

Prison Rape and Sexual Assault: Prevalence, Vulnerabilities and System Responses

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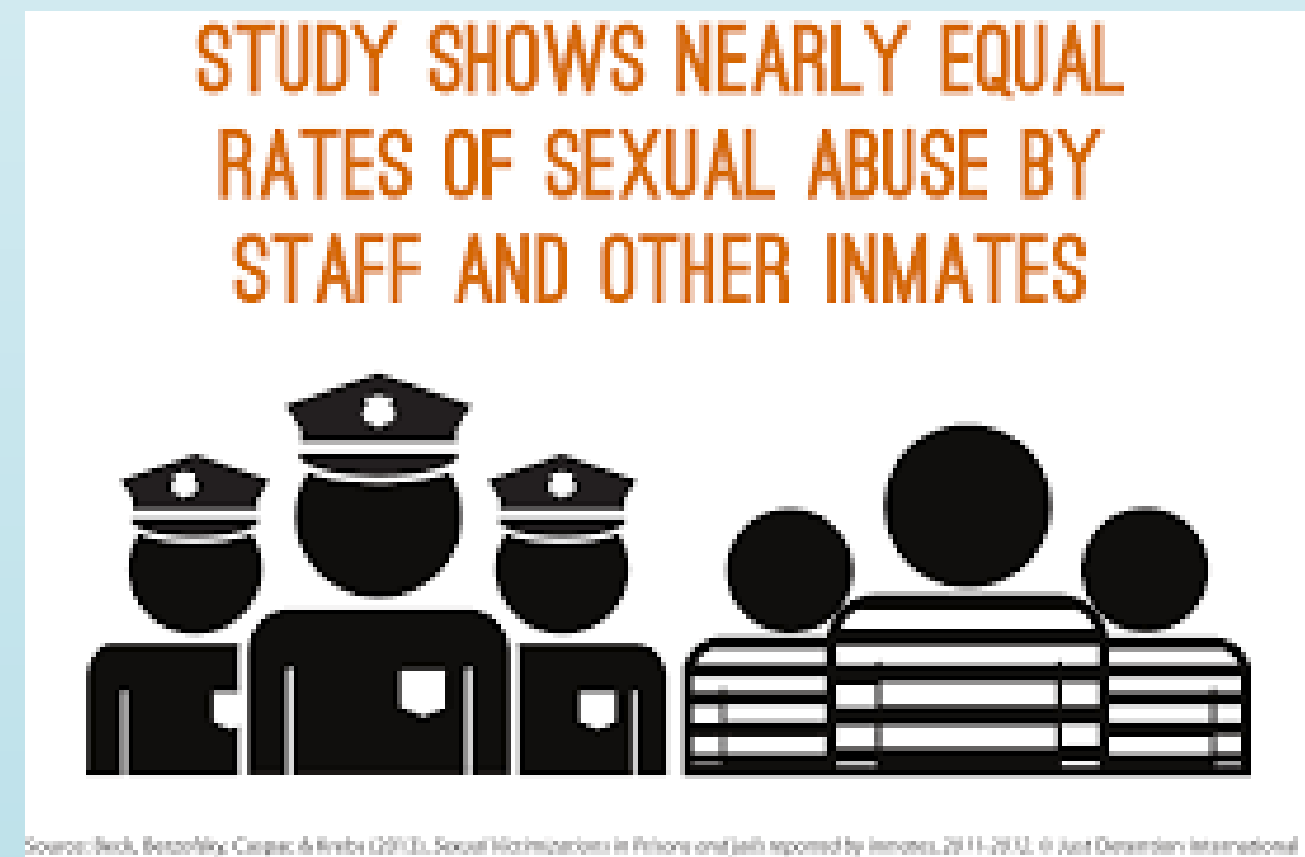


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Introduction

According to a Department of Justice report, more than 200,000 incarcerated persons are sexually assaulted in the United States every year. Some incarcerated people are at greater risk for prison sexual abuse, including groups such as women, those identifying as LGBTQ+, and youth. Prison rape and sexual assault is not limited to inmate-on-inmate abuse; rather, studies find equivalent offending rates for both incarcerated people and facility staff. Many barriers exist to reporting the abuse, including, but not limited to, being ashamed, fearing the perpetrator's response, and concern for retaliation by staff. If an incarcerated person makes a report, perpetrators are rarely punished. While federal guidelines are provided to aid in reducing and responding to prison rape and sexual assault, prisons have much work to do to further policy changes on this systemic issue.



