Part 3—Appendix—PREA Background Information

This appendix provides supplemental information on PREA and is intended for those jail officials that might be new to the Law and interested in a more comprehensive understanding of its history, content, and external federal stakeholders.

3.1—The Historical Perspective

Unanimously passed by Congress, the Prison Rape Elimination Act (PREA) was signed on September 4, 2003, by President George W. Bush and became the first federal legislation addressing the issue of sexual assault in correctional settings. The Act applies to sexual abuse in all custodial corrections settings, including prisons, jails, police lock-ups, juvenile detention facilities, and community residential settings. Moreover, the Act applies to all types of sexual misconduct against an inmate, including abuse by fellow inmates and staff.

Sexual abuse of inmates in a jail has implications that extend beyond their release into the community. During the debate of the Prison Rape Elimination Act, Congress found that "prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year… [and that] victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison."[14] In custodial settings, sexual abuse of inmates by other inmates or staff seriously compromises the safety and security of all persons within the facility, impacts the professional stature of staff, poses serious medical and mental health risks, and impacts taxpayers who must pay for medical and mental health treatment of victims and, in some cases, the major financial cost of civil litigation.

[14] Public Law 108-79, see http://www.ojjdp.gov/about/PubLNo108-79.txt