



Abuse of Power:
Sexual Abuse in the Federal Prison
System
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Introduction*

Convicted rapists are not the only sexual predators lurking in the federal prison system. Throughout the federal prison system, there is a systemic pattern of prison staff using their power and control to create a prison culture that sexually abuses prisoners through the use of coercion and force. This culture of abuse is further enabled by systemic failures that impede thorough investigations thereby protecting prison employees from being held accountable for their sexually abusive conduct.

This essay serves as an introduction to the systemic abuse of federal inmates and is broken down into four sections. The first section defines sexual abuse of inmates and introduces past and current examples of prisons with cultures of sexual abuse. The second section explains methods sexually abusive prison staff use to force themselves onto inmates. These explanations are written to give a general idea of sexual abuse but avoid going into detail. A common pattern of sexual abuse is also explained and analyzed. With an understanding of these concepts, the third section features a meso-level analysis of a single prison. This case study will explore how prison staff culture can foster an environment where sexual abuse of inmates becomes rampant. Finally, a summary of a report on the sexual abuse of federal female inmates by the Senate's Permanent Subcommittee on Investigations will explain how the sexual abuse of inmates by staff is a systemic issue plaguing the federal prison system.

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The Reality of the Sexual Abuse of Inmates

To understand the reality of sexual abuse of inmates, we must define sexual abuse, learn prison staff's role, and review a few examples of cultures that enable the sexual abuse of inmates. These examples will showcase a culture where inmate abuse is rampant and normalized.

Under federal law, sexual abuse of inmates is defined as any sexual activity, consensual or nonconsensual, involving an inmate and prison staff (Office of the Inspector General, 2005). The unfortunate reality of sexual abuse in prisons is that inmates are more likely to be abused by staff than by other inmates (Hall, 2015). In 2007, Beck and Harrison found that over 50% (5,605) of inmate sexual abuse allegations were against prison staff (Hall, 2015). Between 2011-2012, 59% (34,100) of prisoner sexual abuse allegations were against staff (Beck et al, 2013). While these statistics are over a decade old, they are some of the most recent available data available. Additionally, their age does not change the fact that there is an alarming number of inmates being sexually abused by staff. While all sexual abuse is abhorrent, staff-on-inmate sexual abuse deserves special attention as these predators are funded by the taxpayers to maintain order and safety inside prisons, not go on power trips that victimize human beings. The sexual victimization of inmates is often discussed or viewed as a humorous topic, but the reality is that these are traumatic events that haunt victims.

As an example of a culture of abuse, consider the Dublin Federal Correctional Institution (FCI Dublin), a federal prison located in California. Bob Egelko has written multiple articles detailing a series of sexual abuse occurring in the Dublin prison. A grand jury has charged former Dublin Federal Correctional Institution guard, John Bellhouse, with five counts of sexually

abusing prison inmates (Egelko, 2022). In total, Bellhouse is facing six charges of abusing three different women between late 2019 and 2020. Bellhouse is not the only FCI Dublin employee to be charged with sexually abusing inmates. Former warden, Ray Garcia, has been convicted to a nearly six-year federal sentence after sexually abusing three victims (Egelko, 2023). James Highhouse, the former prison chaplain, sexually victimized a woman and is serving a seven-year sentence (Egelko, 2022). Former prison guard Ross Klinger is awaiting sentencing (Egelko, 2022). Enrique Chavez, a former prison guard, pleaded guilty to sexually abusing a woman and is serving a 20-month sentence (Egelko, 2023). An investigation by the Associated Press found that inmates who alleged sexual misconduct were disregarded or punished by guards. Even more shocking, the Dublin facility has been referred to as “the rape club” by those within the prison (Balsamo & Sisak, 2022, as cited in Egelko, 2022, para. 6). The accounts of abuse in Dublin Correctional Institution are not over. According to a 2022 report by the Senate’s Permanent Subcommittee on Investigations, “As of May 2022, OIG and/or BOP were investigating at least 17 additional current or former employees at FCI Dublin for sexual misconduct” (p. 17).

