

Prison Rape

The term ‘prison rape’ has become sufficiently established in American pop culture that it appears in a nearly endless list of movies, television shows, and jokes. Yet the prevalence and long-term impact of prison rape is anything but funny. “Every sickness and pathology in American life—misogyny, homophobia, a legacy of racism and slavery—is amplified in patterns of prison sexual violence.”³⁴⁹

Perhaps as chilling as Americans’ blasé acceptance of prison rape is that people incarcerated in federal and state prisons

and local jails report more instances of victimization by staff than by fellow incarcerated people.³⁵⁰ Furthermore, widespread reports testify to prisons and jails retaliating against incarcerated people who report sexual assaults, such as placing them in solitary confinement “for their own protection.”³⁵¹ If society mandates incarceration, we have a minimum responsibility to keep incarcerated people safe.

Sexual assault and rape affect the health—both mental and physical—of individuals and communities post-incarceration. Most reentry programs focus on job skills, not psychological healing. As one commentator notes, “What sort of stable

sexual culture can we hope to produce in communities already unduly affected by the carceral system when former inmates are re-introduced without any source of treatment for sexual trauma?”³⁵²

Researchers have demonstrated post-traumatic stress disorder among people leaving prison—with exacerbated rates for

victims of sexual assault—which often goes unrecognized and untreated.

On the physical health front, prison rape can have grave

ramifications for the spread of HIV. The stigma around sexual assault can dissuade people from reporting the assault or seeking treatment. Upon release, many don’t know their HIV infection status, and therefore may place future partners at risk.³⁵³ This is one more issue to take into account when considering the effects of mass incarceration on poor neighborhoods and communities of color.

Congress did pass the Prison Rape Elimination Act (PREA) in 2003, but its implementation has been excruciatingly slow, and many advocates believe the law includes too little in the way of enforcement mechanisms to be very effective³⁵⁴

Talmud, *Sukkah* 29a

[One of the sins that causes a solar eclipse is] if a betrothed woman [being raped] cries out in the city, and no one pays attention to her.

349 <http://www.thenation.com/article/199361/why-americans-dont-care-about-prison-rape>

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351 See reports, e.g., from Florida (<https://www.themarshallproject.org/2015/03/30/florida-s-record-on-rape>) and New Jersey (<http://www.trentonian.com/general-news/20150330/mercer-inmate-suing-county-claims-sexual-assault-routinely-ignored>)

352 <http://www.thenation.com/article/199361/why-americans-dont-care-about-prison-rape>

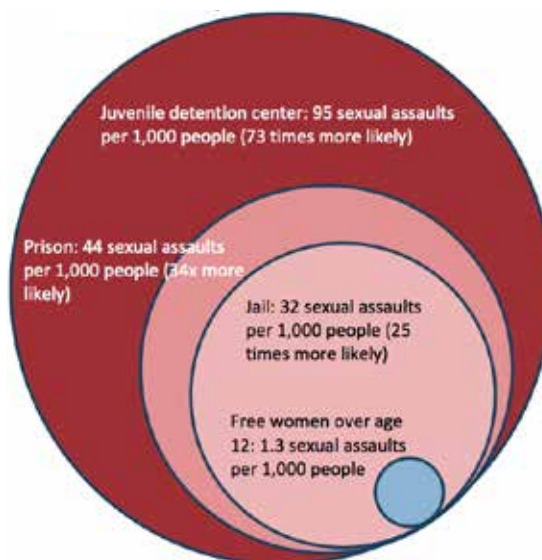
353 <http://www.thenation.com/article/199361/why-americans-dont-care-about-prison-rape>

354 <http://www.nytimes.com/2015/05/13/us/push-to-end-prison-rapes-loses-earlier-momentum.html>

Facts and Figures

A senior statistician at the Bureau of Justice Statistics, confirmed that nearly 200,000 people total were sexually violated in American detention facilities in 2011.³⁵⁵

Population	Number of sexual assaults per 1,000 people ³⁵⁶	Likelihood of assault relative to free population
Jail	32	25 times more likely
Prison	44	34 times more likely
Juvenile detention center	95	73 times more likely
Free women over age 12	1.3	--



Responsibility to Protect the Incarcerated

“The son of the Israelite woman pronounced the Name in blasphemy, and he was brought to Moses...and he was placed in custody (*MiShMaR*), until the decision of the Lord should be made clear to them. (Leviticus 24:11-12)

“And YHWH God took the human and put him in the garden of Eden to work it and to watch over it (*LeShoMRaH*).” (Genesis 2:15, translation by Dr. Richard Elliot Friedman)

“...to work it and keep it.” (Genesis 2:15, translation JPS 1917)

The Hebrew root shin-mem-resh (Sh-M-R), used in Leviticus for the temporary “holding cell” where the blasphemer is incarcerated until God renders a verdict, means both to guard and to protect, as indicated by the two translations of the verse in Genesis. Incarceration may operate to protect society from an individual, but it must also protect the individual being incarcerated.

³⁵⁵ <http://www.nybooks.com/articles/archives/2013/oct/24/shame-our-prisons-new-evidence/?pagination=false>

³⁵⁶ Data from BJS survey, 2011-2012.