery shopping, um, I had to maintain a certain attitude with him, I wasn’t allowed to voice my opinions, up to a certain point, I wasn’t allowed to even work anymore... I’ve had black eyes, broken nose, um most of the scars I have on my body are from him.

When asked if she reported, she responded,

［W］hen you’re in that kind of a situation, at first, I was fighting back with him, um and thought that I could handle myself, I didn’t need anybody’s help. And by the time it got to a point where I couldn’t do that, I was already in the mindset of ‘nobody’s going to help me because everybody had already turned their back on me’ um ‘it’s been so long, nobody’s going to believe me if I told anybody’ and if anything did happen, what am I gonna do, because he’s already done got me in the mindset where I can’t live without him. You know, cause I’m not working, you know my kids need to be supported and, you know I’m fully under his control.

Abigail touches on many reasons one would not report domestic violence, reasons that were echoed by the other participants. Six women indicated that they felt more comfortable handling the domestic violence informally like Abigail had done. Some went to domestic violence classes, others went to family counseling, and almost all indicated that they thought they were strong enough to handle the situation on their own. Next, thirteen women discussed not reporting abuse because they didn’t think that others would believe them. Several of the women explained how their abuser was well known in the community, either by politicians or the police force itself, so unless the abuse was witnessed, it wouldn’t have been believed.

The final reason some women chose to not report domestic violence was because they were in a situation where calling the police would have incriminated themselves as well. Kendra, a 27-year-old white woman incarcerated for manufacturing chose not to report her abusive
situation “because we were both on drugs, the environment that we were living in with children was not legal, so of course, you know, one of us would just leave and we didn’t want to draw any more attention to ourselves than need be.” Lucy, the 55-year-old woman incarcerated for murder, was much more blunt about the mutual nature of the abuse, “what would I have reported? They didn’t listen, I mean. I’m as guilty as he is. Why would I turn him in for something I’m doing to him?”

Finally, some women were not given the choice to report or not: a third party reported the abuse on their behalf whether or not they themselves wanted the police involved.

**History of Abuse in Prison**

Before the Department of Justice investigation into Julia Tutwiler Prison for Women in 2014, the Alabama Department of Corrections had not implemented any of the guidelines mandated by the Prison Rape Elimination Act (PREA). When asked what she knew about PREA, Marsha, a 56-year-old inmate who has been incarcerated for 19 years on her life sentence, spoke of her early years of incarceration, “You know, I was here when it [the Prison Rape Elimination Act]- twenty years ago when it wasn’t, and it was uh, it was very um, when I first came to prison, it was a very humbling experience. There was a lot of um, a *lot* of um, prison rapes and um, sexual violations and stuff.” The majority of the women interviewed were under the impression that PREA had only been passed after the DOJ investigation, so many had stories of the abuses that had taken place before the federal government came to a settlement agreement with the Alabama Department of Corrections even though these abuses happened after PREA had been signed. Half of the women spoke of ‘horror stories’ of the past and what women inmates had to go through and all of them agreed that prisons were much safer today than they had been. The
image the women paint of the Alabama Department of Corrections in the past is a stark one filled with abuses perpetrated by every level of authority of the prison and inmates alike.

“[F]or too many years, for too long, you know, the male- the male officers, they took advantage of the situation, of us being- or having to be there, threatening us if we don’t do this, we don’t do that.” Olivia is a 54-year-old white woman who has been incarcerated for 19 years spent time in the Tutwiler facility, Montgomery facility, a short stay in Louisiana, and finally the Birmingham facility. The abuse ranged from officers watching inmates shower to open rape which, in at least one case, led to a pregnancy and a covered-up abortion. Twenty-four of the forty women knew of some sort of sexual abuse that had taken place in the prison system. To them, it was an every-day occurrence. The women who had been in the correctional system before the DOJ investigation of Tutwiler spoke of officers openly propositioning women for sexual favors, an exchange system where officers would bring women contraband in exchange for sexual favors, and officers who openly watched women shower and use the bathroom even when they were not on bathroom watch duty. The most well-known cases of abuse were the rapes that were heavily publicized by the media around 2010, with 6 officers being indicted but only two serving time. Patty, the 48-year-old white woman who has been incarcerated for 21 years recalls how officers took advantage of a young woman who was on heavy psychological medications by raping her and upon it being discovered she was pregnant, the administration taking her to the hospital to perform an abortion under the false pretense of removing a tumor,

[T]hat made me feel some kind of way, um, about what they did to her, knowing she wasn’t really in her right mind, mentally. And she accepted what they did, um, either out of fear, or just ignorance, not realizing what they were really doing. Um, because they kept her medicated a lot and…a-and that bothered me for a long time because that- to me that’s inhumane. To play with someone’s life like that.
According to Patty, even after the procedure, the inmate did not know she had undergone an abortion until after she was released from prison.

**The Decision to Report in Prison**

For the woman in Patty’s story, reporting the abuse herself wasn’t an option due to fear and numbing psychological medications. Other women who tried to report abuse before the PREA changes were made in ADOC facilities faced an uphill battle due to vast institutional corruption. As with making the decision to report sexual abuse outside of prison, there were many factors to take into account before reporting abuse to prison authorities.

**Stigma.** Prison gossip was a key concern to many of the participants; multiple participants mentioned how there were no secrets in prison. This level of gossip directly impacted many women’s comfort in reporting an abuse they may have been a victim of. Latia, a 26-year-old black woman who has only been incarcerated for 5 years says, “I would use the word ‘messy’, they’re more messy at Tutwiler. You can walk somewhere and you can slip something and an officer will see you and say something to another officer where it’s ear-shot to an inmate.” The stigma that surrounds sexual assault is pervasive in the prison setting and some of the women said they would not have reported abuse in the past due to the drama it would have caused. When there is no confidentiality in reporting, one’s reputation can be damaged, leading to years of stigma.

**Officer camaraderie.** Several women spoke of officer camaraderie and how they would help their fellow officers cover up abuses so that the correctional officer would not get into trouble with the warden. Olivia, the 54-year-old white woman who has been incarcerated for 19 years recalled, “Everybody knew it [about the sexual abuse], that was the sad thing about it, was everybody knew but Warden Ellington. He couldn’t believe half his staff knew it and nobody
come forward with it, they was trying to protect him.” The abuse was well known, but the correctional officers protected their own from scrutiny. The warden being blind to the abuses in their facility was the most benign of authority failures in the prison. Commonly, higher officials would purposely cover up sexual assault reports or threaten women into silence. The women explained how they either did not report or would not have reported because sexual assault was not taken seriously in the facility, the person the abuse was reported to would not believe the abuse really happened, or the woman knew that nothing would be done about the abuse even if it was reported. Another major hurdle the participants faced was the threat of being moved into the segregation unit indefinitely. There, they would be unable to participate in any classes they may be currently taking, it would affect their parole, and in solitary, women were vulnerable to further abuse.

Tina, a 41-year-old white woman who has served seven years on her trafficking sentence and had suffered inappropriate advances by an officer recalls an exchange she had with a sergeant during her stay at Tutwiler that explores those issues women faced when trying to report abuses they had suffered.

[A] sergeant came with the person that I had the problem with, the officer that I had the problem with that was harassing me and touching me and saying things to me and confronted me about it. And of course the officer was like ‘I don’t even talk to that lady’ you know, and the sergeant was like ‘well, you know what’s going to happen, you know, I can report this, but we’ll pull you out of [inaudible], you’ll have to start over again, we’re going to put you in seg for god knows how long, and you’re going to have to sit there’ and I’m like [throws hands up] thinking about going home, and I’m like being threatened to be locked up for reporting something, so I said ‘you know what, it’s fine, it’s fine, just, you know what, I don’t- I don’t know what I was thinking, I really don’t’ and I just turned around and walked off. Well later on, that same sergeant um, and now this man had been reported several times and nothing ever happened, but the um, the officer um, the officer still stayed there, I guess he’s at a men’s camp now, I don’t know how he’s still has a job at the- but the sergeant got caught actually, in the process of having sex with an inmate. He got caught and he was fired, the same sergeant that came and confronted me, I guess they were buddies and had a thing going on.
Not only was there the threat of being placed in solitary for reporting abuse, before the DOJ settlement agreement, the inmate who reported the abuse was transferred out of the facility while the abuser remained. If prison authorities were no longer able to ignore the abuses within their facilities or the inmates became insistent upon change to the point where they feared the women might go to outside authorities, offending officers would be transferred out of their current facility to another one, sometimes to a men’s facility, or to a different women’s facility. Many women took issue with this as they saw the sexual abuse of inmates as a crime that should be punished, not a minor infraction to be swept under the rug.

Marsha, the 59-year-old who has been incarcerated for 19 years remembers her feelings as a sexual assault investigation was completed,

I also believe that once that happens [being found guilty of a sexual assault] …I don’t think they should be able to work in the penal system. I- I just don’t think that’s right, I mean, if you- if you’re having that much trouble, um, and you are-are, you know, have a job where you have to work around the female population, I don’t think that you should be able to transfer to another facility where there’s females, I just don’t.

Some women, however, were simply grateful they no longer had to share a facility with an abuser and did not look to go farther with the report.

Seeking outside intervention. For those whose abuse the administration ignored, the only way to find any help for the abuse they had suffered was to go outside the prison system itself to family and friends who would call lawyers on their behalf. The cases that brought about the DOJ investigation into Julia Tutwiler prison were heavily publicized after it was revealed that the prison had been covering up abuses for over two decades. One woman recalls how, in an attempt to keep the inmates in the dark about the investigation, the prison authorities would not allow the inmates to watch the news and articles about the investigations were taken out of the newspapers inmates had access to. This did not stop the gossip and speculation, however, and
many women who had been incarcerated at the time remember the tense atmosphere of the prisons as many officers began turning on one another, fearing the punishment they would receive if they knew about abuses and did nothing about them. One woman recalls how correctional officers were given a polygraph test to determine whether or not they knew about the sexual abuses taking place and if they failed the test or revealed that they knew about the abuse and did nothing, the officer was removed. This caused another set of problems for inmates trying to protect themselves from sexual abuse: the inadvertent collateral damage done to officers that were not directly involved in the abuse. Marsha recalls one such investigation at Montgomery, “a lot of inmates were mad because a couple of officers were good officers, but they knew about it, so they did the tests to show that they knew about it uh, so they were removed as well.” Some inmates saw reporting sexual abuse as ‘rocking the boat’ and retaliated against other inmates who reported misconduct. Sometimes the incarcerated women found out what happened to the offenders but generally, the women never knew exactly what had happened to the offender, they only knew that they were no longer in their facility.

The sexual assault cases that went to court had a tremendous impact on reporting abuses in the prison system. The participants indicated that some women were being paid restitution for the abuse they had suffered, a few of the abusive correctional officers were sentenced to jail time, and corrupt officials were removed from the facilities they had run. These visible results to sexual assault reports shifted the way many women looked at reporting in the prison system; the sight of officers being held accountable for their actions opened the door for more women to come forward if they had suffered abuse.

**Inmate-on-inmate abuse.** Throughout these cases of abuse, many reports were made against fellow inmates. Inmate-on-inmate sexual abuse was common in ADOC facilities, but less
publicized than the officer-on-inmate abuse. The threat of inmate retaliation due to reporting was heightened when the one a woman was reporting was an inmate themselves. Fear of the inmate being reported against attacking them was a strong motivator for women to not report any abuse that happened between inmates. Many correctional officers also did not believe women when they made reports against a fellow inmate. Sheri, who has already served 13 years on her 25-year sentence says, “[y]ou know, some correctional officers don’t believe in inmate on inmate, you know? …then [before the PREA changes] they would just be like ‘Well, you know we know how you girls roll. We know that you probably allowed it. Now that you feel uncomfortable about a certain situation, now you feel like it’s assault’.”