FCI Dublin is not alone, the Senate Subcommittee found three additional federal prisons with sustained and protected prolonged cultures of sexual abuse against inmates. The additional prisons were MCC New York, MDC Brooklyn, and FCC Coleman. In MCC New York, two officers have been convicted of sexually abusing inmates (Permanent Subcommittee on Investigations, 2022). Colin Akparanta is serving 40 months in prison after sexually abusing seven discovered victims. Rudell Mullings is wrapping up a seven-year sentence after his 2016 conviction of sexually abusing a victim in 2015. In 2017, MDC Brooklyn had

three of its staff convicted of sexually abusing their inmates (Permanent Subcommittee on Investigations, 2022). Lieutenant Carlos Martinez was sentenced to five years imprisonment and victimized a single inmate. Lieutenant Eugenio Perez sexually abused five inmates and is serving a 25-year sentence. Officer Armando Moronta sexually abused three inmates and is serving a 10-year sentence. In FCC Coleman, 15 women settled with the United States Government after filing a civil lawsuit alleging that they were sexually abused by eight staff members. Of these eight, six have admitted to the sexual abuse of 10 inmates however, due to a legal loophole (discussed below) all escaped prosecution.

In the four previously mentioned BOP institutions with cultures of sexual abuse, 19 inmates were sexually abused, 11 staff members were convicted, 17 are still pending investigation, and six are confessed predators who will never see consequences. In addition to these cultures of abuse, the report found that “BOP employees sexually abused women in their custody in at least two-thirds (19 of the 29) of the facilities where BOP has held incarcerated women this past decade” (Permanent Subcommittee on Investigations, 2022, p. 18). A shortcoming of this report is that it focused on the sexual abuse of women inmates, leaving out male victims. Despite this drawback, the report still showcases sexual abuse is widespread in federal prisons.

Staff-on-inmate sexual abuse is not a modern problem. The sexual abuse of inmates by prison staff is deeply embedded in our prison history. One example can be found by looking back to the 1868 investigation of San Francisco’s Industrial School. This school was California’s first attempt at reforming juveniles under an incarceration model (Macallair, 2015). The investigation revealed a multitude of abuse occurring within the school, the most relevant is the Superintendent’s sexual abuse of girls. Testimony of

girls revealed that the Superintendent, Colonel Joseph Wood, allowed girls certain freedoms in exchange for sexual favors, more accurately abuse (Macallair, 2015). One of the state's earliest forms of incarceration reveals a longstanding abuse of the power dynamic between prison staff and prisoners. The San Francisco Industrial School, FCI Dublin, MCC New York, and MDC Brooklyn are not outliers, they are historical and present examples of abuse in the American prison system. By noticing this pattern of abuse in multiple prisons, it is important to understand how these cultures of sexual abuse operate.

How Sexual Abuse of Inmates Occurs

This section briefly reviews how the act of sexual abuse in prisons occurs. A detailed account of incidents of sexual abuse is not necessary since a general summary will sufficiently convey how these incidents occur within an institutional cultural context.

Within these cultures, the staff use their power over inmates to sexually abuse them. Physical force is an obvious (and abhorrent) method used to rape inmates, but it is not the only strategy of sexual abuse. A second method that staff use to wield power and sexually abuse inmates includes claims of “consensual” sex. Researchers have observed sexual abuse where both parties claim to consent and have a romantic relationship (Hall, 2015; Calhoun & Coleman, 2002). While there may be claims of consensual sex occurring between inmates and staff, it is not only illegal but highly questionable if consent can occur between prisoners and staff.

Inmates and prison staff are never on equal footing. Inmates are under the direct supervision of prison staff resulting in a power imbalance. According to Calhoun and Coleman (2002), “Power dynamics between front-line correctional workers and inmates are

one of the most salient qualities of day-to-day interactions in the correctional institution” (p. 113). Inmates are dependent on staff to provide daily necessities and to oversee safety and peace. With prison staff controlling daily aspects of an inmate’s life, it is doubtful that inmates are in a position to consent to sexual or romantic relationships—do they have free will or do they live under a state of constant duress?

In a prison where multiple inmates were being sexually abused by staff, inmates reported consent due to feeling “powerlessness” or “obligated being that the [correctional officer] has the upper hand” (Calhoun & Coleman, 2002). There is an undeniable power dynamic that prison staff holds over inmates which undermines the believability of an inmate’s ability to consent.

