



No Safe Place: Sexual Violence in the Juvenile Justice System

“I experienced the most damaging and emotionally devastating treatment of my life thus far when I was in a youth correctional facility.... I survived threats of violence, unwanted sexual touching, and verbal abuse that were severe beyond belief.”

— Cyryna M. Pasion, Testimony to the National Prison Rape Elimination Commission, June 1, 2006

JUVENILE CORRECTIONS FACILITIES are plagued by sexual violence. In a report released in June 2013, the Bureau of Justice Statistics (BJS) found that roughly one in ten youth detainees were sexually abused at their current facility in the past year. A staggering 81 percent of victimized youth were abused by a member of staff, and most were assaulted multiple times.¹

The good news is that rape crisis counselors can give direct, life-saving services to incarcerated youth. The Prison Rape Elimination Act (PREA) standards — a groundbreaking set of government regulations issued in May 2012 — call on youth facilities to reach out to local service providers. This requirement creates new opportunities for advocates to help young survivors of sexual abuse heal.

Who Gets Locked Up in Youth Facilities, and Why

On any given day, there are roughly 80,000 youth in juvenile detention facilities. Nearly two-thirds of youth are in for nonviolent offenses, including parole violations, drugs, or truancy.² A significant number of youth detainees have a severe learning disability, mental illness, or alcohol or other drug addiction.³

Youth with a history of prior sexual abuse are far more likely to become involved in the criminal justice system than those with no prior abuse.⁴ Sexual abuse is devastat-

ing to anyone, but teen survivors are especially vulnerable to Post-Traumatic Stress Disorder, depression, and drug addiction. Lacking the skills and maturity to process the pain of sexual abuse, many young survivors act out their feelings, sometimes in ways that are dangerous — like starting fires, destroying property, or harming themselves. Such behaviors are usually a cry for help; often, however, they land youth in detention.

Juvenile Detention and Sexual Abuse

The juvenile justice system's mission is to help troubled youth turn their lives around, through education, treatment, and counseling. Yet instead of getting help, a significant number of youth detainees are sexually abused. Disturbingly, the vast majority of abuse is committed by staff — the very people whose job is to keep youth safe. More appalling still, youth who are victimized by staff are more likely to be sexually abused at least eleven times than they are to be assaulted only once.⁵

Contrary to conventional wisdom, most staff sexual misconduct is perpetrated by women. According to the BJS, more than nine in ten boys who reported sexual abuse said their abuser was a female staff member.⁶ Staff sexual abuse is the ultimate failure to uphold basic standards of professional conduct. The BJS found that more than half of all victimized youth reported that abusive staff members engaged in a range of unprofessional behavior, including giving them a special gift, treating them as a favor-

ite, or sharing information about their personal lives.⁷

Some youth detainees are more vulnerable to sexual abuse than others. The two leading risk factors for abuse are having a history of victimization and being lesbian, gay, bisexual, or transgender (LGBT). Shockingly, roughly half of all youth who were sexually abused at a prior facility reported suffering yet more abuse at their current one.⁸

Reporting sexual abuse is challenging for survivors in any setting. Many youth detainees fear retaliation or not being taken seriously. Another obstacle is the extreme isolation of many juvenile facilities, which means victimized youth often must make decisions about reporting and getting help without support from family and loved ones.

The PREA Standards

In August 2013, the national PREA standards finally became binding on all state and local facilities, including youth detention

centers.⁹ These standards compel juvenile facilities to adopt concrete steps to protect young people in custody from sexual abuse.

The PREA standards place strict limitations on staff viewing of youth of the opposite gender while they change clothes, shower, and use the bathroom. The standards also outline protections for vulnerable youth, including LGBT detainees and survivors of prior sexual abuse.¹⁰

The PREA standards call for an expanded role for outside advocates in helping youth behind bars. Under the standards, young survivors must receive necessary medical treatment and crisis intervention services, at no cost to them. Recognizing the key role of a coordinated response to sexual abuse, the standards require that facilities establish well-trained teams of first responders, medical and mental health staff, and investigators.¹¹

If fully implemented, the PREA standards will dramatically decrease sexual abuse in juvenile facilities, while ensuring that victimized youth get the help that they need.

Endnotes

¹Allen 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>.

²Sarah Hockenberry, *Juveniles in Residential Placement, 2010* (Office of Juvenile Justice and Delinquency Prevention, June 2013), available at <http://www.ncji.org/pdf/CJRP/CJRP%202010.pdf>.

³Jennie L. Shufelt and Joseph J. Cocozza, *Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study* (2006) and Eve Muller, *The Juvenile Justice System and Youths with Disabilities*, in *Forum* (October 2005), available at www.projectforum.org/docs/The%20Juvenile%20Justice%20System%20and%20Youths%20with%20Disabilities.pdf.

⁴See, e.g., Karen M. Abram et al., *Posttraumatic Stress Disorder and Trauma in Youth in Juvenile Detention*, 61 *Archives of General Psychiatry* 403 (2004).

⁵Beck et al., *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*.

⁶Ibid.

⁷Ibid.

⁸Ibid.

⁹National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115 (Department of Justice, 2012), available at www.federalregister.gov/a/2012-12427.

¹⁰National Standards, §§ 115.241, 115.242. Additionally, adult facilities that hold youth under the age of 18 must house them separately from adult inmates — without relying on the use of solitary confinement; see National Standards, §§ 115.14, 115.114.

¹¹National Standards, §§ 115.364, 115.365, 115.371.

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Tips for Advocates

- Make an effort to get to know the facility staff and administrators, and emphasize your shared goal of ensuring that the facility is as safe as possible. Many corrections officers will have never worked with a community program before, and some may worry that advocates will scrutinize how they do their jobs.
- While most survivors of sexual abuse in the juvenile justice system have experienced trauma prior to their incarceration, few are likely to have received counseling, either behind bars or in the community. Your agency's presence in the facility may be a young survivor's first chance to seek help.
- Be sure to know laws and agency policies governing child abuse reporting. Many states require service providers to report child abuse to the state's child abuse registry. In addition, state laws differ regarding the age of consent for services; in some states, survivors as young as 12 can give consent to counseling and medical care after a sexual assault.
- Many youth detainees have had life experiences that cause them to feel a deep distrust of adults. Expect that it will take time to gain their confidence and trust.

JUST DETENTION INTERNATIONAL
is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

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