

2017

## Sexual Misconduct in Prison: What Factors Affect Whether Incarcerated Women Will Report Abuses Committed by Prison Staff?

Sheryl Pimlott Kubiak  
*Michigan State University*

Hannah Brenner  
*California Western School of Law, hbrenner@cwsl.edu*

Deborah Bybee  
*Michigan State University*

Rebecca Campbell  
*Michigan State University*

Cristy E. Cummings  
*Michigan State University*

Follow this and additional works at: <https://scholarlycommons.law.cwsl.edu/fs>

 [next page for additional authors](#)

Part of the [Criminology and Criminal Justice Commons](#), [Law and Psychology Commons](#), and the [Law Enforcement and Corrections Commons](#)

---

### Recommended Citation

Pimlott Kubiak, Sheryl; Brenner, Hannah; Bybee, Deborah; Campbell, Rebecca; Cummings, Cristy E.; Darcy, Kathleen M.; Fedock, Gina; and Goodman-Williams, Rachael, "Sexual Misconduct in Prison: What Factors Affect Whether Incarcerated Women Will Report Abuses Committed by Prison Staff?" (2017). *Faculty Scholarship*. 224.

<https://scholarlycommons.law.cwsl.edu/fs/224>

This Article is brought to you for free and open access by CWSL Scholarly Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of CWSL Scholarly Commons. For more information, please contact [alm@cwsl.edu](mailto:alm@cwsl.edu).

---

**Authors**

Sheryl Pimlott Kubiak, Hannah Brenner, Deborah Bybee, Rebecca Campbell, Cristy E. Cummings, Kathleen M. Darcy, Gina Fedock, and Rachael Goodman-Williams

**41 Law & Hum. Behav. 361**

**Law and Human Behavior**

August, 2017

Sheryl P. Kubiak

Michigan State University

Hannah J. Brenner

California Western School of Law

Deborah Bybee, Rebecca Campbell, Cristy E. Cummings

Michigan State University

Kathleen M. Darcy, Gina Fedock

University of Chicago

Rachael Goodman-Williams

Michigan State University

Copyright © 2017 by American Psychological Association; Sheryl P. Kubiak, Hannah J. Brenner, Deborah Bybee, Rebecca Campbell, Cristy E. Cummings, Kathleen M. Darcy, Gina Fedock, Rachael Goodman-Williams

## **SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS AFFECT WHETHER INCARCERATED WOMEN WILL REPORT ABUSES COMMITTED BY PRISON STAFF?**

More than 80,000 prisoners each year are sexually victimized during incarceration, but only about 8% report victimization to correctional authorities. Complicating reporting is the fact that half of the perpetrators are staff members. Given the restrictive and highly regulated prison environment, studies that examine reporting behaviors are difficult to conduct and to date information available relied on those who have reported or hypothetical victimization studies. This study uses an ecological framework and archival data from a class action lawsuit of sexual misconduct to determine predictors of reporting. Relying on a subsample of 179 women, chosen because they have all experienced at least 1 penetration offense, we use bivariate and multivariable mixed effects logistic regression analyses to examine individual, assault, and context-level predictors of reporting on 397 incidents of staff sexual misconduct. The final model revealed that that 6 predictors (age at time of assault, physical injury, multiple incidents, perpetrator with multiple victims, the year the abuse began, and the number of years women have left on their sentence) account for 58% of the variance in reporting. Disclosure to inmate peers and/or family and friends was significant in the bivariate results. These findings indicate the need for stronger and more systematic implementation of Prison Rape Elimination Act guidelines and remedies that create and enforce sanctions, including termination, for staff violating policy and state law.

*Keywords:* incarcerated women, Prison Rape Elimination Act, reporting, staff sexual misconduct

Sexual assault is an underreported crime, as most rape victims never report their assaults to law enforcement personnel (Fisher, Daigle, & Cullen, 2010; Fisher, Daigle, Cullen, & Turner, 2003; Kilpatrick, Edmunds, & Seymour, 1992). Data

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

from the National Crime Victimization Survey indicate that only 20-35% of female sexual assault victims report the assault to the police (Planty, Langton, Krebs, Berzofsky, & Smiley-McDonald, 2013; Sinozich & Langton, 2014; Truman & Langton, 2015). The decision whether to report is clearly a difficult one, as a growing body of research indicates that most victims will likely face disbelief, shame, and victim-blaming treatment from members of the criminal/ legal system (Campbell, 2008; Greeson, Campbell, & Fehler-Cabral 2014, 2016; Patterson, 2011, 2012).

Certainly, the context in which the assault occurs is critical to reporting, as there may be unique challenges to reporting in certain communities and settings. For example, studies related to the reporting of sexual assault among college students, military service members, and prison inmates suggest rates even lower than the national average (Campbell & Raja, 2005; Fisher et al., 2003; Fisher et al., 2010; Fowler, Blackburn, Marquart, & Mullings, 2010; Ménard, 2005; Sable, Danis, Mauzy, & Gallagher, 2006; Turchik & Wilson, 2010). However, incarceration may be a particularly challenging setting in which to report a sexual assault, particularly if the assault was perpetrated by a staff member (e.g., correction's officers).

Given the growing national attention to the issue of sexual assault within prison settings and the national implementation of \*362 federal guidelines for the prevention and reduction of such assaults mandated by the Prison Rape Elimination Act (PREA), it is important to understand what factors influence the reporting of sexual assault during incarceration. Although PREA was passed in 2003, complete implementation of the standards in prisons and jails nationally was not mandated until 2014. However, there are indications that compliance remains an unattained goal (see Just Detention International, 2016). Therefore, the purpose of this study is to explore what factors predict whether women who were sexually assaulted by staff while in prison report the abuse in an effort to inform and enhance the implementation of PREA. Although women are a small minority of those confined within prisons and jails, our study focuses on women for two reasons: (a) incarcerated women are sexually victimized at a higher rate than incarcerated men (Beck, Berzofsky, Caspar, & Krebs, 2013) and (b) the majority of those experiencing sexual assault in community settings are female (Tjaden & Thoennes, 2000), and thus most studies of reporting involve females.

It should be noted that throughout this paper the terms 'victim' and 'perpetrator' are intentionally used to differentiate the person who experienced the abuse (victim) and the person who inflicted the abuse (perpetrator). Given the setting of this study (prison), this differentiation was chosen to enhance the clarity and roles (e.g., women in this study might also be referred to as 'offenders') and parallel the legal nomenclature. To further clarify our terms, 'reporting' is a request for assistance from someone in authority (i.e., police, prison staff), which differs from 'disclosure' to family and friends for support. We begin by positing the theoretical underpinnings of our study before reviewing current literature on victim reporting, highlighting to the extent possible, the scant prior research on reporting in prison settings.

### **An Ecological Approach to Understanding Reporting**

Ecological theory, with its attention to the relationship between person and environment, provides a framework through which to theorize, inform and research the interaction between individual and system-level factors (Kelly, 1966, 1968; Trickett, Kelly, & Vincent, 1985). It has been used for studying factors influencing the formal reporting of crime victimization (Baumer, 2002; Goudriaan, Lynch, & Nieuwebeerta, 2004; Menard, 2003), including sexual victimization within community (Campbell, Dworkin, & Cabral, 2009; Menard, 2005; Tillman, Bryant-Davis, Smith, & Marks, 2010) and prison settings (Kubiak, Brenner, Bybee, Campbell, & Fedock, 2016). Previous research has demonstrated that the decision is influenced by a variety of factors, including victims' demographic and socioeconomic status, characteristics of the assault itself, and whether victims receive support and encouragement from others in their initial disclosures (Bachman, 1998; Jones, Alexander, Wynn, Rossman, & Dunnuck, 2009; Sable et al., 2006). Therefore, we ground our exploration of this topic within an ecological theoretical model, which is useful for conceptualizing the multiple factors

that affect reporting behavior, from individual level (e.g., victim demographics), to assault level (e.g., injuries sustained), to contextual level factors (e.g., policies/features of the prison setting).

### Individual-Level Factors

Most sexual assault victims within community settings are female (Breiding et al., 2014; Tjaden & Thoennes, 2000), so *victim gender* has received limited attention as a predictor of reporting behavior. Studies that have included gender in their analysis, however, have found that female victims of sexual assault are more likely to report their assaults than male victims (Allen, 2007). With respect to *victim race and ethnicity*, it appears that African American women are more likely to report their sexual assaults to the police than white women (Bachman, 1998; Chen & Ullman, 2010; Fisher et al., 2013; Hamby, 2008; Clay-Warner & McMahon-Howard, 2009). However, Hispanic/Latina women are less likely to report sexual assault than are non-Hispanic white women (Rennison, 2007). In studies specific to incarcerated individuals, Black inmates express more willingness to report a prison rape than White inmates (Fowler et al., 2010; Garland & Wilson, 2013).

*Victim age* has been found to be a consistent predictor of reporting, such that older victims are more likely to report their sexual assaults to law enforcement than younger victims (Chen & Ullman, 2010; Paul, Zinzow, McCauley, Kilpatrick, & Resnick, 2014). Hamby (2008) found that younger women often felt that they were too young at the time of the assault to understand how to respond. Many studies have also found that *victim's income* is negatively correlated with reporting; women with higher socioeconomic status are less likely to report sexual assault (Bachman, 1993; Chen & Ullman, 2010; Clay-Warner & McMahon-Howard, 2009). This inverse relationship is also found with *victim's education* level; women with more formal education are less likely to report (Allen, 2007; Chen & Ullman, 2010). In a study using a hypothetical scenario of prison rape, this negative association between education and reporting was also documented among incarcerated men and women (Fowler et al., 2010).

