

Abolition Corner: Abolition Addresses Sexual Violence

Our current system does not work to address sexual violence, and in fact causes more harm. As abolitionists, we are investing and supporting practices that do work to address, minimize, prevent & respond to harm. We don't have to have all the exact answers, and we can't because we want our solutions to be as nuanced as the harm itself, but we do know our cultures create and enable a lot of harm that we could prevent. For the exact answers to specific scenarios, we can support the experts/people practicing this. We also encourage you to keep in mind or read our [Prisons Do Not Make Us Safer](#) 2-pager for a deeper look into research showing that incarceration has minimal to zero impact on deterrence and may in fact increase crime and harm.

As prison abolitionists, people often ask us: if we don't have prisons, what do we do about sexual violence?

Let's Get to the Root.

Abolitionists do not deny the existence of harms like sexual violence. We investigate the roots of such violence and ask whether police and prisons actually do a good job of responding to or deterring harm (The Abolitionist Horizon). Let's take a look at some examples that show how incarceration does not and cannot address harms like sexual violence.

To understand the scope of the issue and the rape culture that floods our society: every 68 seconds someone in America is sexually assaulted. 1 out of every 6 women and about 3% of American men—or 1 in 33—have been a victim of an attempted or completed rape. However, despite what many people believe, our criminal justice system is not actually incarcerating the majority of those who have engaged in sexual assault. Let's look at the facts: Out of 1,000 instances of sexual assault, only 310 are reported to police, only 50 of 310 reports lead to arrest, 28 of those 50 arrests lead to felony conviction with not all 28 doing time behind bars. This means almost 98% of those who engaged in sexual assault will not be sentenced ([RAINN](#)).

The numbers are even more devastating for rape incidents. Out of 1,000 instances, only 230 are reported to police, only 46 of the 230 reports lead to arrest, then only 9 of those arrests get referred to prosecutors. Five of the 9 will end with a felony conviction, with not all 5 being sentenced to time behind bars. This means less than 1% of those incidents result in incarceration ([The Washington Post, 2018](#)). This is overwhelming evidence that our current system does not work to incarcerate people who have participated in sexual violence.

With this information, we can start to answer the often asked question: "what about the rapists?" **The first step in responding is to help the people who ask that question to accept the reality: the current system we have is failing to address this harm. We need systems that do work.**

Some people might be thinking the "solution" is to "improve" the prison system and actually incarcerate people who cause this harm. First, this would result in incarcerating a massive amount of our population. That is not a solution. Second, even if all people who have perpetrated sexual violence were incarcerated, sexual violence would not be stopped or eliminated. Falsely framing punishment as accountability and

reparations for victims does not increase public safety or address sexual assault.

Incarceration Fails Survivors.

In addition to failing to address almost all instances of sexual violence, our current system actually harms survivors. We know that for many different reasons sexual violence is one of the most underreported harms. Of the few who do involve the legal system, just from reporting the incidents and involving the system, "At least 89 percent of victims report some level of distress, including high rates of physical injury, post-traumatic stress disorder, depression, anxiety and substance abuse" ([Justice Department's review of 2009-2012 National Crime Victimization Survey](#)). The system isn't set up to protect or help survivors, instead it punishes everyone who becomes entangled in its web.

Our current system even criminalizes survivors. Studies have shown that more than 10% of all incarcerated men, and nearly 50% of incarcerated women, identify as survivors of sexual violence, and between 80-95% identify as survivors of violence more generally. According to the ACLU, nearly 60% of people in women's prison nationwide, and as many as 94% of some women's prison populations, have a history of physical or sexual abuse before being incarcerated ([Survived and Punished](#)). Whatever the criminal legal system claims to do for victims and survivors of sexual violence, it is clear that the thing it does most is criminalize them.

Our culture and justice system embrace revenge, so it's common for some people to think that our system serves justice to survivors by providing punishment/revenge. First, remember our system does not address most instances of sexual violence - this so-called "justice" is only occurring 1-2% of the time. Second, punishment or revenge is not justice. As discussed in [Justice Practices and Possibilities Outside of Incarceration](#), many survivors of harm do not want to punish/incarcerate the person who harmed them. In fact, according to the [Crime Survivors Speak Report](#), by a margin of 3 to 1, victims believe that prison makes people more likely to commit crimes and by a margin of 7 to 1 victims prefer increased investments in crime prevention and programs for at-risk youth over more investments in prisons and jails. We cannot address the problem of sexual assault in this country by believing punishing individuals is a solution.

Lastly, the question "what about the rapists?" neglects the fact that the prison itself causes a terrifying and disturbing amount of instances of sexual violence. Nationwide, an average of 80,600 incarcerated people in state, federal, and county jails report being subject to sexual violence each year ([U.S. Department of Justice- Office of Justice Programs](#)). Despite sexual misconduct being the most underreported transgression, it is the second most reported complaint against police officers, just after use of excessive force ([The CATO Institute's National Police Misconduct Reporting Project, 2010 Annual Report](#)). A 2015 investigation by the Associated Press found that over the course of six years, one thousand police officers throughout the country lost their badges because of sexual misconduct, including assault, rape, propositioning people for sex while on duty, or processing child pornography.

