

fact sheet



PREA

The most recent guidelines under the federal Prison Rape Elimination Act (PREA) make clear that anyone younger than 18 must be separated from adults. This is true in police stations, county lock-ups and prisons.

The law requires this separation because youth in adult facilities historically have been found to be sexually assaulted at high rates.

Furthermore, PREA bans using isolation to achieve this separation because of the extreme psychological harm that causes.

States that fail to meet PREA requirements face reductions in federal grant awards.

PREA has been used successfully to support Raise the Age campaigns in some states, while in other states it has garnered little traction. For example, the Massachusetts Sheriffs Association recognized that it would be nearly impossible to comply with PREA while holding 17-year-olds in adult jails. Sheriffs became strong supporters of the Justice for Kids campaign to raise the age of juvenile jurisdiction to 18. Having a law enforcement ally strengthened the campaign significantly.

The loss of federal funding has been a problematic incentive elsewhere. Several states are choosing not to meet their obligations under PREA because they say compliance costs will exceed any penalties they suffer in grant reductions.

State campaigns have been successful with the message that PREA non-compliance comes with enormous moral and legal liability. The potential payouts for lawsuits from young prisoners harmed as a result of a state's refusal to follow federal law would be considerable.

- 1 Statistics on victimization of youth prisoners have changed radically in recent years. See May, 2013 BJS report, *Sexual Victimization in Prisons and Jails Reported by Inmates 2011-12*.
- 2 Kysel, Ian. *Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*. [New York, N.Y.]: American Civil Liberties Union, 2012. American Civil Liberties Union. American Civil Liberties Union, 09 Oct. 2012. Web. 4 Apr. 2013. <<https://www.aclu.org/criminal-law-reform-disability-rights/growing-locked-down-youth-solitary-confinement-jails-and>>.