



# Department of Justice

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## **DEPARTMENT OF JUSTICE ANNOUNCES 48 STATES AND TERRITORIES HAVE COMMITTED TO ENDING PRISON RAPE**

### ***2003 Law Requires States to Take Certain Steps To Reduce Sexual Assaults of Prisoners or Else Forfeit Portion of Federal Grant Funding***

WASHINGTON – Deputy Attorney General James M. Cole and Principal Deputy Assistant Attorney General for Justice Programs Mary Lou Leary announced today that the vast majority of U.S. states and territories have informed the Department of Justice that they intend to take steps to reduce sexual assaults in prisons, in accordance with federal law.

Under the Prison Rape Elimination Act (PREA), which was passed in 2003 with unanimous support from both parties of Congress, Fiscal Year 2014 is the first year that states and territories may have certain federal grant funds withheld unless they demonstrate an intention to comply with the law. Of the 56 jurisdictions that are subject to PREA – the 50 states, the 5 territories and the District of Columbia – 48 are in compliance or have submitted assurances to the department committing to spending five percent of certain federal grant funds to come into compliance. This translates to a compliance rate of 85 percent.

“No one should be subjected to sexual abuse while in the custody of our justice system,” said Deputy Attorney General Cole. “It serves as a violation of fundamental rights, an attack on human dignity and runs contrary to everything we stand for as a nation. Based on these certifications and assurances, and other correspondence submitted by the governors, it is clear that addressing the issue of sexual abuse in confinement facilities is a high nationwide priority.”

“We are witnessing a major change in the culture of our nation's criminal justice systems. The discussion is no longer whether sexual victimization in correctional facilities is a problem, or even where the problem might be most serious,” said Principal Deputy Assistant Attorney General Leary. “An overwhelming majority of states and territories has committed to preventing, identifying and addressing this serious travesty against human dignity anywhere it occurs.”

An estimated four percent of state and federal prison inmates and just over three percent of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or a facility staff member within the previous 12 months. Among youth in state juvenile facilities and state contract facilities that rate increases to an estimated nine and a half percent in the previous 12 months. The National PREA Standards create policies and practices to ensure a

zero tolerance for sexual assault in prisons and corrections facilities by preventing, detecting and responding to sexual abuse.

Two states, New Hampshire and New Jersey, have certified that they are in full compliance with PREA. Understanding that the standards could take a number of years to fully implement, the statute allows a governor whose state or territory is not yet in full compliance to submit an assurance to the department that not less than five percent of certain department grant funds will be used solely for the purpose of enabling the state or territory to achieve and certify full compliance with the standards in future years. This year 46 jurisdictions submitted an assurance. The eight states or territories that are unwilling to commit the five percent of federal grant funds to implementation of the National PREA Standards are subject to the loss of five percent of certain department grant funds that they would otherwise receive.

The submitted assurances by governors or heads of territories is required by the PREA statute. The PREA standards took effect on Aug. 20, 2012. The standards apply to Justice Department, state, and local confinement facilities, including adult prisons and jails, juvenile facilities, police lockups, and community corrections facilities. The standards reflect careful consideration of all public input, including over 2,000 public comments, as well as detailed analysis of anticipated benefits and costs, in light of PREA's requirement that the standards not "impose substantial additional costs compared to the costs presently expended by federal, state and local prison authorities."

To assist states and localities with the implementation of the National PREA Standards, the department, through the Bureau of Justice Assistance, funded the National PREA Resource Center which provides training and technical assistance, as well as serving as a single-stop resource for leading research and tools for all those in the field working to implement the National PREA Standards. The department has also funded over \$23 million in grants to support state and local jurisdictions in creating zero-tolerance cultures for sexual abuse in confinement facilities. For more information on the National PREA Standards as well and what assistance is available to states visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org).

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## STATES' AND TERRITORIES' RESPONSES TO THE MAY 15, 2014 PRISON RAPE ELIMINATION ACT DEADLINE

The Prison Rape Elimination Act (PREA) was passed unanimously by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse that is perpetrated in confinement settings. PREA applies to adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities.

The PREA Statute provides that, if a governor is not able to certify to the department that their state or territory is in full compliance with the National PREA Standards, the governor has the option to submit an assurance to the department that not less than five percent of certain department grant funds will be used solely for the purpose of enabling the state or territory to achieve and certify full compliance with the standards in future years. If the governor is not able to certify to the department that the state or territory is in full compliance with the National PREA Standards and elects not to submit an assurance to the department, the state or territory is subject to a reduction of five percent of certain department grant funds that it would otherwise receive.

May 15, 2014, was the deadline for states and territories to submit certifications or assurances because fiscal year 2014 is the first year of potential reductions of department grants in states and territories that are not compliant with the standards. The PREA Statute requires potential grant reductions to be implemented in the second year after release of the standards. The standards were released in 2012.

The PREA statute requires the department to make publicly available the lists of states and territories that submitted certifications and assurances, and those that will be subject to a five percent reduction in certain department grant funds.

<http://www.bja.gov/Programs/PREAcompliance.pdf>

### *States that certified full compliance (2)*

- New Hampshire
- New Jersey

### *States and territories that submitted an assurance (46)*

- Alabama
- Alaska
- American Samoa
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Georgia
- Guam
- Hawaii
- Illinois
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota

- Mississippi
- Missouri\*
- Montana
- Nevada
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- U.S. Virgin Islands\*
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

\*The governors of Missouri and the U.S. Virgin Islands have indicated on their respective PREA Assurance forms that their juvenile facilities are in full compliance with the National PREA Standards.

*States and the territory subject to a five percent reduction in certain department grant funding after declining provide an affirmation or certification of compliance (8)*

- Arizona
- Florida\*\*
- Idaho
- Indiana
- Nebraska
- Northern Marianas Islands\*\*
- Texas
- Utah

\*\*States and territories that not have yet provided sufficient information from the governor to indicate whether or not they will affirm or certify compliance