

## The Very Basics about Sexual Abuse in Detention

U.S. detention facilities are plagued by sexual abuse. Every year, a staggering 200,000 adults and children are sexually abused behind bars. The majority of survivors are abused not once, but again and again. About half of all assaults are committed by staff — the very people whose job it is to keep inmates safe. But prisoner rape is not an inevitable part of incarceration. On the contrary, when corrections leaders embrace safe practices and hold perpetrators accountable, this violence can be stopped.

### The Nature of Sexual Abuse Behind Bars

Sexual abuse in detention occurs in all types of detention facilities — including adult prisons and jails; juvenile detention facilities; police lockups and short-term holding cells; and halfway houses. Both men's and women's facilities are afflicted by this violence; as are facilities for boys and for girls. Staff abuse occurs with alarming frequency in all facilities, but especially in youth detention; an astonishing 80 percent of all sexual abuse in juvenile detention facilities is perpetrated by staff.<sup>1</sup> While staff sexual misconduct represents the ultimate

corrections failure, it is the responsibility of officials to prevent any sexual violence in their institution.

As in the community, sexual abuse and harassment behind bars includes a range of behaviors, from rape and abusive pat searches to derogatory language about a person's gender or sexual orientation. Fundamentally, all forms of this violence are about exerting dominance over someone else. While consensual relationships between inmates do exist — though they are against the rules — inmates cannot consent to sexual activity with staff; any time a staff member has sexual contact with an inmate, it is abuse. Staff have total control over the people in their custody and, further skewing the power dynamic, many prisoners live with extreme deprivation. Some staff predators take advantage of this imbalance by demanding sex in return for basic items that are scarce in detention.

The power differential is even more extreme in juvenile detention. Staff abusers often “groom” potential victims, attempting to gain their trust by asking for or sharing

overly personal information and crossing appropriate professional boundaries. Nearly one in three youth who were victimized by staff said that their abuser had given them a gift prior to the assault; about half said that their abuser sent them personal letters and photos.

In both adult and youth facilities, the vast majority of sexual abuse goes unreported. Many survivors choose not to come forward because they fear that nothing will be done or that no one will believe them — especially when the perpetrator is a member of staff. It can also be extremely dangerous to report abuse. Retaliation is widespread, and prisoners who are labeled “snitches” are often targeted, by staff and by other inmates, for further abuse. While some facilities are starting to provide safe, confidential ways to report, speaking out remains risky. In many facilities, the default response to an allegation is to place the survivor in solitary confinement, a practice that can have devastating mental health consequences.

### **Vulnerable Inmates**

Anyone can be a target of sexual abuse or sexual harassment in detention. However, some people are at greater risk than others. LGBT people are among those most vulnerable to such abuse. In its most recent inmate surveys, the Bureau of Justice Statistics (BJS) found that in a 12-month period roughly one in eight LGBT prisoners,<sup>2</sup> and one in three transgender prisoners,<sup>3</sup> were preyed upon by another inmate. The appallingly high rates of sexual abuse facing LGBT people are a direct result of the

rampant sexism and homophobia behind bars, particularly among staff. Many officials simply look the other way when a LGBT inmate is assaulted, either because they assume what happened was consensual or they blame LGBT people for their own victimization.

The other primary risk factors for sexual abuse behind bars are prior sexual abuse and mental illness. Inmates who have been abused in the past — either in a previous facility or in the community — are six times more likely to suffer abuse by other prisoners and twice as likely to be abused by staff.<sup>4</sup> The effects of previous trauma often lead such prisoners to believe that they will not be able to get help for further abuse, or even that they are not entitled to help — which perpetrators use to their advantage. Prisoners with a mental illness<sup>5</sup> are also exceptionally vulnerable. They are an astonishing nine times more likely to be sexually assaulted than people who do not have a mental illness. They are also often considered less credible by officials, even though having a mental illness has no correlation with filing a false report.

### **A Cultural Issue**

For many years, the prevailing view among corrections officials was that prisoner rape was not a problem in their facilities. If this abuse did happen, they claimed, it was simply an inevitable consequence of locking up “bad people.” But these views are starting to change, thanks in large part to national standards mandated by the Prison Rape Elimination Act (PREA).<sup>6</sup> The PREA

standards have resulted in tens of thousands of corrections staff receiving training on sexual abuse prevention and response, including on sensitive communication with LGBT prisoners. Also, ensuring that prisoners are safe from sexual abuse is now explicitly written into the job description of high-ranking corrections officials nationwide.<sup>7</sup>

A parallel shift is happening in popular culture. Once a staple of comedy routines, “don’t drop the soap” jokes are increasingly frowned upon. This growing awareness is a credit to the advocacy of prisoner rape survivors, like Rodney Roussell. As Rodney stated in a landmark New York Times documentary, “If we can stop making jokes about prisoner rape, someone else won’t have to go through this one day. Prisoners are people, and no person deserves abuse.”<sup>8</sup>

### **Sexual Abuse is a Crisis That Can Be Stopped**

Despite recent progress, prisoner rape is still widespread. Scores of prisons and jails remain dangerous; sexual abuse allegations are widely ignored or improperly investigated; and perpetrators act with impunity. Even worse, detention facilities are subjected to little meaningful outside scrutiny. Fortunately, sexual abuse in detention is not an inherent part of prison life. Using the PREA standards as a tool, some corrections leaders are running safer facilities, where prisoners are treated with dignity and no one is considered above the law. To end prisoner rape once and for all, corrections leaders everywhere will have to

commit to promoting a culture that prioritizes accountability and human rights.

No matter what crime a person may have committed, rape is not part of the penalty.

## Endnotes

1. Allen J. Beck et al., *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012* (Bureau of Justice Statistics, June 2013), available at: <http://www.bjs.gov/content/pub/pdf/svjfry12.pdf>
2. Allen J. Beck, et al, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12* (Bureau of Justice Statistics, May 2013), available at: [www.bjs.gov/content/pub/pdf/svpjri1112.pdf](http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf)
3. Beck, *Sexual Victimization in Prisons and Jails – Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates* (Bureau of Justice Statistics, December 2014), available at: [www.bjs.gov/content/pub/pdf/svpjri1112\\_st.pdf](http://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf)
4. Beck et al, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*
5. Ibid.
6. National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115 (Department of Justice, 2012), available at: [www.federalregister.gov/a/2012-12427](http://www.federalregister.gov/a/2012-12427)
7. National Standards, “Zero Tolerance; PREA Coordinator,” (§§ 115.11, 115.111, 115.211, 115.311)
8. Rodney Roussell, “The Rape Jokes We Still Laugh At,” *The New York Times*, July 9, 2018, available at: [nytimes.com/2018/07/09/opinion/contributors/the-rape-jokes-we-still-laugh-at.html](http://nytimes.com/2018/07/09/opinion/contributors/the-rape-jokes-we-still-laugh-at.html)

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