



**For Immediate Release**  
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**NATIONAL PRISON RAPE ELIMINATION COMMISSION STATEMENT ON  
BJS STUDY OF SEXUAL VIOLENCE IN ADULT CORRECTIONAL FACILITIES**

*Washington, DC* – The National Prison Rape Elimination Commission released the following statement today in response to a new study on the prevalence of sexual violence in adult correctional facilities prepared by the Bureau of Justice Statistics (“BJS”). The Bureau was directed to collect this and other related data by the Prison Rape Elimination Act of 2003 (“PREA”). PREA also created the Commission, which is charged with developing zero-tolerance national standards for enhancing the detection, prevention, reduction, and punishment of sexual violence behind bars:

“The National Prison Rape Elimination Commission is concerned that, four years after the passage of the Prison Rape Elimination Act, the problem of sexual violence in America's adult prison facilities continues to grow. The report issued this week by the Bureau of Justice Statistics enhances our understanding of the alarming frequency of sexual violence by staff and inmates in the nation’s detention facilities. The statistical research by BJS provides vital information, although the causes and consequences of the statistics it cites must be explored further.

“Among the report’s key findings is that the number of allegations of sexual wrongdoing behind bars has risen by 21% since PREA was passed, from 5,386 in 2004 to 6,528 in 2006. Still, the number of allegations reported by facility administrators to the BJS nevertheless underestimates the prevalence of the problem. Like victims in the community, many victims in custody do not report incidents of sexual violence because they are embarrassed, fear reprisal by other inmates or by staff or because of the “code of silence” that exists in correctional settings for both inmates and staff.

“The BJS report also indicates that in 2006, more than half of all allegations of sexual violence were deemed “unsubstantiated” (56%) or “unfounded” – that is, to have not occurred (29%). These statistics are troubling and raise questions about whether many allegations of sexual violence are not investigated with sufficient thoroughness to determine whether the claims are meritorious. Further, the report does not indicate the criteria by which prison officials determine whether allegations were “unsubstantiated” or “unfounded.” Many incidents are not “substantiated” because the only evidence available to

administrators is the word of the inmate against the word of the alleged perpetrator.

“The report’s finding that 57% of incidents of sexual contact between prisoners and staff members “appeared to be willing” is disturbing. Consent is a complex matter in the correctional environment. Every state has laws that make it a crime for staff to have sex with inmates. It is true that prisoners may, in some instances, “agree” to sexual contact with prison officials in exchange for better jobs, to avoid being disciplined or for other reasons. Even absent explicit violence or threat of violence, a characterization of this conduct as “willing” takes the focus from the responsibility of correctional agencies, officials and staff and inappropriately places it on inmate behavior.

“Over 2.3 million men and women are incarcerated in the United States. Sexual assault in prison jeopardizes the safety and health of prisoners, corrections officers and members of the community. Victims of abuse can endure serious and long-lasting physical, mental and medical consequences that continue long after they have left prison behind.

“Zero-tolerance is the only acceptable standard for sexual violence behind bars. We look forward to further research on this critical issue from BJS and other sources, and to working with BJS and other agencies to implement PREA’s mandate.”

The National Prison Rape Elimination Commission is charged with developing zero-tolerance national standards for enhancing the detection, prevention, reduction, and punishment of sexual violence behind bars.

Ultimately, the Commission will submit these standards as part of its final report to the Attorney General’s office, the Department of Health and Human Services, and Congress. In addition to the standards, the final report will also contain recommendations about how to prevent, detect and punish prison sexual assault and make the prevention of prison rape a top priority in every correctional facility and system in the nation. Within a year of receiving the Commission’s report, the Attorney General is required by the statute to promulgate national standards for the prevention and reduction of prison rape.

*The Commissioners are The Honorable Reggie B. Walton, who serves as Chairman, Vice Chairman John A. Kaneb, James Aiken, Jamie Fellner, Pat Nolan, Gustavus A. Puryear IV, Brenda V. Smith, and Dr. Cindy Struckman-Johnson.*

To learn more about the Commission, please visit [www.nprec.us](http://www.nprec.us).

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