

Stop Prisoner Rape (SPR) is an international nonprofit human rights organization that seeks to end sexual violence against men, women, and youth in all forms of detention.



SPR Fact Sheet

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“While ... movies ... have made light comedy out of prison rape, it’s not a joking matter. The mere possibility of being raped represents a serious form of torture for nearly all inmates and a prison punk’s daily reality is not something that any civilized nation should wish on even its most wayward citizen.”

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Myths and Realities About Sexual Violence in Detention

Sexual violence in detention will remain a problem in the U.S. as long as flip-pant and ill-informed public attitudes about this form of abuse prevail. Many people consider prisoner rape to be irrelevant to their lives, because it happens behind bars. Others think that sexual abuse in detention somehow deters crime. Some believe that inmates who get sexually assaulted are especially violent, and conclude that they deserve the abuse. Still others think that prisoner rape is funny. Each of these ideas is incorrect—dangerously so—but these misconceptions thrive because the general public knows little about the reality of sexual abuse behind bars.

Sexual violence in detention impacts everyone. Prisoner rape has negative effects on society in general—not just on the population behind bars. At least 95 percent of inmates are ultimately released from prison,² bringing back to their communities the medical conditions, emotional scars, and violent behavior they acquired while incarcerated. Sexually transmitted diseases, such as HIV/AIDS, hepatitis C, and syphilis, are several times more prevalent among incarcerated populations than in society overall,³ and rape is one of the primary modes of transmission behind bars. Sexual abuse in detention also leaves many victims suffering from the destabilizing

effects of post-traumatic stress disorder and rape trauma syndrome.⁴ Unresolved anger, rape-related anxiety, and long periods in administrative segregation make readjustment to society especially difficult for survivors of sexual abuse.⁵

Prisoner rape does not prevent crime. No causal link has ever been demonstrated between prisoner rape and lower crime rates. On the contrary, prisoner rape is a serious crime that rarely is prosecuted. Moreover, studies have shown that sexual abuse increases the overall levels of violence in prison.⁶ Rather than serve as a deterrent, then, sexual assault in detention encourages more crime by creating a culture where such violence is permitted.

Prisoner rape victims are typically non-violent with clear traits of vulnerability. While any inmate can become a victim of prisoner rape, marginalized and special needs populations are the most vulnerable. Among women, typical survivors of sexual abuse are non-violent, young, and mentally ill inmates.⁷ Among men, non-violent, young prisoners, particularly youth housed in adult facilities, and gay and transgender prisoners have the highest rates of victimization.⁸ Once raped, an inmate is likely to be “marked” as a victim and repeatedly abused.⁹ One recent study

found that nearly 75 percent of men and 57 percent of women survivors were sexually abused more than once, and 30 percent of all prisoner rape survivors endured six or more assaults.¹⁰ In the worst cases, prisoners are treated like the perpetrators' property and sold to others within the facility.

No one deserves to be raped. Whether perpetrated by corrections staff or by other inmates with the acquiescence of officials, sexual violence in detention is a crime and a human rights violation. Sexual violence in detention also amounts to torture under international treaties ratified by the United States.¹¹ Both Congress and the U.S. Supreme Court have recognized that prisoner rape can violate an individual's constitutional right to be free from cruel and unusual punishment.¹² In addition to

the rape and sexual assault laws that apply to everyone, every U.S. jurisdiction has a custodial sexual misconduct law that, at a minimum, makes it a crime for officials to have sex with inmates.¹³

Sexual abuse is never a laughing matter.

While joking about the things that make us anxious is sometimes a relief, humor can also trivialize and dehumanize. Regrettably, wisecracks about prisoner rape are still commonplace, on late night television, in movies, and in popular culture generally. SPR considers such flippant attitudes about sexual violence in detention to be one of the major obstacles to ending this type of violence. Therefore has made it part of its mission to ensure that prisoner rape is described accurately—as a crime and a devastating human rights violation.

Endnotes

- 1 Eli Lehrer, *No Joke*, NATIONAL REVIEW, June 20, 2002, available at <http://www.nationalreview.com/comment/comment-lehrer062002.asp> (last visited Oct. 18, 2007).
- 2 Timothy Hughes and Doris James Wilson, Bureau of Justice Statistics, *Reentry Trends in the United States* (revised 2003), available at <http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm> (last visited Oct. 18, 2007).
- 3 See Stop Prisoner Rape, Fact Sheet, *Sexual Violence in Detention Spreads Disease* (2007).
- 4 Robert W. Dumond and Doris A. Dumond, *The Treatment of Sexual Assault Victims*, in *Prison Sex: Practice & Policy* 82 (Christopher Hensley ed., Lynne Rienner Publishers, Inc., 2002).
- 5 Terry A. Kupers, *Rape and the Prison Code*, in PRISON MASCULINITIES 113 (Don Sabo, Terry A. Kupers & Willie London eds., 2001).
- 6 Julie Kunselman et al., *Nonconsensual Sexual Behavior*, in PRISON SEX: PRACTICE AND POLICY 30 (Christopher Hensley ed., 2002).
- 7 HUMAN RIGHTS WATCH, NOWHERE TO HIDE: RETALIATION AGAINST WOMEN IN MICHIGAN STATE PRISONS (1998); HUMAN RIGHTS WATCH, ALL TOO FAMILIAR: SEXUAL ABUSE OF WOMEN IN U.S. STATE PRISONS (1996).
- 8 HUMAN RIGHTS WATCH, NO ESCAPE: MALE RAPE IN U.S. PRISONS 63 (2001).
- 9 Christopher D. Man & John P. Cronan, *Forecasting Sexual Abuse in Prisons: The Prison Subculture of Masculinity as a Backdrop for "Deliberate Indifference"*, 92 J. CRIM L. & CRIMINOLOGY 153 (Fall 2001/ Winter 2002).
- 10 Cindy Struckman-Johnson & David Struckman-Johnson, *A Comparison of Sexual Coercion Experiences Reported by Men and Women in Prison*, 21 J. INTERPERSONAL VIOLENCE 1591, 1599 (2006).
- 11 International Covenant on Civil and Political Rights, adopted 16 Dec. 1966, entered into force 23 Mar. 1976., 999 U.N.T.S. 171, Article 9; Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, adopted 10 Dec. 1984, entered into force 28 June 1987, G.A. Res. 39/46, 39 UN GAOR, Supp. (No. 51), UN Doc. A/39/51, at 197 (1984). For further information about sexual violence in detention under international law, see Stop Prisoner Rape, Fact Sheet, *Sexual Violence in Detention is Torture* (2007).
- 12 42 U.S.C. § 15601 (13); *Farmer v. Brennan*, 511 U.S. 825 (1994). For a further discussion of the Prison Rape Elimination Act, Congress' effort to combat sexual violence in detention, see Stop Prisoner Rape, Fact Sheet, *The Prison Rape Elimination Act* (2007).
- 13 For a comparison of the custodial sexual misconduct laws across the country, see STOP PRISONER RAPE, STATE-BY-STATE COMPARISON OF CUSTODIAL SEXUAL MISCONDUCT LAWS, available at <http://www.spr.org/pdf/state%20chart.pdf> (last visited Oct. 18, 2007). For a list of all sex crime laws, by jurisdiction, that are applicable to sexual violence in detention, see STOP PRISONER RAPE, CUSTODIAL SEXUAL MISCONDUCT AND OTHER APPLICABLE SEX OFFENSE LAWS: A STATE BY-STATE AND FEDERAL LEGISLATIVE REVIEW, available at http://www.spr.org/en/state_by_state_laws.asp (last visited Oct. 18, 2007).