



The attached materials provide some background information about the formation and work of the National Prison Rape Elimination Commission. More information is available on the website (www.nprec.us).

Overview and Commissioner Biographies

The **National Prison Rape Elimination Commission** was established by Congress as part of the Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. § 15601, et seq.

When enacting this legislation, Congress considered that over two million people were incarcerated or detained in the United States as of the end of 2001, and the numbers have continued to grow since that time. Congress noted that the number of inmates who had been sexually assaulted in the twenty years preceding enactment of the Act “likely exceed[ed] 1,000,000,” and that inmates with mental illness and youthful offenders were at increased risk of sexual victimization. Additionally, the impacts of rape within correctional and detention facilities reaches far beyond the walls of the institutions. Victims of prison rape suffer severe physical and psychological effects that often hinder their ability to integrate into their communities and maintain stable lives, employment, and other relationships upon release from incarceration.

Not only does the significant incidence of prison rape and other sexual assault involve crimes, constitutional violations, and human rights violations; it also undermines the effectiveness and efficiency of government and expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness. Recognizing that the effectiveness and efficiency of many federally-supported programs are compromised by failures to adopt policies and procedures that reduce the incidence of prison rape, Congress found it necessary to act to address this problem.

Pursuant to PREA, Congress directed the National Prison Rape Elimination Commission to study Federal, State, and local government policies and practices related to the prevention, detection, and punishment of prison sexual assaults. In order to fulfill its mandate, the Commission undertook a comprehensive legal and factual study of the penological, physical, mental, medical, social, and economic impacts of prison sexual assaults on Federal, State, and local governments in the United States, and on communities and social institutions generally.

On June 23, 2009, the Commission reported its findings to the President, Congress, the United States Attorney General, and other Federal and State officials, including proposed standards for enhancing the detection, prevention, reduction, and punishment of prison sexual assault. Consistent with the stated intent of PREA, the Commission's standards were designed to make the prevention of prison rape a top priority in every prison system in the United States; to establish a zero-tolerance standard for the incidence of sexual abuse in America's lockups, jails, juvenile facilities, prisons, and detention facilities; and to protect the Eighth Amendment rights of Federal, State and local prisoners.

The Commission sunset on August 22, 2009. At that time there were eight Commissioners serving on the National Prison Rape Elimination Commission. The Honorable Reggie B. Walton served as Chairman of the Commission, and John Kaneb served as Vice-Chair. Appointments to the Commission were made by

the President, the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate.

CHAIRMAN REGGIE B. WALTON

The Honorable Reggie B. Walton is a federal district judge, appointed by President George W. Bush to the United States District Court for the District of Columbia in 2001. In June 2004, President Bush appointed Judge Walton Chairman of the National Prison Rape Elimination Commission.

Before joining the bench of the United States District Court, President Ronald Reagan had appointed Judge Walton Associate Judge of the Superior Court of the District of Columbia, where Judge Walton had served as Deputy Presiding Judge of the Criminal Division. When called upon by President George H.W. Bush to become Associate Director of the Office of National Drug Control Policy in the Executive Office of the President, Judge Walton resigned his Superior Court judgeship to assume the Associate Director's responsibilities. Later, Judge Walton served President George H.W. Bush as Senior White House Advisor for Crime. President George H.W. Bush reappointed Judge Walton to the Superior Court of the District of Columbia, where the judge thereafter served as Presiding Judge of the Family Division and Presiding Judge of the Domestic Violence Unit.

Judge Walton earned his Bachelor of Arts degree from West Virginia State College in 1971 and his Juris Doctor from the American University, Washington College of Law, in 1974.

VICE-CHAIR JOHN A. KANEB

Commissioner John A. Kaneb is Chairman of the Board of Directors of HP Hood LLC. He is also President of The Catamount Companies and a partner in the Boston Red Sox baseball franchise.

In addition to his other duties, Mr. Kaneb is a Trustee Emeritus of the University of Notre Dame. He is also an Emeritus Trustee of the Massachusetts General Hospital and Emeritus Trustee and former Chairman of the Board of McLean Hospital. Mr. Kaneb has served numerous other boards, committees, and task forces, including the Board of Fellows of the Harvard Medical School.

Mr. Kaneb earned his Bachelor of Arts in Economics from Harvard College. He holds Honorary Doctor of Laws degrees from Saint Anselm College and the University of Notre Dame.

COMMISSIONER JAMES E. AIKEN

Commissioner James Aiken, President of James E. Aiken & Associates, Inc., consults with attorneys and testifies as an expert witness in death penalty and civil cases. Mr. Aiken has qualified as an expert witness on future dangerousness and prison condition issues in various federal district courts, as well as the courts of Alabama, Arizona, Florida, Georgia, Indiana, Louisiana, Maryland, Missouri, North Carolina, South Carolina, and Virginia.

Mr. Aiken has more than 33 years of experience in correctional administration, facility operations and management, inspection and assessment of facility performance, and technical-assistance consulting. He has had clients in the United States, Canada, Costa Rica, the Dutch Kingdom, Puerto Rico, and the United States Virgin Islands. Mr. Aiken has served every level of government – federal, state, county and local – in the areas of correctional leadership, organizational development, management of prison disturbances, system productivity, cost containment, prison security system enhancement, managing violent youthful offenders in adult prisons, gang and security threat group (STG) management, new wardens' training, super-maximum security facility management training, assessment of prison security/operational performance, prison staffing analysis, reduction of prison critical security, and the development of prison-classification-systems designed to better protect inmate populations.

Mr. Aiken earned his Bachelor of Arts degree from Benedict College in Columbia, South Carolina, and his Masters of Arts in Criminal Justice from the University of South Carolina.

