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US Department of Justice Releases Study on Sexual Victimization of Youth in Adult Jails, Prisons that is Inconsistent with Previous Findings

Experts Call for Further Research to Address Youth Underreporting of Sexual Abuse

WASHINGTON (May 16, 2013) -- Today, the [U.S. Department of Justice's Bureau of Justice Statistics \(BJS\)](#) released a study that showed overall rates of sexual victimization for youth ages 16 and 17 in adult prisons (4.5%) and jails (4.7%) were higher than those for adults (4.0% in prisons, 3.2% in jails). The report also finds that among youth, who reported sexual victimization by staff, three quarters were victimized more than once and nearly half said that staff used force or threat of force.

"This study tells us that youth face sexual victimization in adult institutions, but due to underreporting by youth in challenging adult facility conditions, we need more research to know more about this problem. Previous studies and the experiences of young people in the adult criminal justice system document that youth are at greatest risk of sexual victimization in adult jails and prisons," says Liz Ryan, President and CEO of the Campaign for Youth Justice (CFYJ). "The report underscores the urgency for U.S. Attorney General Holder and the nation's governors to redouble their efforts to fully implement the [Prison Rape Elimination Act's \(PREA\)](#) Youthful Inmate Standard by removing youth under 18 from adult jails and prisons."

Previous research by BJS shows that 21% and 13% of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006 respectively, were youth under the age of 18 (surprisingly high since only 1% of jail inmates are juveniles). Put another way, previous BJS research shows that youth in adult facilities were 13 to 21 times as likely to be sexually assaulted while in custody than their representation in the correctional population.

"In my experience, the facts are that kids underreport experiences of sexual victimization for fear of retaliation. This report tells part of the story," said Professor Brenda V. Smith, Director of the Project on Addressing Prison Rape at the American University, Washington College of Law. "During my tenure as a commissioner on the National Prison Rape Elimination Commission, we found that youth are at particular risk of abuse in custodial settings – both juvenile and adult facilities. We also found that youth in adult

facilities were at great risk for sexual abuse in adult facilities. While I appreciate BJS taking a closer look at victimization of youth in adult facilities, these findings call for a closer look at the data, and conflict with existing research -- their own and others -- and from the previous accounts given by youth to the people that they trust.”

The National Prison Rape Elimination Commission (NPREC) reported that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse” and recommended that youth be housed separately from adults. The NPREC report finds that youth (under 18) in adult jails and prisons are at “extreme risk” of sexual victimization and that at a minimum they should be separated from adults. The report also cites concerns that in order to protect youth, correctional administrators might place youth in isolation or in solitary confinement, which could be detrimental to youth’s mental health and recommends instead that correctional administrators consider placing youth in juvenile facilities that are more suited to their needs.

The study shows that youth ages 16 and 17 under reported incidents of sexual victimization. According to the study, fewer than 1 in 6 youth reported an incident of sexual victimization by other inmates and fewer than 1 in 10 youth reported an incident of staff sexual misconduct to someone at the facility, a family member, or a friend.

“As someone who spent time in prison as a teenager, efforts to ensure the safety of young people, no matter the mistakes they have made, are of primary importance,” said CFYJ Spokesman R. Dwayne Betts and Presidential Appointee to the Federal Coordinating Council on Juvenile Justice.

PREA regulations represent the first time the U.S. government has created national standards to eliminate sexual abuse in prisons, jails, juvenile detention facilities, community corrections facilities, and police lock-ups. PREA restricts the placement of youth in adult jails and prisons. The U.S. Department of Justice regulations state: “as a matter of policy, the Department supports strong limitations on the confinement of adults with juveniles.” The regulations ban the housing of youth in the general adult population, prohibit contact between youth and adults in common areas, and limit the use of isolation. State and local facilities must certify compliance by October 1, 2013.

The Campaign for Youth Justice (CFYJ) is a national organization dedicated to ending the practice of trying, sentencing and incarcerating youth under the age of 18 in the adult criminal justice system. For additional information, please visit: <http://www.cfyj.org/>.

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