

The Prison Rape Elimination Act (PREA) of 2003

Final Rule was released May 16, 2012. The Department of Justice's national PREA standards were published in the **Federal Register** on June 20, 2012 and become effective on August 20, 2012. The first audit cycle begins on August 20, 2013. From the **National PREA Resource Center** at <http://www.prearesourcecenter.org/>

Excerpt/Section from the Executive Summary of the Standards:

Juveniles in Adult Facilities. The final rule, unlike the proposed rule and the NPREC's recommended standards, contains a standard that governs the placement of juveniles in adult facilities. **The standard applies only to persons under the age of 18 who are under adult court supervision and incarcerated or detained in a prison, jail, or lockup.** Such persons are, for the purposes of this standard, referred to as "youthful inmates" (or, in lockups, "youthful detainees"). By contrast, youth in the juvenile justice system are already protected by the Juvenile Justice and Delinquency Prevention Act (JJDP), 42 U.S.C. 5601 *et seq.*, which provides formula grants to States conditioned on (subject to minimal exceptions) separating juveniles from adults in secure facilities and removing juveniles from adult jails and lockups.

This standard imposes three requirements.

- First, no inmate under 18 may be placed in a housing unit where contact will occur with adult inmates in a common space, shower area, or sleeping quarters.
- Second, outside of housing units, agencies must either maintain "sight and sound separation"—*i.e.*, preventing adult inmates from seeing or communicating with youth—or provide direct staff supervision when the two are together.
- Third, agencies must make their best efforts to avoid placing youthful inmates in isolation to comply with this provision and, absent exigent circumstances, must afford them daily large-muscle exercise and any legally required special education services, and must provide them access to other programs and work opportunities to the extent possible.

Contact at WASPC for jails and lockups -- for assistance/information sharing on PREA: Raeanne Myers, Correctional Support Manager, rmyers@waspc.org, Phone: 360-486-2380.

Contact at the CJTC: Brandon Rogel, Assistant Commander, Policy/Program/Curriculum Questions; Phone: 206-835-7349, brogel@cjtc.state.wa.us.