

FACT SHEET

JUSTICE DEPARTMENT IMPLEMENTATION OF THE PRISON RAPE ELIMINATION ACT

A National Problem – Rape in Adult and Juvenile Confinement Facilities

Sexual violence in confinement facilities is a serious public safety, public health and human rights problem.

According to the most recent research conducted by the U.S. Department of Justice’s Bureau of Justice Statistics, between 2011 and 2012, an estimated 4 percent of state and federal prison inmates and 3.2 percent of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or by facility staff within the past 12 months. The victimization rate of certain vulnerable populations was especially high. Among state and federal inmates with serious psychological distress, 6.3 percent reported sexual victimization in that year. Among non-heterosexual populations, 12.2 percent of prisoners and 8.5 percent of jail inmates reported sexual victimization by another inmate, and 5.4 percent and 4.3 percent, respectively, by staff.

In addition, an estimated 9.5 percent of adjudicated youth in state juvenile and contract facilities reported one or more incidents of sexual victimization by another youth or staff in the past 12 months or since admission.

These statistics are alarming and they are unacceptable. No one should be subjected to sexual abuse while in the custody of our justice system. It is a violation of fundamental rights and an attack on human dignity, and it opposes everything we stand for as a nation.

A Bipartisan Solution – The Passage of the Prison Rape Elimination Act

The Prison Rape Elimination Act (PREA) was passed unanimously in 2003 to address this serious problem. The specific purpose of PREA is to prevent, detect and respond to sexual abuse in confinement, and it applies to all levels of adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities.

PREA sent a clear message to the justice system and to the public that sexual violence in confinement facilities is unacceptable and contrary to the goals of incarceration. It also established that prisoner survivors of sexual abuse are victims of crime who deserve and require the same treatment we would extend to crime victims elsewhere.

The law created four mechanisms to establish a zero-tolerance policy toward sexual abuse in confinement facilities, including:

1. data collection efforts to study the incidence and prevalence of this problem;
2. a grant program to support efforts to address this problem at the state, local and tribal levels;
3. a bipartisan, national commission composed of subject matter experts that studied the problem and recommended a set of National PREA Standards; and
4. a mandate to the department to disseminate regulations to address this problem nationwide.

Implementing PREA - Creating a National Standard of Zero-Tolerance

In 2009, the bipartisan, national commission submitted draft National PREA Standards to the department, and the department immediately began a comprehensive rulemaking process. This process involved giving stakeholders from across the nation—including justice system policymakers and practitioners, corrections professionals, and victim and inmate advocates—the opportunity to provide comments on the draft.

In 2012, the department issued the final PREA Standards, which were immediately applicable to the department's Federal Bureau of Prisons. By August of that year, the standards became effective for any state, local and private agency operating one or more of the following facility types: (1) prisons and jails; (2) lockups; (3) community confinement facilities; and (4) juvenile facilities. Additionally, failure to comply with the standards could result in potential reductions of department grants for prison purposes in states that are not compliant with the PREA Standards.

On Aug. 20, 2013, a full year after implementation of the final standards, the department initiated the first-ever program of national audits of confinement facilities to determine the state of compliance with the PREA Standards among jurisdictions. At the close of the first year of the audit cycle, each state is required to certify that one-third of its facilities have been audited. Per the PREA statute, fiscal year (FY) 2014 is the first year of potential reductions of department grant funds for prison purposes in states that are not compliant with the PREA Standards.

The PREA Resource Center - Support for States and Local Jurisdictions

The department recognizes the challenges associated with implementing the National PREA Standards, and is committed to supporting jurisdictions as they implement the standards and assess compliance by auditing their confinement facilities. In 2010, The Bureau of Justice Assistance (BJA), an office within the department's Office of Justice Programs, established a cooperative agreement with the National Council on Crime and Delinquency to operate the National PREA Resource Center (PRC) (www.prearesourcecenter.org), which provides intensive training and technical assistance to justice system actors and victim advocates on a broad range of issues related to PREA. Using FY 2012 funds, the PRC made awards to 43 sites totaling \$4,835,659. The department is continually working with these jurisdictions to assess their compliance efforts and identify steps to better promote compliance.

Regional Training - The PRC has offered 26 regional training events. Agencies and facilities from all 50 states, plus the District of Columbia, have participated in at least one event, with several jurisdictions participating in multiple offerings.

Webinars - The PRC has offered 53 webinars with 14,705 participants during the live broadcasts, and more than 13,000 views of archived files. Webinar topics included legal liability, inmate education, victim services and PREA toolkits, among other subjects.

Field-Initiated Requests - The PRC has received more than 590 specific requests for training and technical assistance and more than 1,000 additional inquiries. The three top requests for assistance have focused on standards implementation, policy assessments and investigator training.

Curricula and Additional Resources - The PRC has released comprehensive training curricula ready for use including specialized trainings on PREA-related investigations; the PREA medical and mental health standards; preventing and addressing sexual abuse in tribal detention facilities; and gender responsive strategies specific to both adults and juveniles. The PRC will continue to make new curricula available.

Grant Funding - Between 2011 and 2013, BJA provided 42 PREA grant awards to state and local/county jurisdictions totaling almost \$20 million to support local, state and tribal jurisdictions in eliminating sexual abuse in their confinement facilities. These awards break down as follows: 12 awards in FY 2011 totaling \$9,279,198.00; 12 awards in FY 2012 totaling \$3,963,217.00; and 18 awards in FY 2013 totaling \$4,294,742.00. BJA expects to make additional awards in FY 2014.

Training and Supporting Auditors - The PRC, in close collaboration with BJA, has also developed the auditor application and training program. Qualified auditor candidates must successfully complete a 40-hour training curriculum and pass a criminal background name check. As of May 2014, four PREA auditor trainings have been conducted and 259 PREA auditors have become department-certified. Four additional PREA auditor trainings are scheduled for 2014, and the department expects to certify more than 600 auditors by the end of 2014.