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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 2, 2023

**VIA ELECTRONIC TRANSMISSION**

The Honorable Gene L. Dodaro  
Comptroller General  
U.S. Government Accountability Office

Dear Mr. Dodaro:

As required by the Prison Rape Elimination Act (PREA) of 2003, the Department of Justice's (DOJ) Bureau of Justice Statistics (BJS) administers the Survey on Sexual Victimization.<sup>1</sup> The survey collects data within a sample of at least 10 percent of the approximately 7,000 correctional facilities covered under PREA, including those within the Federal Bureau of Prisons (BOP).<sup>2</sup> This survey is one method used to comply with PREA reporting requirements, which specify that the Attorney General submit an annual report that lists institutions in the sample and ranks them according to incidence of prison rape.

Further, since the enactment of PREA, DOJ's National Institute of Justice has funded extensive research studies of prison rape, and its National Institute of Corrections and PREA Resource Center have examined and shared best practices, including training curricula, prevention strategies, and other forms of technical assistance across the corrections community.

In 2012, DOJ published the National Standards to Prevent, Detect, and Respond to Prison Rape.<sup>3</sup> These standards included definitions of terms related to sexual abuse, provisions related to reporting and investigating allegations, and data collection directives.<sup>4</sup> The standards are binding for all federal prisons and include routine auditing requirements to assess for

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<sup>1</sup>Pub. L. No. 108-79, 117 Stat. 972 (codified as amended at 34 U.S.C. §§ 30301-30309)

<sup>2</sup>In addition to BOP facilities, the survey covers state prison systems, private prison facilities, public and private jails, state juvenile justice systems, jails in Indian country, a central reporter for each branch of the U.S. military, facilities operated by U.S. Immigration and Customs Enforcement, and locally or privately operated juvenile justice facilities.

<sup>3</sup>Prison Rape Elimination Act National Standards, 28 C.F.R. Part 115.

<sup>4</sup>Such distinctions include those between staff and inmate, and inmate-on-inmate, and cover harassment, abusive sexual contact, and nonconsensual sexual acts.

compliance. The standards also contain incentives for state and privately run facilities to adopt them, though adoption and implementation is voluntary.

In 2013, BJS updated the Survey on Sexual Victimization to better reflect the national standards. Definitions were modified, questions about inmate-on-inmate sexual harassment were added, and incident forms for substantiated allegations were expanded to include more information. When the new standards were published, BJS anticipated that the number of allegations would increase, and there was, in fact, a threefold increase in reported allegations in the 3 years following the standards' release.<sup>5</sup> Despite the new standards having been in place for several years, the number of allegations continues to increase. BJS's June 2021 survey report shows that correctional administrators reported 27,826 allegations of sexual victimization in 2018, a more than doubling of the 13,568 incidents reported in 2013. In addition, the overall rate of allegations in prisons increased 8 percent, from 12.5 per 1,000 inmates in 2015 to 13.5 per 1,000 inmates in 2018.<sup>6</sup>

Given that the standards have been in effect for nearly ten years, the BOP has no excuse not to be held accountable to them, and the BJS data is based on just a sample of federal prisons. Additionally, the U.S. Senate Permanent Subcommittee on Investigations recently released a staff report titled "Sexual Abuse of Female Inmates in Federal Prisons," that documents widespread abuse of female prisoners in BOP facilities over the past decade, and notes that, aside from BOP having "failed to successfully implement [PREA]," it failed to prevent, detect, and stop recurring sexual abuse in at least four federal prisons, including abuse by senior prison officials."<sup>7</sup> The report notes that in the case of FCI Dublin, the facility's PREA compliance officer as of 2017 was recently convicted of abusing multiple female inmates, and also points out that "BOP failed to systematically analyze PREA data, missing a key opportunity to identify problematic facilities or employees."<sup>8</sup>

I request that the GAO conduct a detailed examination of PREA related incidents, investigations, dispositions and prevention activities within the federal prison system. In addition, I request background on what the prevailing research has shown regarding inmate and staff perspectives on prison rape incidence, reporting, and enforcement of consequences, as well as best practices that can be applied to prevent and address its incidence and impact within BOP, and the findings, recommendations, and actions taken that have resulted from required PREA audit reports.

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<sup>5</sup>U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, "Sexual Victimization Reported by Adult Correctional Authorities, 2016–2018," NCJ 255356, June 2021, available at <https://bjs.ojp.gov/content/pub/pdf/svraca1618.pdf>. According to BJS, such increases can indicate either increased sexual abuse or inmates' or youth's increased willingness to report abuse. Likewise, an increase in substantiated incidents can mean a facility either failed to protect inmates or youth from sexual abuse or investigated allegations more effectively.

<sup>6</sup>*Id.*

<sup>7</sup>United States Senate, Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, "Sexual Abuse of Female Inmates in Federal Prisons," December 13, 2022, available at <https://www.hsgac.senate.gov/imo/media/doc/2022-12-13%20PSI%20Staff%20Report%20-%20Sexual%20Abuse%20of%20Female%20Inmates%20in%20Federal%20Prisons.pdf>.

<sup>8</sup> *Id.*

Therefore, I ask the GAO to conduct a study that includes:

1. An analysis of PREA related data, and processes for obtaining that data, collected in response to reported allegations of sexual victimization of federal inmates in BOP custody, to identify relevant trends over time;
2. The ability of federal prisoners and prison staff to participate in PREA audits without fear of retaliation or adverse consequences;
3. BOP officials' and other stakeholders' perspectives on the challenges for reducing the incidence and impact of sexual victimization bureau-wide and related findings from DOJ-funded research;
4. An analysis of how BOP has or has not utilized PREA at the facility level to reduce the incidence of sexual victimization;
5. How BOP develops and delivers its training related to sexual victimization in its facilities;
6. The findings and any recommendations, as applicable, reported in the routine audit reports conducted on BOP facilities—based on the national standards—as well the specific steps BOP has taken to respond to any deficiencies as noted in these reports;
7. An analysis of whether PREA has served to detect sexual victimization and whether victimization has decreased as a result of PREA;
8. Recommendations to improve the ability of prisoners to report incidents, enhance the ability of BOP and other law enforcement to investigate, and to improve PREA to better detect and prevent sexual victimization.

Thank you for your help in addressing these issues. We would appreciate ongoing briefings as you conduct your work. If you have any questions concerning this request, please contact Nick Wyatt on my staff.

Sincerely,



Chuck Grassley  
Ranking Member