

# Eliminating Prison Rape Protects Prisoners, Alabama

Protecting children in adult jails and prisons is not only an issue of personal security for children in adult lockups, it's also a financial issue for the state. Alabama, like other states, is currently undergoing an audit to determine its compliance with the federal Prison Rape Elimination Act (PREA), which was enacted to protect inmates from sexual victimization.

The governor must certify that all Alabama facilities under executive control comply with PREA by August 2014. If the governor fails to certify each facility is compliant, the U.S. Department of Justice will withhold 5 percent of federal grant money used to fund Alabama prisons.

**Alabama must protect its children in adult jails and prisons.** Every year, some 800 to 1,000 children under the age of 18 are charged as adults in the state, and many are housed in adult jails pending adjudication of their cases. On average, more than 50 children per year entered Alabama's prisons from 2008 to 2012 after being convicted of crimes. The experiences of children interviewed by the Southern Poverty Law Center raise serious doubts about the state's ability to comply with PREA and avoid the loss of federal money:

When "Dennis" (not his real name) entered prison at age 17, he had sex with inmates for food and protection – a survival tactic he learned when he was held in the county jail. Because he had sex with inmates, other prisoners felt free to touch his genitals as he walked down hallways. One inmate attempted to rape Dennis as he slept.

After entering prison at age 17, "Kevin" noticed other inmates were viewing him with sexual interest. After an older inmate grabbed his genitals, he knew he had to do something to send a message to others: He fought the older man. Kevin said he was constantly on guard for other inmates attempting to do the same thing.

## History of the Prison Rape Elimination Act

Congress unanimously passed the Prison Rape Elimination Act in 2003 to address the crisis of sexual victimization of children and adults in secure facilities. PREA regulations restrict the placement of children in adult facilities. They also contain specific rules for adult facilities that house children under the age of 18:

- ➔ Children may not be housed in the general adult population.
- ➔ Contact between children and adults in common areas is prohibited, and children must be constantly supervised by staff.

For more information on PREA compliance with the youthful offender provisions and other PREA regulations, contact the **SPLC's Public Affairs Department** at **(334) 956-8200**.

➔ Use of isolation for children must be limited because it causes or worsens mental health problems.

### **A path to PREA compliance**

PREA regulations strongly suggest the following ways for states to comply with the youthful offender provisions and protect children currently housed in adult facilities:

➔ Create an Interagency Memorandum of Understanding, agreement or contract between state and/or local agencies to house these children in juvenile detention or correctional facilities.

➔ Remove these children from adult facilities by modifying state and local policies through executive orders or new regulations. State and local statutes, resolutions and ordinances can also be updated to remove children from adult facilities.

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