

THE OBSERVER



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Reporting Accurate and Objective Information Based on Facts, not Agenda-Setting Theories

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Youth Without A Future

Facilities' Fallacies and Injustices

Rape is a crime - even when the victim is incarcerated!

Part III

[Part I](#) - [Part II](#)

"The widespread sexual abuse of children in juvenile facilities shows that public officials either aren't paying attention or can't be bothered to do the right thing," said Jamie Fellner, senior counsel for the [US Program at Human Rights Watch](#). "The high rates of victimization are powerful testimony to the failure of governments to safeguard the boys and girls in their care."

The [U.S. Supreme Court states](#) [P. 1-5] that sexual abuse is "not part of the penalty that criminal offenders pay for their offenses against society." Protection from rape should be the accepted practice and the location of incarceration and supervision should not be a nefarious factor. To create a zero tolerance culture to rape for the incarcerated, the importance of staff and leadership vetting is crucial.

The [U.S. Constitution VIII Amendment](#) forbids cruel and unusual punishment, therefore, requiring action by the correction facility staff to protect anyone who is in their custody from sexual abuse whenever the threat is known or apparent.

The [National Prison Rape Elimination Commission Report](#) [P. 6] states that the most effective tool for preventing sexual abuse is direct supervision and should be used whenever and wherever possible.

According to the first [National Survey of Youth in Custody](#) (NSYC), a report released by the Federal Bureau of Justice Statistics:

- 1 in 10 youths in state juvenile facilities and large non-state facilities, reported sexual victimization by staff in the previous twelve months. Another 2.6 percent reported sexual victimization at the hands of other youth. Youth who are not heterosexual are at particular risk: 1 in 5 reported sexual abuse by staff or other youth. In the very worst facilities, 20 to more than 30% of all youth reported abuse. One can only surmise what was not reported.

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- Of the 26,550 adjudicated youth held nationwide in state operated and large juvenile facilities (local or privately owned) 91% of the youth were male and 9% were female.
- 12% of youth in state juvenile facilities and large non-state facilities (represented 3,220 youth nationwide) and reported experiencing one or more incidents of sexual victimization by another youth or facility staff within the past 12 months or since admission, if less than 12 months.
- About 2.6% of youth (700 nationwide) reported an incident involving another youth and 10.3% reported an incident involving staff.

The [Human Rights Watch](#) said today that given the government data suggesting a high level of sexual abuse perpetrated on the confined American youth, time is of the essence for the Department of Justice to rapidly incorporate national standards and guidelines to end this atrocity.

The Commission's proposal for national standardization would include supervision, medical and mental health services, screening for abuse vulnerability, methods of reporting, internal monitoring and investigations, staff training, administrative sanctions and external audits.

Human Rights Watch, [World Report 2010](#) - United States, 20 January 2010, [accessed 26 April 2010]
According to the Human Rights Watch:

"In the United States the crime of rape has one of the lowest arrest, prosecution, and conviction rates among serious violent crimes. When reporting a sexual assault a victim is asked to submit to a four-to six-hour physical examination to collect DNA evidence that, if tested, may aid in the criminal investigation. Human Rights Watch's March 2009 report Testing Justice: The Rape Kit Backlog in Los Angeles City and County found more than 12,500 untested rape kits in law enforcement storage facilities in Los Angeles County alone. Following release of the report the Los Angeles Police and Sheriff's Departments instituted a policy of testing every booked rape kit, and found the resources to hire new crime lab personnel. News reports of 10,000 untested rape kits in Detroit and 4,000 in Houston underscore the national scope of the problem, but comprehensive rape kit data remain elusive because no state or federal agency tracks this information. "

[Federal Advisory Committee on Juvenile Justice - Annual Report 2009](#)
[Text of H.R. 2289: Juvenile Justice Accountability and Improvement Act of 2009](#)
[State Distribution of Youth Offenders Serving Juvenile Life Without Parole \(JLWOP\)](#)