### Assault Factors

*Victim injury* has consistently been found to be one of the strongest predictors of reporting, as those who are physically injured in the assault are more likely to report the assault (Bachman, 1998; Chen & Ullman, 2010; Clay-Warner & McMahon-Howard, 2009; Du Mont, Miller, & Myhr, 2003; Fehman-Summers & Norris, 1984; Paul et al., 2014; Weiss, 2013). The *use of force* by the perpetrator also predicts reporting to law enforcement (Bachman, 1993; Du Mont et al., 2003; Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007; Paul et al., 2014). In a study that only included forcible rape in its analysis, the level of force by the perpetrator was still a significant predictor of reporting behavior (Chen & Ullman, 2010). This association was not present among victims of physical (only) assaults, suggesting that offender force or the lack thereof may carry special significance decisions to report a sexual assault (Chen & Ullman, 2010). Similarly, the *use of a weapon* in the attack also increases the likelihood the victim will report the assault to the authorities (Bachman, 1998; Chen & Ullman, 2010; Clay-Warner & McMahon-Howard, 2009; Fisher et al., 2003).

*Victim-perpetrator relationship* has repeatedly been found to be predictive of rape reporting, with victims of stranger rape significantly more likely to report their rapes to law enforcement than victims who knew their perpetrator (Allen, 2007; Chen & Ullman, 2010; Fehman-Summers & Norris, 1984; Fisher et al., 2013; \*363 Heath, Lynch, Fritch, & Wong, 2013; Lizotte, 1985; Ménard, 2005; Paul et al., 2014). This disparity persists in hypothetical-scenario studies, with women acknowledging that they would be less likely to report a rape if the perpetrator was known to them, even if there was proof of injury (Fisher et al., 2013). Ménard (2005) detected a significant interaction between victim-perpetrator relationship and assault severity (defined as presence of a weapon and victim injury), such that victim-perpetrator relationship seemed

---

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

to have little effect on a victim's decision to report “less severe” assaults. When the assault was severe, however, victims were significantly more likely to report when assaulted by a stranger (Ménard, 2005).

Taken together, assault characteristics that depict a stereotypical profile of a “real rape” (Estrich, 1987)--one that is violent, causes injury, and is perpetrated by a stranger--appear to have a strong effect on reporting behavior. Victims appear to compare their experience to that stereotype when deciding whether to report (Cohn, Zinzow, Resnick, & Kilpatrick, 2013; Fisher et al., 2003; Littleton & Axsom, 2003; Paul et al., 2014; Williams, 1984). Weiss (2011) found that more than 4 in 10 nonreporting victims cited being unsure if the incident was a crime as one of the reasons they decided against reporting the assault. Their accounts, she suggests, serve to “deny some crucial element of *real* crime” and therefore justify the decision not to report (Weiss, 2011, p. 7). Indeed, victims are more likely to report when the rape is accompanied by other clearly criminal acts: women were significantly more likely to report their rapes to law enforcement when the rape occurred in public or through home invasion (Clay-Warner & McMahon-Howard, 2009). As victims' experiences more closely mirror the “real rape” stereotype, they are generally more likely to make a report.

Within a prison setting, the parallel situation of ‘stranger rape’ may be less common. Nonetheless, the relationship between a prisoner victim and staff perpetrator is complex given the woman's disempowered ‘offender’ status, confinement, and more limited opportunities for heterosexual sexual encounters (see Smith, 2006). Although legally there is no option for consensual sex within prison given the supervisory role of staff and implications for coercion, some sexual encounters are classified as ‘consensual’ or ‘willing’ in the research. For example, in a Bureau of Justice Statistics (BJS) study using prison exit surveys 5% of prisoners report that they “willingly” had sex or sexual contact with prison staff (Beck & Johnson, 2012). Ristroph (2006) suggests that many inmates ‘consent’ to sexual encounters not because of fear of immediate or threatened violence but rather for money, drugs, food, comfort, physical gratification, and love. Moreover, although many relationships within community settings embed elements of coercion and resource dependency, similar situations within the prison context can be magnified due to the scarcity of goods and the power of staff to influence release from prison both positively and negatively (Smith, 2006; Warren, Jackson, Loper, & Burnette, 2010). Given these complexities, there is little research on the influence of relationship on reporting within prison.

### Contextual Factors

Studies of contextual factors that can inhibit or facilitate reporting include organizational practices, changes in policies and procedures, geographic location, or site of the abuse. For example, reporting processes may vary from location to location, but victims' *expectations of the reporting process*, and the likelihood that it will produce a positive outcome, influences their decision to report (Fisher et al., 2003). In one study of nonreporting rape victims within the community, 29% stated that they decided against reporting because they did not believe the police would think it was serious enough, and 20% expressed doubts that the police would be motivated to pursue the case (Fisher et al., 2003). Victims are more likely to report if they think it will result in the arrest and prosecution of the offender (Allen, 2007; James & Lee, 2015).

Similar to these expectations of victims within the community, victims within the prison setting are likely to be influenced by expectations of the reporting process. Closed institutional systems such as prison typically create an environment of ‘total control’ for those within the system (Hearn & Parkin, 2001). Those living within these total institutions are also often stigmatized and may have little chance of being believed if they report mistreatment or sexual misconduct. Certainly, many victims within prisons expect that they will not be believed because of their criminal histories (Culley, 2012; Kubiak, Hanna, & Balton, 2005). In one study within male and female prisons, individuals who had experienced a prior victimization within prison, were 50% less likely to say that they would report a future hypothetical sexual assault (Fowler et al., 2010).

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

Although rates of sexual victimization within prisons vary by facility and state system, these variations have not been associated with facility characteristics (Beck & Harrison, 2007). However, there has been little investigation into the relationship between these rates and reporting, or if reporting is associated with facility characteristics. Although within a state, each prison facility may be under the regulation of the same state-level department, it is likely that each facility has a unique organizational climate (Kubiak, 2009; Ross, Diamond, Liebling, & Saylor, 2008) and the climate may influence reporting differently across facilities.

Policies influencing reporting within prison can be generated by state administrators as well as national governmental bodies. For example, in one Midwestern state, in order to lodge a formal complaint to the administration, the prison grievance procedure mandates that a report is filed within 48 hours of the incident. Within that 48 hours the aggrieved individual must 'confront' the staff member they have a grievance with, in an attempt to resolve the issue. If these procedures are not followed, the grievance is invalidated (Michigan Department of Corrections, n.d.). Although institutional level grievance policies are set by each state, this particular policy makes it very difficult to report staff sexual misconduct.

There are also contextual factors that may influence an individual's behavior or certain attributes of the individual within a particular context that may not exist outside that context. Certainly, the prison context can interact with specific individual attributes and characteristics to create unique situations that would not exist outside of that particular environment. Examples of such factors may include the age of the person was when they entered prison, how long an individual has been in prison--or the time they have left in prison--and whether the person has a life sentence. For example, Garland and Wilson (2013) found that women who had been in prison longer were more likely to express negative attitudes toward reporting rapes that occurred while in prison.

**\*364** Although these 'victim-in-context' factors have not been specifically considered in other research, other situational factors have been explored. For example, before reporting or disclosing a sexual assault a victim may evaluate their *social support system*. Victims often fear retaliation from the perpetrator, or other forms of social reprisal from others such as shame, embarrassment, and fear of being blamed, as reasons they chose not to report their victimization to police (Bachman, 1998; Cohn et al., 2013; Fisher et al., 2010; Fisher et al., 2003; James & Lee, 2015; Sable et al., 2006; Thompson et al., 2007). The reasons given by incarcerated victims for not reporting, in real and hypothetical situations, are similar, with fear of being believed at the top of the list (Culley, 2012; Kubiak et al., 2005; Miller, Canales, Amacker, Backstrom, & Gidycz, 2011).

Though fear of negative reactions may make victims of sexual abuse hesitate to come forward with their experiences, positive social support and encouragement has been shown to increase the likelihood of reporting (Anders & Christopher, 2011; Paul et al., 2014). Women who confided in someone about the assault were more likely to report the assault to law enforcement than women who did not, but the difference was even more strongly pronounced when the confiding women were encouraged to report by the person they told (Paul et al., 2014). Within prison, social supports external to the prison may be limited due to constraints on visitation and phone usage, however victimized inmates do disclose to friends, family members, or incarcerated peers about their victimization (Struckman-Johnson & Struckman-Johnson, 2006; Struckman-Johnson, Struckman-Johnson, Rucker, Bumby, & Donaldson, 1996). It is not known whether these disclosures influence their reporting within prison or if there are differences in whether this support comes from someone inside or outside the prison.

### Current Study

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

The current literature suggests that individual, assault, and contextual factors affect victims' decisions to report a sexual assault to authorities in noninstitutional environments. Some research suggest that similar factors may shape reporting decisions for incarcerated and nonincarcerated victims, however additional research is needed to explore factors unique to the prison experience and to enhance our understanding of the dynamics that affect prison reporting. The salience of studying these dynamics is particularly poignant when the primary authority figures that prisoners report to are prison staff members, in this case, also the same group that is perpetrating the victimization.

Logistically, reporting sexual victimization in prison requires the victim to notify an officer or other departmental staff. Per PREA standards (U.S. Department of Justice, 2012), any notification of sexual victimization to departmental staff--whether verbal or written--sets in motion policies and procedures for staff reporting the incident to others in authority. PREA has set minimum standards for how such reports are processed and for the protection of the individual reporting. If the perpetrator of alleged sexual misconduct is a staff member, Internal Affairs should be notified, and they follow specific standards for investigation of the incident. In addition to written and verbal reporting to staff, reporting can also take the form of an institutional process referred to as a 'grievance' which requests administrative redress. As alluded to previously, institutional and legislative hurdles associated with grievance procedures can inhibit the reporting of sexual victimization by including time limits or requiring actions such as first confronting the grieved staff member in an attempt to make amends (Owen, Wells, Pollock, Muscat, & Torres, 2008).

