



INTERSTATE COMMISSION FOR JUVENILES

Serving Juveniles While Protecting Communities

RESOLUTION

Prison Rape Elimination Act (PREA)

December 2012

In 2003, President George W. Bush signed into law S. 1435, the “Prison Rape Elimination Act” (PREA) which provides for the analysis of the incidence and effects of prison rape in federal, state and local institutions; including any juvenile facility used for the custody or care of juveniles and temporary holding facilities for juveniles pending parental custody or shelter placement.

Due to the importance of this Act and its effect on states, the Executive Committee for the Interstate Commission for Juveniles resolves:

WHEREAS, the Act establishes a framework for actions at many levels, including federal, state and local prison systems; the U.S. Department of Justice; and accreditation organizations. In addition, the Act provides that federal, state and local officials must participate in surveys and studies, and the selection of facilities, “shall not be disclosed to any facility prison system official prior to the time period studied in the survey.”;

WHEREAS, the Act creates a National Prison Rape Reduction commission and grants the Commission a right of access to any federal department or agency information it considers necessary to carry out its duties, and provides for release of information to the public;

WHEREAS, PREA supports the elimination, reduction and prevention of sexual abuse and sexual harassment within corrections systems by:

- Establishing a zero-tolerance standard for the incidence of sexual abuse in confinement settings in the United States;
- Making the prevention of sexual abuse a top priority in each correctional system;
- Developing and implementing national standards for the detection, prevention, reduction, and punishment of prison rape;
- Increasing the accountability of corrections officials who fail to detect, prevent, reduce, and punish prison rape;
- Increasing the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
- Standardizing the definitions used for collecting data on the incidence of prison rape;
- Protecting the Eighth Amendment rights of federal, state and local prisoners;
- Increasing the efficiency and effectiveness of federal expenditures through grant programs such as those dealing with health care; disease prevention; crime prevention, investigation and prosecution; prison construction, maintenance and operation; race relations; poverty; unemployment and homelessness;
- Reducing the costs that prison rape imposes on interstate commerce.
- Requiring the collection of statistical data regarding the prevalence of sexual abuse in facilities; and
- Providing periodic funding of grants for state correctional systems to address factors that contribute to the incidence of sexual abuse.

WHEREAS, juvenile justice agencies that contract for the confinement of their residents, are to do so only with private agencies or other entities, including other government agencies,

committed to eliminating sexual abuse in their facilities, as evidenced by their adoption of and compliance with the PREA standards.

WHEREAS, any new contracts or contract renewals, should include the entity's obligation to adopt and comply with PREA standards and specify that the agency will monitor the entity's compliance with these standards.

WHEREAS, many community corrections, probation and parole agencies operate or manage residential facilities or contract with facilities where sexual assault can occur. Further, juveniles transitioning to community-based supervision from confinement or detention facilities who have been the victims of sexual assault may be in need of services to address their victimization.

WHEREAS, juveniles transitioning to community-based supervision from confinement or detention facilities, who have been the victims of sexual assault and may be in need of services to address their victimization;

WHEREAS, community corrections officers, probation officers and/or parole officers may be the first person a juvenile who is the victim of sexual assault notifies of an assault; therefore the officers require education in how to address this situation and assist the victimized party;

WHEREAS, a confined juvenile should not be subjected to sexual assault by other incarcerated juveniles or staff.

NOW THEREFORE BE IT RESOLVED, the Interstate Commission for Juveniles hereby recognizes the importance of the Prison Rape Elimination Act to minimize the day-to-day horror experienced by victimized incarcerated juveniles.

PREA Juvenile Facility Standards, Implementation Toolkit, and Other Resources:

- PREA Juvenile Facility Standards (May 17, 2012)
<http://www.prearesourcecenter.org/sites/default/files/library/preafinalstandardstype-juveniles.pdf>
- Implementing the Prison Rape Elimination Act: Toolkit for Juvenile Agencies and Facilities
<https://nicic.gov/implementing-prison-rape-elimination-act-toolkit-juvenile-agencies-and-facilities-0>
- Implementing The Prison Rape Elimination Act: A Toolkit for Juvenile Agencies and Facilities
(Developed by The Moss Group, Inc. for the National PREA Resource Center, August 2012))
http://www.ncdsv.org/images/TMG-CIPP_ImplementingThePREAToolkitForJuvenileAgenciesAndFacilities_rev_8-8-2012.pdf

- Juvenile Standards Documentation Requirements (*Developed by The Moss Group, Inc. for the National PREA Resource Center*)
<http://www.prearesourcecenter.org/sites/default/files/library/preajuvenilestandardsdocumentationrequirements.pdf>
- STANDARDS FOR THE PREVENTION, DETECTION, RESPONSE, AND MONITORING OF SEXUAL ABUSE IN JUVENILE FACILITIES (National Prison Rape Elimination Commission)
www.ncjrs.gov/pdffiles1/226684.pdf
- 5/17/12, Press Release -- Justice Department Releases Final Rule to Prevent, Detect and Respond to Prison Rape: Landmark Regulation Contains New Standards to Combat Sexual Abuse in Confinement Facilities
<http://www.justice.gov/opa/pr/2012/May/12-ag-635.html>
- PREA Final Rule
http://www.ojp.usdoj.gov/programs/pdfs/prea_final_rule.pdf
- Center for Children's Law and Policy, Resources to understand PREA and Juveniles
<http://www.cclp.org/sexual-misconduct-and-the-prison-rape-elimination-act-prea/>
- National PREA Resource Center
<http://www.prearesourcecenter.org/library/488/standards/departement-of-justice-national-prea-standards>

This resolution does not necessarily constitute an endorsement of all regulations adopted in implementation of PREA or the views of any particular state with respect to those regulations.