

# Sexual Violence in Detention

## Issue Summary

- The following information is regarding the period from 2011 to 2012, from the Bureau of Justice Statistics, “Sexual Victimization in Prisons and Jails Reported by Inmate, 2011-2012,” 2013:
  - An estimated 200,000 people were sexually abused behind bars in a single year.
  - 4.0% of prison inmates and 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization.
  - Among state and federal prison inmates, 2% (or an estimated 29,300 prisoners) reported a sexual assault involving another inmate and 2.4% (34,100) reported a sexual assault involving a staff member.
  - Lesbian, Gay, Bisexual, and Transgender (LGBT) prisoners were sexually abused by other inmates at a rate more than ten times higher than heterosexual and/or cis-gender prisoners.
  - More than 15% of juveniles assaulted by a fellow inmate reported the incident. Only 9% of those assaulted by a staff member reported the incident.
  - The Bureau of Justice Statistics specifically names Baltimore City Detention Center as a facility with a high rate of staff sexual misconduct.
 

*Allen J. Beck et al, “Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12”, Bureau of Justice Statistics, May 2013.*
- One study found that 59% of transgender inmates had been sexually assaulted in a California correctional facility.
 

*Sexton et al, “Where Margins Meet: A Demographic Assessment of Transgender Inmates in Men’s Prisons,” 2009.*
- Survivors in detention often go without counseling services or receive inadequate services.
 

*Human Rights Watch, “No Escape: Male Rape in U.S. Prisons,” 2001.*

## The International and Domestic Response

- Policymakers have worked to curb sexual violence in detention. While none of these efforts have stopped prisoner sexual assault, they represent a growing recognition of a global responsibility to end rape behind bars. Officials in jails, prisons, and other detention settings across the country are presently required by multiple sources of law to prevent sexual abuse.
  - The U.S. has ratified two international treaties that call for the government to prevent sexual assault in prisons.
 

*International Covenant on Civil and Political Rights, 1966; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.*
  - The Supreme Court has recognized that rape in prison qualifies as cruel and unusual punishment in violation of the Eighth Amendment.
 

*Farmer v. Brennan, 511 U.S. 825, 1994.*
  - The Prison Rape Elimination Act enhanced resources for correctional agencies, researchers, and states to address sexual abuse in detention, obligating the Bureau of Justice Statistics to collect and analyze data on prisoner rape. The Act also generated a comprehensive investigation into sexual abuse in detention and national recommendations to reduce rape.