Understanding the complexity of the prison environment, the intent of the current study is to build upon the extant literature available on the reporting of sexual assault in community settings by examining how individual-level and assault characteristics, in conjunction with unique contextual variables, predict reporting within prison settings. Given the closed institutional setting and the constraints to reporting within prison, it can be methodologically, practically, and ethically challenging to obtain data directly from individual prisoners about their experiences of sexual assault-- and the reporting of it--while incarcerated (e.g., interviews, surveys). However, a great deal can be learned from archival legal records. For this study, records from a specific class action lawsuit, filed on behalf of victimized incarcerated women within one state, were used. Among the women in the class, not all participants reported the abuse to Department of Corrections, as they could enter the lawsuit without having made a prior report. Irrespective of their decision to report, the women did need to provide descriptions and documentation of the assault to determine eligibility for inclusion in the class. Therefore, the cases in this class action lawsuit constitute a sample with a naturally occurring comparison group: incarcerated women who experienced sexual assaults but did not report the abuse to prison authorities and those who experienced assaults and did report the abuse. The aim of this study is to explore what differentiates the two groups of women by asking these specific research questions: (a) What individual, assault and contextual factors predict reporting sexual victimization within prison? (b) What combination of predictors produces the strongest model for predicting reporting by incarcerated women?

## Method

As stated above, this research was limited to the use of data associated with investigation and litigation of a specific class action litigation: Neal v. Michigan Department of Corrections (MDOC) was filed on behalf of 809 women within Michigan prisons who reported experiencing some level of sexual misconduct by correctional staff, from 1996 until the settlement was reached in 2009. The use of the archival data was provided to the research team by the attorneys who litigated the case and prevented the need for direct engagement with any of the class participants for information relating to reporting. All of the methods for this study were reviewed and approved by a full university based institutional review board at Michigan State University.

## Sample

The 809 women involved in the litigation were categorized into different settlement award groups based upon the severity of victimization. This study focuses on a subsample of these women who experienced sexual intercourse, oral sex, and/or digital penetration by male staff. This victimization was categorized as a level 1 by the attorneys, or the most severe ( $n = 191$ ; 24% of the overall sample). By contrast, severity level 2 cases are considered less severe and involve groping by a male employee, being subjected to a male employee purposefully exposing his genitals and/or masturbating, \*365 being forced to touch the genitals of a male employee, or attempted sexual assault ( $n = 415$ ; 51% of the overall sample) and severity level 3 cases involve privacy violations (e.g., viewing during showers) and/or sexually harassing behaviors ( $n = 203$ ; 25% of the overall sample). We restricted the sample for this study to women who experienced level 1 abuse to standardize the precipitating offense (i.e., all women experienced the same general type of sexual abuse) and to more closely align to available research with community samples. Level 1 cases are clearly sexual assault and could not be misinterpreted as within the domain of an officer's legitimate duties, as level 2 and 3 severity abuses may overlap with proper "pat downs" and permitted privacy violations that are mandated as part of correctional officer duties. Thus, restricting the sample to victims who had experienced level 1 abuses when assessing what predicts reporting, focuses the inquiry on incidents that would meet common definitions of sexual assault irrespective of the setting.

Of the 191 cases considered for inclusion, we were able to extract data for 184 cases ( $n = 7$  files missing/women opted out).<sup>1</sup> Of the 184 individual women's files that were extracted, five cases were excluded from analyses because of missing information on key variables (*Final subsample*  $N = 179$ ).

Potentially important to our query of factors predicting reporting were other incidents of victimization these women experienced, in addition to the category 1 severity assault, within the prison. Among the 179 unique women in the final subsample, there was an accumulated total of 397 incidents of victimization experienced, across the range of severity categories (1, 2, and 3).

## Procedures

**Data sources.** Three different archival record data sources were obtained to collect information about individual-level, assault, and contextual characteristics: (a) settlement claim forms; (b) doc administrative data; and (c) litigation case files.

**Settlement claim forms.** Each class member filled out a claim form alleging abuse consistent with the legal requirements of class action to be considered as part of the class. Each woman was required to complete the form herself and sign it, indicating that it was true to the best of her memory, and that she understood that the form would be used in a legal proceeding. Women were also asked to include any evidence/documentation of the sexual misconduct.

Each *Settlement Claim Form* contained subsections on demographics, abuse experienced, and reporting. In the *demographics* section, women provided their name, date of birth, DOC identification number, current address, and dates and locations of incarceration. In the *abuse* section, women were asked to describe their experiences and provide supporting documentation if available. In describing abuse, the form prompted women to fill out information on their highest category of victimization (based on the definitions of severity above). Then, women were asked to "describe each and every claim" in their own words, attaching additional sheets if necessary. In the *reporting* section, women indicated whether they reported the incident(s) to DOC, and if so, to detail the report, including to whom, when, and how the report was made (e.g., in writing, grievance, verbal), as well as any action they believe the DOC took regarding their report. Again, women were asked to attach copies of any supporting documentation or evidence.

**DOC administrative data.** The administrative data were collected from a publicly available, searchable website operated by the DOC. This database contains demographics and crime characteristics for each person under the supervision (past and present) of the department. Variables extracted for each woman include age, race, crime, conviction, and sentencing information.

**Litigation case files.** These files contained supporting documentation related to each woman's claim, and were utilized by the court in allocating the settlement award pursuant to the highly regulated 5-year distribution scheme. These files included the Settlement Claim Forms, as well as any supporting documentation that provided evidence to support their claim and award allocation (e.g., women's personal copies of prison paperwork; photos; letters; video/written depositions, etc.). Settlement Files were utilized to augment data from the Settlement Claim Form and Administrative Data. Many of the files contained copies of prison documents, such as grievances, or "kites," both methods by which women reported sexual abuse internally to the prison; or copies of misconduct tickets that served as evidence of retaliation. Some files contained documentation of correspondence with the woman over the phone, or letters to the law office, or law office summaries of verbal interviews.

In addition to the claimant's data, the litigation files also contained ancillary files of archival documents that were pertinent to the case. These files included institutional policies and procedures, staffing patterns, as well as attorney notes on larger issues within the prison, such as other lawsuits or external pressures, or changes in institutional policies over time. These documents were reviewed and a timeline of events shaping and affecting litigation was constructed.

**Data extraction and coding.** Data collection consisted of extracting and coding relevant information contained within and across these three data sources. The research team used an iterative process, familiarizing themselves with the information available in the files consistent with Corbin and Strauss's (2007) concept of "open coding" and Miles, Huberman, and Saldana's (2014) concept of "data condensation" to identify variables that could potentially impact reporting decisions. The team performed some initial coding iterations, categorizing the qualitative textual data into clusters of similar conceptual categories, and then created an extraction grid and coding scheme (akin to Corbin and Strauss's (2007) concept of "axial coding" and Miles et al's. (2014) "data display" phase). The team also created and continually updated a codebook. There was a constant interactive discussion around findings and possible changes in coding. Although some variables were explicitly identified in the textual data, others were implicit and needed evaluation by the team to code into different categories (e.g., romantic relationship) and included some data interpretation. All three types of sources (Settlement Claim Form; Administrative Data; and Litigation Case Files) were examined using a holistic approach to extract and code data.

\*366 To ensure validity and reliability of the coding, two team members analyzed the data and sought agreement on the content identified. Two research team members, who also took part in the initial creation of the codes, independently coded all cases, and another team member who was not part of the code creation or coding, performed interrater reliability data extraction on 39 files (21% of 184) women, which included 103 (26% of 397) assaults. Percent agreement was utilized to assess the level of interrater reliability between the two team members who consistently extracted the data (Allison et al., 2000; McHugh, 2012). For the 39 cases, the percent agreement on the individual level was 97.86%. For the 103 assault level cases, the percent agreement was 93.88%.

## Predictors

Variables collected are representative of various levels of the ecological framework and organized accordingly below. Table 1 provides descriptive statistics related to each of these variables, as well as whether the variable was descriptive of the woman (e.g., race) or descriptive of each incident (e.g., most severe level of victimization).