**Other abuse.** Not all of the abuses in the prison system were sexual in nature, however, and not all inmates viewed sexual abuse by the correctional officers as a crime. Some women claimed to have no knowledge of any sexual abuses that may have occurred in the prison system, but they did recall instances of physical and verbal abuse. Candice claims that in her 13 years of incarceration, she never witnessed any sexual assaults, “you witness physical abuse, officers snatching women off the bed, punching ‘em, beaten on ‘em, yeah. I witnessed that, but sexual stuff, no.” She believes that all sexual encounters between inmates and officers she knew about were fully consensual so she doesn’t consider them assaults. This feeling that inmates consenting to sexual acts with correctional officers, or other inmates, should not be punished was shared by eleven of the women interviewed. Verbal abuse was one of the most common instances of misconduct. Women recalled how correctional officers used to scream and yell at them, and were even allowed to curse at them and call them names. Before the DOJ reached a settlement agreement with the ADOC, women inmates had to suffer many different forms of abuse with very little hope of authority intervention on their behalf.
Post-Settlement Agreement Changes

After the DOJ investigation into Julia Tutwiler about the institutionalized sexual abuse inmates suffered, a settlement agreement was signed between the Alabama Department of Corrections and the Department of Justice. This settlement agreement outlines strict guidelines Tutwiler had to adhere to and changes that needed to be made to the facility in order for PREA guidelines to be met. All the women interviewed noted the massive difference in the facilities after the settlement agreement was made with the Department of Justice. The Director of Women’s Prisons, a position the Alabama Department of Corrections recently created to combat sexual abuse in women’s facilities, had a hand in making some of the changes seen by the inmates. Every inmate interviewed had at least a rudimentary understanding of the Prison Rape Elimination Act and the different methods of reporting available to them in the Birmingham Work Release Facility. As mentioned before, because changes to Alabama correctional facilities did not take place when PREA was first signed, many inmates believed that the settlement agreement was the beginning of PREA. The women expressed their gratitude for whoever had been advocating for incarcerated individuals that led to real institutional changes. When asked about PREA, the majority of women’s immediate response was ‘it is so much better now than it had been.’ Over 90% of the women interviewed either had a positive view of PREA or they indicated that the process was a good start though there was still work to be done.

Physical Changes. The physical changes made to the prisons in the wake of the DOJ settlement agreement were substantial. The most obvious change: correctional officers were no longer allowed to put women who reported sexual assault into segregation and the victim of abuse was no longer transferred to another facility.
Ten women specifically mentioned how the installation of cameras in all ADOC women’s facilities greatly reduced the amount of sexual assaults perpetrated inside the facility walls. The cameras provided a safety-net for many women who wanted to come forward about abuse, but were afraid the officers would not believe them. Lucy explains how she learned to use the cameras to her advantage, “if she gives you times and dates, and they’re in front of that camera there, you don’t need her to back it up, they can back it up. See, that’s how I got them about going to church and going to eat: because I had them on camera, I had a date and a time.” Though Lucy’s abuse wasn’t sexual in nature, the correctional officer would not allow her to go to church due to it being during dining hours so they gave her an option: ‘go to church or eat, you can’t do both’, her ability to back up her story of the misconduct with video evidence bolstered her report.

Many women also cited the additional privacy from male officers they were given as stalls and shower curtains were placed in the prison bathrooms. Women recalled how officers would walk into the bathroom as women showered to perform head counts and how in certain facilities, officers could stand at a certain window above the shower area and watch inmates. Now, they say that doesn’t happen and the women are given privacy from both correctional officers and other inmates in the bathroom.

Over half the participants mentioned the presence of the phone system that allows them to directly contact a PREA representative from inside the prison. Being able to contact someone about their abuse by creating a more confidential way to report without having to go to an officer within the facility was a major shift for many of the women. Though there was some uncertainty about who was able to listen to the message inmates left on the PREA line, many women still considered the phones a great improvement to the reporting process within correctional facilities.
Before inmates can make any type of call on the phone, they have to sit through a recording explaining PREA and giving instructions on how to report to keep inmates up to date on the reporting process. Almost all the women mentioned how it was impossible for an inmate to walk through the prison without seeing a poster or flyer about PREA and how to go about reporting abuse.

**Attitude Changes.** The physical changes were only part of the positive impact women saw after the DOJ settlement agreement. Women explain how the entire atmosphere of the facilities changed when new wardens, officers, and polices were put in place. Where before, sexual assault was not taken seriously, now many women feel as though PREA is taken seriously, officers are more empathetic to sexual assault reports, and they are able to see real progress made when reports are investigated. One of the massive changes was the introduction of PREA training for both inmates and staff. Though there are varying accounts of how thorough the PREA training for inmates is, most women indicate that they have watched the video explaining PREA every time they are moved to a new facility. Other women talk about meetings correctional officers have with new inmates explaining the system to them and assuring the newcomers that sexual assault will not be tolerated in the facility and that all the staff are willing to help any inmate who comes forward with a report.

The women interviewed saw a large difference in how prisons are run from the warden to the correctional officers who interact with the women daily. Many women praised Warden Tucker, the current warden of the Birmingham facility, and cite him as the reason so many things have changed for the better. When asked which aspect of the reporting system should be placed in all correctional facilities, Patty responded, “that all the prisons would have a warden like we do. Because we were truly blessed when he came here.” The incarcerated women in the study
saw the dramatic impact the authority figures in the prison had on how they were treated during the day-to-day events of the prison as well as when reports of abuse were made. The women interviewed saw a marked change in the amount of respect and professionalism shown to them by the correctional officers after the settlement agreement was signed. Many women expressed relief that the officers were no longer allowed to yell or curse at the inmates and indicated a higher level of trust in the officers now that they were acting more professional. Many inmates indicated that they felt confident that at least some of the staff would keep a sexual assault report confidential rather than gossiping with other correctional officers or the inmates. The introduction of correctional officers who truly cared about the inmates’ wellbeing and treated them as individuals rather than a number increased the inmates respect in the staff of the facility.

Not only did the women feel as though the staff have become more caring, they have seen issues be resolved in their time within the facility. The women indicate that seeing officers follow through on their promises to help inmates with grievances rather than brushing them off leads to a greater sense of trust in the system and a greater willingness to come forward with any type of report whether it be a small grievance or a report of sexual assault. This attitude shift about how sexual assault reports will be handled does not end with the staff of the facility. Many women talked about how the stigma surrounding sexual assault has been diminished due to the administration taking sexual assault seriously. The women in the study also mentioned how accessible the staff were. Most women felt that the officers were so caring, they would feel comfortable going to them to talk about their grievance; several women even indicated that they felt so comfortable, they would go straight to the warden to tell their grievance to him. According to the women, the warden had an open-door policy where inmates are free to walk into his office at any time to speak with him. One thing all interviewees were in agreement with:
the PREA compliance officer at the facility, Sergeant Widener, was fantastic. The women praised her caring attitude and discretion with sensitive topics, many indicating that they felt she was true to her word, didn’t play favorites, and would follow through on any reports made against either staff or inmates in the proper manner. Lindsay, a 36-year-old white woman who is serving time on a manufacturing charge says, “our Sarge that’s in charge she’s very, ya know she’s down to earth, she’s not very judgmental, she ya know, she lets you know she cares, she wants you to know it’s important, that she is interested and she follows through with it.”

Many women sang the praises of the Birmingham Work Release facility, some claiming it was ‘like heaven’ compared to the other women’s facilities in Alabama. Most women agreed that the Birmingham facility was where the settlement agreement had fully come to fruition. These positive changes to the correctional facilities in relation to sexual assault led six women to feel that sexual assault isn’t even a problem within correctional facilities anymore with some women thinking it was gone for good, and others feeling that the small number of assaults that happened weren’t anything to worry about.

**Sexual Assault Incidents**

Despite renewed trust in some ADOC facilities, the participants spoke openly about reporting sexual assaults within the prison system. “Montgomery is a hell hole. Ok? There’s so much crap that goes on in Montgomery that you could not believe. Um, they need to shut it down and re-ha- re-do the whole thing because, there’s stuff that goes on that’s not reported.” This is how JoAnn, a 56-year-old woman with white and Native American heritage described reporting behaviors at the Montgomery Work Release facility. As can be seen in Table 3 of Appendix H, only 32.5% (n=13) of the women interviewed knew of someone who had been sexually assaulted in prison but had not reported. That is much lower than the 77.5% (n=31) who knew of a sexual
assault that was reported. When asked whether or not they would feel comfortable reporting if they experienced a sexual assault at the Birmingham facility, 85% (n=34) indicated that they would report and only 10% (n=4) said they would not. The remaining 5% (n=2) said that either they did not know whether or not they would report or that reporting was heavily influenced by the individual situation. The numbers were not so encouraging when asked about reporting in the other facilities in the ADOC system. When generally asked if they would report at a different facility, only 32.4% (n=12) said that they would feel comfortable reporting and 43.2% (n=16) indicated that they would not feel comfortable going forward in a different facility. The remaining 7.5% (n=3) were unsure if they would report or indicated that they would report very cautiously. Seven women specified that they would not feel comfortable reporting at the Montgomery facility compared to only three who would not report at Tutwiler.

Five women said that if they knew of someone who had experienced a sexual assault, they would encourage them to report because they felt strongly about sexual assault. Penelope recalls someone who had gone through the reporting process that would encourage others to report abuses they may experience,

[S]he would even like tell people, you know, ‘if these mens force you into doing anything, tell somebody, don’t just let them do this to you. Just cause we in prison, don’t mean we don’t got rights. This is our bodies, they don’t have the right to take our body. They can tell us to get on our bunk, they can tell us we can’t go certain, they can tell us we can’t do this that or the other, but they don’t have no kind of right to put they hands on us and take our bodies’.

Kendra recalled learning about the abuse Abigail had suffered in the Birmingham facility and how many inmates gathered to give her support to come forward and report the abuse and other inmates indicated that they had encouraged others to report in the past as well.

At the Birmingham facility, the majority of women felt comfortable coming forward to report to an officer in the facility whether it be a regular CO, the counselor, the PREA
coordinator, or even the warden himself. Others indicated they would feel most comfortable using the phones, and still others would rather call their family members and have them report the abuse on their behalf. Many participants indicated that they liked the option for a third party to report an abuse they witnessed or knew about and one indicated that she had reported on Abigail’s behalf. One participant indicated that she would feel most comfortable going to a member of healthcare to make such a sensitive report. Half the participants indicated that the time they had spent with the officers of the different facilities directly impacted whether or not they would report a sexual assault.

As seen in Table 3 of Appendix H, all women indicated that at least some of the staff members at the Birmingham facility would be helpful if they reported a sexual assault compared to only around 35% (n=13) feeling that at least some of the staff at other facilities would be helpful. The women indicated that the staff at the Montgomery facility would be the least helpful of all the staff they had known in the corrections system. When asked whether or not she would report abuse at another prison, Dodie, a 23-year-old black woman who had only been incarcerated for two and a half years, responded, “mmmm, probably not [laughs] just to be honest. At Montgomery Women’s Facility, it’s so much stuff going on over there, it’s like psh, don’t even waste your time.” Dodie, along with many others did not feel the staff at the Montgomery facility would properly investigate a sexual assault report.

Only 27% (n=11) of the women believed that staff training could help correctional officers be more approachable and empathetic toward sexual assault reports, many women felt that it was up to the individual how they would act, that you ‘can’t teach manners’. Far more women (62%, n=25) felt that the authority figures, such as the warden and the captains, could have a positive impact on the staff and the overall treatment of sexual assault reporting in
facilities. Thirty-two percent (n=13) of the women indicated that a redesigned screening process could help weed out uncaring officers, but many felt the department of corrections was not in a position to be too picky about who they hired due to understaffing and turn-over issues. Krista, a 31-year-old marijuana grower from Colorado, laughed as she explained, “I mean I read the paper every day and it sounds like that’s uh, they’re just trying to get anybody to come work at this point, because they’re not having- they’re having a hard time just finding people to take the job for these places, for the minute anyways.”