Vulnerable Populations

Women

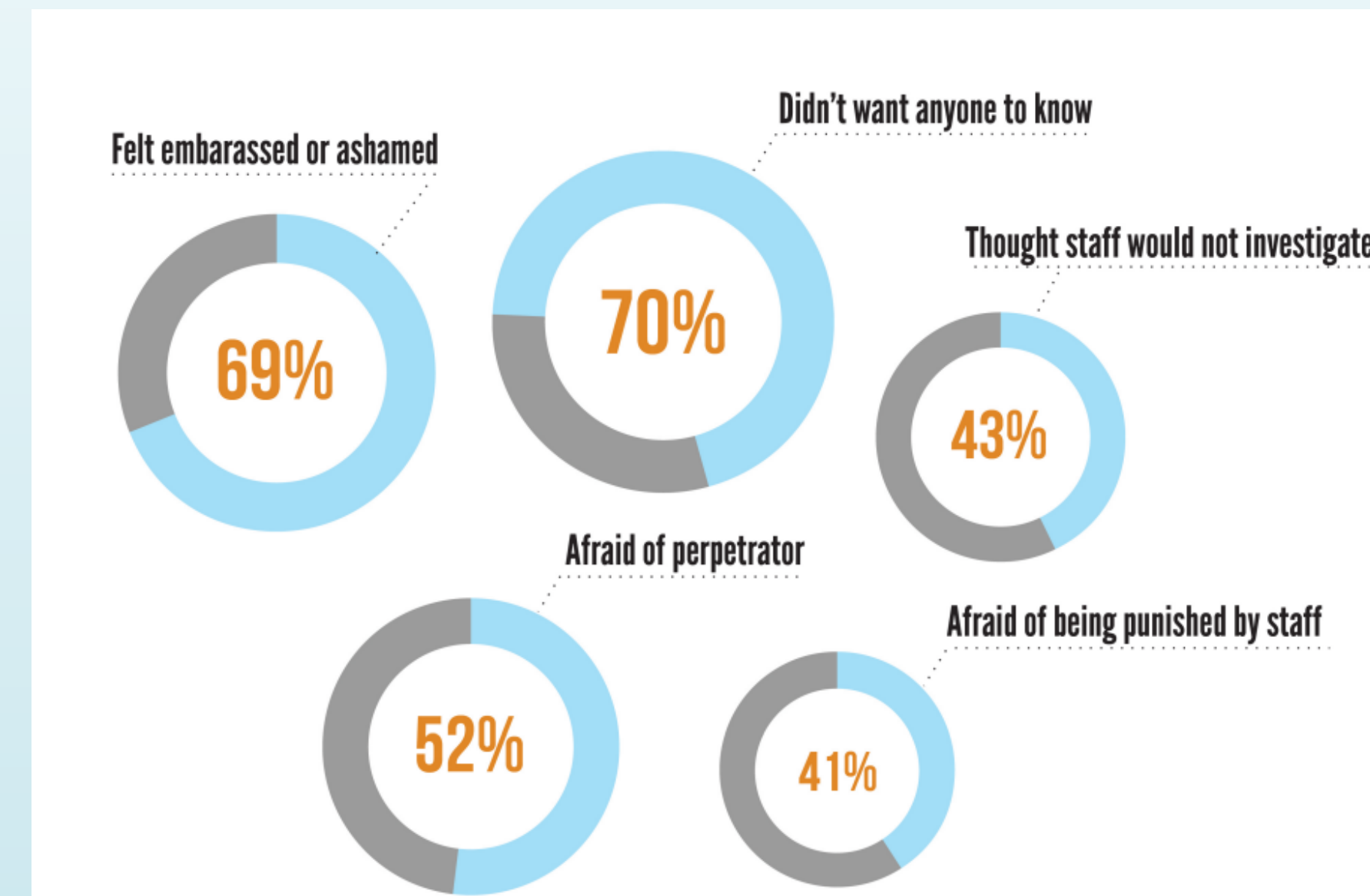
- Incarcerated women are 30 times more likely to be victims of sexual assault than women who are not incarcerated (The Nation, 2015).
- Women make up only 7% of the prison population, but account for 22% of inmate-on-inmate victimization and 33% of staff-on-inmate sexual abuse (ACLU, 2019).

LGBTQ+

- Transgender people in prison are exposed to horrific rates of abuse by both staff and their fellow inmates, facing physical and sexual assault at much higher rates than their counterparts (Transequality, 2021).
- BJS estimates there were over 3,200 transgender people in US prisons nationwide in 2011-12, of whom 39.9% reported sexual assault or abuse in the last year by either another prisoner or staff (Transequality, 2014).