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

TABLE 1			
<i>INDIVIDUAL, ASSAULT, AND CONTEXTUAL LEVEL VARIABLES CONSIDERED FOR ANALYSES</i>			
VARIABLES	N	%	LEVEL IN ANALYSIS
<b>VICTIM (N = 179) LEVEL VARIABLES</b>			
Race			2 woman
White	74	41.3	
Black	101	56.4	
Other	4	2.2	
Victim's age at sexual assault	<i>M</i> = 31.0 ( <i>SD</i> = 7.54)		1 incident
	Min/Max = 16-62 years		
Victim's offense 2 woman			
Assaultive	82	45.8	
Drug or alcohol	26	14.5	
Property	71	39.7	
Victim's offense was a sex offense	7	3.9	2 woman

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

ASSAULT ( <i>N</i> = 397) LEVEL VARIABLES			
Most severe level of victimization 1 incident			
Level 1: Penetration	251	63.4	
Level 2: Improper touching	58	14.6	
Level 3: Harassment	87	22.0	
Physical injury caused by assault	49	12.3	1 incident
Victim-perpetrator relationship			1 incident
“Romantic”	41	8.8	
Coercive control	45	9.7	
Resource dependency	42	9.0	
None	138	29.6	
Missing; unable to code	200	43.9	
Assault occurred on more than one occasion	288	72.5	1 incident
Number of times perpetrator was named	243 individual perpetrators involved in 384 offenses		1 incident
	<i>M</i> = 1.58 incidents per perp ( <i>SD</i> = 1.31)		
	Min/Max = 1-10 incidents per perpetrator		

CONTEXTUAL ( <i>N</i> = 397) VARIABLES			
Environmental context			
Year assault began	<i>M</i> = 1997.85 ( <i>SD</i> = 4.74)		1 incident
	Min/Max = 1988-2011		

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

Year of identified change affecting system			1 incident
After 1994	274	58.8	
After 1996	215	46.1	
After 1999	153	32.8	
In 2004 or later	43	9.2	
<a href="#">Facility I incident</a>			
Facility A	47	11.8	
Facility B	17	4.3	
Facility C	37	9.3	
Facility D	28	7.1	
Facility E	37	9.3	
Other	31	7.9	
Facility F	201	50.6	

VICTIM-IN-CONTEXT VARIABLES			
Woman's age at sentencing		$M = 27.73$ $(SD = 7.5)$	1 incident
		<a href="#">Min/Max = 13-63 years</a>	
Life sentence	23	12.8	2 woman
Years served on current sentence		$M = 3.91$ $(SD = 4.00)$	1 incident
		<a href="#">Max/Min = 0-21</a>	
Years left on maximum sentence length		$M = 16.73$ $(SD = 13.28)$	1 incident
		<a href="#">Min/Max = 2-80 years</a>	
<a href="#">Informal reporting to other women inside the prison</a>			1 incident
Yes, disclosed	70	29.2	
No, did not disclose	77	32.1	
Missing, unable to code	93	38.8	
Informal reporting to family/friends outside of the prison			1 incident

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum...

Yes, disclosed	74	30.8
No, did not disclose	70	29.2
Missing, unable to code	96	40.0

**Individual-level.** There are four variables, all found in the DOC administrative database. They include the following: (a) *Race* was recorded based on how the woman was identified in the database and was dichotomized into white/nonwhite for analysis; (b) *Victim's age at sexual assault* was calculated from the birthdate and date of each assault; (c) *Victim's offense* was extracted using the offense the woman was convicted for at the time of the first category 1 assault and coded into three categories--assaultive (e.g., homicide; sex offense, armed robbery) property (i.e., retail fraud, destruction of property), or drug/alcohol (e.g., drunk driving, possession of controlled substances); and (d) *Victim's offense was a sex offense* depicts if the conviction was for a crimes categorized under the criminal sexual conduct statutory scheme.

**Assault-level.** There are five variables, collected from the Settlement Claim Form and/or Litigation Case Files, that characterize this assault. (a) *Most severe level of sexual victimization* refers to the categories of abuse severity used by attorneys to describe settlement award groups as described above. As stated previously, although selection of the women into the sample was based on the categorization of her case as the most severe due to the penetrative nature of the offense, women in the study may *also* have experienced level 2 (referred to as 'touching' and level 3 (referred to as harassment) victimization. The variables were dummy coded. (b) *Physical injury caused by assault* is a self-report of physical injuries experienced as a result of the assault, (e.g., bruising, broken bones, sexually transmitted infections, and pregnancy); coded as yes (1) or no (0). (c) *Victim--perpetrator relationship* use the woman's description of the relationship and typologies depicted in prior studies (Warren et al., 2010; Smith, 2006; Owen et al., 2008) to code into five categories: (i) 'romantic' implies mutual feelings and a woman's perceived autonomy in choosing the relationship; (ii) 'coercive control' depicts a relationship based on actual or perceived threat of negative consequence if she does not comply; (iii) 'resource dependency' characterizes a bartering relationship where the woman exchanges access to anything from drugs to extra food to a desired prison job in exchange for sex; (iv) none depicts that absence of any type of relationship, perhaps the nearest equivalent to 'stranger rape'; (v) missing or no information (44%). (d) *Assault occurred on more than one occasion (by same perpetrator)* captures the presence or absence of multiple episodes of victimization with the same perpetrator. (e) *Number of times perpetrator named* quantifies the number of times the perpetrator was named by women across all of the assaults; there were 243 perpetrators involved in 384 offenses.

**Context-level.** As described earlier, context was conceptualized into two levels: *environmental context* and *victim-in-context*. The environmental context is that of a state prison. *The victim-incontext* level consists of variables that are related to the individual, but would not exist outside of the prison context.

**Environmental context.** This includes three variables extracted and constructed from all three data sources. (a) *Year the assault began is* defined as the year of the first category 1 abuse between 1988 and 2011. (b) *Assault occurred after year of an identified change or event in the prison system* refers to the data of a specific event that is hypothesized to change the prison climate. These four events, in associated years, are characterized as (i) after a sexual misconduct review panel began in 1994; (ii) after the class action lawsuit was initiated in 1996; (iii) after a related case that ordered oversight within the prisons, *U.S.A. v. Michigan*, was settled in 1999; or (iv) after the opening of a new women's prison complex in 2004; (c) *Facility where the abuse occurred at* includes one of five possible prison facilities and one 'other' category that encompasses other forms of correctional oversight such as halfway house or parole status. Each institution was coded using alphabetic proxies for the institution from A-F, where facility 'F' was used as the reference.

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum...

---

**Victim-in-context.** There are six variables that were coded in this area. (a) *Victim's age at sentencing* expressed in years; (b) Victim has a *life sentence* was coded dichotomously (0 = no; 1 = yes) based upon the sentence at conviction; (c) *Years served on current sentence* (how long the woman was in prison at the time of the assault); (d) *Years left on maximum sentence length* at the time of the assault; (e) *Informal reporting to other women inside the prison* (1 = yes; 0 = no); and (f) *Informal reporting to friends or family outside the prison* (1 = yes, 0 = no).

**Dependent variable.** As described earlier, the presence of absence of reporting an allegation of sexual victimization was determined through self-report by the victim via the settlement form. There was no incentive for women to claim that they reported sexual victimization as they could be a member of the class with or without reporting the incident to prison authorities. As the dependent variable, any instance of reporting to any staff member (irrespective of staff role), using any vehicle (i.e., oral, written, grievance) was operationalized as the presence of formal reporting. Per policy, any report should be taken seriously by staff, precipitating procedures for staff action. Of the 179 women and 397 incidents, reports were made by 112 (63%) women on 175 (44%) incidents.

### Data Analysis Plan

The primary aim of the analysis was to identify variables that distinguished assaults that were reported to prison authorities from those that were not. We first examined unconditional bivariate relationships between the reporting variable and each of the explanatory variables described above and then created a multivariable model, using logistic regression for both steps. Because more \*368 than half of the women had experienced multiple assaults, we used mixed effects logistic regression to incorporate the explanatory effects of variables describing each assault (e.g., most severe level of victimization, woman's age at the time of sexual assault) and variables describing each woman (e.g., race, victim's offense). The intraclass correlation coefficient for reporting was .136, indicating that, although most of the variance (86%) in the probability of reporting was between assaults, a nontrivial portion (14%) was between women, thus necessitating the use of mixed effects analysis. Analyses were conducted with HLM7 software (Raudenbush, Bryk, Cheong, & Congdon, 2011), using a Bernoulli link function, full EM-LaPlace estimation (in order to permit deviance tests of model comparisons), and robust standard errors.

Prior to substantive analysis, all variables were examined for distributional adequacy and missing data. Three variables showed strong positive skew and were log-transformed: years served on current sentence, years left on maximum sentence, and number of times the perpetrator was named by other victims as their assailant. For most variables, missing data was minimal, comprising less than 1% of the data matrix, and missing values were estimated using expectation maximization (Enders, 2010). Three explanatory variables were missing for a larger proportion of cases, because of insufficient information in the case records to allow coding--victim-perpetrator relationship (39.5% missing) and informal reporting inside and outside the prison (44.8% and 43.3% missing, respectively). These variables were examined in bivariate analyses with reporting but were not included in the multivariable model.

The sample of 397 assaults experienced by 179 women provided 80% power to detect as significant at 2-sided  $p < .05$  a relationship with a dichotomous explanatory variable that had an odds ratio (*OR*) of 1.5 or greater, given that 44% of assaults were reported. An *OR* of this size is in the range considered small (Chen, Cohen, & Chen, 2010).

### Results

Table 2 contains results of bivariate logistic regressions on reporting, organized by the ecological level of the explanatory variable. In the first section, none of the victim-level variables was significantly associated with reporting. In the second section, severity of the assault was not significantly related to reporting, but several other assault-level variables were.

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

Assaults which resulted in a physical injury to the woman were 3.7 times more likely to be reported than assaults without physical injury. Assaults that occurred on more than one occasion were only half as likely to be reported. Reporting was also related to the number of times the perpetrator was named as an assailant by other victims, with perpetrators named multiple times less likely to be reported (*OR* for the log-transformed variable = 0.65). Assaults committed by perpetrators who were not named by any other victims were reported 51% of the time, while assaults committed by perpetrators named by 12 other victims were reported only 20% of the time. Interestingly, assaults committed by multivictim perpetrators are significantly more likely to involve perpetration or touching instead of harassment ( $\beta = .27; p < .001$  and  $\beta < 0.15; p = .01$ , respectively). Moreover, multivictim perpetrations declined over the years of study ( $\beta = .13, p = .01$ ). Although victim-perpetrator relationship as a whole was not significantly related to reporting,  $LR \chi^2(3, N = 240) = 4.237, p < .237$ , assaults in which women had a resource dependency on their assailant were only about half as likely to be reported compared with assaults in which there was no discernible relationship with the assailant.