**Current Problems**

**Staff problems.** The changes to the reporting system in Alabama correctional facilities do not suggest that there are no more problems with sexual assault reporting in prison, or that all the women interviewed had a favorable view of the PREA process in place. Depending on the facility, some of the women felt that there was still a long way to go to get officers to start caring about the inmates and to treat them with respect. While the majority of women praised the Birmingham facility for their caring staff, some women felt that, in all the women’s facilities, many of the correctional officers would not help them with a report or they felt the correctional officers would talk amongst themselves. Many women felt that a sexual assault report would still not be taken seriously in the Montgomery facility and some felt the same about Tutwiler and Birmingham.

The Montgomery Work Release facility in particular received the brunt of the interviewee’s condemnation with women speaking of officers picking favorite inmates who they refused to hear reports about, the lack of a warden which lead to corrupt lieutenants who allowed the correctional officers to continue abusing inmates, and the complete lack of professionalism from the majority of the staff. One woman even said that, “if something isn’t done about that
place, someone is going to die there”. The interviewed women felt the disrespect they still received from the correctional officers was due to their status as inmates rather than free women. Many mention how they had met correctional officers who looked down on inmates because of their incarcerated status and treated them ‘like trash’. When asked if she felt the correctional officers were open to the changing attitudes in prison, Natasha, a 47-year-old black woman who had been incarcerated for 17 years said, “[s]ome like the old way. Some like the way, what you call, [pause] the harshness of the... Some- some will like it [a change in attitudes] and some just are against it because they like the harshness of um, harassing, or don’t want changes.”

**The reporting process.** Some women felt that inmates had started to take advantage of the PREA reporting system to retaliate against officers or inmates they had a problem with, or they reported instances that should have been reported to an official in the prison rather than a PREA officer. Ten women indicated that they felt some women lied about instances of abuse. Charlotte explained, “a lot of times you’d have to know these women and their mindset you know, whether they’re after attention or if they’re just lying and I think that’s been the case more often than not, the women will lie.”

The stress of deciding whether or not to report an instance of sexual assault is still present for many women. Some said that the drama caused by an investigation and the stigma that is still present surrounding sexual assault are not worth dealing with. One woman indicated that if she was assaulted, she would just ‘chalk it up to the game’ and move on for fear of retaliation. Many women were also uncertain of the exact way PREA reports were handled. Some indicated their hesitancy to make a report on the phone because it was their understanding that all reports made on the phone were sent directly to the warden of the facility. This lack of confidentiality was a serious concern for many of the women who did not trust the officers in the facility.
Some women were uncomfortable reporting because they were unsure of what would happen during the investigation. One told the story of her friend who hesitated to report because she was afraid the person she was reporting against would be in the room when prison officials questioned her.

Another point of concern with the phone system was that all phones were turned off at 10:00pm and were not turned back on until 9:00am. The lack of a way to contact anyone outside of the facility worried some women which was compounded by the fact that there was not a PREA compliance officer on duty 24/7. To some women, these gaps in protection became an issue they had with the way PREA had been implemented in the facilities.

**Effects of a report.** The lack of transparency during sexual assault investigations, especially those investigations against correctional officers, was another aspect of the current system some women were unhappy about. Gretchen, a 40-year-old white woman incarcerated for murder reported a sexual assault to prison authorities and compares her treatment as an offender to the correctional officer who assaulted her,

> [A]ll my evidence [of the sexual assault] was just turned over to the grand jury. I don’t know when and I don’t know if they knocked it out or, so I don’t know anything about criminally. They said that he has a right to privacy, but at the same time, like me, I’m the perpetrator, so my victim’s family knows everything about me you know, when I come up for parole, they know what my sentence is, so my thing with DOC was that um, they need to get better at telling um, find-find a way where it’s not violating, you know, his or her rights, but so that we can be informed as to what happened to this person in the job as well as criminally.

Gretchen had to write letters to the ADOC asking to be told the outcome of her case before they let her know the officer had been fired. They had been hesitant to give her any information on the criminal case where she was the victim.

Even when sexual assaults were fully investigated and offenders, both correctional officers and fellow inmates, were removed from the facility, the stress of the investigation on
inmates who reported sometimes became too much and the effects of the abuse did not end with the investigation. Gretchen recalls the institutional retaliation she suffered for her reporting her victimization. After her report, many other women came forward to report abuses themselves, but because she had been the first one to report anything at the Montgomery facility, the correctional officers interrogated her every time a new report was filed. They thought she was behind every subsequent report of sexual assault and blamed her for troubling the facility. In 2015, after cutting herself severely due to stress suffered because of these investigations, Gretchen was moved to the isolation room in the medical wing of Julia Tutwiler prison. She recalls how the officers at Tutwiler had heard about her sexual assault investigation and continually mentioned it to her, harassment that was against officer guidelines, and refused to give her hygiene supplies or her doctor-approved eyeglasses for five days. This type of institutional retaliation that could span from facility to facility was a real consequence many women had to face.

Some women still felt as though the reporting system could be ineffective. Women said that in many facilities, such as Tutwiler, there are blind-spots where the cameras can’t see and correctional officers take advantage of them. The PREA personnel who come to advise an inmate making a report were not always helpful either. Abigail recalls how she was treated as she was working her way through a sexual assault investigation, “it wasn’t until the outside investigator came in that it started getting turned back around on me. Um it was like, my reaction to the situation wasn’t ‘correct’ in their eyes and uh, it- it turned around on me in a way to make me look bad.” Instead of helping an inmate who had been assaulted, and who had a history of severe mental, physical, and sexual abuse, Abigail felt the outside investigator blamed her for the incident and urged her to not press charges against her assailter. Not all reports end with the
firing of an abusive officer, despite the changes mandated by the settlement agreement. Many times, women recalled recent instances where an officer had been reported against and was simply transferred to a different facility rather than being fired or criminally charged. Some women hypothesized that this was because the corrections department was so understaffed that they were hesitant to fire any officer willing to work for them not matter how much misconduct was discovered.

Several women indicated one particular correctional officer who had a reputation for treating the women at the facility poorly. Many grievances had been filed against this officer for her treatment of inmates during strip-searches, with women claiming she stared at their breasts during the entire search and made the inmate stand naked for longer than seemed necessary. When these grievances were brought to the attention of the authorities in the prison, it became a matter of the officer’s word against the inmate’s and the authorities determined the officer was just doing her job. The inmates who had problems with this officer indicated that many other inmates experienced the same problems, but were unwilling to report out of fear of retaliation from the officer, one woman saying that she seemed like the type of person who would make a reporter’s life more difficult out of spite. Other women spoke of officers sometimes still saying ‘harsh’ things to them and being unapologetic when the inmate let them know that what they said had hurt. A feeling common among the women was that large issues, such as officers raping inmates, would be handled immediately, but the ‘smaller’ issues such as leering while giving a strip-search were ignored.
Carrie-Anne, a 30-year-old white woman incarcerated for trafficking marijuana sums up the problems she has with the reporting system like this,

I think that overall, the technical aspects of the process are quite functional, I think that it just really boils down to the fact that there’s trust and respect issues on both sides of the fence. But the actual function of the- where if I had to sit down and like write out a program plan, it’s probably about the same as what I would come up with and think this is probably going to function and be effective, but then when you get into the- the humanity of what’s involved in it as well, that changes your perspective a little bit.

A few women were very insistent that sexual assault reports should not be handled within the facility at all, but rather should be handled by the police. Charlotte explained the issues she had with the current reporting process, “well first and foremost, rape is a federal offense. It uh, not to undermine the staff or the officers or the warden or anybody, but like people more equipped, more trained to handle that outside of the facility, that way it guarantees no bias toward the inmates, the officer, or anybody involved.” These women feel that because of their status as inmate, crimes committed against them are not taken as seriously as crimes committed against free women. Fourty-five-year-old Lucy suggested that white women should be sent undercover into prisons as inmates so that researchers can see how inmates are truly treated first-hand.

Experience with Victimization

“I mean I’m glad they have it, but in a way, I know this is probably going to sound horrible, but I really, it just doesn’t pertain to me. I know probably everybody says that, but I just don’t place myself in the situation to have to deal with it.” Betty’s view of the reporting system was shared by many women. When asked about their feelings on PREA, half the women quickly assured me that they had no experience with sexual assault while in prison. Not only did they indicate they never had to deal with sexual abuse, fifteen women indicated that their own actions had protected them from abuse while in prison. Some even blamed the inmates for correctional
officer misconduct, “the women more so entice the men. But when the men didn’t bring them what they wanted, or if they brought them what they wanted and then they stopped, then that’s when they went to the police and reported it as sexual assault.” Sheri, 34.

Even when said with love, some participants place the blame for the abuse on the victim.

This is what 54-year-old Olivia said of PREA’s introduction to the prison system,

[I]t’s really changed a whole lot and that’s good because you know a lot of us come in here with morals and values and I still have mine and I keep mine. But, some women are weak, and you’ve already interviewed one that- she’s my state child, and um, she was took down through there, so. I am so much for PREA.

As mentioned before, several women believed that some inmates were not victims at all and had made up the sexual assault they had reported or otherwise misused the system. “I don’t want anyone to lead a man on to trick him just to get him in trouble, you know what I’m saying. ‘I’m gonna trick him, I’m gonna get him to do such and such and make sure he gonna pay’ you know, cause I hate that.” Penelope, 57.

Some women felt that abuse in the prison system was inevitable no matter what the administration tries to do.

It’s still gonna happen. I don’t think it’s ever gonna completely stop. Um, and not just because, you know you hear the phrase ‘men are going to be men’, ok? It’s true. But, there are women that, if they don’t have anything, they do what they can to survive, ok? And it’s a known fact that when you’re struggling, and you’re fighting for your life, and you’re stuck in a situation that you can’t get out of, you’ll do anything to get out of it. (Patty, 48.)

Two women even indicated that they dislike the idea of reporting people to the authorities so much that even if they were assaulted, they would still chose not to report.

The Reporting Process by Population. There was a distinct trend of age and the length of time the participant had been incarcerated influencing how one felt about the reporting system in prison. The only inmates who indicated that they would not utilize the reporting process were
all under the age of 35 and had been incarcerated for less than ten years. The older inmates were more likely to report and to have mentioned actions they believe protected them from abuse. Race had a minimal effect on feelings related to reporting, nor did childhood abuse, previous abusive relationships, nor police interactions outside of prison. Experiencing sexual assault and reporting outside of prison did not have a significant impact on experiencing sexual assault or reporting inside prison.

**Looking to the Future**

Despite being incarcerated, many women were still looking ahead and thinking about the day when they would be released from prison. The women were making the best of their time in the correctional facility, but they were always looking to the future. Many made decisions on what to do while incarcerated always with the thought of going home, “I’m one of the those who are trying to- trying to stay a little bit lower, under the radar. I’m trying to go home [laughs] I’m trying to go home. I don’t need the drama.” Said Marisol, a 54-year-old inmate who has been incarcerated for 17 years. The participants spoke of taking enrichment classes to help in self-development, addiction and domestic violence classes to help them understand their situations, and participants gushed about family coming to visit and grandbabies about to be born. Some even laughed as they talk about how daunting the world will be once they were released, moaning about the craziness of the news and how it will feel to go shopping in big stores like Walmart again. During count, when the participants had to stay in the interview room until lockdown was over, the women spoke of their educational plans after they were released and how much they missed getting to decorate their rooms however they wanted. These women may have been incarcerated, but they were still planning for a future.
5. DISCUSSION

Has the reporting processes for sexual assault regained legitimacy and trust in the eyes of women inmates? There are many factors women inmates take into consideration when deciding whether or not they will report and the history of abuse in prison is a painful backdrop to these decisions. Personal experience with PREA investigations affect the way women feel about reporting, in a positive manner or negative, and women’s own pre-conceptions about sexual assault play a role as well. Finally, is the reporting system functioning or is the system itself broken?

