



LGBTQ Detainees Chief Targets for Sexual Abuse in Detention

THE MAJORITY of victims are homosexuals and the department [of corrections] just pushes the cases under the rug as something that the gay community deserves. When did we lose our right to say no?

— Survivor of sexual abuse in detention¹

SEXUAL ABUSE of lesbian, gay, bisexual, transgender, and queer (LGBTQ) inmates constitutes one of the most rampant and ignored human rights violations in the U.S. today. In a 2007 academic study, funded by the California Department of Corrections and Rehabilitation and conducted at six California men's prisons, 67 percent of inmates who identified as LGBTQ reported having been sexually assaulted by another inmate during their incarceration, a rate that was 15 times higher than for the inmate population overall.² Of the hundreds of survivors who contact JDI every year, approximately 20 percent self-identify as gay, bisexual or transgender.

With little or no institutional protection, victims of sexual violence are left beaten and bloodied, contract HIV and other sexually transmitted diseases, and suffer severe psychological harm.³ LGBTQ inmates are frequently labeled as 'queens,' 'punks,' or 'bitches' for the duration of their detention, permanently marking them as targets.⁴

The initial assault is often just the beginning of a prisoner rape survivor's ordeal. Survivors can be abused relentlessly by the same assailants, sometimes for long periods of time, and marked as fair game for attacks by other detainees. One study found that nearly 75 percent of prisoner rape survivors in men's facilities and 57 percent of survivors in women's facilities were sexually abused more than once, and 30 percent of all prisoner rape survivors endured six or more assaults.⁵ In the worst cases, gay and transgender prisoners become sex slaves,

are treated like the perpetrators' property, and sold to others within the facility.

For LGBTQ survivors, the trauma is heightened by the institutional apathy and homophobia they regularly face.⁶ Corrections staff tend to confuse homosexuality and transgender status with consent to rape, and trivialize the problem. LGBTQ inmates frequently describe officials ignoring or even laughing at reports of sexual violence. To make matters worse, LGBTQ inmates who report abuse are often subjected to further attacks, humiliating strip searches, and punitive segregation.

The homophobic culture of corrections is compounded by policies that do not take into account the specific concerns of LGBTQ prisoners. For example, transgender women are typically housed with men, in accordance with their birth gender, and are required to shower and submit to strip searches in front of male officers and inmates. In addition, gay and transgender inmates often seek protective custody because of their heightened risk for abuse, only to be placed in solitary confinement, locked in a cell for 23 hours a day, and losing access to programming and other services.

Simple preventative measures can be taken to protect LGBTQ inmates. For example, considering sexual orientation and gender identity in housing and classification decisions, providing corrections officials with sensitivity training, and ensuring that inmates who report sexual abuse are protected from further attacks would vastly improve LGBTQ inmate safety.⁷

Endnotes

- 1 Excerpt from letter sent by the survivor to Just Detention International.
- 2 Valerie Jenness et al., Center for Evidence-Based Corrections, *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault* (2007).
- 3 For more information about the repercussions of sexual violence in detention generally, see Just Detention International, Fact Sheet, *The Basics About Sexual Abuse in U.S. Detention* (2009); Just Detention International, Fact Sheet, *Mental Health Consequences of Sexual Violence in Detention* (2009).
- 4 Cindy Struckman-Johnson & David Struckman-Johnson, *A Comparison of Sexual Coercion Experiences Reported by Men and Women in Prison*, 21 J. OF INTERPERSONAL VIOLENCE 1531, 1599 (2006); Christopher D. Man & John P. Cronan, *Forecasting Sexual Abuse in Prisons: The Prison Subculture of Masculinity as a Backdrop for "Deliberate Indifference,"* J. CRIM. & CRIMINOLOGY 127, 153-54 (2001).
- 5 Cindy Struckman-Johnson & David Struckman-Johnson, *A Comparison of Sexual Coercion Experiences Reported by Men and Women in Prison*, 21 J. OF INTERPERSONAL VIOLENCE 1531, 1599 (2006).
- 6 Helen Eigenberg, *Correctional Officers and their Perceptions of Homosexuality, Rape, and Prostitution in Male Prisons*, 80 Prison J. 415 (2000); Cindy Struckman-Johnson et al., *Sexual Coercion Reported by Men and Women in Prison*, 33 J. Sex Res. 67 (1996).
- 7 To see a complete list of policy recommendations that would improve LGBTQ inmate safety, see Just Detention International, *Call for Change: Protecting the Rights of LGBTQ Detainees*, available at http://www.justdetention.org/pdf/Call_for_Change1.pdf (last visited February 6, 2009).

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 ensure government accountability for prisoner rape; to transform ill-informed public attitudes about sexual violence in detention; and to promote access to resources for those who have survived this form of abuse.

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 takes away someone's freedom, it incurs a responsibility to protect that person's safety. All inmates have the right to be treated with dignity. No matter what crime someone has committed, sexual violence must never be part of the penalty.

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