TABLE 2

EFFECTS OF INDIVIDUAL COVARIATES ON LIKELIHOOD OF REPORTING SEXUAL ASSAULT: BIVARIATE MIXED EFFECTS LOGISTIC REGRESSIONS WITH ROBUST STANDARD ERRORS (N = 179 WOMEN, 397 INCIDENTS)

VARIABLE	COEFFICIENT	P	OR	CONFIDENCE INTERVAL	
				LOWER	UPPER
<b>VICTIM-LEVEL VARIABLES</b>					
Victim's race (0 = white; 1 = nonwhite)	.450	.071	1.569	.961	2.560

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

Victim's age at sexual assault	-.014	.390	.987	.957	1.018
Victim's offense type (dummy-coded)					
Assaultive offense	-.397	.129	.672	.402	1.123
Drug or alcohol offense	-.109	.776	.896	.420	1.911
Property offense (reference category)	--	--	--	--	--
Was victim convicted of a sexual offense? (0 = no; 1 = yes)	-.313	.430	.731	.337	1.585
Assault-level variables					
Sexual assault severity level (dummy coded)					
Penetration	-.360	.204	.696	.397	1.220
Touching	-.583	.093	.558	.282	1.103
Harassment (reference category)	--	--	--	--	--
Physical injury to victim attributable to sexual assault (0 = no; 1 = yes)	1.311	.001	3.709	1.989	6.917
Victim-perpetrator relationship (dummy-coded) <sup>a</sup>					
"Romantic"	-.131	.706	.877	.441	1.744
Coercive control	-.411	.256	.663	.324	1.355
Resource dependency	-.738	.056	.478	.224	1.020
None/acquaintance (reference category)	--	--	--	--	--
Assault occurred on more than one occasion (0 = no; 1=yes)	-.635	.004	.530	.345	.816
Number of times perpetrator was named by other victims as their assailant (log-transformed)	-.434	.003	.648	.488	.861
Contextual variables					
Environmental context					
Year assault began (1988-2011; mean-centered)	.115	.001	1.122	1.063	1.184
Assault occurred after identified changes affecting prison system (0 = no; 1 = yes)					
Assault began after 1994 (MDOC sexual misconduct review panel began)	.727	.003	2.069	1.276	3.357
Assault began after 1996 (Neal vs MDOC class action lawsuit filed)	1.000	.001	2.717	1.752	4.214
Assault began after 1999 (year USA vs Michigan settled; oversight ordered)	1.293	.001	3.642	2.275	5.832
Assault began in 2004 or later (Huron Valley Prison opened)	.865	.014	2.375	1.191	4.736
Facility in which assault began (dummy-coded)					
Assault occurred at Facility A	.304	.389	1.355	.677	2.713
Assault occurred at Facility B	-.011	.984	.989	.336	2.909

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

Assault occurred at Facility C	1.063	.009	2.894	1.314	6.372
Assault occurred at Facility D	.073	.863	1.076	.467	2.480
Assault occurred in other prison settings	-.257	.595	.773	.298	2.004
Assault occurred at Facility F(reference category)	--	--	--	--	--
Victim-in-context variables					
Victim's age at sentencing	-.028	.099	.972	.940	1.005
Victim has a life sentence (0 = no; 1 = yes)	-.639	.090	.528	.252	1.105
Years served on current sentence (log-transformed)	.181	.234	1.198	.889	1.615
Years left to serve on maximum sentence (log-transformed)	-.282	.009	.755	.611	.932
Victim informally disclosed to other prisoners inside prison (0 = no; 1 = yes) <sup>b</sup>	.666	.004	1.946	1.246	3.038
Victim informally disclosed assault to friends or family outside prison (0 = no; 1 = yes) <sup>c</sup>	1.184	.001	3.266	2.123	5.025
<i>Note.</i> MDOC = Michigan Department of Corrections.					
<sup>a</sup> Victim-perpetrator relationship could be coded in only 240 incidents affecting 155 women. <sup>b</sup> Informal disclosure inside prison could be coded in only 225 incidents affecting 131 women. <sup>c</sup> Informal disclosure outside prison could be coded in only 219 incidents affecting 132 women.					

In the third section of Table 2, containing contextual-level variables, there were strong effects of the passage of time, with the likelihood of reporting increasing by 0.12 in each subsequent year across the 24-year time period. Comparisons of reporting before and after each of four historical events relevant to prison policy or practice showed significant increases in the likelihood of reporting (e.g., reporting was 2.72 times more likely after the Neal vs. MDOC class action lawsuit was filed in 1996 compared with assaults committed earlier). Although there was no overall difference in the likelihood of reporting across facilities,  $LR \chi^2(5, N = 397) = 8.210, p = .145$ , there was one facility in which reporting was noticeably more likely (Facility C). In the fourth section, containing victim-context interaction variables, reporting was less likely the longer a woman had left to serve on her maximum sentence ( $OR = .76$  for the log-transformed variable). Assaults committed against women with less than 4 years left to serve were reported 60% of the time, whereas those committed against women with more than 15 years left were reported only 32% of the time. Reporting also was strongly associated with informal disclosure of the assault: formal reporting was nearly twice as likely among women who informally disclosed to another prisoner inside the prison and more than three times as likely among those who informally disclosed to family or friends outside the prison.

Table 3 contains the results of the final multivariable model, containing only the variables with significant conditional relationships to reporting. Collectively, these variables accounted for 58% of the variance in reporting across assaults. Although victim's age at the time of the assault was not related to reporting in the bivariate analysis, it was significant in the multivariable model, with older women less likely to report. Consistent with the bivariate analyses, assaults in which there was a physical injury were much more likely to be reported, whereas assaults that occurred on more than one occasion and those committed by perpetrators who were named as assailants of other women were less likely to be reported. Reporting was also related to the years left on a woman's sentence, with those who had more than 12 years left to serve only about half as likely to report. Accounting for the effects of these variables, the increase in reporting

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

across the years remained significant; controlling for the linear time trend, none of the comparative effects of specific policy changes was significant.

TABLE 3					
<i>EFFECTS OF MULTIPLE COVARIATES ON LIKELIHOOD OF REPORTING SEXUAL ASSAULT: MULTIVARIABLE MIXED EFFECTS LOGISTIC REGRESSIONS WITH ROBUST STANDARD ERRORS (N=179 WOMEN, 397 INCIDENTS)</i>					
VARIABLE	COEFFICIENT	P	OR	CONFIDENCE INTERVAL	
				LOWER	UPPER
Victim-level variables					
Victim's age at sexual assault	-.034	.025	.967	.938	.996
Assault-level variables					
Physical injury to victim due to sexual assault (0=no; 1=yes)	1.510	.001	4.527	2.339	8.760
Assault occurred on more than one occasion (0=no; 1=yes)	-.525	.024	.591	.376	.932
Number of times perpetrator was named by other victims as their assailant (log-transformed)	-.433	.009	.649	.469	.898
Contextual variables					
Environmental context					
Year assault began (1988-2011; mean-centered)	.098	.001	1.103	.044	1.165
Victim-in-context variables					
Years left to serve on maximum sentence (dichotomized: 0=12 or less; 1=13 or more)	-.587	.015	.556	.347	.890

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

Intercept	.274	.236	1.316	.834	2.074
Random effects variance	.366				
ICC (null model)	.136				
Proportional reduction in error	.581				

## Discussion

This study explored incarcerated women's experiences of staff sexual misconduct and examined the predictors of reporting those experiences to prison staff. The subsample of 179 women within this study experienced almost 400 incidents of staff sexual misconduct (including at least one penetrative assault). Among these women, a naturally occurring comparison group resulted in our ability to examine the case characteristics of both victims who did report and those who did not. Using an ecological framework to conceptualize multilevel factors influencing reporting, the study assessed individual, assault, and contextual-level variables in both bivariate and multivariable logistic regressions. This methodological approach is stronger than previous studies of prison-based reporting that use hypothetical scenarios or perceptions of reporting \*369 (i.e., See Fowler et al., 2010; Garland & Wilson, 2013), inmate correspondence (Tewksbury & Mahoney, 2009), or studies of only those who reported to Department of Corrections (Guerino & Beck, 2011).

Because of its methodological strength, this study addresses a key gap in the existing research, using rich archival data to offer multiple insights into the reporting of staff sexual misconduct; however, some limitations must also be considered before expounding on our findings. First, the lawsuit was focused on staff sexual misconduct perpetrated by male correctional staff, even though a few victims also provided details about sexual abuse by female correctional staff. Although victims shared this information in some instances, it was not systematically collected by legal staff, thus limiting our ability to quantify or examine reporting for staff sexual misconduct across staff gender. Attorneys explained this decision to focus on male staff's perpetration of sexual misconduct because of the dearth of incidents involving female staff perpetrators reported across the women in the class in contrast to misconducts perpetrated by males, as well as the important implications for policy change (i.e., males out of housing units). Second, clear time parameters for women's victimization experiences were not always available. Partly this lack of clear time parameters \*370 reflects that women experienced abuse over time, making the determination of the beginning and the end of abuse difficult to identify, particularly with multiple incidents of abuse that ranged from subtle to more explicit forms. Future research may focus the role of time and the range of abuse incarcerated women experience before reporting; in other words, time could be given special attention in terms of pinpointing crucial incidents that contribute to reporting decisions. Third, this study's analysis did not include women's experiences of staff retaliation. Human rights advocacy groups and researchers have documented severe retaliation by custodial staff against incarcerated women for reporting staff sexual misconduct (Fedock et al., 2016; Human Rights Watch, 1996, 1998; Kubiak et al., 2005). The legal team asked if women experienced retaliation before or after reporting, rendering this study unable to decipher exactly when and how retaliation related to reporting. Future research may consider life history calendars with women in prison in order to understand the timing of women's experiences of staff sexual misconduct, including forms of retaliation over time. Similar to this study, mixed methods research may particularly provide insight into not only reporting decisions, but also a richer depiction of women's experiences of staff sexual misconduct.

