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**FIRST GOVERNORS' CERTIFICATION OF COMPLIANCE  
WITH PRISON RAPE ELIMINATION ACT STANDARDS**

*Washington, D.C.* – Today marks the first time governors will inform the Department of Justice of their compliance with the PREA Standards. Governors will provide either a certification of compliance or an assurance that indicates that while not in compliance with the standards they will use funds they would otherwise lose as a penalty for non-compliance to come into compliance.

This is an important milestone in the national struggle to eliminate sexual abuse of individuals under custodial supervision. The former members of the National Prison Rape Elimination Commission (the Commission) take this opportunity to acknowledge the hard work and perseverance of the many individuals and agencies who have worked to make the standards strong and effective, including the United States Attorney General Eric Holder, the U.S. Department of Justice, Civil Rights Division of the U.S. Department of Justice, the Bureau of Justice Assistance and the Bureau of Justice Statistics.

In September 2003, the United States Congress unanimously passed the Prison Rape Elimination Act (PREA) signaling national recognition that prison rape seriously violates the fundamental rights and human dignity of persons in custody and, that it is not inevitable. PREA authorized developing national standards that would delineate such policies and practices. It created the Commission and charged it with preparing a draft set of standards for review by the United States Attorney General and Department of Justice. On May 17, 2012 the Department of Justice released the final standards.

Congress wisely recognized that the goal of eliminating prison rape required feasible and effective standards officials could follow,” said Jamie Fellner, Senior Advisor, US Program for Human Rights Watch and former member of the National Prison Rape Elimination Commission. “Audits and the certification process enable the country to measure how well it is doing in making sexual abuse of men, women and children in custody a crime of the past – and to hold accountable those agencies that lag behind.”

There is still much work to be done and we have far to go before sexual abuse is eliminated in our country’s custodial settings. According to the latest data collection reports from the Bureau of Justice Statistics, in 2011, correctional administrators reported 8,763 allegations of sexual

victimization in prisons, jails, and other adult correctional facilities. In 2011-12, an estimated 4.0% of state and federal prison inmates and 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff.

The agencies and facilities found in compliance are proof of the importance of ongoing efforts to address and respond adequately to the sexual abuse of individuals in custody. While many states and localities have invested time and effort into complying with the standards, there are others waiting to see if there are any real consequences for non-compliance.

While the standards provided for dedicated funding to assist states to come into compliance, they also prescribed modest penalties --5% of funding for prison purposes as defined by DOJ each year -- for failure to meet the standards. Since 2003, federal PREA funding to states totaled \$54,376,459 while the financial consequence of non-compliance, a 5% reduction in federal grant funding to the states for prison purposes, would only total a little over \$12 million dollars in FY 2014. The Commission believes this combination of incentives and penalties strikes an appropriate balance aimed at supporting agencies' efforts while holding them accountable.

In this first year, we hope that states will submit their certifications of compliance or assurances outlining their trajectory for complying with the PREA Standards. For those who do not provide these assurances, they merit greater attention and oversight.

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The National Prison Rape Elimination Commission (NPREC) was formed as required by the Prison Rape Elimination Act of 2003 to conduct legal and factual study of the effects of prison rape in the United States. There were nine sitting members of the NPREC including: The Honorable Reggie B. Walton, Chair; Commissioner John A. Kaneb, Vice-Chair; Commissioner James E. Aiken ; Commissioner Jamie Fellner; Commissioner Pat Nolan; Commissioner Brenda V. Smith; Commissioner Cindy Struckman-Johnson. NPREC Commissioners remain engaged in DOJ's program to insure compliance by corrections facilities.