



Montgomery County Juvenile Court Prison Rape Elimination Act (PREA)

PREA stands for the Prison Rape Elimination Act.

How does PREA impact Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services?

- PREA addresses the detection, elimination and prevention of sexual assault in Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services,
- PREA funds the development of national standards of compliance and accountability for juveniles in Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services, and
- PREA directs the collection and dissemination of information on the incidence of youth-on-youth sexual violence as well as staff sexual misconduct with youth in Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services,

To whom does PREA apply?

PREA applies to all public and private institutions that house juvenile and/or adult offenders, male or female.

What is the National Prison Rape Elimination Commission?

PREA established a National Prison Rape Elimination Commission (NPREC) with nine members, appointed by both the President and Congress. The Commission's primary mission is to carry out a comprehensive legal and factual study of the impact of prison rape in the United States. The Commission is charged with studying federal, state and local government policies and practices related to the prevention, detection, response and monitoring of sexual abuse in correction and detention facilities in the United States. The NPREC studies all types of sexual abuse affecting persons of any age who are in confinement in the U.S.

What is the evidence of the agency's commitment to maintain a safe, humane and appropriately secure environment for youth?

Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services are committed to providing safe, humane and appropriately secure environments for youth. All of Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services' staff members receive specialized training to ensure that this occurs.

Standards of employee conduct have long included prohibitions against staff becoming inappropriately personally involved with youthful offenders. Employee disciplinary actions and referrals to law enforcement will be initiated where appropriate. When sufficient evidence exists, Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services do not hesitate to remove that employee and to support criminal prosecution of that employee.

How does PREA impact Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services employees?

PREA addresses the safety of juveniles while in Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services - including sexual assault, sexual harassment, supposedly "consensual sex" with employees, and youth - youth sexual assault. PREA pertains to the safety of juvenile youth 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 youth-youth sexual assaults, nonconsensual sexual acts, and staff sexual misconduct.

Can the agency 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 youth in custody. All states have laws prohibiting sexual misconduct. More importantly, there is an ethical responsibility to protect the safety of staff and those youth custody. Failure to protect incarcerated youth 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 Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services fail to comply with the final PREA National Standards for juveniles when they are disseminated, our funding may be impacted if we fail to meet the juvenile standards. Failure to comply with the standards could also be evidence in a civil trial that Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services is not meeting the standard of care necessary to ensure youth safety.

What if we are dealing with a small residential center or there are only a small number of youth in a program?

PREA is applicable to the smallest residential facility as well as facilities that hold hundreds of youth.

Why should I be concerned with sexual misconduct at my 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 youth.

Staff sexual misconduct undermines the mission of Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services by creating unstable living and working environments for the offenders as well as their supervising staff members.

Staff sexual misconduct with youth affects Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services staff by:

- Jeopardizing staff safety
- Threatening agency and facility safety and security
- Creating the risk of legal action — both criminal and civil
- Creating health risks
- Harming family relationships
- Creating negative public views of the juvenile justice system
- Diminishing trust and morale of staff and youth
- Weakening respect for, and the authority of, Youth Specialists among the youth at DYS

Why should I be concerned about PREA?

No facility, large or small, is immune to the possibility of staff sexual misconduct and youth sexual assault. Your facility may find that they don't receive reports about incidents, which is generally the result of a lack of training, a strong "code of silence," or unclear or compromised reporting mechanisms for employees and youth. Facilities that have no reports of such incidents should look to their reporting procedures in order to ensure that facility administrators are receiving allegations and appropriately reporting them.

What about youth 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 youth as to their right to be safe while in custody, may result in false accusations or false reports of staff misconduct. Experience has shown that there may be an initial spike in reporting, or reports that "test" the facility's system. However, incidents of false reporting usually stop when both staff and youth realize that there will be thorough and timely investigations—of all youth.

As a third party, how do I report an allegation of sexual abuse, sexual assault, or sexual harassment on behalf of a youth in Montgomery County Juvenile Court Center for Adolescent Services, Nicholas Residential Treatment Center, and Detention Services supervision?

You can complete a third party report by contacting (937) 224-KIDS (5437) or by completing the enclosed third party report form.

What are some additional resources?

PREA Standards

<http://www.prearesourcecenter.org/library/search?page=1&keys=&cat=4>

National PREA Resource Center

<http://www.prearesourcecenter.org/>

PREA 101

<http://www.prearesourcecenter.org/training-and-technical-assistance/prea-101>

Technical Assistance:

<http://www.prearesourcecenter.org/training-and-technical-assistance>

National PREA Resource Workgroup

<http://www.oregon.gov/oia/pages/prea/prearesources.aspx>

American University

<http://www.wcl.american.edu/endsilence/training.cfm>

Just Detention International

<http://www.justdetention.org/en/FPREA.aspx>

National Institute of Corrections

<http://nicic.gov/?q=PREA>

"Your Role: Responding to Sexual Abuse"

<http://nic.learn.com/learncenter.asp?id=178416>

PREA Resource Package

<http://nicic.gov/Library/024657>

Corrections Blog and Forums

<http://community.nicic.gov/forums/tags/criminal+justice/default.aspx>

PREA Resources

<http://nicic.gov/PREA>

Automated PREA Toolkit

<http://nicic.gov/?q=toolkit>

PREA Audit Toolkit and Other Information

<http://www.prearesourcecenter.org/library/search?keys=PREA+audit+tool&cat=6>