The use of coercion extends to other methods of inmate sexual abuse. Prison staff uses coercive methods such as promising rewards or threatening punishment as a way to sexually abuse inmates (Hall, 2015). An example of using rewards to sexually coerce inmates is through “trading” (Calhoun & Coleman, 2002). In trading, prison staff offers inmates special privileges in exchange for sex. Aside from drugs or other banned contraband, prison staff may also use an inmate’s vulnerabilities to gain an upper hand and offer special privileges.

For example, during a victimization survey by Calhoun & Coleman (2002), an inmate recalled that a correctional officer allowed his victim (a different woman) to make phone calls during a personal emergency if she agreed to take off her pants and sit with her legs spread open while he watched. The inmate remarked that the victim agreed because it was her only option and the officer had the power to “help” her make the call.

Both Hall (2015) and Calhoun & Coleman (2002) found rampant use of trading to coerce prisoners into sexual relationships. Trading is a prime example of the power dynamics present in prison staff-inmate relationships, there is no consent because of the awful power imbalance staff holds. Inmates have no bargaining power and “agree” to sex out of necessity or feeling unable to say no.

Hall (2015) found “coercion, power, and control” as a common theme in the sexual abuse of inmates (p. 36). The study observed a five-step formula staff use to “groom, coerce, and control their victims” (p. 35). The first step is that staff identify the inmate they will target. Staff will then groom the victim by forming a personal relationship which can include friendly conversations, presents, and finding ways to spend time with them (U.S. Department of Justice, 2005, as cited in Hall, 2015). The third step is to begin making inappropriate sexual advances toward the inmate (U.S. Department of Justice, 2005, as cited in Hall, 2015). Another step staff take is to secure a private area where they will sexually abuse the inmate. The final step is to sexually abuse the inmate using “coercion, power, and control” (Hall, 2015, p. 26). Hall argues power and control are inherent in an institutional setting and can be strengthened when coercion is added to the mix. This formula is not exclusive to Hall’s study.

The same pattern is present in a 2002 victimization survey by Calhoun and Coleman. Some of the inmates interviewed sympathized with the working conditions and social isolation prison staff must endure. Calhoun and Coleman (2002) found prisoners were able to “draw parallels between their lives and the lives of the officers” (p. 122). The inmate’s ability to relate to staff leads to a closer bond between inmates and staff, which falls under step two of Hall’s formula. Step five is evident as the prison where

inmates are being interviewed has staff that was able to coerce or manipulate inmates to “consensual” sexual activity (Calhoun and Coleman, 2002).

In short, the sexual abuse of inmates takes place primarily through the power dynamic afforded to prison staff. At their disposal, they are free to use force, intimidation, and coercion. Claims of consensual sex are undermined by the power staff holds over prisoners that eliminates the possibility of an inmate’s free will. At its root, staff-on-inmate sexual abuse is a coercive tactic that uses power and control to trap inmates into abusive sexual contact. With a basis of how sexual abuse occurs, it is important to see how these abusive cultures are created.

How Federal Prison Staff Form a Culture of Sexual Abuse

Given that prisons often hide their cultures of sexual abuse, one may ask how these cultures form. This section aims to answer this question through a meso-level analysis of prisons. A meso-level analysis explores how one’s social community and environment can encourage criminal behavior (Barlow & Kauzlarich, 2010). This section argues federal prisons are a social environment that encourages staff to abuse inmates in what was assumed to be a repercussion-free zone.

There is an alarming pattern of sexual abuse occurring within the federal prison system. It is difficult to label the actions of staff as one-time scandals. The amount of abuse occurring throughout the nation has surpassed the rationalization that this is an issue of a few bad apples. The concept of bad apples is the idea of there being a few bad actors in a large system.

Colleen Walsh (2021) uses this phrase when describing a systematic issue that should no longer be considered the lone actions of a corrupt individual. Federal Prison staff at individual

institutions seem to have formed social environments where sexual abuse is normalized. From within these prisons, it is an open secret that staff participates in a culture of abuse. This open secret is evidenced by examples such as FCI Dublin being coined “the rape club” by both inmates and staff (Balsamo & Sisak, 2022, as cited in Egelko, 2022, para. 6).

The social environment of the prison encourages sexual abuse to occur because the offenders are protected. For example, FCC Coleman relocated all female inmates from the prison to prevent a PREA auditor from interviewing female inmates that were being sexually abused by prison staff (Permanent Subcommittee on Investigations, 2022). A PREA auditor is in charge of auditing prisons for compliance with the Prison Rape Elimination Act (PREA) policies which aim to eradicate sexual abuse from occurring in prisons (Bureau of Justice Assistance, 2021 as cited in Permanent Subcommittee on Investigations, 2022). The removal of female inmates allowed staff to continue their predatory acts while also keeping their victims from speaking about their abuse.