The gap between experiences and reporting of sexual victimization within prison can be illustrated with the prevalence estimates and national data on reporting. During 2007/08 there were 7,444 allegations of sexual victimization *reported* in adult corrections facilities (Guerino & Beck, 2011) compared with 88,500 prisoners who disclosed sexual victimization

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

via the confidential survey in the same year (Beck, Harrison, Berzofsky, Caspar, & Krebs, 2010). Taken together, this suggests that only 8% of individual prisoners reported at least one incident of their sexual victimization--a proportion much lower than for those in community settings.

Within this sample, we saw much higher frequencies of reporting. In fact, 112 of the 179 (62%) women reported at least one incident of sexual misconduct by a male staff member, a rate much higher than would be anticipated given the national data and previous research. It is possible that attorneys encouraged reporting and that there were variations in perceptions of what constituted reporting. When the litigation started, PREA regulations were not yet in place and prisoners were required to attempt to settle any grievances against staff directly with the staff member. It is possible that knowing this, attorneys encouraged them to report their abuse more formally. However, similar to community-based research, it may also be likely that perceptions of what constitutes reporting may differ for victims of the abuse and those who are in positions of authority. Campbell (2005) found variation between the perceptions of victims and police officers when it came to reporting, suggesting what victims think gets reported and what police actually make record of do not always align.

The final model predicting reporting within this setting used multiple covariates at the individual, assault and context level. Although there was quite a bit of overlap in factors that were significant in both the bivariate and multivariable logistic regression, the six factors significant in the final model explained 58% of the variance in reporting sexual victimization.

Of the individual level factors, only victim age was significant. In contrast to community studies, where older women are more likely to report than younger women (Chen & Ullman, 2010; Paul et al., 2014), we found that age was negatively associated with reporting among these incarcerated women. In community samples it was suggested that younger woman did not fully understand how to report (Hamby, 2008), but among these incarcerated women, older women may have a more realistic (and perhaps less idealistic) orientation to the potential consequences associated with reporting, particularly the possibility of a delayed exit accomplished through bogus misconduct tickets issued by staff (Culley, 2012; Kubiak et al., 2005). Unlike the community based studies there were no differences found in reporting by race. These results indicate that there is not a distinct profile of incarcerated women who are more likely to report staff sexual misconduct.

Assault-level characteristics showed multiple significant relationships with reporting. One key finding, mirroring community-based research, is that assaults that involved physical injury were **\*371** more likely to be reported. However, only 12% of assaults caused physical injury, which coincides with the national rate of physical injuries during sexual victimization while incarcerated (Beck, Berzofsky, Caspar, & Krebs, 2013). This low rate has been posited to be linked to the type of perpetration tactics employed by officers that rely on coercion versus physical violence to perpetrate sexual assault (Owen et al., 2008). Similarly, assaults that occurred multiple times by the same officer were less likely to be reported, and--as the bivariate analysis suggests--assaults involving an aspect of resource dependency for women were also less likely to be reported. Both of these aspects may relate to the closed institutional setting and the deprivations associated with correctional settings; access to both tangible goods and safety are limited within correctional settings, by design and function (Owen et al., 2008). Thus, addressing staff sexual misconduct may require centering safety for women in prison and reevaluation of the levels and types of deprivation within correctional settings. Likewise, given abuse involving a sense of consent or dependency may go underreported and may occur several times over a woman's stay in prison, interventions are needed that disrupt and ultimately prevent recurring sexual abuse by staff. Although prisons commonly forbid even overfamiliarity between officers and prisoners, improved policy implementation and monitoring may help detect staff perpetration tactics that rely on presenting abuse as "consensual" and those tactics exploiting women's lack of access to material goods.

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

Of great concern, assaults perpetrated by correctional staff who were perpetrating multiple assaults were significantly less likely to be reported. This is a concern legal experts have voiced in terms of staff impunity (Buchanan, 2007). Although, the perpetration tactics of these staff members need to be examined in order to understand how and why this abuse goes underreported, it is suspected that women within the institution are aware of the other incidents of misconduct and may perceive reporting as futile if there are little or no consequence for the staff member (Culley, 2012). In addition, best practices for correctional institutions are needed for identifying and removing any correctional staff perpetrating multiple incidents over time. Thus, future research may examine successful institutional efforts to eradicate, prevent, and effectively respond to staff sexual misconduct. Interventions focused on staff, such as bystander interventions for correctional staff, may particularly help unravel, uncover, and disrupt the dynamics that allow correctional staff to perpetrate assaults against multiple prisoners.

Pertaining to the contextual variables, the bivariate analysis demonstrated that women were more likely to report with the passage of time and after particular historical events, especially after the initial lawsuit was filed. However, once the linear time trend was controlled for, there were no additional effects of the individual policy changes. Instead, the final multivariable model found that the change was cumulative, with women more likely to report in later years as compared with earlier. It is likely that the awareness of sexual victimization within the prison through the litigation, and other policy changes, as well as the advent of PREA, may have created a climate in the prison more accepting of reporting.

In addition, one variable at the victim-in-context level, years left to serve, was found to predict reporting in the final model. In particular, having to serve 12 or more additional years in prison lowered the likelihood of reporting. Future research is needed to examine how to better address the fears, concerns, and realities of having a life or long term sentence and/or aging in prison, as serving a life sentence and advanced age are two factors contributing to a lower likelihood of reporting. Moreover, research may examine particular facilitating factors, effective interventions, and improved prison policies that protect and encourage incarcerated women to formally report their experiences of staff sexual misconduct, especially within the context of facing living the rest of their lives in prison.

Two variables within this level were significant in the bivariate analysis, but could not be included in the multivariable model because they could not be coded in a number of cases: disclosure to peers within prison and disclosure to friends/family outside of prison. Disclosure of victimization--to either group--was associated with reporting. Of note, the information on disclosure was captured from the aforementioned data sources using a dichotomous scoring (either it happened or did not), which limited the understanding of the temporal order of disclosure to reporting. Thus, the predictive nature of these variables is not yet understood, but the association is still apparent between disclosure and reporting. This type of informal disclosure has been understudied within the correctional setting, but shows a powerful influence for community-based experiences of sexual victimization (Jones et al., 2009). Disclosure can shape subsequent reporting decisions and the types of responses received by these forms of support are key factors in steps that victims' take regarding reporting and assistance. Thus, for practice and policy directions, peer support intervention models both within correctional settings and for support networks for incarcerated women may help improve formal reporting rates. These types of interventions could target both peers within correctional settings as well as family and friends of those who are incarcerated, and incorporate types of responses to provide to disclosures, education on formal reporting pathways, ways of advocating for correctional responses, report retaliation, and other types of activities to promote, facilitate, and protect the process of formal reporting. Moreover, these results support PREA guidelines with mandate access to advocates outside the prison system. These advocates may play a central role in increasing reporting when a victim has a limited support system.

Finally, it is important to realize that although PREA has illuminated the issue and provided guidance regarding solutions, we have more work from a policy perspective. For example, the federal Prisoner Litigation Reform Act (PLRA) requires that the state's grievance policy be exhausted before any outside litigation can be pursued (Schlanger,

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

2003). As stated earlier, formally reporting sexual misconduct of staff through grievance departmental procedures requires notification of the perpetrating staff member by the victim within 48 hours. If the PLRA would have been in effect when this litigation began, the majority of these women would not be eligible to join this class, thus removing an option for recourse. Although PREA has extended the time frames for such reporting, the PLRA roadblock is not eliminated.

Taken together, these findings point to disturbing aspects of underreported staff sexual misconduct, yet also highlight key directions for improving reporting of this abuse. As a concerning dynamic, staff sexual misconduct that happens repeatedly to an incarcerated woman and abuse by officers perpetrating assault across multiple prisoners are less likely to be formally reported. Likewise, this abuse is likely to be insidious or occurring without \*372 causing additional physical violence. However, this type of abuse contributes to the epidemic nature of sexual victimization in prisons that prompted and propels PREA. Coordinated systemic efforts are needed to understand ongoing staff sexual misconduct and to improve formal reporting for this type of abuse.

### References

Allen, W. D. (2007). The reporting and underreporting of rape. *Southern Economic Journal*, 73, 623-641.

Allison, J. J., Wall, T. C., Spettell, C. M., Calhoun, J., Fargason, C. A., Kobylinski, R. W., ... Kiefe, C. (2000). The art and science of chart review. *The Joint Commission Journal on Quality Improvement*, 26, 115-136.

Anders, M. C., & Christopher, S. F. (2011). A socioecological model of rape survivors' decisions to aid in case prosecution. *Psychology of Women Quarterly*, 35, 92-106. <http://dx.doi.org/10.1177/0361684310394802>

Bachman, R. (1993). Predicting the reporting of rape victimizations. *Criminal Justice and Behavior*, 20, 254-270. <http://dx.doi.org/10.1177/0093854893020003003>

Bachman, R. (1998). The factors related to rape reporting behavior and arrest. *Criminal Justice and Behavior*, 25, 8-29. <http://dx.doi.org/10.1177/0093854898025001002>

Baumer, E. P. (2002). Neighborhood disadvantage and police notification by victims of violence. *Criminology*, 40, 579-616.

Beck, A., Berzofsky, M., Caspar, R., & Krebs, C. (2013). *Sexual victimization in prisons and jails reported by inmates, 2011-12*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.