In addition to the illegal sexual violence within prison

walls, the degree that sexual assault is a common practice to the prison system makes prison itself a legalized rapist. The degree that sexual violence and rape culture is interwoven within our system of “justice” from initial arrest to incarceration cannot be understated. Within California prison walls, in 2017 alone, there were 1,150 complaints of sexual misconduct from correction officers and other prison staff ([The Sacramento Bee, 2018](#)). And again, these are the few that are reported. Consider the fact that incarcerated folks must undergo what qualifies as routine sexual assault just for visitation.

What Do These Roots Tell Us?

From all this history and data, we can conclude that our current system does not work to prevent or respond to sexual violence, and in fact, inflicts more sexual violence. Once we understand this reality, the call to abolish prisons in place of something that actually does reduce and respond to sexual harm doesn't seem as uncomfortable or impractical- it's actually the sensible thing to do for people who are genuinely concerned about public safety and sexual violence. Instead of continuing with this harmful system, let's invest and support practices that actually address sexual violence.

“Policing and imprisonment not only fail at preventing interpersonal violence, these systems are in fact inflicting violence on Black, indigenous, and other people of color, trans and queer people, people with mental illnesses or disabilities, and poor people. If we want to stop violence against women and end rape, we need to defund and abolish police and prisons. If we want to get at the root of interpersonal violence in order to prevent it, police and prisons are not the way. If we want accountability for violence and justice for survivors, police and prisons have failed” ([The Abolitionist Horizon: Building A World Without Police Or Prisons](#)).

Addressing Sexual Assault

Prison abolition is so much more than simply closing prisons. It is identifying the root causes of harm and finding better ways to prevent and respond to harm than our current system. Abolitionists are advocating for other strategies, structures, and resources to prevent and respond to harms like sexual violence instead of prison.

Digging Deeper

The same myth that tells us prisons protect society at large from people who have raped by incarcerating them, tells us the people causing this harm are strangers. However, [the Rape, Abuse & Incest National Network \(RAINN\)](#) found that “stranger rape” happens less than 20% of the time and the majority being acquaintances (39%) or a current or former intimate partner (33%). When we get to the root of sexual violence, we see that the vast majority of instances are not by a stranger but rather someone already in the survivor's life—it's interpersonal. Sexual violence being mostly in our homes and communities shows the importance of culture change.

Our current culture enables or creates most, if not all,

of the sexual violence we face. This means, to prevent a lot of harm, we must shift our culture.

As a way to minimize and prevent sexual violence we need to commit to the culture change necessary to condemn all of the things that contribute to and permit sexual violence—everything that creates a rape culture. The fact that most sexual violence is interpersonal and community-based also emphasizes the importance of developing community responses, so that when harm does occur, we have tools to address, take accountability, heal, repair and progress from the harm.

We aren't saying we have all the answers, but the possibilities do already exist in fragments and pieces (paraphrased Ruth Wilson Gilmore). In practice this means there are already organizations and communities preventing and responding to most types of harm, no matter how nuanced. For example, many people ask about abolitionist responses to child sexual abuse. For an example of this in practice, you can check out [The Bay Area Transformative Justice Collective](#), a community group building Transformative Justice responses to child sexual abuse. For more information about Transformative Justice and abolitionists alternatives, you can check out [Justice Practices and Possibilities Outside of Incarceration](#).

Addressing this as Abolitionists

We've gone over some of the reasons abolitionists know our current system does nothing productive to prevent or respond to harms like sexual violence and even causes more harm. We introduced other possible solutions that we are committed to building instead. When people ask us as abolitionists, “If we don't have prisons, what do we do about sexual violence?”-- Let's break up the question to get on the same page.

1) Our current system doesn't address sexual violence and causes more harm and 2) Let's support the creation of systems, strategies, and resources that do

If you are still thinking “if somebody does rape someone what happens to them?” Keep in mind that right now, we are doing almost nothing, and what little we do causes more harm. We don't need to have all the exact answers to every situation because every situation is unique and deserves an individual response rather than a blanket response like prison. We just need to come to terms with this harsh reality and commit to do better.

Additional Resources:

[Abolition Addresses Sexual Assault](#)
[Abolition Serves Survivors](#)

Abolition Corner's approach to these topics is guided by *Prisons Make Us Safer And 20 Other Myths About Mass Incarceration* by Victoria Law and other sources gathered by Initiate Justice's Policy Coordinator, Sarah Rigney. Written by Sarah Rigney. Edited by Michelle Cárdenas. Please request permission before reprinting.



Abolition Corner is a companion space to Initiate Justice's podcast, *Abolition is for Everybody*. This year, we will spend a few minutes in the beginning of each session demystifying a commonly upheld myth about incarceration before having a friendly, open conversation.

To RSVP and for more information: InitiateJustice.org/AbolitionCorner