

Congress of the United States
Washington, DC 20515

April 3, 2012

The Honorable Eric Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Holder:

We are writing to express our support for a Department of Justice (DOJ) final rule on the implementation of the Prison Rape Elimination Act (PREA) that prohibits the placement of youth under age 18 in adult jails or prisons. Such a prohibition would be consistent with Congressional intent and the recommendations of the National Prison Rape Elimination Commission. We, the undersigned, urge you to include that prohibition in the final regulations.

As you know, the National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.” The Commission recommended that “individuals under the age of 18 be held separately from the general [prison] population.” According to the Bureau of Justice Statistics (BJS), on any given day approximately 10,000 children are held in adult jails and prisons and an estimated 200,000 youth spend some period of time in an adult facility each year. And, we know that these youths are at high risk of sexual assault. A BJS study in 2005 found that 21% of the victims of sexual violence in jails and prisons were under the age of 18 – this statistic is all the more alarming in considering that a mere 1% of inmates are under age 18.

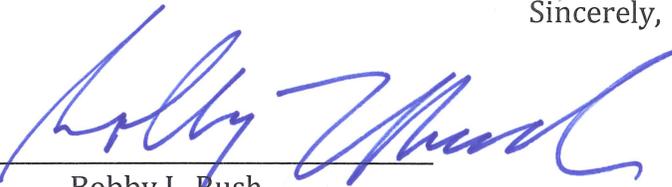
Incarcerating youth with adults has potentially devastating consequences for too many youth. While the DOJ’s proposed standards give adult facilities the ability to make case-by-case determinations of how to ensure the safety of vulnerable youth (proposed rule 28 CFR §115.41; Federal Register Vol. 76, No. 23), they fail to address the numerous problems caused by efforts to separate youth from adults while still holding them in the same facilities. Under the proposed standards, adult facilities housing children and youth will be forced to choose between housing youth in the general adult population, which the Commission recommends against, and housing youth in segregated settings. Segregation most often leads to youth spending long stretches in solitary confinement, which can aggravate mental health problems and put youth at a higher risk of suicide. Placing youth in solitary confinement is not an acceptable response to the harms youth face in the general population. Both policies have contributed directly to suicide rates for youth in adult facilities nearly forty times greater than that for youth in juvenile detention facilities.

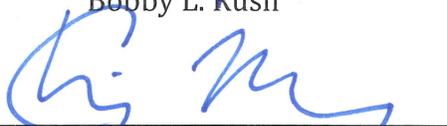
Standards that encourage the adoption of one dangerous practice as the solution to eliminating another do not reflect Congress' intent in passing PREA. Adult facilities are simply not equipped to safely detain youth and we would urge you to issue a final rule that reflects this reality by calling for the removal of all under-18 youth from adult prisons and jails.

The purpose of PREA is to protect incarcerated individuals from unfair, unjust, and unconscionable treatment. The DOJ's final rule should reflect that goal.

Thank you for your attention to this matter.

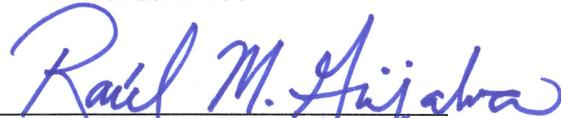
Sincerely,


Bobby L. Rush

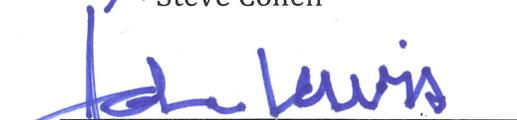

Christopher S. Murphy

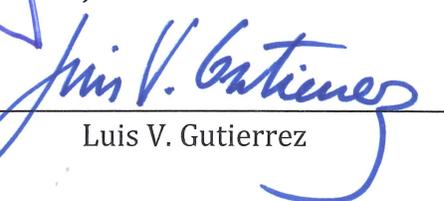

Jesse Jackson, Jr.


Barbara Lee

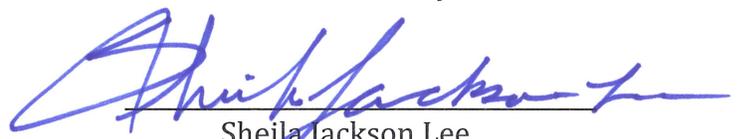

Raul Grijalva

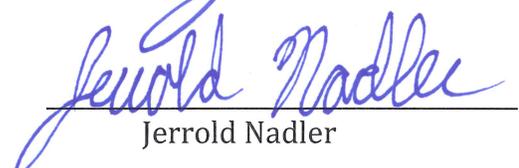

Steve Cohen

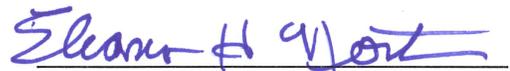

John Lewis

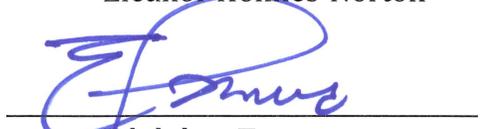

Luis V. Gutierrez

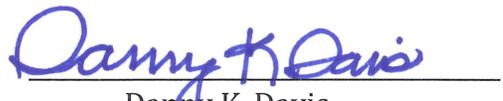

Robert C. "Bobby" Scott


Sheila Jackson Lee


Jerrold Nadler


Eleanor Holmes-Norton


Edolphus Towns


Darryl K. Davis


Eddie Bernice Johnson


Frederica S. Wilson

Bob Filner

Bob Filner

Gwen Moore

Gwen Moore

Andre Carson

Andre Carson

Donna F. Edwards

Donna Edwards

Marcia L. Fudge

Marcia L. Fudge

Michael M. Honda

Michael M. Honda

Charles B. Rangel

Charles B. Rangel

Bennie G. Thompson

Bennie G. Thompson

Jim Moran

James P. Moran

Corrine Brown

Corrine Brown

Karen Bass

Karen Bass

Mike Quigley

Mike Quigley

Wm. Lacy Clay

William Lacy Clay

Maxine Waters

Maxine Waters

Todd R. Platts

Todd Russell Platts

John Conyers, Jr.

John Conyers, Jr.