



Cecilia Chung and Esmeralda Soto, members of JDI's Survivor Council

*“Although you may think that I’m not like you, we are not so different. I want to have control over my own body and my life, just as you do. I want to choose the people with whom I get intimate, just as you do. I absolutely did not want to have sex with that man in the San Francisco Jail, but I felt powerless to refuse him.”*

— Cecilia Chung, survivor of sexual violence in detention

## The Basics About Sexual Abuse in U.S. Detention

**S**EXUAL ABUSE BEHIND bars is a systemic, nationwide human rights crisis. Based on its most recent study, released in May 2013, the Bureau of Justice Statistics (BJS) estimates that roughly 200,000 people were sexually abused behind bars in a single year.<sup>1</sup> A 2012 BJS study found that nearly 10 percent of former state inmates reported being sexually abused during their most recent period of detention. About half of the prisoners reporting abuse were victimized by staff – the very people whose job it is to keep them safe.<sup>2</sup>

### Vulnerable Inmates

While anyone can be sexually abused behind bars, some inmates are especially vulnerable. People who are lesbian, gay, bisexual, or transgender (LGBT) face staggering levels of sexual assault in detention; a BJS survey revealed that LGBT prisoners were abused by other inmates at a rate more than ten times higher than straight prisoners.<sup>3</sup> Survivors of previous sexual violence – whether behind bars or in the community – are also exceptionally vulnerable and are often marked as fair game for abuse both by other inmates and by staff. On average, each prisoner rape survivor is assaulted three to five times a year.<sup>4</sup>

Sexual abuse is devastating to victims, no matter where it happens. Yet prisoner rape survivors remain acutely underserved. Inmates rarely get confidential rape crisis

counseling, even though such counseling is known to reduce the effects of trauma. Incarcerated survivors who speak out about sexual abuse are often mocked, ignored, or retaliated against by inmates or staff. The BJS found that inmates who reported being sexually assaulted were as likely to be punished themselves as to get to talk to an investigator or see their abuser held accountable.

With limited or no access to medical care and counseling, prisoner rape survivors often develop long-term health problems, such as post-traumatic stress disorder, depression, and drug addiction. Moreover, the high rates of HIV and other sexually transmitted diseases in detention facilities put survivors at risk for infection. Once released, survivors bring the emotional and physical scars of their abuse back to their families and communities; many turn to self-destructive behaviors that keep them trapped in a cycle of poverty, crime, and re-incarceration.

### The PREA Standards

The good news is that prisoner rape is preventable. In May 2012, the U.S. Department of Justice issued national standards aimed at eliminating this crisis. The standards, mandated by the Prison Rape Elimination Act (PREA) of 2003, are binding on all prisons, jails, youth detention facilities, police lock-ups, and halfway houses. They call for a number of measures to prevent and respond to sexual abuse, including stronger protections for vulnerable inmates, improved medical and counseling services for survivors, and inde-

pendent audits of facilities.<sup>5</sup> The standards are a human rights tool with enormous potential – if fully implemented – to reduce prisoner rape drastically.

The release of the PREA standards affirms

one of JDI's core principles: When the government removes someone's freedom, it takes on an absolute responsibility to protect that person's safety. No matter what crime a person may have committed, rape is not part of the penalty.

## Endnotes

<sup>1</sup> 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).

<sup>2</sup> Allen J. Beck and Candace Johnson, *Sexual Victimization Reported by Former Prisoners, 2008* (Bureau of Justice Statistics, May 2012), 5, available at [www.bjs.gov/content/pub/pdf/svrfsp08.pdf](http://www.bjs.gov/content/pub/pdf/svrfsp08.pdf).

<sup>3</sup> Allen J. Beck et al, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*, 18.

<sup>4</sup> Allen J. Beck and Paige M. Harrison et al, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008–09* (Bureau of Justice Statistics, August 2010), available at [www.bjs.gov/content/pub/pdf/svpjri0809.pdf](http://www.bjs.gov/content/pub/pdf/svpjri0809.pdf).

<sup>5</sup> 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).

## About Just Detention International (JDI)

**J**ust Detention International (JDI) is a health and human rights organization that seeks to end sexual abuse in all forms of detention.

All of JDI's work takes place within the framework of international human rights laws and norms. The sexual assault of detainees, whether committed by corrections staff or by inmates, is a crime and is recognized internationally as a form of torture.

JDI has three core goals for its work: to hold government officials accountable for the health and safety of inmates; to promote public attitudes that value the dignity of people in detention; and to ensure that survivors of sexual abuse get the help they need.

JDI is concerned about the safety and well-being of all detainees, including those held in adult prisons and jails, juvenile facilities, immigration detention centers, and police lock-ups, whether run by government agencies or by private corporations on behalf of the government.

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