How Far We Have Come

The Logistics of Abuse. One reason abuses are still happening is that the number of prisons and jails in America, makes it virtually impossible to ensure all legislation designed to protect inmates is enforced. Convict lease camps had standards they were legally obligated to follow; however, in her book *No Mercy Here*, Haley finds many reports from investigators that show how the standards set out by the government for convict camps were not being followed. Despite these breaches of contract and law, nothing was done to remedy the lack of adherence to guidelines. Similar trends can be found when one looks at how the Prison Rape Elimination Act has been enforced across America since its conception. There is not an official way for the Department of Justice to enforce PREA in all correctional facilities and when abuses are found, they are not always addressed. Julia Tutwiler was only investigated fully by the DOJ because of how prevalent and severe the abuses in the facility were and the fact that some inmates were able to get the attention of the media. Julia Tutwiler has been listed as one of the worst women’s
prisons in America (Ridgeway and Casella, 2013). How many facilities are being overlooked because they just missed the list?

Bureaucracy can muddy the waters when investigations into abuse are conducted. Statistical reports for all prisons and jails are federally mandated to be public record, but what these reports contain – and don’t contain – can lead to a skewed vision of what happens in correctional facilities. As seen in the convict lease system, birth records were one of the only sources available to calculate a rough estimate of how many women were being raped while incarcerated and when camps stopped keeping birth records, the number of assaults was practically impossible to estimate. Detailed records were kept of inmate infractions and their punishments, but no records were kept in the prison of guard misconduct, and legally, there was never a guard convicted of raping an inmate during the tenure of the convict lease system in Georgia. This lack of transparency in correctional officer misconduct extends to prisons and jails today. Anyone with an internet connection can go to the ADOC website and read the statistical reports for all jails and prisons in Alabama where they can find detailed accounts of how many inmates are currently incarcerated, their racial makeup, what crimes were committed, how long they are sentenced to and all inmate infractions. These infractions are broken down into their severity and whether or not they were perpetrated against staff or another inmate. The very last page of the report is the only one where information about correctional officers can be found and the only information it gives is how many there are. Correctional officers’ infractions or demographics are not available. State preference for hiding correctional officer abuses while publicizing inmate infractions creates challenges for those trying to get an accurate picture of correctional facilities in America.
Similar issues can still be found in the logistics of reporting abuse from the convict lease system to reporting today. Both Haley (2016) and LeFlourina (2014) explain how difficult it was for incarcerated women to come forward to report abuse because they had to continue living under the control of officers they were testifying against. The fear of retaliation was an intense factor that could have led many women to never report their victimization. As seen in the recent literature and the interviewed women’s statements, this fear of retaliation from officers has not gone away. Many women feel that the reporting system is still not anonymous enough to protect inmates from possible retaliation, especially if the aggressor is not removed from the facility after a report. Another common element that dissuades women from reporting both in the convict lease system and correctional facilities today is how a sexual assault report will affect the incarcerated woman’s eligibility for parole or release. Haley describes how women who did not report their abuse while they were incarcerated in convict lease camps were given glowing letters of recommendation for parole by their wardens while women who did report were denied parole time and time again. This was a fear some women in the study vocalized through the interviews as they explained how every decision they made in prison was with the goal of going home in mind. One woman even retracted her report of assault due to the threat of having her parole request rejected.

**Sexualization of Incarcerated Women.** Another problem the justice system has yet to shake is the sexualization of incarcerated women. As seen in the literature review, black women in post-civil war America were still labeled as sexually promiscuous as their enslaved ancestors were. They were seen as ‘apart from the norm’ and, therefore, not ‘properly’ feminine like white women. Any woman who did not fit in the confines of ‘normal femininity’ was labelled as degenerate, promiscuous, and an aberration compared to the perfect model women were
supposed to fit. With an increase of white women in America’s prison system, these negative labels stopped being directly linked to race, and began to describe all incarcerated women. The examples of sexualized punishment did not stop with whippings in work camps, but continue today with officers watching women shower and use the bathroom as well as strip-searches. As seen before, VanNatta (2010) describes how strip searches have recently been used as punishments for women inmates despite regulations that require there to be serious cause to think that an inmate is carrying contraband before a strip-search can be used. VanNatta (2010) adds strip searches to possible instances of sexual assault if they are used or conducted improperly. Clearly, some women at the Birmingham facility still feel as though they are being sexualized by some officers while being stripped searched and nothing is done when these infractions are reported.

Like inmates in the convict lease system, sexual assault in prison today is still something that both the victim and perpetrator attempt to hide. The stigma of being sexually assaulted is far from gone and reputations can follow inmates over the years and to different facilities. Unfortunately, the severity of the response to sexual abuse and the lengths correctional officials will go to hide this abuse has not changed over the years as much as one would hope. As described in the literature review, LeFlouria’s research in Chained in Silence into convict lease camps in Georgia led to the horrifying story one guard told about how children born while the mother was incarcerated were treated. Under the overseer’s direction, newborn babies were seen as a liability, a drain to resources, and a physical manifestation of the abuse women suffered within the camps. The standing order was to have newborn babies thrown in to the river without consideration for the mother’s right to her child. Within the last twenty years, the same thing was
still happening in Alabama prisons. Here is what Patty, who has been incarcerated for 21 years, said happened to the mentally ill inmate who became pregnant at Tutwiler,

Because, some of em, like I said, ended up pregnant. It’s sad. And then they ended up taking their babies away from em…She ended up pregnant, and they told this girl she had a tumor in her stomach, not realizing that she was actually pregnant with a baby. They took this girl out to the hospital and told her that she was having surgery on her tumor, put her to sleep, and they took the baby…They didn’t really give her a choice in the matter, they just said ‘ok, this is what we’re gonna do’ and that’s what they did.

This is an extreme example, but it is important to illustrate the abuses inmates still suffer, even in the past twenty-one years.

**Feelings on Victimization**

Incarcerated women today are primed to be defensive about sexual assault. The insistence by many women that PREA ‘just doesn’t apply to them’ can be seen as an expression of the stigma that still surrounds sexual assault and reporting inside the correctional system. Many women indicated that sexual assault reports were not always trustworthy and that the relationship had been consensual. This argument was applied to both inmate-on-staff and inmate-on-inmate relationships and these feelings underlie a common belief around relationships and sexual abuse: you cannot be raped by someone you have had sex with before. This misconception can lead to negative feelings toward those who report abuse and the belief that they are not truly victims.

The idea that inmates are not reliable sources and that when a case is based on the word of an officer versus the word of an inmate, the officer will be believed, was a belief held by the interviewees and is supported through the literature. Casting doubt on inmate credibility leads to a heightened sense of distrust between inmates and the system as well as correctional facility staff and the inmates. Inmates may not trust the system to listen to them and take their report seriously leading them to refrain from reporting and feeling like they have no choice but to
accept the abuse. If correctional staff do not believe inmates are credible sources, they may not submit the report at all.

One of the most common themes that was discussed in the interviews was the idea that one’s actions affected how likely one was to be abused. Inmates assured the researcher that they had never had any issues with sexual assault because they ‘didn’t put themselves out there’ or didn’t hang out with a certain crowd that would make abuse more likely. This feeling that one’s own actions can protect them from abuse surely affects the way they view women who have suffered abuse. Blaming the victim for their own abuse is not a new concept, nor is it confined to prison. Commonly known as ‘victim blaming’, this is a way to push the responsibility for the abuse away from the abuser and onto the victim. Some women acknowledged the argument that there could be consensual sex between an officer and inmate was flawed, but in the same breath included ‘but the woman did want it’.

One woman even indicated that women might ‘trick’ the male officers into doing something so they could call ‘rape’ and be paid off. This argument is clearly flawed as it is hard to think of a situation where an officer can be ‘tricked’ into having a sexual relationship with an inmate. It does not matter if the officer thought the sex was consensual, they know the policy and the law when it comes to sex with an inmate and it is their duty to uphold that policy. The idea that the women ‘entice the men’ removes blame form correctional officers who engage in misconduct and place all blame on the incarcerated women. This belief among inmates influences the way they think about sexual assault and reporting. It is possible that this belief was one of the reasons Gretchen, the woman who had a sexual relationship with an officer and suffered institutional retaliation when she reported, hesitated so long to report her abuse. Gretchen described the relationship as consensual until she decided to end it and then she
suffered harassment and retaliation from the officer and his friends. She refrained from reporting these incidents for so long that Olivia, the inmate who referred to Gretchen as her state child, turned her back on Gretchen because she would not report. If the women felt as though they consented to the relationship, they may feel that makes them either legally or morally unable to report. If an officer is kind enough that an inmate pursues a relationship with them, they may not want to get the officer in trouble even if they have ended the relationship.

**Treated Like Individuals**

A key point many women brought up was how they were treated due to their incarcerated status. The participants of the study indicated that being treated ‘like trash’ and as just a number rather than a person had a major impact on how they felt about incarceration and reporting. When women felt they were not treated as individuals by the system, they lost trust in the process saying things like ‘if it comes down to an inmate’s word against and officers, the officer will win every time’ and ‘if I don’t feel like they take me seriously, I’m not going to go to them for serious matters’.

**Environment in Facilities**

How visible the Prison Rape Elimination Act and information on it is in the facility also had a large impact on how women felt about reporting. The women in the study explained how it was impossible to avoid knowing about PREA and the protections it offers while being incarcerated at the Birmingham facility and it influenced how much faith they had in the reporting system. They indicated that the extent to which PREA was pushed at the facility let them know that it would be taken seriously if they reported and that the officers would be helpful to them. The flyers, phone recording, and training sessions assured women that there was help if they ever experienced abuse.
Correctional Officers

One of the criteria that impacted women’s trust in the reporting process the most was the individual officers at their facility. If inmates felt the correctional officers are caring and professional, they had more trust in the reporting system and would come forward with the abuse they had suffered. If they did not feel the officer was caring or professional, they would not. Highly individualized comfort in reporting does not allow for sweeping generalizations about the policies of reporting: humanity has a greater impact on reporting than policy. While complaining about one’s job and the people one must work with is normal and can alleviate stress, those who have clear disdain for the individuals they are working around are not the ideal employees to retain. If someone hates children, they shouldn’t be a teacher; if someone hates inmates and people who have been charged with a crime, they shouldn’t be a correctional officer. Many women indicated that the process for hiring correctional officers should change in order to ensure good, trustworthy people were working in the facilities.

The importance of good leadership in any facility, correctional or otherwise, cannot be overstated. It is up to the authority figures such as the warden and captains of the facility to ensure the correct officers are hired and retained and it is their duty to ensure all facility rules and policies are being followed. The participants of the study were quick to sing the praises of the warden at the Birmingham facility and the good he has done for the inmates. Another authority figure that is indispensable to the proper functioning of sexual assault reporting system is the PREA compliance officer within the facility. The correct officer must be chosen as the immediate liaison between inmates and the reporting system so inmates feel comfortable bringing forward abuse allegations. An officer that is accessible, caring, and professional can mean the difference between the reporting process being utilized and abuse going un-reported.
A major impact correctional officers have on sexual assault reporting is how confidential they keep the situation from the rest of the facility. Many women indicated that they did not trust that their report would remain private and that the entire facility would know what had happened. This lead many to feel uncomfortable reporting even through methods, such as the phone system, that were supposed to be strictly anonymous. Many women felt that their reports over the phone were sent straight to the warden or the PREA officer of the facility, defeating the purpose of having a secure way to report outside of the facility. If an inmate only trusted one or two officers within the facility, they were less likely to feel comfortable reporting because they were unsure of who else would be informed of the abuse they had suffered. When strict policies of confidentiality are broken by the staff of the facility, the system loses legitimacy. Inmates recalled how others who were part of an abuse investigation were called over the intercom by regular COs to report to administration for their interrogations. This is completely believable as during the course of the study, even though the warden was instructed to keep the participant names confidential with only him and the PREA officer knowing who was on the interviewee list, the regular COs at central were given the complete participant list and called over the intercom for each woman to ‘report for her interview’. This refusal to adhere to confidentiality standards required for a simple study could very possibly lead to inmates not trusting their confidentiality on more sensitive subjects such as sexual assault.

Is the System Functioning?

