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Contact: Mark Glaze
(202) 271-0982

EXPERTS OFFER MIXED REVIEW OF PRISON RAPE STUDY

*Bipartisan Federal Panel Emphasizes Need to Identify, Implement
Real Solutions to Serious Problem of Prison Rape*

Washington, DC – The bipartisan federal commission charged with identifying ways to reduce prison rape gave a mixed review of a study on the subject released today by a grantee of the National Institute of Justice, saying its conclusions added little to the understanding of sexual violence behind bars.

The report by a Case Western Reserve cultural anthropologist, entitled “An Ethno-methodological Study of Prison Sexual Violence,” suggests that prison rape must be understood through a “complex system of beliefs and norms on sexual conduct” in prison culture. In a representative passage, the report states that “[i]n the logic of prison rape worldview, an inmate cannot be coerced into oral sex but may ‘need’ to be ‘pushed’ into the process of a sexual awakening. Inmate worldview does not interpret such a push as coercion.”

“The report offers some insights into the cultural factors behind sexual violence in prison,” said Reggie Walton, a federal district court judge appointed by President George W. Bush who serves as the chairman of the National Prison Rape Elimination Commission (NPREC). “But this report doesn’t tell us much about the real prevalence of prison rape, nor does it claim to. Prison culture is unique, and I hope this information will contribute to our societal understanding of that culture – but the fact remains that prison rape is real, and it is not consensual. We need to stay focused on solutions.”

The Commission raised a number of questions about the report’s methodology. In particular, the study relied exclusively on face-to-face interviews with inmates and did not allow for anonymous reporting of sexual assault.

“It’s well understood that sexual victimization is underreported by victims. Prisoners are notoriously reluctant to report sexual victimization unless they can do so anonymously because of fear of retaliation or being labeled a ‘snitch,’” said Commissioner Brenda V. Smith, a professor at American University’s Washington College of Law and an expert on the Prison Rape Elimination Act and sexual abuse of individuals in custody. “It is not surprising that prisoners - questioned in their own facility – were not willing to reveal that the system is not keeping them safe.”

In addition, the Commission pointed out that the Fleisher report questioned only inmates at maximum security prisons, which are substantially different from other detention facilities and house only 36% of all U.S. inmates. The study also does not disclose what prisons were studied or what region they were in, although the culture of sexual violence varies widely across individual prisons and systems.

The Commission applauded some of the report's findings, including its call for better prison staff training, more frequent and vigorous investigation of rape reports, and expanded awareness of the problem.

NPREC was created by the Prison Rape Elimination Act of 2003 to investigate the prevalence of sexual assault behind bars and establish standards for a zero-tolerance policy for federal facilities. Congress found that almost a million prisoners had been sexually assaulted in the twenty years prior to the passage of the Act. The prisoners most likely to be assaulted are first time, non-violent juvenile offenders.

The Commission is charged with developing national standards for enhancing the detection, prevention, reduction, and punishment of prison sexual assault. The Commission will be holding its sixth public hearing, investigating "The Elimination of Prison Rape: Immigration Facilities and Personnel/Staffing/Labor Relations," on December 13-14, 2006, in Los Angeles, CA. To learn more about the Commission and the upcoming public hearing, please visit www.nprec.us.

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