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Justice study tracks rape, sexual abuse of juvenile inmates

By Carrie Johnson
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The Justice Department reported Thursday that 12 percent of incarcerated juveniles, or more than 3,200 young people, had been raped or sexually abused in the past year by fellow inmates or prison staff, quantifying for the first time a problem that has long troubled lawmakers and human rights advocates.

The report comes as those advocates say that the Obama administration is moving too slowly on reforms that would reduce rape in U.S. prisons and as corrections officials are pressing Justice to overhaul reform proposals it is reviewing.

Four former commissioners on a blue-ribbon prison rape panel that spent years studying the issue say they fear that authorities are deferring to concerns by corrections officials that reforms would cost too much, while not focusing enough on prison safety and the effects of abuse on inmates.

The study by the department's Bureau of Justice Statistics reported a "very high rate of staff sexual misconduct" against juvenile inmates. It cited two facilities in Virginia and one in Maryland, among others.

"These figures are appalling," said Pat Nolan, president of Justice Fellowship, a group that advocates for prison reform. "We stripped a prisoner of their ability to defend themselves. They can't control where they go; they can't control whether the shower has a light bulb in it."

The report, based on surveys from 195 facilities in all 50 states and the District, is the first of its kind. Rates varied among the institutions, but at 13 detention facilities, nearly one out of three juveniles said they had been victims of some type of sexual abuse. National attention has turned increasingly to sexual assault within American prisons, which house more than 7 million inmates and cost \$68 billion a year to operate. Other federal studies, which have been criticized by prison administrators, suggest that 60,500 adults are victims of rape or sexual misconduct in prisons each year.

In July, Michigan agreed to pay \$100 million to settle a long-running lawsuit by women prisoners who said they were raped by state prison guards during the 1990s, and similar cases are proceeding in courts around the country.

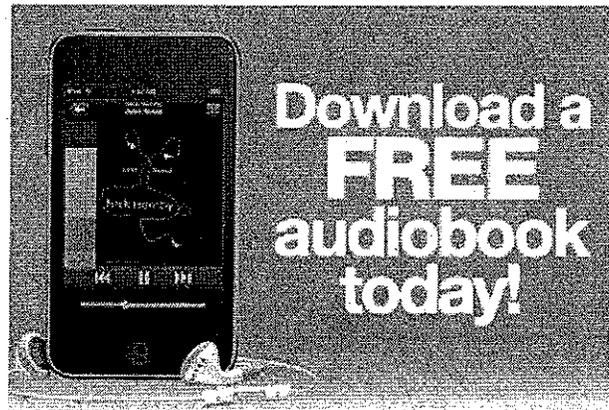
Nearly seven years ago, Congress passed a law designed to reduce prison rape, establishing a commission to develop standards for state and federal prison leaders. Lawmakers said funding could be cut for prisons that failed to comply with the guidelines.

After more than four years of study, the commission issued its standards in June, triggering a one-year deadline for the Justice Department to put its stamp of approval on the guidelines. Now, more than six months later, the department is waiting on the results of a \$1 million study on cost by consulting firm Booz Allen Hamilton, and people briefed on the process say it could be the end of 2011 before senior leaders finalize the measures.

Former commissioners, in interviews, expressed concern that the Justice Department might be scrapping recommendations that already were the product of compromise by the panel.

Hannah August, a spokeswoman for the Justice Department, said that lawyers there are "working diligently" and

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planning sessions to reach out to victims, corrections officials and interest groups in the coming weeks.

"We're working hard on this -- it's just an ambitious date," she said of the June deadline. "I would characterize this as a priority of ours. It's a time-consuming process that needs to get done right."

The disagreement appears to center on three issues, according to three people following the process: whether prison systems should be subject to independent audits every three years that would assess their compliance; whether guards and staff members of the opposite sex should be prevented from monitoring inmates in bathrooms, showers and other sensitive locations; and whether the reforms involve a "substantial" expense to prison operators.

"Congress did not intend to permit facilities . . . that had done a poor job of protecting inmates to plead expense as an excuse for failing to improve their performance," said Jamie Fellner, a panel member and senior counsel at Human Rights Watch, who sent a letter to Attorney General Eric H. Holder Jr. this week expressing her concern.

John Ozmint, director of the South Carolina Department of Corrections, said the prison rape commission operated with "flawed" statistics and a "one-sided" understanding of the pressures and legal obligations of state corrections administrators. In an interview, Ozmint said that he and most of his colleagues had put in place new training and reporting requirements for allegations of sexual misconduct. Several of the recommendations, he said, including the one suggesting pat-downs only by guards of the same gender as inmates, posed problems under employment laws and union contracts.

"Ninety-two percent of my inmates are men," Ozmint said. "Forty-four percent of my work force are women. How do I avoid cross-gender supervision and even cross-gender searching of those inmates?"

The Association of State Correctional Administrators will share its concerns with the Justice Department in a session next month, co-executive director George Camp said. California and Oregon have agreed to put into place the commission's recommendations, advocates say.

Among the sites mentioned in the new study where youths reported high rates of abuse were the Culpeper Juvenile Correctional Center in Fauquier County; the Bon Air Juvenile Correctional Center in suburban Richmond; and the Backbone Mountain Youth Center in Swanton, Md.

Bruce Twyman, a spokesman for the Virginia Department of Juvenile Justice, expressed concerns about the methodology of the study but said officials were taking it seriously.

"We certainly agree that sexual victimization is an issue that needs to be addressed in the state of Virginia as well as the nation," Twyman said. Over the past 18 months, Virginia has increased staff training and upgraded video surveillance in juvenile facilities, he added.

In Maryland, a spokesman for the Department of Juvenile Services said the department "has not had any substantiated complaints for sexual misconduct at the facility in Swanton and has had only one allegation made there" since 2007. The department also announced a review.

Lovisa Stannow, executive director of Just Detention International, which works to prevent prison sexual abuse, said the study reflecting that juveniles may be abused at three times the rate of adults underscores the need for quick action.

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