In the basic outline to determine whether the reporting system within the Birmingham facility is functioning, these topics will be evaluated: the efficacy of the report itself, the investigation, and the outcome.
Reporting has already been spoken about at length above, however in applying this information to how well the system functions, the strict answer of whether or not one will use the system is paramount. If inmates do not trust that the system will function properly, they are not likely to report. If reports are not made, it is unlikely the issue will be resolved, creating a system that effectively does not function because it is not used.

Many women who had gone through the investigation process for sexual assault were happy with the way they were treated. Some, however felt that the internal nature of the investigations did not foster a sense of impartiality. Many women in the Birmingham facility expressed the desire for a truly third-party method of reporting and investigating because they had previously been in a facility where they did not trust any of the in-house staff to properly investigate a sexual assault report. Due to this, some inmates felt that PREA should be handled by the police rather than internally by the corrections system. The lack of confidentiality also cuts the ability for the system to function properly since part of its function is to keep the report confidential, and a lack of confidentiality can lead to institutional or personal retaliation.

The outcomes of the investigations are the best indicator of whether or not the system is functioning properly. In the vast majority of the cases cited by inmates, the abuser, whether inmate or staff, was transferred from the facility. Only the most serious cases where the inmate continued to press charges resulted in the actual prosecution of an abuser. One inmate interviewed was specifically told not to press charges by a PREA representative from outside of the facility. She was made to feel as though she did not ‘respond properly’ to the sexual harassment and therefore, could not push her case. The justice system of the United States is supposed to help right wrongs and provide justice for victims, not revictimize them and tell them that they were not ‘good enough victims’. This revictimization of inmates who come forward
with sexual assault reports and only removing the aggressor to a different facility casts doubt on the legitimacy of the system. Are sexual assaults truly being handled through this system, or is the system simply shoving abuse under the rug and telling victims they must be happy with their abuser being moved rather than punished? Both the women interviewed and the literature (Schanbacher, 2015) agree that it is extremely difficult to bring charges against a correctional officer. Additionally, it is very difficult for correctional officers to be fired due to the understaffing issues many correctional departments face. Several inmates indicated that sexual assault can be reduced if abusers face real consequences for their actions rather than simply being moved to another facility. The lack of true consequences for actions relegates the reporting system in place to a system whose bark is worse than its bite. Abusers are free to move to another facility – one that may not be as strict on PREA guidelines - and continue to abuse inmates.

The transferring of abusers to other facilities may keep the Birmingham facility relatively free from abuse, but how does this affect other facilities that might not have as engaged of a warden or PREA coordinator? It is possible that the influx of those reported for abuse into these facilities makes them even more dangerous with even less ability to handle the influx of problematic inmates and staff. Is it truly the best decision to send inmates and staff who have issues with abusing others to facilities that are poorly run themselves, or are they just throwing fuel onto the fire? Should the goal of PREA be to move problematic individuals or to handle the problematic behavior and rectify it so that it does not happen again?
6. LIMITATIONS

Sample Size

Most qualitative studies run into the limitation of sample size. Clearly, a sample of 40 women at one minimum-security facility in Alabama is not able to be generalized to all incarcerated women in the United States, but this study was not intended to be broadly generalizable. The goal of this study was to determine the legitimacy and trust women in ADOC facilities had in relation to the sexual assault reporting process and whether they felt they would report if they suffered abuse. Even so, the forty women who participated in the study, though racially representative of the ADOC’s women inmate population, may not be fully representative in other aspects. First, they were all under minimum security housed in the most favorable correctional facility in the ADOC. The researcher was unable to interview women under high-security or on death row, nor was the researcher able to interview women who might have been transferred out of a facility due to a sexual assault report being brought against them. These population limitations are likely to skew the results to more greatly favor the reporting process as none of the women interviewed had been directly punished by it.

Participation. A second aspect that could have affected the study’s findings was the lack of participation of inmates randomly selected. As stated before, only 40 of the 140 inmates randomly selected agreed to participate in the study. One-hundred women declined to participate in the study and with the lack of confidentiality about the study’s topic, it is likely that some chose not to participate because of a strong feeling about sexual assault reporting.
Confidentiality. This third aspect, confidentiality, immediately became a problem for the study. The agreement signed by the warden of the Birmingham Facility stipulated that the only person in the facility who knew the full topic of the study was to be the warden and the only people in the facility who knew the participants of the study would be the warden and the officer, later agreed upon to be the PREA coordinator, tasked with walking the inmate to the interview room. These were the terms of the agreement discussed with the warden and in the letter the warden signed. Immediately, the warden turned over the duty of getting participants’ consent to be interviewed from the inmates selected by the researcher to his secretary. She was the individual through whom all contact to the facility was made during the weeks of interviewing.

In order to create an interview schedule, she notified all the women who had been selected by the researcher through a note asking whether they would like to be a part of the study and if they responded, they would be placed on the interview roster. The researcher was unable to see what exactly was included in this note to the inmates about the study, but when the secretary was asked, she responded ‘only that it was a study about experiences in prison’ like the agreement stated. However, on the first day of interviewing, a participant sat down and shared how eager they were to talk about sexual assault in prison before the researcher ever described the study to her. This indicated to the researcher that it was likely that the full scope of the study had been told to the secretary and all the inmates of the facility who had been selected by the researcher.

Another issue with confidentiality was the distribution of the interviewees names to regular officers on duty who would call their names over the facility intercom to let them know they needed to report for their interview. As previously discussed, the PREA coordinator was to walk each inmate to the interview room personally, this is why the researcher worked strictly
within the PREA coordinators schedule. On the first day, she seemed to escort the participants to the interview room, but the following days she did not. The researcher did not find out that she was no longer walking the participants to the room until she heard names being called over the intercom to report to the room she was in. After she discovered this, the researcher let the secretary know that it was agreed that the PREA officer would be the only one to know who was participating in the interviews and that she was to be escorting the women into the room, but the next interview day began with regular officers calling names over the intercom again until the researcher went and talked with them directly. It is to be noted that none of the officers who had the list of participants were authorized to see that list. Despite the researcher’s insistence upon privacy and confidentiality, the authority figures of the prison wholeheartedly disregarded any semblance of confidentiality during the study. This lack of confidentiality bolstered the inmate’s narrative that the officers of the Birmingham facility did not adhere to standards of confidentiality that they were legally obligated to follow. These issues with confidentiality may have had an effect on the lack of participation in the study.

**Mandatory Reporter under PREA**

Another limitation of this study was that the ADOC PREA coordinator has decided that researchers are mandatory reporters under PREA. This determination is not made by the federal PREA guidelines, but rather by individual states. This ties the hands of researchers as participants who may be currently suffering from abuse and are uncomfortable reporting will never have their stories told because of this mandatory reporting mandate. If a participant knows the researcher will have to report, they may not reveal the indispensable perspective of a woman who is uncomfortable with the reporting process in place, she will be forced into silence yet again, hiding severe issues the reporting process may have. The decision of the ADOC to force
researchers to be mandatory reporters ensures that women who are uncomfortable reporting abuse they are currently suffering will forever be silenced.

No PREA interview

The researcher intended to interview the PREA coordinator of the Birmingham facility to cross-check inmate’s beliefs and experiences about the sexual assault reporting system with how the system officially worked. Due to the lack of transparency in prison operations, much of the women’s knowledge was admittedly from hearsay and as one participant described it, ‘inmate.com’. The researcher hoped to gain a better understanding of how PREA operated in the facility, how the PREA officers are chosen, what happens to officers who are reported against, but the PREA officer was unavailable for an interview.

Interview Schedule Limitations

If another study was to be conducted, some changes would be made to the interview schedule. Many participants answered some of the open-ended questions with a simple ‘yes’ or ‘no’, ‘good’ or ‘bad’ rather than expanding on their answer. The researcher’s attempts to probe for more information on these questions were not always successful and some participants did not seem to know how to elaborate on their answers. For example, if they answered the question ‘how do you feel about the reporting system in the Birmingham facility’ with ‘good’, some did not know how to explain what they meant by ‘good’, they simply reiterated ‘I think it’s good’. Questions would be re-worded or different questions added to encourage more descriptive answers.

Another aspect could have been added to the ‘crime’ section of the interview that asked for more details around the crime the participants were incarcerated for. Questions that would allow the researcher to see the chain of events that most directly led to the crime and would
eliminate the need for the researcher to infer why some of the crimes took place. For example, many women indicated that they murdered their abusive partner due to the abuse and lack of action by the police, but others did not say this explicitly. With added questions to this section, the researcher could have gained a better picture of how abuse, the reporting of abuse, and outcome of the abuse report affected future criminal behavior and feelings about the sexual assault reporting system in prison.
7. FUTURE DIRECTIONS

Research

The first, and most obvious, future direction is to conduct more research. Inmates’ perspectives of the legitimacy and efficacy of sexual assault reporting systems have not been investigated to any significant degree. The majority of the research focuses on whether or not sexual assault happens, not how inmates feel the reporting system for sexual assaults works or how comfortable they are with it. Responses to sexual assault in prison have overwhelmingly been reactionary in the face of systems of abuse, being brought to light only after years of operation without much regard for the underlying corruption of the system that allowed the abuse to persist. Further research can help academics, prison officials, and policy makers identify the specific issues that create a hostile environment to reporting abuse and come up with realistic solutions.

Policy Implications

Oversight on correctional facilities is sorely needed. Many of the most publicized cases of prison abuse had been allowed to happen because cases remained entirely in-house and no one from outside the prison bothered to look into facilities to ensure they were operating within the guidelines provided for them until victims who were able to afford good lawyers came forward. When abuses are found to be happening in facilities, they must be handled rather than shoved under the rug. A constant watch on all facilities needs to be kept to ensure the protection of everyone under the control of the Department of Corrections.
The Prison Rape Elimination Act provides a great deal of protection for inmates under the DOC; however, as demonstrated in the literature and this study, PREA guidelines are not always enforced. A policy lacks teeth when facilities can easily ignore it and face no institutional consequences. It signals that the policy is not a priority to the DOC and that it does not need to be taken seriously. In order to ensure a change in corrections culture to start taking sexual assault seriously, the corrections administration needs to demonstrate to the facilities that these policies will be enforced.

It is no secret that American prisons are overcrowded and that overcrowding is likely to result in less oversight and less resources to combat abuse. Policies should be made to curb the excessive number of people sentenced to long years in prison for minor, non-violent crimes to cut down on the sheer number of incarcerated citizens. The ability to gain parole should also be re-worked so that people who are unlikely to recidivate can be removed from facilities and spend the remainder of their sentence being productive citizens. These changes can help correctional facilities get their prison population to a manageable level where oversight and enforcement of policies is an obtainable goal. With fewer incarcerated people, resources can be better distributed and available for the remaining inmates and correctional officers. Cleaner, less crowded facilities that are properly staffed will provide a better environment for both inmates and correctional officers and may help reduce incidents of abuse.

The leadership of each facility is crucial to how a facility is run. The Department of Corrections must ensure that the warden chosen has integrity and is someone who will take sexual assault seriously, who has compassion for incarcerated women, and who can handle tough, disciplinary decisions when it comes to sexual assault. As basic as this step may seem, when an inadequate warden is in charge of a facility, abuse has a greater chance of becoming
widespread and going unpunished. The leadership of the facility sets the standard for the attitudes of correctional staff as well as the inmates. Positive, compassionate, and professional attitudes should be encouraged so that the facility can run smoothly, fairly, and with clear standards for inmates and staff. Encouraging an attitude shift for everyone involved with the corrections department can be done by screening correctional officers for biases before hiring and training that enforces the mindset that incarcerated women should be treated with respect and compassion rather than with an iron fist. Inmates can tell when a correctional officer feels as though incarcerated individuals are sub-human and this effects their trust in the system, their attitudes toward the officer, and their likelihood of acting out in an inappropriate way. Fostering a sense of mutual respect between inmates and officers can help reduce instances of abuse and regain a sense of trust in the system.
8. CONCLUSION

Women inmates in the ADOC system today have significantly more trust in the sexual assault reporting systems than they had just two years ago, before the changes required for the DOJ settlement-agreement were made. The inmate’s age, how anonymous they believe the process to be, the general environment of the facilities, and the attitudes of both correctional officers and the warden affect how comfortable women inmates are coming forward to report a sexual assault they may experience. The women still have issues with the reporting system, however; and many of these issues are with the outcome of the investigations and the differences in various women’s facilities within Alabama. The ADOC has started to work toward a functioning reporting system, but there are still steps the ADOC can take to bolster the legitimacy and trust in the sexual assault reporting system.