Prison staff also use their power over inmates to protect each other by punishing victims that come forward. An investigation by the Associated Press in FCI Dublin found that inmates who came forward with their reports of abuse were “ignored and even placed in solitary confinement” (Balsamo & Sisak, 2022, as cited in Egelko, 2022, para. 6). Calhoun and Coleman (2002) found that inmates who came forward faced harassment by staff and complicit officers would retaliate against the victim’s loved ones. Victims of sexual abuse were left even more powerless and vulnerable to abuse as they had no safe space to report their victimization. Prison staff took advantage of the

power afforded to them to create a hunting ground where they can sexually assault prisoners and suppress their testimony.

In summary, a social environment that can be described as a culture of sexual abuse was formed where sexual violence was not only accepted but protected. Prison staff not only band together to cover up their crimes but also use their power and intimidation to silence inmates from reporting their victimization. The perpetuation of these sexual abuse cultures is a systemic issue seen throughout the federal prison system.

How Sexual Abuse of Inmates is a Systemic Issue in the Federal Prison System

Similar to how the cultures of abuse are not the actions of a few bad apples, individual prison cultures are not isolated to certain settings. The norms at individual prisons are part of a systemic failure that allows thousands of inmates to be sexually abused across the federal prison system. To understand this systemic issue, we can turn to the Senate's staff report by the Permanent Subcommittee on Investigations (2022) titled "Sexual Abuse of Female Inmates in Federal Prisons." The committee found that the social cultures of individual prisons are upheld at a systemic level due to the Federal Bureau of Prisons (BOP) inability to properly investigate the sexual abuse of inmates and hold staff accountable for their crimes.

BOP allows individual prisons to sustain their cultures of abuse by failing to gather key data that allows investigators to find patterns of abuse. The Permanent Subcommittee on Investigations found that BOP uses PREA policies to prevent sexual abuse and PREA audits to determine if prisons abide by such policies. If a prison passes the audit, BOP can conclude that the prison is not at high risk of staff-on-inmate sexual abuse (Permanent Subcommittee on Investigations, 2022).

The problem with this system is that the PREA audits have been proven to be unreliable in determining if there are cultures of sexual abuse within a prison (Permanent Subcommittee on Investigations, 2022). The subcommittee points out that FCC Coleman and FCI Dublin were never flagged by audits despite there being numerous cases of sexual abuse from the two prisons. By being dependent on an unreliable audit system, BOP is allowing prisons to hide their sexually abusive cultures.

The possibility of finding sexual abuse is further tainted due to BOP failing to “Systemically Analyze PREA Complaint Data” (Permanent Subcommittee on Investigations, 2022, p. 22). PREA requires BOP to have a database of compliant data to be used to determine if improvements can be made to prevent sexual abuse of inmates (Permanent Subcommittee on Investigations, 2022). BOP can also use the complaint data to identify individual prisons or people that have a pattern of sexually abusing inmates but elects not to do so (Permanent Subcommittee on Investigations, 2022). Despite having the resources to find cultures of abuse at their fingertips, BOP allows for patterns of sexual abuse of inmates to continue for months or years on end.

Patterns of abuse are further suppressed by the BOP Office of Internal Affairs (OIA). BOP OIA is required to produce an annual report that details BOP employee wrongful conduct for the purpose of allowing BOP to recognize patterns of misconduct and areas for improvement in BOP training (Permanent Subcommittee on Investigations, 2022). The reality of the report is that it does not allow for the identification of patterns as it fails to include key facts about who abused the inmate, where the abuse occurred, and if the abuser has a history of allegations (Permanent Subcommittee on Investigations, 2022). Without such data, BOP is unable to

determine if they are employing serial predators or if their institutions are suffering from a culture of abuse.

