



Incarcerated Youth at Extreme Risk of Sexual Abuse

WE ARE SUPPOSEDLY *in these youth facilities to help rehabilitate us so we can be law-abiding adults.... I experienced the most damaging and emotionally devastating treatment of my life thus far when I was in a youth correctional facility....*

— *Survivor Cyryna Pasion*¹

MORE THAN 90,000 juveniles under the age of 21 are incarcerated in the United States, and some 10,000 of them are teenagers being held in adult prisons and jails.² Whether housed in adult facilities or with other youth, young detainees are at tremendous risk for sexual abuse.

A first-of-its-kind government survey, released in 2010 by the Bureau of Justice Statistics (BJS), found that a shocking 12 percent of youth in juvenile detention reported being abused at their current facility in the preceding year alone.³ In the worst facilities, the rate was higher than 30 percent.⁴ A 2005 BJS study of sexual abuse reported in adult prisons and jails found that young inmates were at heightened risk for violence in those facilities as well.⁵ As alarming as these statistics are, most experts believe they significantly underestimate the problem.

The vast majority of youth detainees are confined for non-violent offenses. Young and scared, incarcerated kids typically lack the prison savvy to protect themselves — skills they shouldn't even need, as the stated purpose of youth detention systems is rehabilitation. Worst of all, these young people must be wary of the very government officials charged with keeping them safe, as most sexual abuse is perpetrated by staff members.⁶ While both male and female officials commit sexual abuse, BJS research found that more than 80 percent of young male victims identified female staff as the perpetrators.⁷ Yet young people are put at

continued risk by common policies that allow staff of the opposite sex to work in all areas within juvenile detention centers,⁸ in violation of international human rights standards.

Few youth are willing to report sexual violence. Like most people targeted for abuse, young survivors fear both the stigma of reporting and the potential for retaliation. Teens in general, and particularly those in detention, are likely to mistrust adult authority figures. They may not understand their rights, or know how to advocate for themselves within the youth detention system. Moreover, detainees in juvenile facilities often have less access to legal help than inmates in prisons and jails.⁹

While any young person may be assaulted, some juveniles are at especially high risk. Youth who have been victimized previously are more than twice as likely to be sexually abused while incarcerated.¹⁰ As in adult facilities, predators disproportionately target youth who are gay, lesbian, bisexual, transgender or gender non-conforming.¹¹ In particular, transgender girls are often tormented by sexual harassment, as they tend to be placed in boys' facilities, in accordance with their birth gender. JDI believes that corrections officials must consider sexual orientation and gender identification, not just birth gender, in making housing decisions and in assessing an inmate's vulnerability for sexual abuse.

Recognizing the danger posed to youth incarcerated with adults, the federal Juvenile Justice and Delinquency Prevention Act

prohibits this practice except in very limited circumstances.¹² However, this protection does not apply to youth who are prosecuted as adults. In some states, minors as young as 16 are routinely tried as and housed with adults.¹³ JDI believes that juveniles never should be incarcerated with adults.

Teenagers are still in the process of building a sense of self; when this stage of development

is interrupted by trauma, it can have a lifelong impact. Young rape survivors are particularly vulnerable to Post-Traumatic Stress Disorder, depression, and addictions. Teen survivors are also more likely than adults to blame themselves for the abuse, which blocks their ability to heal and to develop healthy coping skills. Notably, many rape survivors in adult prisons were detained as youth, in dangerous facilities with limited resources.

Endnotes

- 1 Elimination of Prison Rape: Focus on Juveniles, Hearing before the National Prison Rape Elimination Commission (June 1, 2006) (testimony of Cyrna Pasion).
- 2 MELISSA SICKMUND, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, OJJDP FACT SHEET, JUVENILES IN RESIDENTIAL PLACEMENT, 1997-2008 (noting that nearly 81,000 juveniles were in juvenile residential placements in 2008); WILLIAM J. SABOL & HEATHER COUTURE, BUREAU OF JUSTICE STATISTICS, PRISON INMATES AT MIDYEAR, 2007 9 (2008) (calculating that more than 2,600 juveniles under the age of 18 were incarcerated in adult state prisons in 2007); WILLIAM J. SABOL & TODD D. MINTON, BUREAU OF JUSTICE STATISTICS, JAIL INMATES AT MIDYEAR, 2007 10 (2008) (estimating the average daily population of people under 18 years old in local jails at more than 7,600).
- 3 ALAN BECK, PAIGE HARRISON & PAUL GUERINO, BUREAU OF JUSTICE STATISTICS, SEXUAL VICTIMIZATION IN JUVENILE FACILITIES REPORTED BY YOUTH, 2008-2009 1 (2010).
- 4 *Id.* at 1.
- 5 ALLEN J. BECK & PAIGE M. HARRISON, BUREAU OF JUSTICE STATISTICS, SEXUAL VIOLENCE REPORTED BY CORRECTIONAL AUTHORITIES, 2005 (2006).
- 6 BECK, HARRISON & GUERINO, *supra* note 3, at 1.
- 7 *Id.* at 13.
- 8 *Id.* at 63-71.
- 9 *See, e.g., Alexander s. v. Boyd*, 876 F. Supp. 773, 790 (D.S.C. 1995) (holding that juvenile detainees had no constitutional right to a law library).
- 10 BECK, HARRISON & GUERINO, *supra* note 3, at 1.
- 11 *Id.* at 1. For more information about the severe danger of sexual abuse facing LGBTQ detainees, *see* JDI Fact Sheet, LGBTQ Detainees Chief Targets for Sexual Abuse in Detention (2007).
- 12 42 U.S.C. § 5633 (a) (13), (14). State delinquency agencies that fail to comply with this and other requirements within the Juvenile Justice and Delinquency Prevention Act will lose their federal funding.
- 13 Three states consider 16-year-olds to be adults as a matter of law, ten states define 17-year-olds as adults, and all states have provisions within their criminal justice laws allowing for youth who commit certain crimes and/or have prior contacts with the juvenile and criminal justice systems to be treated as adults. *See* Christopher Hartney, National Council on Crime and Delinquency, Fact Sheet, Youth Under Age 18 in the Adult Criminal Justice System (2006).

About Just Detention International (JDI)

Just Detention International (JDI) is a 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 prisoner rape; to change ill-informed public attitudes about sexual violence behind bars; and to ensure that those who have survived such 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.

When the government removes someone's freedom, it takes on the absolute responsibility to protect that person's safety. All inmates have the right to be treated with dignity. No matter what crime someone may have committed, sexual violence must never be part of the penalty.

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