Giving women basic respect (such as not yelling or cussing at them) and privacy (such as bathroom stalls and shower curtains) led to them having greater respect and trust in the correctional officers of the facility, translating to greater trust in using the reporting system and a general feeling that sexual assaults were not nearly as prevalent today as they had been just two years ago. Trust in the sexual assault reporting process was also enhanced by the installation of camera systems and the visibility of the PREA reporting process throughout the facility in the form of phones and informational posters. The warden was cited to be one of the major facilitators of these changes with many women indicating that the way the warden behaved had a large effect on how correctional officers behaved. These factors varied a great deal depending on the facility in which the women were housed. While women overall had faith in the Birmingham
Work Release Facility’s PREA system, they overwhelmingly did not trust the process at the other women’s facilities in the Alabama Department of Corrections.

Along with differences in facilities, the outcome of investigations was an issue of concern for many women. The lack of true consequences for inappropriate sexual behaviors troubled many women and they wished for officers to not just be transferred to another facility when abuse was found, but rather for them to be either fired or have criminal charges brought against them as they would if the assault had taken place outside prison walls. This differential treatment given to women due to their incarcerated status was an issue of concern throughout the study.

Steps still need to be taken to ensure all facilities have a sexual assault reporting system that has the legitimacy and trust of the inmates it is supposed to protect. Re-structuring sentencing laws can help reduce the sheer number of people incarcerated reducing overcrowding and under-staffing that creates atmospheres ripe for abuse. Providing more resources and training to correctional facilities and their staff can help create a better environment filled with mutual respect, compassion, and effective reporting systems that are bolstered with the physical necessities such as camera systems and properly built facilities. Finally, there must be proper hiring policies for both correctional officers and wardens to ensure the correct people are controlling the correctional facilities and ensuring the reporting process is properly functioning and real consequences are seen for inappropriate actions.

The ADOC has come a long way in regaining the trust and legitimacy of their sexual assault reporting system from incarcerated women, but this trust is conditional. There are still many problems that must be addressed and many facilities where reforms need to be made. Creating one facility where sexual assault reporting is gaining legitimacy is not enough; every facility must work to better protect the women incarcerated within them, and offenders must face
real consequences for their actions. Only then can the sexual assault reporting systems in the ADOC regain trust and legitimacy in the eyes of incarcerated women.
REFERENCES


Department of Justice (2003). *Prison Rape Elimination Act*.

Department of Justice (2012). *Prison Rape Elimination Act: Prison and jail standards*.


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Ms. April Surrell, a graduate student from the University of Alabama, will be visiting the Birmingham Work Release Facility during the month of April, 2017. She will interview women about their experiences in prison.

Ms. Surrell is doing research on experiences in certain aspects of prison life. Each woman will be interviewed in a private room. The information you share will be kept confidential.

Participants for this study will be chosen through random selection. If you are chosen, you will be contacted about an interview with Ms. Surrell. Being in this study is your own choice. If you are chosen, you may decide not to be in it at all. Being in the study will have no effect on your sentence, your parole, or your participation in programs at the Birmingham Work Release Facility.

If you have any questions about the study, please contact Ms. Surrell by writing her at the University of Alabama, Department of Criminal Justice, ATTN: April Surrell, Box 870320, Tuscaloosa, AL 35487-0320.
APPENDIX B

Interview Transcript

Section I – Demographics

1. How old are you?

2. What race do you identify as? (White, African American, Native American, Latinx, Asian, bi-racial…)

3. What gender do you identify as? (Woman, Man, Transgender)

4. What is your highest level of education? (Including GED)
   a. Did you earn this level of education in prison?

5. Were you employed before you were incarcerated? (Yes, No)
   a. What type of employment was it? (Full time, part time, hourly…)
   b. What type of job was it?
   c. What was your approximate income? (per hour or monthly)

6. What was your living situation like before you were incarcerated?
   a. Do you have any children? How many?
   b. Were you their primary caregiver?
   c. Did you support anyone else before being incarcerated?

7. What was your marital status before incarcerated?

Section II – Family History

8. Were both your parents involved in your life?
   a. What was that involvement like?
9. How would you characterize your childhood?
   a. Did you trust the people you were around, did you feel safe?

10. Are you still in touch with your family?

Section III – Criminal History

11. What crime are you currently incarcerated for?

12. What crimes are on your record?
   a. How many times have you been incarcerated?

13. How long is your prison sentence?
   b. How many years of your current sentence have you served?

14. Have you been incarcerated somewhere other than Alabama?
   a. Have you been incarcerated at a different facility in Alabama?

Section IV – History of Reporting to Police

15. Have you ever reported any type of incident to the police?
   a. What was the nature of this incident? (crime, disturbance, emergency)

16. Have you ever been in a situation where there was domestic violence?
   a. Have you ever reported domestic violence to the police?
      i. How did they respond?

      1. If it was to the police, was there an investigation?

Section V – Prison Rape Elimination Act

17. What can you tell me about the Prison Rape Elimination Act?
   a. Do you know what it is? What it protects you against? How to go about reporting?
18. Do you know the best actions one would take to report inappropriate sexual behaviors here at the Birmingham Facility?

Section VI – Reporting Procedures

19. Do you know of anyone who has experienced sexual assault in prison and not reported it? (No specifics)
   a. Do you know why they did not report?

20. Do you know of anyone who has experienced and reported sexual assault in the prison system (no names)?
   a. Who did they report the incident to? (No names)
   b. Do you know how was the report handled?
   c. Was there an investigation into the incident?
   d. Were you (or the reporter) involved in the investigation?
   e. What happened during the investigation?
   f. Was the person who reported the incident kept in general population?
   g. How far did the investigation go?

21. Do you remember if there was an investigation while you were in a facility?
   a. What was the vibe like?
   b. How was the person who reported treated by staff/inmates?
   c. Were people happy with the outcome of the investigation?

Section VII – Outcome

22. Do you know what the outcome of the investigation was?

23. Did the investigators give a reason for the outcome?
Section VIII – The Reporting System

24. What are your feelings about the reporting process in the Birmingham Facility?

25. How do you feel about using the reporting process?
   a. What parts do you like the most?
   b. What parts do you like the least? What would you like to change?

Section IX – Hypothetical Use of Reporting Process

26. Do you feel like you would use the reporting process here at the Birmingham Facility if you experienced sexual assault?
   a. Why is this your answer? Can you give specifics?

27. Do you feel like the staff of the Birmingham Facility would be helpful if you used the process here?
   a. Why do you feel this way?

28. Do you feel like you would have used the reporting process at the other facilities you have been in prior to the Birmingham Facility?
   a. Why do you feel this way?

29. Do you feel like the staff of the other facilities would be helpful if you used the process there?
   a. Why do you feel this way?
   b. Do you feel like more training for the staff would help them to be better?
   c. Do you feel like the authority of the prisons has an impact on how the staff treat sexual assault reports?
   d. Do you think that a better screening process would help make sure we are hiring the officers who would be compassionate when it comes to sexual assault?

Section X – General Feelings

30. Is there anything else you would like to tell me?
APPENDIX C

2/12/2017

REQUEST FOR PERMISSION TO CONDUCT RESEARCH AT BIRMINGHAM WORK RELEASE FACILITY

Dear Warden Tucker,

My name is April Surrell, and I am a graduate student in the Department of Criminal Justice at The University of Alabama (Tuscaloosa). The research I wish to conduct for my master’s thesis involves an exploration of women inmates’ feelings toward the reporting process for inappropriate sexual behavior. This project will be conducted under the supervision of Dr. Ida Johnson (University of Alabama) and Ms. Tanta Myles (Research Compliance Officer, University of Alabama).

I am hereby seeking your consent to interview women inmates currently incarcerated at Birmingham Community Based Facility located in Birmingham, Alabama. I request consent to ask them how they felt about their experiences with the reporting process for inappropriate sexual behaviors and their feelings about the reporting process in general. I am also asking your consent to conduct these interviews in a secured location with as much privacy and discretion as possible. I am also asking consent to be granted a complete list of inmates incarcerated in the facility which I can use to randomly select participants for my study. This letter is acknowledging that the researcher (April Surrell) is a mandatory reporter under PREA therefore limiting the amount of confidentiality the researcher can grant the participants of the study.

This letter is confirming that Sergeant Theresia Widener, Institutional PREA Compliance Manager will be the correctional Sergeant who brings the participants within the facility to the interview room. Angel Daniels MHP is the Menial Health Professional available to participants. They are available April 3rd through April 7th from 8:00 am to 4:00 pm.

I have provided you with a copy of my thesis proposal which includes copies of the interview script and consent forms to be used in the research process. I will send you a copy of the approval letter from the Institutional Review Board when it is received.

Upon completion of the study, I undertake to provide the Alabama Department of Corrections with a bound copy of the full research report. If you require any further information, please do not hesitate to contact me at amsurrell@crimson.ua.edu. Thank you for your time and consideration in this matter.

Yours sincerely,

April Surrell
University of Alabama

I hereby approve the above stated study to be conducted by April Surrell.

Warden of the Birmingham Work Release Facility 3/20/17 Date
APPENDIX D

11/28/2016
REQUEST FOR PERMISSION TO CONDUCT RESEARCH AT BIRMINGHAM WORK RELEASE FACILITY

Dear Dr. Williams,

My name is April Surrell, and I am a graduate student in the Department of Criminal Justice at The University of Alabama (Tuscaloosa). The research I wish to conduct for my master’s thesis involves an exploration of women inmates’ feelings toward the reporting process for inappropriate sexual behavior. This project will be conducted under the supervision of Dr. Ida Johnson (University of Alabama) and Ms. Tanta Myles (Research Compliance Officer, University of Alabama).

I am hereby seeking your consent to interview women inmates currently incarcerated at Birmingham Community Based Facility located in Birmingham, Alabama. James Tucker is the Warden of the Birmingham Community Based Facility. I request consent to ask them how they felt about their experiences with the reporting process for inappropriate sexual behaviors and their feelings about the reporting process in general. I am also asking your consent to conduct these interviews in a secured location with as much privacy and discretion as possible.

I have provided you with a copy of my thesis proposal which includes copies of the interview script and consent forms to be used in the research process. I will send you a copy of the approval letter from the Institutional Review Board when it is received.

Upon completion of the study, I undertake to provide the Alabama Department of Corrections with a bound copy of the full research report. If you require any further information, please do not hesitate to contact me at amsurrell@crimson.ua.edu. Thank you for your time and consideration in this matter.

Yours sincerely,

April Surrell
University of Alabama

[FOR RECIPIENT RESPONSE]
I hereby approve the above stated study to be conducted by April Surrell.
March 22, 2017

April Surrell
Dept. of Criminal Justice
College of Arts & Sciences
Box 870320

Re: IRB Application #: 16-011
Application Title: “Reporting Behaviors of Women Inmates”

Dear Ms. Surrell:

The University of Alabama IRB has received the revisions requested by the full board on 1/19/17. The board has reviewed the revisions and your protocol is now approved for a one-year period. Please be advised that your protocol will expire one year from the date of approval, 1/19/17.

If your research will continue beyond this date, complete the IRB Renewal Application by the 15th of the month prior to project expiration. If you need to modify the study, please submit the Modification of An Approved Protocol Form. Changes in this study cannot be initiated without IRB approval, except when necessary to eliminate apparent immediate hazards to participants. When the study closes, please complete the Request for Study Closure Form.

Please use reproductions of the IRB approved stamped consent forms to obtain consent from your participants.

Should you need to submit any further correspondence regarding this proposal, please include the assigned IRB application number.