The lack of proper investigations also allows for the cultivation of a repercussion-free prison system. BOP lacks the ability to keep up with investigating allegations of sexual abuse which leads to staff escape without any accountability. In 2020, BOP OIA reported a backlog of 554 allegations of sexual abuse from federal inmates (Permanent Subcommittee on Investigations, 2022). By 2021, the BOP OIA was only able to close investigations on approximately 40% of those cases (220) (Permanent Subcommittee on Investigations, 2022). The failure to keep up with this backlog allows for cases to pend for long periods of time. The longer investigations pend, the more unrealistic it is to prove sexual abuse (Permanent Subcommittee on Investigations, 2022). Unable to prove is an important distinction from proven false, the long wait time passing from sexual abuse to the closure of the allegation allows for testimony or recollection of events to be lost. It is not that the prison staff is found innocent, it is that there is no longer evidence to sustain that sexual abuse occurred (Permanent Subcommittee on Investigations, 2022). The backlog of investigations gives sexual abusers the upper hand and may allow them to escape accountability.

Another systemic failure preventing proper investigations of sexual abuse allegations is that when the Department of Justice's Office of the Inspector General (OIG) cannot keep up with sexual abuse allegations, they return them to BOP OIA for investigation (Permanent Subcommittee on Investigations, 2022). Typically, BOP OIA notifies OIG about inmate allegations and the OIG is supposed to conduct an independent investigation. However, when OIG declines to investigate, BOP OIA assumes responsibility for an investigation. The issue with this is that BOP OIA is

investigating their own employees and in doing so “has the ability to compel BOP employees, as conditions of employment, to sit for interviews about allegations about them” (Permanent Subcommittee on Investigations, 2022, p. 6). The permanent subcommittee found that compelling employees to speak triggers the Garrity interviews loophole which allows BOP employees to confess and face no legal consequences.

The Garrity interview loophole comes from a 1996 case *Garrity v. New Jersey* heard by the Supreme Court which ruled that compelled statements from government employees are ineligible to be used as evidence in their prosecution and BOP OIA must prove any evidence they have is not a result from compelled statements (Permanent Subcommittee on Investigations, 2022). As a result of this loophole, multiple BOP employees have admitted to sexually abusing inmates and have faced no consequences (Permanent Subcommittee on Investigations). It is in the BOP staff’s best interest to admit to everything in a compelled statement as they can then escape accountability when caught sexually abusing inmates.

A final systemic failure of BOP is that its officials do not see the sexual abuse of inmates as a systemic issue. In interviews with BOP officials, the Permanent Subcommittee of Investigations (2022) recorded statements that blame individual employees and prisons for sexual abuse and not any failure of BOP policy or practices. This mindset could explain why there were no reforms to BOP policy after the discovery of institutional abuse in four of their prisons and opted to instead make changes to individual prisons (Permanent Subcommittee on Investigations, 2022). Despite having sexual abuse occur in 19 of their 29 prisons with female inmates in the past 10 years, BOP did not make any systemic policy or practice changes until 2021 when after the discovery of the

rampant sexual abuse occurring in FCI Dublin (Permanent Subcommittee on Investigations, 2022).

In summary, employee misconduct in federal prisons surpasses OIG and BOP's ability to properly investigate crimes and allows abusive staff to escape repercussions. The systemic failures that prevent investigations and justice are BOP's failure to use PREA data to pinpoint problematic employees and prisons, OIA reports suppressing data that may reveal individuals or prisons with patterns of sexual abuse, backlogs that slow down investigations, therefore, tainting their integrity, the Garrity loophole that exempts staff from prosecution, and BOP officials refusal to see sexual abuse as a systemic issue. Victims of staff sexual abuse are not only failed in their prisons but are further let down by BOP's refusal to take action in preventing sexual abuse in their facilities.

Conclusion

To review, the ongoing events in the federal prison system serve as a stark reminder that the incarceration setting allows for a power imbalance that emboldens prison staff to victimize their inmates. Federal prison staff have created social circles that view sexual abuse as acceptable behavior. These cultures are willing to use power, control, and coercion over inmates to not only sexually abuse them, but to silence them as well. A meso level of analysis considers the social influence of criminal behavior (Barlow and Kauzlarich, 2010). In a meso level of analysis, the social environment cultivated by staff is concerning. The prison became a space where sexual abuse by staff was built and guarded. The Bureau of Prisons further silences victims of sexual abuse by not taking systemic actions to prevent further victimization. Essentially, BOP investigations are sabotaged from the start, allowing for sexual abuse to continue without repercussions.

Around the nation, federal prisons are the hunting ground for sexual predators to abuse prisoners.

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