Beck, A. J., & Harrison, P. M. (2007). *Sexual victimization in state and federal prisons reported by inmates, 2007*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice. <http://dx.doi.org/10.1037/e432232008-001>

Beck, A. J., Harrison, P. M., Berzofsky, M., Caspar, R., & Krebs, C. (2010). *Sexual victimization in prisons and jails reported by inmates, 2008-09*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice. Beck, A., & Johnson, C. (2012). *Sexual victimization reported by former state prisoners, 2008*. Bureau of Justice Statistics, U.S. Department of Justice, NCJ 237363, Washington, DC.

Breiding, M. J., Smith, S. G., Basile, K. C., Walters, M. L., Chen, J., & Merrick, M. T. (2014). Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization--National intimate partner and sexual violence survey, United States, 2011. *Morbidity and Mortality Weekly Report (MMWR) Surveillance Summaries*, 63, 1-18. Retrieved May 15, 2016 from <https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm>

Buchanan, K. S. (2007). Impunity: Sexual abuse in women's prisons. *Harvard Civil Rights-Civil Liberties Law Review*, 42, 45-87.

Campbell, R. (2005). What really happened? A validation study of rape survivors' help-seeking experiences with the legal and medical systems. *Violence and Victims*, 20, 55-68. <http://dx.doi.org/10.1891/vivi.2005.20.1.55>

Campbell, R. (2008). The psychological impact of rape victims. *American Psychologist*, 63, 702-717. <http://dx.doi.org/10.1037/0003-066X.63.8.702>

Campbell, R., Dworkin, E., & Cabral, G. (2009). An ecological model of the impact of sexual assault on women's mental health. *Trauma, Violence & Abuse*, 10, 225-246. <http://dx.doi.org/10.1177/1524838009334456>

Campbell, R., & Raja, S. (2005). The sexual assault and secondary victimization of female veterans: Help seeking experiences with military and civilian social systems. *Psychology of Women Quarterly*, 29, 97-106. <http://dx.doi.org/10.1111/j.1471-6402.2005.00171.x>

Chen, H., Cohen, P., & Chen, S. (2010). How big is a big odds ratio? Interpreting the magnitude of odds ratios in epidemiological studies. *Communications in Statistics Simulation and Computation*, 39, 860-864. <http://dx.doi.org/10.1080/03610911003650383>

Chen, Y., & Ullman, S. E. (2010). Women's reporting of sexual and physical assaults to police in the National Violence Against Women Survey. *Violence Against Women*, 16, 262-279. <http://dx.doi.org/10.1177/1077801209360861>

Clay-Warner, J., & McMahon-Howard, J. (2009). Rape reporting: "Classic rape" and the behavior of law. *Violence and Victims*, 24, 723-743. <http://dx.doi.org/10.1891/0886-6708.24.6.723>

Cohn, A. M., Zinzow, H. M., Resnick, H. S., & Kilpatrick, D. G. (2013). Correlates of reasons for not reporting rape to police: Results from a national telephone household probability sample of women with forcible or drug-or-alcohol facilitated/incapacitated rape. *Journal of Interpersonal Violence*, 28, 455-473. <http://dx.doi.org/10.1177/0886260512455515>

Corbin, J., & Strauss, A. (2007). *Basics of qualitative research: Techniques and procedures for developing grounded theory* (3rd ed.). Thousand Oaks, CA: Sage.

Culley, R. (2012). "The judge didn't sentence me to be raped": Tracy Neal v. Michigan Department of Corrections: A 15-year battle against the sexual abuse of women inmates in Michigan. *Women & Criminal Justice*, 22, 206-225. <http://dx.doi.org/10.1080/08974454.2012.687955>

Du Mont, J., Miller, K.-L., & Myhr, T. L. (2003). The role of "real rape" and "real victim" stereotypes in the police reporting practices of sexually assaulted women. *Violence Against Women*, 9, 466-486. <http://dx.doi.org/10.1177/1077801202250960>

Enders, C. K. (2010). *Applied missing data analysis*. New York, NY: Guilford Press.

Estrich, S. (1987). *Real rape*. Cambridge, MA: Harvard University Press.

Fedock, G., Kubiak, S., Campbell, R., Darcy, K., & Cummings, C. (2016). Prison rape reform: Perspectives from women with life sentences on the impact of a class action lawsuit. *Journal of Human Rights and Social Work, 1*, 131-142. <http://dx.doi.org/10.1007/s41134-016-0017-9>

Fehman-Summers, S., & Norris, J. (1984). Differences between rape victims who report and those who do not report to a public agency. *Journal of Applied Social Psychology, 14*, 562-573. <http://dx.doi.org/10.1111/j.1559-1816.1984.tb02260.x>

Fisher, B. S., Daigle, L., & Cullen, F. (2010). *Unsafe in the Ivory Tower*. Los Angeles, CA: Sage.

Fisher, B. S., Daigle, L. E., Cullen, F. T., & Turner, C. F. (2003). Reporting sexual victimization to the police and others: Results from a national-level study of college women. *Criminal Justice and Behavior, 30*, 6-38. <http://dx.doi.org/10.1177/0093854802239161>

Fisher, B. S., Kaplan, A., Budescu, M., Fargo, J., Tiller, D., Everett, J., & Sommers, M. (2013). The influence of anogenital injury on women's willingness to engage with the criminal justice process after rape. *Violence and Victims, 28*, 968-983. <http://dx.doi.org/10.1891/0886-6708.VV-D-12-00109>

Fowler, S. K., Blackburn, A. G., Marquart, J. W., & Mullings, J. L. (2010). Would they officially report an in-prison sexual assault? An examination of inmate perceptions. *The Prison Journal, 90*, 220-243. <http://dx.doi.org/10.1177/0032885510363387>

Garland, B., & Wilson, G. (2013). Prison inmates' views of whether reporting rape is the same as snitching: An exploratory study and research agenda. *Journal of Interpersonal Violence, 28*, 1201-1222. <http://dx.doi.org/10.1177/0886260512468238>

Goudriaan, H., Lynch, J. P., & Nieuwebeerta, P. (2004). Reporting to the police in western nations: A theoretical analysis of the effects of social context. *Justice Quarterly, 21*, 933-969. <http://dx.doi.org/10.1080/07418820400096041>

Greeson, M. R., Campbell, R., & Fehler-Cabral, G. (2014). Cold or caring? Adolescent sexual assault victims' perceptions of their interactions with \*373 the police. *Violence and Victims, 29*, 636-651. <http://dx.doi.org/10.1891/0886-6708.VV-D-13-00039>

Greeson, M. R., Campbell, R., & Fehler-Cabral, G. (2016). "Nobody deserves this": Adolescent sexual assault victims' perceptions of disbelief and victim-blame from police. *Journal of Community Psychology*, 44, 90-110. <http://dx.doi.org/10.1002/jcop.21744>

Guerino, P., & Beck, A. J. (2011). *Sexual victimization reported by adult correctional authorities, 2007-2008*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Hamby, S. (2008). The path of helpseeking: Perceptions of law enforcement among American Indian victims of sexual assault. *Journal of Prevention & Intervention in the Community*, 36(1-2), 89-104. <http://dx.doi.org/10.1080/10852350802022340>

Hearn, J., & Parkin, W. (2001). *Gender, sexuality and violence in organizations: The unspoken forces of organization violations*. Thousand Oaks, CA: Sage.

Heath, N. M., Lynch, S. M., Fritch, A. M., & Wong, M. M. (2013). Rape myth acceptance impacts the reporting of rape to the police: A study of incarcerated women. *Violence Against Women*, 19, 1065-1078. <http://dx.doi.org/10.1177/1077801213501841>

Human Rights Watch. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons*. New York, NY: Author.

Human Rights Watch. (1998). *Nowhere to hide: Retaliation against women in Michigan state prisons*. New York, NY: Author.

James, V. J., & Lee, D. R. (2015). Through the looking glass: Exploring how college students' perceptions of the police influence sexual assault victimization reporting. *Journal of Interpersonal Violence*, 30, 2447-2469. <http://dx.doi.org/10.1177/0886260514553116>

Jones, J. S., Alexander, C., Wynn, B. N., Rossman, L., & Dunnuck, C. (2009). Why women don't report sexual assault to the police: The influence of psychosocial variables and traumatic injury. *The Journal of Emergency Medicine*, 36, 417- 424. <http://dx.doi.org/10.1016/j.jemermed.2007.10.077>

Just Detention International. (2016). *Strengthening the Prison Rape Elimination Act*. Retrieved October 25, 2016, from <http://justdetention.org/strengthening-the-prison-rape-elimination-act-prea/#search>

Kelly, J. G. (1966). Ecological constraints on mental health services. *American Psychologist*, *21*, 535-539. <http://dx.doi.org/10.1037/h0023598>

Kelly, J. G. (1968). Toward an ecological conception of preventive interventions. In J. W. Carter, Jr. (Ed.), *Research contributions from psychology to community mental health* (pp. 75-99). New York, NY: Behavioral Publications.

Kilpatrick, D., Edmunds, C. N., & Seymour, A. K. (1992). *Rape in America: A report to the nation*. Retrieved from [https://victimsofcrime.org/docs/Reports%20and%20Studies/rape-in-america.pdf?sfvrsn\\_0](https://victimsofcrime.org/docs/Reports%20and%20Studies/rape-in-america.pdf?sfvrsn_0)

Kilpatrick, D., Resnick, H. S., Ruggiero, K. J., Conoscenti, L. M., & McCauley, J. (2007). Drug-facilitated, incapacitated, and forcible rape: A national study: Medical University of South Carolina, National Crime Victims Research & Treatment Center Charleston, SC.

