



## 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*<sup>1</sup>

**A**T ANY GIVEN TIME, more than 100,000 juveniles under the age of 21 are incarcerated in the United States, with more than 10,000 detainees under the age of 18 held in adult prisons and jails.<sup>2</sup> Whether in adult facilities or housed with other youth, juvenile detainees are at alarming risk for sexual abuse.

Data about prisoner rape in general are sparse, and the prevalence rate of sexual violence among juveniles is particularly under-researched. According to the Bureau of Justice Statistics (BJS), more than 4,000 reports of sexual abuse were reported to juvenile corrections authorities in 2005 and 2006, resulting in nearly 17 allegations of sexual violence per 1,000 youth held in juvenile facilities.<sup>3</sup> A 2005 BJS study of sexual abuse reported in adult prisons and jails found that young inmates were at heightened risk for abuse in these facilities as well.<sup>4</sup> These alarming statistics are still considered to underestimate the problem significantly as very few instances of sexual violence are reported to officials. When asked directly about sexual victimization by the BJS, adult prisoners reported 15 times higher rates of abuse than was reported to officials.<sup>5</sup>

Survivors of sexual violence in detention are up against multiple barriers to reporting the abuse they have endured, such as fear of stigma and further assaults. Young survivors face additional barriers, such as a relative lack of experience in corrections settings and a common fear of adult authority figures. Moreover, detainees in juvenile facilities are often afforded less

access to legal resources than inmates in adult facilities.<sup>6</sup>

In juvenile detention settings, boys are most likely to be abused by another detainee, while girls are at greatest risk for abuse by male staff.<sup>7</sup> Like in adult prisons and jails, lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth in juvenile detention are disproportionately victimized.<sup>8</sup> In particular, transgender girls are often tormented by constant 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.

In girls' facilities, youth known to have a history of prostitution are chief targets for abuse at the hands of staff perpetrators.<sup>9</sup> Staff abuse of detained girls is greatly facilitated by the U.S. policy of allowing male officers to work in all areas within girls' detention centers<sup>10</sup> — a policy that violates international human rights standards.

Although the Juvenile Justice and Delinquency Prevention Act prohibits detaining juveniles with adults except in very limited circumstances,<sup>11</sup> this protection does not apply to youth who are prosecuted as adults. In some states, minors as young as 16 are tried as and housed with adults.<sup>12</sup> JDI believes that juveniles should never be incarcerated with adults and that use of the adult criminal justice system to prosecute juveniles should be minimized.

## Endnotes

- 1 Elimination of Prison Rape: Focus on Juveniles, Hearing before the National Prison Rape Elimination Commission (June 1, 2006) (testimony of Cyryna Pasion).
- 2 SARAH LIVSEY, MELISSA SICKMUND & ANTHONY SLADKY, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JUVENILE RESIDENTIAL FACILITY CENSUS, 2004: SELECTED FINDINGS 2 (2009) (noting that nearly 95,000 juveniles were in juvenile residential placements in 2004); 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 ALLEN J. BECK, DEVON B. ADAMS & PAUL GUERINO, BUREAU OF JUSTICE STATISTICS, SEXUAL VIOLENCE REPORTED BY JUVENILE CORRECTIONAL AUTHORITIES, 2005-06 (2008) (calculating that the estimated total number of sexual violence allegations was 2,047 in 2005 and 2,025 in 2006).
- 4 ALLEN J. BECK & PAIGE M. HARRISON, BUREAU OF JUSTICE STATISTICS, SEXUAL VIOLENCE REPORTED BY CORRECTIONAL AUTHORITIES, 2005 (2006).
- 5 ALLEN J. BECK & PAIGE M. HARRISON, BUREAU OF JUSTICE STATISTICS, SEXUAL VICTIMIZATION IN STATE AND FEDERAL PRISONS REPORTED BY INMATES, 2007 (2007). At the time of this writing, the BJS was completing its first-ever survey about sexual abuse with juvenile detainees, which is scheduled to be released in late 2009.
- 6 *See, e.g., Alexander v. Boyd*, 876 F. Supp. 773, 790 (D.S.C. 1995) (holding that juvenile detainees had no constitutional right to a law library).
- 7 HOWARD SNYDER & MELISSA SICKMUND, NATIONAL CENTER FOR JUVENILE JUSTICE: JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT 321 (2006).
- 8 For more information about the severe danger of sexual abuse facing LGBTQ detainees, *see* Just Detention International, Fact Sheet, LGBTQ Detainees Chief Targets for Sexual Abuse in Detention (October 2007).
- 9 HUMAN RIGHTS WATCH & THE AMERICAN CIVIL LIBERTIES UNION (ACLU), CUSTODY AND CONTROL: CONDITIONS OF CONFINEMENT IN NEW YORK'S JUVENILES PRISONS FOR GIRLS 63-64 (2005).
- 10 *Id.* at 63-71.
- 11 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.
- 12 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 had 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)

**J**ust 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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