Good luck with your research.

Sincerely,

[Redacted]

Stuart Usdan, PhD
Chair, Non-Medical Institutional Review Board
You are being asked to be in a research study. This study is called “Reporting Behavior of Women Inmates”. This study is being done by April Surrrell. She is a graduate student in the Department of Criminal Justice at the University of Alabama.

What is this study about?
There has not been much research conducted about the prison sexual assault and harassment reporting system. Inmate trust in the system and how far investigations go when an incident is reported is not known. This study seeks to gather information about inmate’s trust in the prison sexual assault and harassment reporting system and their thoughts on the investigation process.

Why is this study important—What good will the results do?
The findings will help policy makers and correctional management understand the issues that surround reporting inappropriate sexual behaviors and their subsequent investigations in women’s prisons. This will help them to create more realistic oversight and procedures to ensure the protection of all inmates.

Why have I been asked to take part in this study?
You are a current inmate at the Birmingham Work Release Facility in Birmingham, Alabama. A complete list of inmate names was acquired through the warden and you were selected using a simple random sampling procedure. This means that everyone had equal opportunity to be chosen in this study and it was only by chance that you were chosen. The researcher is requesting that you answer the questions in the interview with your own experiences in the prison system.

How many other people will be in this study?
The researcher intends to conduct face-to-face interviews with up to 40 individuals over the next month.

What will I be asked to do in this study?
If you agree to be in this study, April Surrrell will interview you in a secured location within the Birmingham Work Release Facility. You will be asked to fully answer questions posed to you by the researcher. Some of these questions will be about your own history of reporting domestic abuse or sexual assault outside of prison, basic information about yourself such as your history with the criminal justice system, and reporting of inappropriate sexual behavior within the prison you may know about. With your permission, your answers will be recorded on an audio recorder. You may choose to participate in the study without the use of the recorder, but the researcher will take notes on your answers. A separate ‘audio consent’ signature will be requested at the end of this form to indicate whether or not you agree to be audio taped during the interview. You may refuse to answer questions if you wish or end your participation in the study at any time.
What are the alternatives to being in this study?
The only alternative is not to participate which you may decide to do at any time. You may also refuse to answer any question you find to be too stressful.

What are my rights as a participant?
Being in this study is totally voluntary. It is your free choice. You may choose not to participate in the study at all. If you start the study, you can stop at any time. Not participating or stopping participation will have no effect on your relationships with the University of Alabama, your release date, or your daily life at the Birmingham Women’s Facility.

The University of Alabama Institutional Review Board is a committee that looks out for the ethical treatment of people in research studies. They may review the study records if they wish. This is to be sure that people in research studies are being treated fairly and that the study is being carried out as planned.

Who do I call if I have questions or problems?
If you have questions about this study right now, please ask them. If you have questions later on, please email April Surrell at amsurrell@crimson.ua.edu.

If you have questions or complaints about your rights as a research participant, call Ms. Tanta Myles, the Research Compliance Officer of the University at 205-348-8461 or toll-free at 1-877-820-3066 or by mail at University of Alabama Office for Research, ATTN: Ms. Tanta Myles – Participant Concern, Box 870127, Tuscaloosa, AL 35487-0104.

The administrative contact at the University of Alabama is Dr. Ida Johnson who can be reached through her email at ijohnson@bama.ua.edu or by telephone at 205-348-8090.

You may also ask questions, make a suggestion, or file complaints and concerns through the IRB Outreach Website at http://osp.ua.edu/site/PRCO_Welcome.html. After you participate, you are encouraged to complete the survey for research participants that is online there, or you may ask April Surrell for a copy of it.
By signing the consent form you are acknowledging that you have not been coerced into taking part in this study.

I consent to be audio recorded during the interview process

Yes  No

I have read this consent form and I have had a chance to ask questions

Yes  No

________________________  _________________________
Signature of Research Participant  Date

________________________  _________________________
Signature of Investigator  Date
NOTE: Investigators, please include this form with the IRB application if your research involves prisoners. This includes studies of known prisoners and studies recruiting subjects at risk of becoming involuntary prisoners, such as subjects with histories of substance abuse. Remember that persons involuntarily committed to mental health facilities (Taylor Hardin Secure Mental Health Facility, Mary Starke Harper, etc.) by the courts are also prisoners.

If subjects unexpectedly become prisoners, go directly to SECTION FOUR of this form.

If your research involves prisoners with more than one vulnerability (i.e., prisoners who are also children or pregnant, are involuntarily committed to mental health facilities), attach the supplementary form for that vulnerable population as well.

Regardless of the category of your research, be sure that your application makes clear why the research must be done on prisoners.

Section 1. [45 CFR 46.306]

Indicate the category that best represents your research by checking the applicable box below, and explain in the space provided for that category why your research meets the criteria.

For research involving prisoners, the definition of minimal risk refers to the probability and magnitude of physical or psychological harm that is normally encountered in the daily lives, or in the routine medical, dental or psychological examination of healthy persons.

Category 1 (45 CFR 46.306(a)(2)(i))

My research involves the study of possible causes, effects, processes of incarceration, and of criminal behavior. (Processes of incarceration can be interpreted broadly to include substance abuse research, half-way houses, counseling techniques, criminal behavior, etc …)
Justify how the research presents no more than minimal risk and no more than inconvenience to the subjects:

**Category 2 (45 CFR 46.306(a)(2)(ii))**
My research involves the study of prisons as institutional structures, or of prisoners as incarcerated persons. (This category is usually used fairly narrowly as when looking at prisoner diet and conditions of prison life.)

**Category 3 (45 CFR 46.306(a)(2)(iii))**
My research involves the study of conditions particularly affecting prisoners as a class. (This category is less frequently used than the previous ones and refers to such research as vaccine trials, research on hepatitis, and social and psychological problems such as alcoholism, drug addiction, and sexual assault. Minimal risk studies should not go under this category.) For DHHS-funded research, OHRP has consulted with appropriate experts including experts in penology, medicine, and ethics, and published notice, in the Federal Register, of its intent to approve such research.

Note: Contact the Office of Research Compliance at (205) 348-8461 for more information.

**Explain what condition(s) will be studied and provide rationale for each:**
My study will focus on the experience of inmates as they interact with the reporting systems in prisons.

**Category 4 (45 CFR 46.306(a)(2)(iv))**
My research involves the study of practices, both innovative and accepted, which have the intent and reasonable probability of improving the health or well-being of the subject. (Note: It is rare for research involving placebo or control groups to fall in this category because of the difficulty in justifying improvement of the health or well-being of the subject being given placebo or in a control group.) For DHHS-funded research which requires the assignment of prisoners in a manner consistent with protocols approved by the IRB to control groups which may not benefit from the research, the study may proceed only after OHRP has consulted with appropriate experts, including experts in penology, medicine, and ethics, and published notice, in the Federal Register, of its intent to approve such research.

Note: Contact the Office of Research Compliance at (205) 348-8461 for more information.

**Explain the research practices that will be used in this study and how they are intended to improve the health and well-being of the participants:**
Section 2. [45 CFR 46.305]

When an IRB is reviewing a protocol in which a prisoner will be a subject, the IRB must find and document justification that six additional conditions are met. Describe in the space provided how each condition applies to your research.

1. Advantages acquired through participation in the research, when compared to the prisoners’ current situation, are not so great that they impair their ability to weigh risks.

   Describe the possible advantages that can be expected for prisoner participants:
   There will be no outright advantages for taking part in the research. There is no compensation for participation.

2. Risks are the same as those that would be accepted by non-prisoners.

   Describe the possible risks that can be expected for prisoner participants and justify that they are the same as for non-prisoners:
   The risk facing inmates who participate in the study may include discomfort at talking about inappropriate sexual behaviors, risks can be mitigated by allowing inmates to skip questions.

3. Procedures for selection are fair to all prisoners and are immune from intervention by prison authorities in prisons; control subjects must be randomly selected.

   a) Describe how prisoners will be selected for participation:
   Inmates will be selected by the researcher obtaining a list of every woman inmate currently incarcerated at the Montgomery Women’s Facility. A simple random sample of 40 individuals will then be taken from the entire list by the researcher.

   b) Describe what measures will be taken to prevent intervention by prison authorities in the selection process:
   The participants will be chosen by the researcher alone from a master list of the inmates. The only individuals who will know who has been chosen will be the researcher, the warden, and a prison employee who will lead the chosen inmate from the general prison to the private office.

4. Parole boards cannot take into consideration a prisoner’s participation in research. Informed consent must state participation will not affect length of sentence or parole.

   The informed consent document includes this stipulation.

5. For studies that require follow-up, provisions are made including consideration for the length of individual sentences; informed consent must reflect provisions for follow-up.

   Describe what provisions have been made for follow-up and how this
information will be relayed to the prisoner participants:

There will be no follow ups for this study.

6. Information about the study is presented in a language understandable to prisoners.

Describe what efforts have been made to present information about the study in a language that is understandable to the prisoner population. This may mean a non-English language or an appropriate reading level in whatever language the prisoner uses.

The study will be conducted in English and in simple terms. Whenever a specific legal term comes up (such as sexual inappropriate sexual behaviors) the researcher will provide a definition and only continue with the study when the participant indicates they understand the term.

Section 3. Only complete if applicable: Epidemiologic Research Involving Prisoners and Funded by the Department of Health and Human Services (DHHS)

Effective June 20, 2003, DHHS adopted policy that allows waiver of the requirement for documenting applicability of a 45 CFR 306(a)(2) category (as found in Section 1 of this form) for certain epidemiologic research involving prisoners. This waiver applies to DHHS conducted or supported epidemiologic research on prisoners that presents no more than minimal risk and no more than inconvenience to the prisoner-subjects.

Check the box below if your research meets the listed criteria, then provide justification in the space provided.

1. My research is funded by HHS and I request a waiver for meeting the category conditions under Section 1 of this form.
2. My research involves epidemiologic research intended to describe the prevalence/incidence of a disease by identifying all cases, or to study potential risk factor associations for a disease; and
3. Prisoners are not the sole focus of my research.

Justify how the research presents no more than minimal risk and no more than inconvenience to the subjects:

Section 4. Complete if applicable: Prisoners are not the targeted population

Although prisoners may not be the target population for your research, a subject could become a prisoner during the course of the study (particularly if studying a subject population at high-risk of incarceration).

Note: If you did not receive IRB approval for involvement of prisoners, and a subject becomes a prisoner during the study, all research interactions and interventions with, and obtaining identifiable private information about, the now-incarcerated participant must cease until IRB approval has been issued for their continuation in the
If you need IRB approval for a prisoner subject to continue participation in your research, select and complete the applicable category from Section 1, complete section 2 and this section, then submit for IRB review.

In special circumstances in which the Principal Investigator asserts that it is in the best interest of the subject to remain in the research study while incarcerated, the IRB Chairperson may determine that the subject may continue to participate in the research prior to satisfying the requirements of Subpart C. However, subsequent IRB review and approval of this completed form, documenting that the requirements of Subpart C are met, is required.

Prisoners are not a target population for my research, but a subject became a prisoner during the study and I am seeking IRB approval so the subject can continue participation in the research.

Explain the importance of continuing to intervene, interact, or collect identifiable private information during the participant’s incarceration:

*Prisoner: An individual involuntarily confined in a penal institution, including persons: (1) sentenced under a criminal or civil statute; (2) detained pending arraignment, trial, or sentencing; and (3) detained in other facilities (e.g., for drug detoxification or treatment of alcoholism,) under statutes or commitment procedures providing such alternatives to criminal prosecution or incarceration in a penal institution [45 CFR 46.303(c)]. Note: Persons on Probation and parole are usually NOT considered to be prisoners.