Kubiak, S. P. (2009). Assessing the therapeutic environment in hybrid models of treatment: Prisoner perceptions of staff. *Journal of Offender Rehabilitation*, *48*, 85-100. <http://dx.doi.org/10.1080/10509670802640859>

Kubiak, S. P., Brenner, H., Bybee, D., Campbell, R., & Fedock, G. (2016). Reporting sexual victimization during incarceration using ecological theory as a framework to inform and guide future research. *Trauma, Violence, & Abuse*. Advance online publication. <http://dx.doi.org/10.1177/1524838016637078>

Kubiak, S. P., Hanna, J., & Balton, M. (2005). "I came to prison to do my time--not to get raped": Coping within the institutional setting. *Stress, Trauma and Crisis*, *8*, 157-177. <http://dx.doi.org/10.1080/15434610590956921>

Littleton, H. L., & Axson, D. (2003). Rape and seduction scripts of university students: Implications for rape attributions and unacknowledged rape. *Sex Roles*, *49*, 465- 475. <http://dx.doi.org/10.1023/A:1025824505185>

Lizotte, A. J. (1985). The uniqueness of rape: Reporting assaultive violence to the police. *Crime and Delinquency*, 31, 169-190. <http://dx.doi.org/10.1177/0011128785031002002>

McHugh, M. L. (2012). Interrater reliability: The kappa statistic. *Biochemia Medica*, 22, 276-282. <http://dx.doi.org/10.11613/BM.2012.031>

Ménard, K. S. (2003). *Sexual victimization reporting: The effects of individual and county factors on victims' decision to report to the police*. State College, PA: College of the Liberal Arts, The Pennsylvania State University.

Ménard, K. S. (2005). *Sexual assault victims' decisions to contact the police: Reporting sexual assault: A social ecology perspective* (pp. 89-126). New York, NY: LFB Scholarly Publishing.

Michigan Department of Corrections. (n.d.). *Policy and Procedures*. Retrieved June 18, 2013, from <http://www.michigan.gov/corrections>

Miles, M. B., Huberman, M. A., & Saldana, J. (2014). *Drawing and verifying conclusions. Qualitative data analysis: A methods sourcebook* (3rd ed.). Thousand Oaks, CA: SAGE Publications.

Miller, A. K., Canales, E. J., Amacker, A. M., Backstrom, T. L., & Gidycz, C. A. (2011). Stigma-threat motivated nondisclosure of sexual assault and sexual revictimization: A prospective analysis. *Psychology of Women Quarterly*, 35, 119-128. <http://dx.doi.org/10.1177/0361684310384104>

Owen, B. A., Wells, J., Pollock, J., Muscat, B., & Torres, S. (2008). *Gendered violence and safety: A contextual approach to improving security in women's facilities*. Fresno, CA: California State University Press.

Patterson, D. (2011). The linkage between secondary victimization by law enforcement and rape case outcomes. *Journal of Interpersonal Violence*, 26, 328-347. <http://dx.doi.org/10.1177/0886260510362889>

Patterson, D. (2012). The impact of detectives' manner of questioning on rape victims' disclosure. *Violence Against Women*, 26, 3618-3639.

Paul, L. A., Zinzow, H. M., McCauley, J. L., Kilpatrick, D. G., & Resnick, H. S. (2014). Does encouragement by others increase rape reporting? Findings from a national sample of women. *Psychology of Women Quarterly*, 38, 222-232. <http://dx.doi.org/10.1177/0361684313501999>

Planty, M., Langton, L., Krebs, C., Berzofsky, M., & Smiley-McDonald, H. (2013). *Female victims of sexual violence, 1994-2010*. Special Report. (No. NCJ 240655). Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.

Raudenbush, S., Bryk, A., Cheong, Y. F., & Congdon, R. (2011). *HLM 7: Hierarchical linear and nonlinear modeling*. Chicago, IL: Scientific Software International.

Rennison, C. M. (2007). Reporting to the police by Hispanic victims of violence. *Violence and Victims*, 22, 754-772. <http://dx.doi.org/10.1891/088667007782793110>

Ristroph, A. (2006). Sexual punishments. *Columbia Journal of Gender and Law*, 15, 05-36.

Ross, M. W., Diamond, P. M., Liebling, A., & Saylor, W. G. (2008). Measurement of prison social climate A comparison of an inmate measure in England and the USA. *Punishment & Society*, 10, 447-474. <http://dx.doi.org/10.1177/1462474508095320>

Sable, M. R., Danis, F., Mauzy, D. L., & Gallagher, S. K. (2006). Barriers to reporting sexual assault for women and men: Perspectives of college students. *Journal of American College Health*, 55, 157-162. <http://dx.doi.org/10.3200/JACH.55.3.157-162>

Schlanger, M. (2003). Inmate litigation. *Harvard Law Review*, 116, 1555-1706. <http://dx.doi.org/10.2307/1342709>

Sinozich, S., & Langton, L. (2014). Rape and sexual assault victimization among college-age females, 1995-2013.

\*374 Smith, B. V. (2006). Rethinking prison sex: Self expression and safety. *Columbia Journal of Gender and Law*, 15, 185.

Struckman-Johnson, C., & Struckman-Johnson, D. (2006). A comparison of sexual coercion experiences reported by men and women in prison. *Journal of Interpersonal Violence*, 21, 1591-1615. <http://dx.doi.org/10.1177/0886260506294240>

Struckman-Johnson, C., Struckman-Johnson, D., Rucker, L., Bumby, K., & Donaldson, S. (1996). Sexual coercion reported by men and women in prison. *Journal of Sex Research*, 33, 67-76. <http://dx.doi.org/10.1080/00224499609551816>

Tewksbury, R., & Mahoney, M. J. (2009). Sexual victimization and requests for assistance in inmates' letters to the National Prison Rape Elimination Commission. *Federal Probation*, 73, 57.

Thompson, M., Sitterle, D., Clay, G., & Kingree, J. (2007). Reasons for not reporting victimizations to the police: Do they vary for physical and sexual incidents? *Journal of American College Health*, 55, 277-282. <http://dx.doi.org/10.3200/JACH.55.5.277-282>

Tillman, S., Bryant-Davis, T., Smith, K., & Marks, A. (2010). Shattering silence: Exploring barriers to disclosure for African American sexual assault survivors. *Trauma, Violence & Abuse*, 11, 59-70. <http://dx.doi.org/10.1177/1524838010363717>

Tjaden, P., & Thoennes, N. (2000). *Full report of the prevalence, incidence, and consequences of violence against women: Findings from the National Violence Against Women Survey*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>

Trickett, E. J., Kelly, J. G., & Vincent, T. A. (1985). The spirit of ecological inquiry in community research. *Community Research: Methods, Paradigms, and Applications*, 28, 3-333.

Truman, J., & Langton, L. (2015). *Criminal victimization, 2014*. NCJ, 248973. Retrieved from <http://www.bjs.gov/content/pub/pdf/cv14.pdf>

Turchik, J. A., & Wilson, S. M. (2010). Sexual assault in the U.S. military: A review of the literature and recommendations for the future. *Aggression and Violent Behavior, 15*, 267-277. <http://dx.doi.org/10.1016/j.avb.2010.01.005>

United States Department of Justice. (2012, June 20). National standards to prevent, detect, and respond to prison rape: Final rule. Code of Federal Regulations, title 28, Part 115. *Federal Register, 77*, 37106-37232.

Warren, J. I., Jackson, S. L., Loper, A. B., & Burnette, M. L. (2010). Risk markers for sexual predation and victimization in prison. *National Institute of Justice*, 1-351.

Weiss, K. G. (2011). Neutralizing sexual victimization: A typology of victims' non-reporting. *Theoretical Criminology, 15*, 445-467. <http://dx.doi.org/10.1177/1362480610391527>

Weiss, K. G. (2013). "You just don't report that kind of stuff": Investigating teens' ambivalence toward peer-perpetrated, unwanted sexual incidents. *Violence and Victims, 28*, 288-302. <http://dx.doi.org/10.1891/0886-6708.11-061>

Williams, L. S. (1984). The classic rape: When do victims report? *Social Problems, 31*, 459-467. <http://dx.doi.org/10.2307/800390>

Received November 7, 2016

Revision received January 5, 2017

Accepted January 23, 2017

#### Footnotes

<sup>a1</sup>

This article was published Online First June 26, 2017.

Sheryl P. Kubiak, School of Social Work, Michigan State University; Hannah J. Brenner, California Western School of Law; Deborah Bybee and Rebecca Campbell, Department of Psychology, Michigan State University; Cristy E. Cummings, School of Social Work, Michigan State University; Kathleen M. Darcy, Division of the Social Sciences, University of Chicago; Gina Fedock, School of Social Service Administration, University of Chicago; Rachael Goodman-Williams, Department of Psychology, Michigan State University.

This study was funded by National Science Foundation Grant SES-1429948: "Reporting Sexual Victimization During Incarceration: Using an Ecological Framework to Assess Reporting Choices, Processes, and Outcomes."

All authors are in alphabetical order after Sheryl P. Kubiak and represent the involved research team.

SEXUAL MISCONDUCT IN PRISON: WHAT FACTORS..., 41 Law & Hum....

---

Correspondence concerning this article should be addressed to Sheryl P. Kubiak, School of Social Work, Michigan State University, 655 Auditorium Drive, East Lansing, MI 48824. E-mail: spk@msu.edu

- 1 The attorney who litigated the case notified the entire class of women regarding our intent to review records for research purposes and provided women the opportunity to ‘opt out’ so that their records would not be included in the study sample. From the 809 women who participated in Neal v. MDOC and received a settlement,  $n = 7$  decided to opt-out of having their records reviewed for this study.

41 LHUMB 361

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.