COMMISSIONER JAMIE FELLNER

Commissioner Jamie Fellner is an attorney and Senior Counsel of the United States Program of Human Rights Watch. The United States Program focuses on human-rights violations in the United States.

In addition to her own research and writing, Ms. Fellner works with a staff of researchers and advocates who work in the areas of excessively-high criminal sentences; over-incarceration; prison conditions, including treatment of mentally-ill offenders, prison rape, and super-maximum security confinement; ex-offender re-entry problems; mistreatment of immigrants; and human-rights abuses resulting from anti-terrorism policies. Ms. Fellner brings extensive national and international human-rights advocacy and research experience to her work on the Commission.

Ms. Fellner served as Director of the United States Program at Human Rights Watch from 2001 to September 2007, and held other positions at Human Rights Watch prior to that time. She has served that organization as an associate counsel, a researcher, and an advocate for the organization's Americas Division. In that division, Ms. Fellner concentrated on human-rights abuses in Colombia. Additionally, Ms. Fellner has worked with several foundations that operated Latin American social-justice programs.

The United States and international press report widely on Ms. Fellner's work. She has been a guest on numerous radio and television programs, including *The Today Show*, *ABC Evening News*, *CNN's Crossfire*, *The O'Reilly Factor*, *Hardball*, *All Things Considered*, *Hannity and Colmes*, *MSNBC*, and *BBC news*. Additionally, the *New York Times*, *International Herald Tribune*, *San Francisco Chronicle*, *Miami Herald*, and *Harper's* have published Ms. Fellner's op eds and letters to the editor.

Ms. Fellner earned her Bachelor's degree from Smith College and her Juris Doctor from Boalt Hall at the University of California at Berkeley, and completed doctoral studies in Latin American history at Stanford University. She has also practiced law and litigated cases in the District of Columbia.

COMMISSIONER PAT NOLAN

Commissioner Pat Nolan is the President of Justice Fellowship, the public-policy arm of Chuck Colson's Prison Fellowship Ministries. Mr. Nolan is also the author of *When Prisoners Return*, describing the important role the church can play in helping people lead healthy, productive lives following their release.

Mr. Nolan brings a unique background to Justice Fellowship. He served for 15 years in the California State Assembly, four of those years as the Assembly's Republican Leader. Mr. Nolan has long been a leader on crime issues, particularly on behalf of victims' rights. Mr. Nolan was one of the original sponsors of the Victims' Bill of Rights. Moreover, Parents of Murdered Children has awarded Mr. Nolan its Victims' Advocate Award, and many groups, including the Amvets on behalf of Vietnam veterans, have named Mr. Nolan "Legislator of the Year." Then, as part of an FBI sting operation, Mr. Nolan was prosecuted for a campaign contribution he received and pled guilty to one count of racketeering. He served 25 months in a federal prison and four months in a halfway house, and that experience changed the course of his life and work forever.

Mr. Nolan's opinions have appeared in numerous periodicals, including the *Los Angeles Times*, the *National Law Journal*, and the *Washington Times*. Mr. Nolan has co-authored articles for the *Notre Dame Law School Journal of Law, Ethics and Public Policy* and the *Regent Law School Law Review*. Mr. Nolan has also been a frequent guest on talk shows, including *Hannity and Colmes*, *Fox Network News*, *Michael Reagan* and *Ollie North*.

Mr. Nolan earned his Bachelor of Arts in political science and his Juris Doctor from the University of Southern California.

COMMISSIONER GUSTAVUS A. PURYEAR IV

Commissioner Gus Puryear is Executive Vice President, General Counsel, and Secretary of Corrections Corporation of America. As General Counsel, Mr. Puryear is responsible for Corrections Corporation of America's legal and regulatory affairs, including its litigation and risk management, contract management, labor and employment issues, corporate governance matters, and federal securities laws compliance. Additionally, Mr. Puryear supervises the company's compliance and ethics program, as well as its quality assurance program.

Mr. Puryear graduated from Emory University with highest honors in 1990. He earned his Juris Doctor with honors from the University of North Carolina School of Law in 1993.

COMMISSIONER BRENDA V. SMITH

Commissioner Brenda V. Smith is a Professor at the American University, Washington College of Law, where she teaches Community and Economic Development Law, Legal Ethics and Women, and Crime and Law. Her research interests center on women in conflict with the law, and on the sexual abuse of individuals in custody. Professor Smith is also Project Director and Principal Investigator for the United States Department of Justice, National Institute of Corrections Cooperative Agreement on Addressing Staff Sexual Misconduct with Offenders. Professor Smith is an expert on issues affecting women in prison, an issue about which she has widely published and spoken.

Before her appointment to the faculty of the Washington College of Law, Professor Smith was Senior Counsel for Economic Security at the National Women's Law Center. Professor Smith has also served as the Director of the Center's Women in Prison Project and its Child and Family Support Project.

Professor Smith earned her Bachelor of Arts from Spelman College and her Juris Doctor from the Georgetown University Law Center.

COMMISSIONER CINDY STRUCKMAN-JOHNSON

Commissioner Cindy Struckman-Johnson is a Professor of Psychology at the University of South Dakota in Vermillion, South Dakota. For nearly 25 years, Professor Struckman-Johnson has taught social psychology, sex roles, sexuality, and prejudice classes. Together with her partner, David Struckman-Johnson, a Professor of Computer Science, she has researched sexual coercion in prisons since 1994, and has received two national awards for her work in this area. To date, they have studied sexual-coercion rates in ten male and four female prison facilities.

Professor Struckman-Johnson earned her doctorate in social psychology from the University of Kentucky.