

Prison Rape Elimination Act (PREA) Program

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Background

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress (PUBLIC LAW 108-79-SEPT. 4, 2003). The purpose of the act was to "provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape." In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

PREA defines "prison" quite broadly, as "any federal, state, or local confinement facility, including local jails, police lockups, juvenile facilities, and state and federal prisons." Thus, short-term lockups, such as holding facilities, and local jails, regardless of size, are also subject to the provisions of PREA. PREA also applies to all federal immigration detention centers.

A state complies with PREA when prison facilities under its operational control meet the PREA standards. Governors certify compliance, based on audits done by Department of Justice (DOJ)-certified auditors.

The penalty for noncompliance is 5 percent of any DOJ grant funds "that it would otherwise receive for prison purposes," a term that is undefined in statute. DOJ may interpret this to mean any grant program eligible to be used for prison construction, administration or

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programming, which could include the Byrne Justice Assistance Grant program, the Juvenile Justice and Delinquency Prevention Act's Title II formula grants, the Juvenile Accountability Block Grant, and the Office on Violence Against Women's STOP grants.

Federal Statutory Purpose Areas

The purposes of this Act are to:

1. Establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;
2. Make the prevention of prison rape a top priority in each prison system;
3. Develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;
4. Increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
5. Standardize the definitions used for collecting data on the incidence of prison rape;
6. Increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
7. Protect the Eighth Amendment rights of Federal, State, and local prisoners;
8. Increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and
9. Reduce the costs that prison rape imposes on interstate commerce.

Match Requirements

There are no match requirements for the PREA program.

Link to Maine Department of Corrections PREA site

<http://www.maine.gov/corrections/prea/index.html>

Links to Additional Information

In 2010, the Bureau of Justice Assistance funded the National PREA Resource Center to continue to provide federally funded training and technical assistance to states and localities, as well as to serve as a single-stop resource for leading research and tools for all those in the field working to come into compliance with the federal standards.

<https://www.prearesourcecenter.org/about>