

Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington DC 20530-0001

RE: Docket No. OAG-131; AG Order No. 3143-2010
National Standards to Prevent, Detect, and Respond to Prison Rape

Dear Attorney General Holder,

On behalf of the General Board of Church and Society of The United Methodist Church, I am submitting these comments in support of the recommended national standards developed by the National Prison Rape Elimination Commission. The role of the General Board of Church and Society in The United Methodist Church is “to show the members of the Church and society that the reconciliation that God effected through Christ involves personal, social, and civic righteousness.” (2008 *Book of Discipline*, Section 4, paragraph 1002)

As people of faith, we hold as sacred the basic right of all people, including inmates, to be free from sexual abuse. Swift ratification of these provisions will spare tens of thousands of men, women, and children the devastation of sexual abuse behind bars.

The Prison Rape Elimination Act of 2003 established a Commission that was tasked with developing standards to guide corrections leaders in effective ways to prevent sexual abuse in prison. Last year the Commission released its proposed standards after conducting a comprehensive study of the issues surrounding prison rape. The standards proposed by the Commission resulted from a review of existing research, site visits and public hearings across the country, expert committees, and consultations with corrections practitioners, academics, survivors of sexual abuse in detention and their advocates, legal experts, and health care providers. The standards will provide an important guide for corrections professionals to eliminate sexual abuse in their facilities and to help hold corrections officials accountable when they do not meet their obligations to keep inmates safe.

The issue of sexual abuse in our prisons is a moral and human rights crisis, and in need of urgent action. The Bureau of Justice Statistics reports that approximately 60,500 state and federal prisoners, one of every twenty inmates, were sexually assaulted at their current facility during the previous year alone. In county jails, nearly 25,000 inmates were sexually assaulted at the jail in the past six months. In juvenile institutions, one in eight juvenile detainees were victimized during the prior 12-month period. This is a disgrace and is evidence of the lack of concern for the human rights of inmates in our prison system.

In order to establish and maintain a zero-tolerance standard for prison rape, the full spectrum of sexual violence must be recognized and addressed. The national standards should take an expansive approach and incorporate all staff sexual misconduct and all coercive sexual activity between inmates. Using the widely recognized terminology of “sexual abuse” in the standards rather than the limited legal definition of the term, “rape,” will minimize confusion with the criminal standard for rape and will conform to the expectations and intent of PREA. However,

conflating consensual sexual activity between inmates with the crime of rape serves no legitimate purpose and thwarts many of PREA's goals.

PREA's definition of rape includes all of the conduct within the Commission's definition of sexual abuse except for sexual harassment (inmate-on-inmate and staff-on-inmate), staff-on-inmate voyeurism, and staff-on-inmate indecent exposure. Beyond constituting abusive conduct that should not be tolerated, harassment, voyeurism, and indecent exposure are known precursors to assaultive sexual abuse. Addressing these forms of sexual misconduct will enable officials to prevent rapes from occurring.

Concerns for the costs of implementing the standards have been raised. The actual costs for implementation will be small in comparison to the billions of dollars spent on corrections every year. Any considerations of the cost of protecting inmates from sexual abuse must be understood in light of the dramatic benefits of doing so – for the agency, the individual, and society at large. Implementing the standards' provisions will promote safety and efficiency, resulting in net savings in areas such as staffing, investigations, and inmate health care. Litigation costs will also be dramatically reduced. Moreover, preventing sexual abuse and providing victimized inmates with appropriate follow-up care minimizes the likelihood that inmates will suffer the long-term emotional trauma that often prevents prison rape survivors from becoming self-sufficient members of society upon release.

We feel that the moral costs of allowing sexual violence to continue far outweigh any economic costs which are incurred. Every person has the right to be free from sexual abuse, regardless of criminal history. When the government removes someone's liberty, it has the absolute responsibility to protect that person from abuse.

We strongly endorse the proposed standards, and respectfully ask you to make them binding at the earliest date possible. Every day these standards are not implemented, more people are exposed to abuse and life long suffering.

Sincerely,

Bill Mefford
Director of Civil and Human Rights
General Board of Church and Society
The United Methodist Church
100 Maryland Avenue NE
Washington DC 20002