If you will receive or are seeking Department of Health and Human Services (HHS) funding for this study, a certification letter must be submitted to the Office for Human Research Protections (OHRP). The research cannot be initiated until OHRP issues approval. The Office of Research Compliance (ORC) will prepare and submit the certification report to OHRP. Contact the Director for the Office of Research Compliance at 205-348-8461 8641 for more information.
APPENDIX G

AAHRPP DOCUMENT #193
UNIVERSITY OF ALABAMA
HUMAN RESEARCH PROTECTION PROGRAM
UNIVERSITY OF ALABAMA

Individual’s Consent to be in a Research Study

You are being asked to be in a research study. This study is called “Reporting Behavior of Women Inmates”. This study is being done by April Surrell. She is a graduate student in the Department of Criminal Justice at the University of Alabama.

What is this study about?
There has not been much research conducted about the prison sexual assault and harassment reporting system. Inmate trust in the system and how far investigations go when an incident is reported is not known. This study seeks to gather information about inmate’s trust in the prison sexual assault and harassment reporting system and their thoughts on the investigation process.

Why is this study important—What good will the results do?
The findings will help policy makers and correctional management understand the issues that surround reporting inappropriate sexual behaviors and their subsequent investigations in women’s prisons. This will help them to create more realistic oversights and procedures to ensure the protection of all inmates.

Why have I been asked to take part in this study?
You are a current inmate at the Birmingham Work Release Facility in Birmingham, Alabama. A complete list of inmate names was acquired through the warden and you were selected using a simple random sampling procedure. This means that everyone had equal opportunity to be chosen in this study and it was only by chance that you were chosen. The researcher is requesting that you answer the questions in the interview with your own experiences in the prison system.

How many other people will be in this study?
The researcher intends to conduct face-to-face interviews with up to 40 individuals over the next month.

What will I be asked to do in this study?
If you agree to be in this study, April Surrell will interview you in a secured location within the Birmingham Work Release Facility. You will be asked to fully answer questions posed to you by the researcher. Some of these questions will be about your own history of
reporting domestic abuse or sexual assault outside of prison, basic information about yourself such as your history with the criminal justice system, and reporting of inappropriate sexual behavior within the prison you may know about. With your permission, your answers will be recorded on an audio recorder. You may choose to participate in the study without the use of the recorder, but the researcher will take notes on your answers. A separate ‘audio consent’ signature will be requested at the end of this form to indicate whether or not you agree to be audio taped during the interview. You may refuse to answer questions if you wish or end your participation in the study at any time.

**How much time will I spend being in this study?**
The interview should be able to be completed in about one hour.

**Will being in this study cost me anything?**
The only cost to you from this study is your time.

**Will I be compensated for being in this study?**
There will be no compensation for your participation in this study. Participation in this study will in no way affect the length of you prison sentence, parole, early release, or institutional rewards.

**What are the risks (problems or dangers) from being this study?**
There are minimum risks to you. If the researcher asks questions that are uncomfortable to you, please note that you can skip those questions or stop participating in the study. All information that you provide will be kept confidential and the researcher will be the only person who will have access to the information. Your name will not be used. Please note, however, that the researcher is a mandatory reporter under the Prison Rape Elimination Act. This means that the reporter is required to report any information that may be disclosed to her during the interview process if it is information pertaining to self-harm or harming others, as well as any allegation of sexual abuse or sexual harassment by either inmates or staff. Through the interview you will not be asked about these topics, however please be aware that if you disclose these things, I am obligated to report it to Warden Tucker.

**What are the benefits of being in this study?**
There are no direct benefits to you, however, you may also feel good about knowing that you have helped policy makers and prison management to create more secure safeguards for inmates who may experience inappropriate sexual behaviors while in prison. There will be no early parole or early release for participating in this study.

**How will my privacy be protected?**
Your name will not be recorded on your individual interview so the answers you give will not be able to be traced back to you. The topic of this study has been withheld from everyone in the prison except for the warden and the participants.

**How will my confidentiality be protected?**
The only place where your name appears in connection with this study is on this informed consent. The consent forms will be kept in a locked file drawer in April Surrell’s
residence, which is locked when she is not there. We are using a name-number list so there is no way to link a consent form to an interview tape. When we conduct the interview, we will not use your name, so no one will know who you are on the interview tape. Once back in the office, the researcher (April Surrell) will listen to the interview recordings and transcribe them onto a computer. When the interviews have been typed, the audio recordings will be destroyed.

The researcher will write research articles on this study but participants will be identified only as “inmates from a women’s facility in the South”. No one will be able to recognize you.

**What are the alternatives to being in this study?**

The only alternative is not to participate which you may decide to do at any time. You may also refuse to answer any question you find to be too stressful.

**What are my rights as a participant?**

Being in this study is totally voluntary. It is your free choice. You may choose not to participate in the study at all. If you start the study, you can stop at any time. Not participating or stopping participation will have no effect on your relationships with the University of Alabama, your release date, or your daily life at the Birmingham Women’s Facility.

The University of Alabama Institutional Review Board is a committee that looks out for the ethical treatment of people in research studies. They may review the study records if they wish. This is to be sure that people in research studies are being treated fairly and that the study is being carried out as planned.

**Who do I call if I have questions or problems?**

If you have questions about this study right now, please ask them. If you have questions later on, please email April Surrell at amsurrell@crimson.ua.edu.

If you have questions or complaints about your rights as a research participant, call Ms. Tanta Myles, the Research Compliance Officer of the University at 205-348-8461 or toll-free at 1-877-820-3066 or by mail at University of Alabama Office for Research, ATTN: Ms. Tanta Myles – Participant Concern, Box 870127, Tuscaloosa, AL 35487-0104.

The administrative contact at the University of Alabama is Dr. Ida Johnson who can be reached through her email at ijohnson@bama.ua.edu or by telephone at 205-348-8090.

You may also ask questions, make a suggestion, or file complaints and concerns through the IRB Outreach Website at [http://osp.ua.edu/site/PRCO_Welcome.html](http://osp.ua.edu/site/PRCO_Welcome.html). After you participate, you are encouraged to complete the survey for research participants that is online there, or you may ask April Surrell for a copy of it.
By signing the consent form you are acknowledging that you have not been coerced into taking part in this study.

I consent to be audio recorded during the interview process

Yes

No

I have read this consent form and I have had a chance to ask questions

Yes

No

________________________________________________________________________

Signature of Research Participant

Date

________________________________________________________________________

Signature of Investigator

Date
### Table 1 - Demographics

<table>
<thead>
<tr>
<th>Race</th>
<th>Number</th>
<th>Percentage</th>
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<tr>
<td>Black</td>
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<table>
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<th>Percentage</th>
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<td>36-45</td>
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<td>GED</td>
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<td>High School</td>
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<tr>
<td>Degree</td>
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<tr>
<td>Part Time</td>
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<tr>
<td>Both</td>
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</tr>
<tr>
<td>Other (odd jobs, etc.)</td>
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<td>Unemployed</td>
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<table>
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<td>&gt;10,000</td>
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<td>10K-30K</td>
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<td>30%</td>
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<td>41K+</td>
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<tr>
<td>Variable</td>
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<td>Disability</td>
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<tr>
<td>Trailer</td>
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<td>12.5%</td>
</tr>
<tr>
<td>Rent</td>
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<td>12.5%</td>
</tr>
<tr>
<td>Apartment</td>
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</tr>
<tr>
<td>Family Home</td>
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<td>17.5%</td>
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<td>Homeless</td>
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<table>
<thead>
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<th>Children</th>
<th>Number</th>
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</tr>
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<tr>
<td>0</td>
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<td>1</td>
<td>6</td>
<td>15%</td>
</tr>
<tr>
<td>2</td>
<td>11</td>
<td>27%</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>25%</td>
</tr>
<tr>
<td>4+</td>
<td>3</td>
<td>7.5%</td>
</tr>
</tbody>
</table>

<p>| Single         | 18     | 45%        |
| Married        | 11     | 27.5%      |
| Divorced       | 4      | 10%        |</p>
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<thead>
<tr>
<th>Crime</th>
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<tr>
<td>Murder</td>
<td>19</td>
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<tr>
<td>Trafficking</td>
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<tr>
<td>Possession</td>
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<tr>
<td>Manufacturing</td>
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<tr>
<td>Theft and Robbery</td>
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<tr>
<td>Other*</td>
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</tr>
<tr>
<td>Times Incarcerated</td>
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</tr>
<tr>
<td>1</td>
<td>22</td>
<td>55%</td>
</tr>
<tr>
<td>2-3</td>
<td>10</td>
<td>25%</td>
</tr>
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<td>4-9</td>
<td>3</td>
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<tr>
<td>10+</td>
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<td>Sentence Length</td>
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<td>10-14</td>
<td>2</td>
<td>5%</td>
</tr>
<tr>
<td>15-19</td>
<td>5</td>
<td>12.5%</td>
</tr>
<tr>
<td>20-25</td>
<td>16</td>
<td>40%</td>
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<tr>
<td>26+</td>
<td>2</td>
<td>5%</td>
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<tr>
<td>Life</td>
<td>5</td>
<td>12.5%</td>
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<tr>
<td>Years Served</td>
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<tr>
<td>0-4</td>
<td>11</td>
<td>27.5%</td>
</tr>
<tr>
<td>5-9</td>
<td>7</td>
<td>10%</td>
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<td>10-14</td>
<td>9</td>
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</tr>
<tr>
<td>15-19</td>
<td>10</td>
<td>25%</td>
</tr>
<tr>
<td>20-25</td>
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<td>7.5%</td>
</tr>
<tr>
<td>States Incarcerated In</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Only Alabama</td>
<td>20</td>
<td>50%</td>
</tr>
<tr>
<td>LA under ADOC</td>
<td>13</td>
<td>32.5%</td>
</tr>
<tr>
<td>Other States</td>
<td>7</td>
<td>17.5%</td>
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<tr>
<td>ADOC Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tutwiler</td>
<td>35</td>
<td>87.5%</td>
</tr>
<tr>
<td>Montgomery</td>
<td>29</td>
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<tr>
<td>Columbiana</td>
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<tr>
<td>Only Birmingham</td>
<td>3</td>
<td>7.5%</td>
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</table>

Table 2 – Criminal Demographics

<p>| Marital Status | Separated | 4 | 10% | Other | 3 | 7.5% |</p>
<table>
<thead>
<tr>
<th>Table 3 – Reporting Behaviors</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prior to Incarceration</strong></td>
<td></td>
<td></td>
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<tr>
<td>Report any crime to Police</td>
<td>Yes</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>19</td>
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<tr>
<td>Abusive Relationship</td>
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<td>32</td>
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<tr>
<td></td>
<td>No</td>
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<tr>
<td>Domestic Violence</td>
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<td>30</td>
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<td></td>
<td>No</td>
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<tr>
<td>DV Reported</td>
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<td>14</td>
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<tr>
<td></td>
<td>No</td>
<td>16</td>
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<tr>
<td><strong>While Incarcerated</strong></td>
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<td></td>
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<tr>
<td>Know of sexual assault that was not reported</td>
<td>Yes</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Don’t Know</td>
<td>5</td>
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<tr>
<td>Know of sexual assault that was reported</td>
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<td>31</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>7</td>
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<td></td>
<td>Don’t Know</td>
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<td><strong>Birmingham Work Release Facility</strong></td>
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<tr>
<td>Feelings on PREA process</td>
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<td></td>
<td>Ok or Indifferent</td>
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<tr>
<td></td>
<td>Negative</td>
<td>3</td>
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<tr>
<td>Report if sexual assault occurred</td>
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<td>34</td>
</tr>
<tr>
<td></td>
<td>No or Probably Not</td>
<td>4</td>
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<tr>
<td></td>
<td>Cautiously</td>
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<tr>
<td>Staff Helpful</td>
<td>Yes</td>
<td>26</td>
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<tr>
<td></td>
<td>Some / Unsure</td>
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<td><strong>Other Correctional Facilities</strong></td>
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<tr>
<td>Report if sexual assault occurred</td>
<td>Yes</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>16</td>
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<td></td>
<td>Cautiously</td>
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<td>Staff Helpful</td>
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<td></td>
<td>No</td>
<td>18</td>
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<td><strong>Factors to Affect Inmate Comfort using PREA</strong></td>
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<td>Staff Training</td>
<td>Yes</td>
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