

September 4, 2013

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

Dear Mr. Attorney General Holder:

Today marks the 10 year anniversary of the enactment of the Prison Rape Elimination Act (PREA) and as strong supporters of PREA and advocates on behalf of juvenile justice reform, we are writing to express concern about the Department of Justice's (DOJ) lack of urgency and clear guidance in ensuring state compliance with the Youthful Inmate Standard (§115.41). We are at a crucial point for implementation and would not want the work of 10 years to simply fade into mediocrity.

It is clear that incarcerating youth with adults has potentially devastating consequences for too many youth:

- **Even though only 1% of all jail inmates were youth under 18 in 2005 and 2006, they accounted for 21% and 13% of the victims of inmate-on-inmate sexual violence in jails** respectively.
- In a recent BJS study, **two-thirds of youth ages 16 and 17 in adult jails and prisons** who had been victimized **reported being victimized more than once** by other inmates and **three-quarters were victimized by staff more than once**.
- To “protect” the youth in adult facilities, **some jails and prisons keep youth in solitary isolation for upwards of 23 hours a day**.
- Due to the extreme conditions of confinement and exposure to adult jails and prisons, youth have the highest suicide rates of all inmates in jails.
 - **Youth are 19 times more likely to commit suicide in jail** than their counterparts in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

While the DOJ's PREA regulations give adult jails and prisons the ability to make case-by-case determinations of how to ensure the safety of vulnerable youth under the Youthful Inmate Standard, there needs to be concrete guidance and technical assistance for jurisdictions to successfully implement this standard. Under current practices, adult facilities housing children and youth are forced to choose between housing youth in the general adult population, which the National Prison Rape Elimination Commission recommended against, and housing youth in segregated settings. We know that placing youth in segregated settings most likely means that

youth will spend long stretches in solitary confinement, which can aggravate mental health problems and put youth at a higher risk of suicide.

While we recognize the current efforts to raise awareness and offer training and technical assistance through the National PREA Resource Center, there has been little emphasis or support for jurisdictions on the implementation of the Youthful Inmate Standard. With states beginning their compliance audits at the present time, it is imperative that DOJ provide concrete recommendations and best practices on implementing the Youthful Inmate Standard now.

As allies, we strongly believe that it is difficult to keep youth safe in adult detention and correctional facilities as facility directors are often faced with the choice of either mixing youth with adults, where they are at risk of victimization, or placing them in solitary settings where they face mental health consequences. A strong solution for successful PREA implementation is to remove youth from adult detention and correctional facilities altogether. Without this powerful guidance and best practice standard from DOJ now, states will be reluctant to come into compliance with PREA next year.

The purpose of PREA is to protect incarcerated individuals from unfair, unjust, and unconscionable treatment and the DOJ's national standards on youth in adult facilities should align with that purpose. The fact remains that adult facilities are simply not equipped to safely detain youth and preserve their mental health, and we would urge the DOJ to promote best practices that reflects this reality by calling for the removal of all youth under the age of 18 from adult prisons and jails.

Thank you for your attention to this issue.

Sincerely,

Advocacy for Justice and Peace Committee of the Sisters of St. Francis of Philadelphia

Advocates for Children and Youth

AIDS Foundation of Chicago and HIV Prevention Justice Alliance

American Academy of Child and Adolescent Psychiatry

American Civil Liberties Union

American Indian Affairs

American Probation and Parole Association

American Psychiatric Association

American Psychological Association

Asian Americans Advancing Justice - Asian Law Caucus

Augustinian Defenders of the Rights of the Poor

Campaign for Fair Sentencing of Youth

Campaign for Youth Justice

Catholic Housing Services-Village Spirit Center
Center for Media Justice
Center for NuLeadership on Urban Solutions
Center on Children and Families
Center on Juvenile and Criminal Justice
Children's Hope and Voice
Children's Hope and Voice, Inc.
Children's League of Massachusetts
Citiwide Harm Reduction
Civic Center Barrio Housing Corp.
Cleveland Nonviolence Network
Coalition For Juvenile Justice
Coalition on Human Needs
Community Action Partnership
Connecticut Juvenile Justice Alliance
Correctional Education Association
Council of Juvenile Correctional Administrators
CURE
Daughters of Charity Interprovincial House
Death Penalty Alternatives for Arizona
Disciples Justice Action Network
Every Child Matters Coalition of Chemung County, New York
Family of Woodstock Inc.
First Focus
Fortune Society
Franciscan Action Network
Franciscans for Justice
Global Justice Institute
Global Justice Institute, Metropolitan Community Churches
Gloria Dei Step Up Center
Grace House for Women
Human Rights Project for Girls
Jewish Council for Public Affairs
Justice Policy Institute
Justice, Peace, and the Integrity of Creation (JPIC)
Juvenile Law Center
Kansas City Criminal Justice Task Force
Mental Health America
Mentoring Today
Mercy Housing and Shelter Corp.

Metropolitan Community Churches
Michigan Council on Crime and Delinquency
Missouri Youth Services Institute
Monsoon United Asian Women of Iowa
National Alliance to End Sexual Violence
National Association for Children's Behavioral Health
National Association of Counties
National Association of Criminal Defense Lawyers
National Black Law Students Association
National Center for Lesbian Rights
National Center for Transgender Equality
National Center for Youth Law
National Center on Domestic and Sexual Violence
National Collaboration for Youth
National Council of Jewish Women
National Crittenton Foundation
National Disability Rights Network
National Federation of Families for Children's Mental Health
National Immigrant Justice Center
National Indian Child Welfare Association
National Juvenile Defender Center
National Juvenile Detention Association
National Juvenile Justice Network
National Latina Institute for Reproductive Health
National Network for Youth
National Organization of Asian Pacific Islanders Ending Sexual Violence

National Partnership for Juvenile Services
National Religious Campaign Against Torture
National Women Law Partnership
New Orleans Interfaith Worker Justice
New York State Coalition Against Sexual Assault
Nisaa Africa Women's Project
Peace Alliance
Pennsylvania Council of Churches
Pretrial Justice Institute
Public Justice Center
Save the Children
Sisters of Charity of Nazareth Central Leadership
Siuslaw Area Partnership to Prevent Substance Abuse
Somerville Homeless Coalition

Southern Center for Human Rights
Southern Poverty Law Center
Southwest Key Programs, Inc.
St Cyprians Justice & Peace Ministry
Student Peace Alliance
Texans Care for Children
The Ella Baker Center for Human Rights
The Equity Project
The Humanitarian Alliance
The Institute on Domestic Violence in the African American Community
The Sargent Shriver National Center on Poverty Law
The Sentencing Project
Transgender Law Center
Trevor Project
Union of Sisters of the Presentation of the B.V.M. - US Province
United Church of Christ, Justice and Witness Ministries
United Methodist Church, General Board of Church and Society
W. Haywood Burns Institute
Wisconsin Council on Children and Families
Women's Alliance for Theology, Ethics and Ritual
Youth Advocate Programs
Youth Law Center
Youth Represent