

Why Didn't They Say Anything?

Key Barriers to Reporting Sexual Abuse in Detention

Sexual abuse is a vastly underreported crime — whether it occurs in the community or in detention. In corrections facilities, when staff take reports seriously, respond with professionalism and compassion, and provide incarcerated survivors with the care and support they need, other inmates who are sexually abused are more likely to seek help. In contrast, when officials ignore, mock, or punish incarcerated survivors who speak out, it has a chilling effect on reporting — forcing an already underreported crime deeper underground.

Below are some common reasons why incarcerated survivors may choose not to report sexual abuse.

It's not always clear that help is available

Some prisoners may not know how to report, despite the responsibility of facilities to make different reporting mechanisms available and to educate inmates and staff about them.¹ Others, particularly those who experienced sexual abuse earlier in life, may not believe that staff will help them, or may not feel that they are entitled to protection — especially if they were sexually abused as children.

It's dangerous

The “code of silence” is powerful in many corrections facilities. An inmate who reports sexual abuse may be labelled a “snitch” and face harsh consequences. Survivors often fear that staff will fail to keep their reports private, and that anyone who reports will suffer retaliation. Also, survivors are aware that inmates who are known to have been sexually abused tend to be targeted by other perpetrators for further assaults.

It's embarrassing

Sexual abuse is a deeply personal crime. It can be painful for survivors to report, especially for incarcerated survivors who are largely isolated from supportive family members and friends. The Department of Justice found that embarrassment, shame, and simply not wanting anyone to know prevented nearly 70 percent of incarcerated survivors from reporting.²

Fear that staff won't do anything

Some facilities simply do not take reports of sexual abuse seriously. Officials may believe that sexual abuse does not happen in their

facility, or think that inmates who report sexual abuse are lying to get a transfer, or to get someone in trouble. When survivors do report, the response may be inadequate. Nationwide, about half of all reports of sexual abuse in detention are unsubstantiated by facility investigators, meaning that staff fail to determine whether or not the abuse occurred. Only eight percent of all reports are substantiated.³

Fear of being mocked

In some facilities, incarcerated survivors are mocked or humiliated when they report sexual abuse. This is especially true of gay, bisexual, lesbian, and transgender survivors. Staff and inmates alike often blame gay men and transgender women for being sexually abused, or simply do not believe that it is possible for them to be raped. In other cases, staff outrageously respond to reports of sexual abuse by telling inmates to ‘man up’ and protect themselves from predators, even though it is the staff’s absolute responsibility to keep inmates safe.

Fear of being punished

Many incarcerated survivors who report sexual abuse end up being punished themselves. Inmates received disciplinary writeups 29 percent of the time after reporting sexual abuse by other inmates and nearly half of the time when the abuse was perpetrated by staff.⁴ Survivors of trauma often talk about their abuse in a fragmented, nonlinear manner that an untrained investigator may misinterpret as lacking credibility — resulting in survivors

inappropriately being written up for making false allegations. In other cases, staff accuse inmates who report sexual abuse of violating facility rules by engaging in consensual sex with another inmate.

Fear that staff will place them in solitary

Too often, corrections staff place survivors of sexual abuse in restrictive housing, not as a last resort for their safety, but by default. In fact, 34 percent of inmates who reported being sexually abused by other inmates and 41 percent of inmates reporting abuse by staff were placed in restrictive housing.⁵ While some may prefer to be isolated for their safety, for many survivors isolation increases their trauma by removing them from programs and emotional support.

Endnotes

1. National Standards to Prevent, Detect, and Respond to Prison Rape, 28 CFR 115 (Department of Justice, 2012) § 115.33, available at: www.prearesourcecenter.org/sites/default/files/content/prisonsandjailsfinalstandards_0.pdf
2. Allen J. Beck, et al., *Sexual Victimization Reported by Former State Prisoners, 2008* (Bureau of Justice Statistics, May 2012), available at: www.bjs.gov/content/pub/pdf/svrfsp08.pdf
3. Jessica Stroop, *PREA Data Collection Activities, 2018* (Bureau of Justice Statistics, June 2018), available at: www.bjs.gov/content/pub/pdf/pdca18.pdf
4. Beck, et al. *Sexual Victimization Reported by Former State Prisoners, 2008* (Bureau of Justice Statistics, May 2012), available at: www.bjs.gov/content/pub/pdf/svrfsp08.pdf
5. Ibid.

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