

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/federal-government-increases-pressure-to-stop-prison-rape/>

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02.17.14

The United States Department of Justice notified governors last week that they will lose five percent of certain grant funds if they are not able to certify that their state is in full compliance with national standards to prevent prison rape.

The Prison Rape Elimination Act (PREA) passed in 2003 with unanimous bipartisan support. National standards for the detection, prevention, reduction, and punishment of prison rape took effect on August 20, 2012.

PREA mandates that governors certify to the Justice Department that they are fully complying with the national standards or submit an assurance that they are using grant funds solely for the purpose of achieving compliance with those standards.

States that do not certify by May 15, 2014, will lose five percent of federal grant money for Fiscal Year 2014. The Justice Department plans to send staff to audit each prison for compliance at least once every three years.

The National PREA Standards apply to all facilities in the state, including adult prisons and jails, juvenile facilities, police lockups, and community corrections facilities. They require that prisons screen inmates for their risk of being abused or abusive, prevent juveniles from being housed with adult inmates, train staff to prevent, detect, and respond to sexual abuse, and thoroughly investigate all allegations of abuse.

One of the requirements of PREA is that children not be housed in adult jails or prisons where they are within sight or sound of adult prisoners. As many as 10,000 children are housed in adult jails and prisons on any given day in America. EJI has made the elimination of placing children in adult facilities a top priority.

Investigating prison rape and providing secure conditions for inmates who have been threatened with sexual violence is another key area where PREA compliance has been a challenge. Creating financial penalties for non-compliance may be essential in motivating states to take action.

Just last month, the Department of Justice informed Alabama Governor Robert Bentley that its investigation into allegations of sexual abuse and harassment at Tutwiler Prison for Women in Wetumpka, Alabama, found that conditions at the prison [violate the constitutional rights of prisoners](#).

Tags:

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Letter to Governors regarding enforcement of National PREA Standards

Huffington Post

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Equal Justice Initiative 2022