

Activities of the Review Panel on Prison Rape in 2006

In accordance with Prison Rape Elimination Act (PREA) of 2003, Public Law 108-79, 117 Stat. 972 (codified as amended at 42 U.S.C. 15601-15609 (2006)), Attorney General Alberto R. Gonzales, in consultation with Secretary Mike Leavitt of the U.S. Department of Health and Human Services, appointed the Review Panel on Prison Rape (Panel) on March 29, 2006. Members of the Panel include Director Carroll Ann Ellis, Victim Services Division, Fairfax County, Virginia, Police Department; Director Steven T. McFarland, Task Force for Faith-Based and Community Initiatives, U.S. Department of Justice; and Sheriff Ted Sexton, Tuscaloosa County, Alabama, Sheriff's Office.

Based on statistics gathered by the Bureau of Justice Statistics (BJS), the Panel is to hold annual public hearings concerning the three prisons with the highest incidence of prison rape and the two prisons with the lowest incidence of prison rape in each category of facilities identified under subsection (c)(4) of PREA. *Id.* § 15603(b)(3)(A). The purpose of the hearings is to identify common characteristics not only of victims and perpetrators of prison rape but also of prisons and prison systems that have the highest and the lowest incidence of prison rape. *Id.*

In calendar year 2006, BJS was unable to provide the Panel with statistics to rank correctional facilities by incidence of prison rape. The Panel does not expect to receive the BJS rankings of all state and federal adult facilities by incidence of prison rape until Fall 2007.

In the absence of the ranking data, the Panel held a preliminary hearing on November 14-15, 2006, at the California State Prison, Sacramento in Represa, California. The Panel decided to hold its initial hearing at this venue because the California Department of Corrections and Rehabilitation (CDCR) is the largest state correctional system in the country and because

California has enacted its own legislation against sexual assault in correctional facilities. The Panel did not base its decision on any ranking or finding by BJS concerning the incidence of prison rape in any facility of the CDCR. The Panel conducted the hearing to learn the following information regarding large prison systems similar to CDCR:

- The factors in a prison environment conducive to deterring sexual assaults;
- The prison system protocols and policies requiring examination by the Panel;
- The staff persons in large systems that could be potential key witnesses at future Panel hearings;
- Useful methods for evaluating prison rape training of correctional officers and medical staff;
- Likely barriers to reporting, investigating, and deterring prison rape; and
- Useful methods for assessing the role of correctional officers' unions in deterring prison rape.

The Panel posted the hearing transcripts on its website,

<http://www.ojp.usdoj.gov/reviewpanel/>.

From its hearing, the Panel intends to scrutinize a number of factors related to prison sexual assault in future hearings, after BJS ranks the facilities, including the following:

- Whether the system punishes the alleged victim;
- What information about an inmate (e.g., sexual orientation, risk as predator or victim) is communicated from the jail to the prison and between the prisons to which an inmate may be transferred;
- Whether rapes are investigated by internal or external parties;
- What proclivity the district attorney's office may have to prosecute prison rape and sexual misconduct;

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- **Whether a system tolerates a “sexualized” environment that inhibits reporting;**
- **What role cameras and other technology play in preventing, detecting, and prosecuting sexual assault in prison; and**
- **What effect overcrowding has on the incidence of prison rape.**