

# **Prison Rape Elimination Act (PREA)**

## **How Does PREA impact Alabama Department of Youth Services (ADYS) Facilities?**

- PREA addresses the detection, elimination and prevention of sexual assault in DYS facilities throughout Alabama.
- PREA directs the collection and dissemination of information on the incidence of juvenile on juvenile sexual violence as well as staff sexual misconduct with juveniles in DYS custody.

## **To whom does PREA apply?**

PREA applies to all public and private institutions that house juvenile and/or adult offender, males or females. PREA is applicable to the smallest residential facility as well as facilities that hold hundreds of juveniles.

## **What is the evidence of the ADYS's commitment to maintain a safe, humane and appropriately secure environment for juveniles?**

The ADYS is committed to providing safe, humane and appropriately secure environments for youth. All DYS staff receives specialized training to ensure that this occurs.

Standards of employee conduct have long included prohibitions against staff becoming inappropriately personally involved with juveniles. Employee disciplinary actions and referrals to law enforcement have been initiated where appropriate. When sufficient evidence exists, the ADYS does not hesitate to remove that employee and to support criminal prosecution of that employee.

## **How does PREA impact ADYS employees?**

PREA addresses the safety of juveniles while in the ADYS custody - including sexual assault, sexual harassment, supposedly "consensual sex" with employees, and juvenile on juvenile sexual assault. PREA pertains to the safety of juveniles or adjudicated offenders while in the custody of the criminal justice system including jail, detention, non-secure residential care, and secure confinement. PREA also directs agencies to maintain data

regarding juvenile on juvenile sexual assaults, nonconsensual sexual acts, and staff and juvenile sexual misconduct.

### **Can the ADYS be sued for not complying with PREA?**

No. PREA does not create any right to sue. However, states already are required by federal and state law to operate within Constitutional requirements and assure the safety of juveniles in custody. All states have laws prohibiting sexual misconduct. More importantly, there is an ethical responsibility to protect the safety of staff and those juveniles in custody. Failure to protect incarcerated juveniles can result in civil liability for the agency, supervisors, and staff, both personally and professionally.

### **What are the consequences for not complying with PREA?**

If the ADYS fails to comply with the final PREA National Standards for juveniles when they are disseminated, the State of Alabama will face a five percent reduction of federal funding for each year the ADYS fails to meet the juvenile standards.

### **Why should I be concerned with sexual misconduct at a facility?**

Sexual misconduct is not about sex, but about safety and security. Both are compromised whenever boundaries break down and a staff member becomes personal or intimate with a juvenile.

Staff sexual misconduct and juvenile on juvenile sexual assault undermines the mission of the ADYS by creating unstable living and working environments for the juveniles as well as their supervising staff members.

### **What about juveniles who either manipulate the system using PREA or make false allegations against staff?**

Staff are often concerned that addressing PREA-related issues in policy and procedure, and educating juveniles as to their right to be safe while in custody, may result in false accusations or false reports of staff misconduct. All allegations will be thoroughly and timely investigated and false allegations may be prosecuted.

### **What is the Alabama Department of Youth Services PREA Policy?**

In compliance with Sections 115.311 and 115.322 of the Prison Rape Elimination Act (PREA) Standards, the Alabama Department of Youth

Services (ADYS) has established a zero tolerance for incidents of juvenile sexual assault, rape or sexual harassment in any ADYS facility. The ADYS has implemented policies and procedures to ensure that the PREA Standards are upheld in all ADYS and private contract service provider facilities. All allegations of sexual assault/harassment that meet the definitions of PREA are referred for investigations. These rules and procedures can be found by [clicking here](#).

### **How do I report sexual abuse?**

If you suspect sexual abuse has happened at an ADYS/private contract service provider facility, you have several options for reporting. You may call the ADYS PREA Coordinator at 334-215-3802; or you may call the ADYS Sexual Assault Hotline at 1-855-332-1594. If you prefer, you may call and report to the Sheriff or Police Department in the location where the allegations occurred. You may also report using the [Third Party Reporting for Sexual Abuse/Assault/ and Harassment](#). Please have any information or evidence available for the investigator who will be assigned to handle the case. All reports are taken seriously and investigated as outlined in PREA and ADYS rules and procedures.