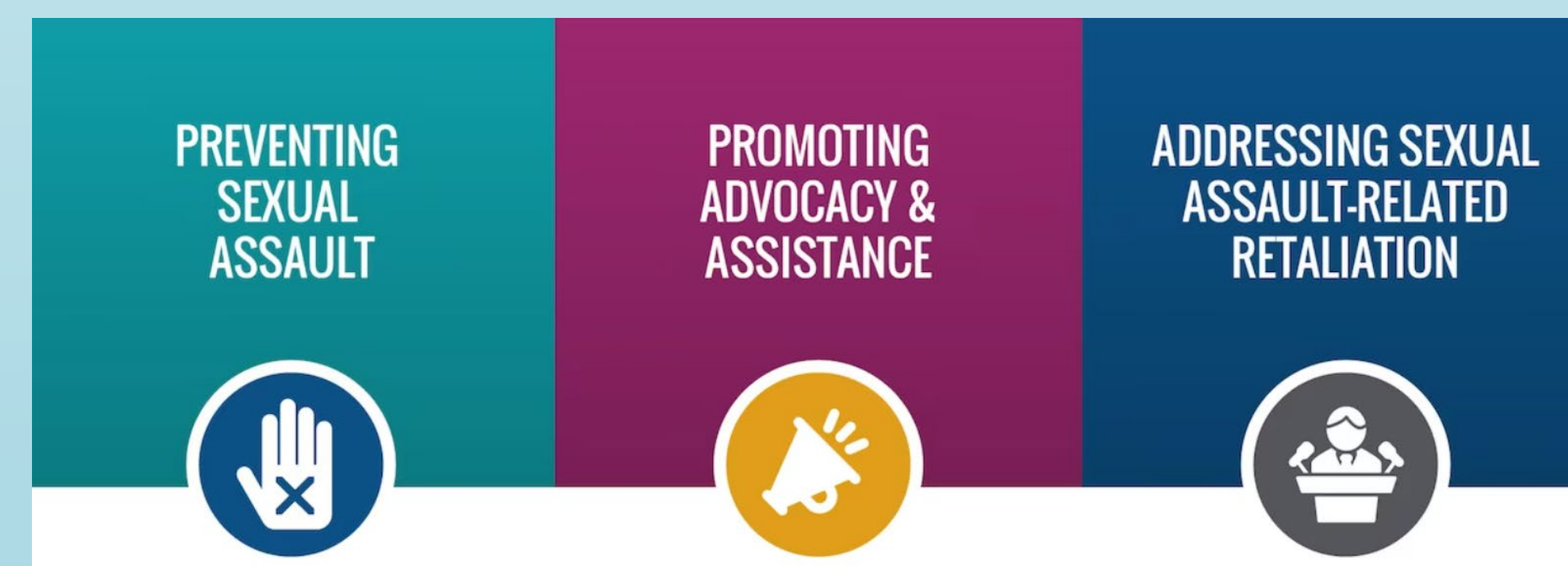
Juveniles

- The U.S. Department of Justice (2012) estimates more than 15% of detained youth are sexually victimized each year.
- In other studies, approximately one in ten youth have reported experiences of sexual victimization while behind bars (Just Detention, 2017).



Facility Responses

- The following outlines one facility's response to reports of sexual abuse:
 - 29%- Victim was written up
 - 34%- Victim was moved to restrictive housing
 - 37%- No facility response
- In one study with 508 substantiated incidents of sexual misconduct:
 - 36% were referred for prosecution
 - 55% were discharged
 - 9% were disciplined but not charged



Survivor Responses

Acting out/acting in
Anger
Anxiety
Depression
Difficulty with routines
Difficulty concentrating
Disbelief
Fear
Suicidal thoughts

Current Guidelines

Prison Rape Elimination Act (PREA) of 2003

PREA represents a broad commitment to zero tolerance for rape and sexual assault.

- Covers those confined in federal, state, or local placements.
- Includes placements run by the government and private organizations.
- Extends to jails, prisons, police lockups and juvenile facilities.

Strengths:

- Intended to prevent rape and sexual assault of incarcerated persons.
- Established federal guidelines for preventing and responding to rape and sexual assault.

Weaknesses:

- Defines "prison rape" too broadly.
- Does not differentiate between inmate-on-inmate and staff-on-inmate sexual assault.

Suggested Improvements

Awareness Campaigns

- Address agency and broader sexualized culture surrounding stigma of rape and sexual assault.
- Increase training with regular and ongoing initiatives, including intentional awareness of increased vulnerability for some incarcerated populations.

Trauma-informed Responses

- Provide safety measures for those seeking to report, without relying on responses that seek to punish the survivor (e.g., isolation in cell).
- Educate staff on trauma-informed practices and incorporate such guidelines within all policies and procedures.

Revise Hiring Standards

- Most studies find that formal training results in less complaints throughout the criminal justice system.
- Agencies may consider paying their employees to seek post-secondary education as a means of creating skill enhancement programs.

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