



COMMON MISCONCEPTIONS

Rape in Prison and Jail

Rape in jail and prison is a media and community staple. Movies and shows depicting prison or jail life frequently reference the “certainty” of rape while incarcerated. Flippant comments about this violent crime are common in the non-incarcerated population. The question remains: How common is prison rape? Joshua Paul Benjamin knows from firsthand experience that prison rape happens. He was raped in retaliation for asking one inmate about another. When it was clear he would be raped again, he asked to be taken into protective custody. Instead, he was sent to a segregation unit (The Hole) while an investigation took place. The investigation, based on a polygraph, concluded that Joshua was being deceitful, so he was sent back into the inmate population. While rape during incarceration was a reality for Joshua, estimates from the Prison Rape Elimination Act (PREA) suggests it is not necessarily widespread.

PREA was signed into law by President George W. Bush in 2003. The overarching purpose of the act was to reduce rape and sexual victimization among those detained in institutional correctional facilities using a “zero-tolerance” approach. Among the many mandates in this act were the requirements that national standards to prevent incidents be developed, that correctional facilities be made more accountable

for incidents, and that the Bureau of Justice Statistics (BJS) generate an annual report outlining the nature and estimates of rape and sexual violence in institutional corrections in the United States.

The most recent BJS report estimates that in 2011–2012, 4% of inmates housed in state and federal prisons were sexually victimized by another inmate. Eleven prisons were identified as facilities with high rates of inmate-on-inmate sexual violence; three of these are located in Texas (Montford Psychiatric Facility, Clements Unit, and Stiles Unit), while the others are in Florida, Idaho, Montana, Vermont, Maine, Missouri, and Utah. One of the high-rate prisons housed females: Mabel Bassett Correctional Center in Oklahoma. BJS also identified prisons in which sexual misconduct by staff was problematic. Eight male prisons and four female prisons were identified as having a high rate of sexual misconduct by staff. Clements Unit in Texas has the dubious distinction of making both lists.

Sexual violence in prison is problematic, whether by inmates or staff. Yet contrary to media portrayals and common perceptions, BJS estimates suggests that it is not distributed among all prisons and that the overall rate is equivalent to sexual violence rates in the non-incarcerated population.