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Written Testimony in Support of House Bill No. 7048, An Act Concerning the Prevention, Detection and Monitoring of Prison Rape In Juvenile Facilities

Good afternoon Senator Coleman, Representative Tong and distinguished members of the Judiciary Committee. My name is David McGuire. As staff attorney for the American Civil Liberties Union (ACLU-CT), I am here in Support of House Bill No. 7048, An Act Concerning the Prevention, Detection and Monitoring of Prison Rape in Juvenile Facilities.

In 2011, the ACLU-CT supported House Bill No. 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission. The act protected individuals being held in adult or juvenile facilities from sexual abuse by requiring state and municipal agencies and private providers that incarcerate or detain offenders to adopt and comply with the standards proposed by the National Prison Rape Elimination Commission.

Today, we are glad to see the committee raised this bill that would include juvenile offenders and juvenile facilities as persons and facilities covered by the standards recommended by the National Prison Rape Elimination Commission.

A 2013 National Survey of Youth and Custody report found that 9.5% of adjudicated youth in state juvenile facilities and state contract facilities reported experiencing one or more incidents of sexual victimization by another youth or staff in the past 12 months. Furthermore, 20.3% of youth victims of staff sexual misconduct reported that they experienced physical force or threat of force and 21.5% reported that they were given drugs or alcohol to engage in sexual contact.¹

The physical and psychological effects of rape are devastating and far reaching. Rape survivors may be infected with STDs, and are far more likely to suffer debilitating mental illnesses under the best of circumstances; the effects when the victim is incarcerated and must interact with his or her abuser on a daily basis can be far worse. It is clear from the large numbers of victimized juvenile prisoners that the current policies regarding prison rape in adult facilities should be applied to juvenile facilities as well. This bill adopts recommendations of the National Prison Rape Elimination Commission and applies them to juvenile facilities. These recommendations, developed after an extensive study of sexual abuse in prisons, lay out a “realistic blueprint for progress” that will help to actually address and prevent this problem.

¹ <http://www.bjs.gov/content/pub/pdf/pdca14.pdf>

Effective reporting and enforcement mechanisms to give these regulations teeth. This bill offers that, providing for disciplinary measures and prosecutions against offending prison staff or inmates, and allowing inmates to have confidential contact with support services, and mandating compliance auditing. The mandatory reporting requirements of this bill will give the legislature and society at large a clear idea of the magnitude of the problem of juvenile prison rape, and how best to deal with it. Moreover, if this bill is passed, it will send a strong message to juvenile prison staff that DOC policies are not mere words, and that the state takes the issue of prison rape seriously.

Prison rape also puts the state fiscally at risk. If a prison has failed to take reasonable steps to protect inmates from sexual assault, the state may be liable for failing to protect those inmates. The passage of this bill is sound public policy: it protects all people from rape and sexual assault including juveniles and minimizes financial costs to the state. The ACLU-CT urges you to pass House Bill No. 7048 and provide our youthful offenders with the equal protection from sexual assault.