

June 21, 2013

The Honorable Gary Herbert  
Governor  
State of Utah  
350 North State Street, Suite 200  
PO Box 142220  
Salt Lake City, Utah 84114-2220

Dear Governor Herbert,

Over the next several months, you have the opportunity to ensure that young people involved in the criminal justice system in Utah are kept safe from harm by effectively implementing the Prison Rape Elimination Act (PREA). Specifically, we call on you to adopt best practices with respect to the treatment of youth in the adult criminal justice system by implementing the Youthful Inmate Standard and removing all youth from adult jails and prisons.

Passed unanimously by Congress in 2003, PREA restricts the placement of youth in adult jails and prisons. Regulations approved by the U.S. Department of Justice state that "as a matter of policy, the Department support(s) strong limitations on the confinement of adults with juveniles." Compliance with the Youthful Inmate Standard of the law calls on states to limit contact between youth and adults in adult facilities by banning the housing of youth in the general adult population, prohibiting contact between youth and adults in common areas, and ensuring youth are constantly supervised by staff. States must also limit the use of isolation which causes or exacerbates mental health problems for youth.

Research shows that youth are not safe in adult jails and prisons and are at the greatest risk of sexual victimization. According to research by the Bureau of Justice Statistics, youth under the age of 18 represented 21 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005, and 13 percent in 2006 – surprisingly high since only one percent of jail inmates are juveniles. The National Prison Rape Elimination Commission found that “more than any other group of incarcerated persons, youth incarcerated with adults are probably at the highest risk for sexual abuse.” Research also shows that youth are 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

Stakeholders from across the country have weighed in to support the full implementation of PREA, including removing children from adult jails and prisons. All of the major national stakeholder associations that deal with juvenile or adult detention or corrections, including the American Correctional Association, Council of Juvenile Correctional Administrators, National Juvenile Detention Association, and the American Jail Association have policies that strongly back this recommendation.

Page Two  
June 21, 2013

And, the public agrees. Public opinion polling shows that a majority of Americans reject placement of youth in adult jails and prisons and strongly favors rehabilitation and treatment approaches, such as counseling, education, treatment, restitution, and community service.

Youth must be removed from adult jails and prisons to fully comply with PREA and protect youth from sexual assault. The stakes are too high for noncompliance. You have the opportunity and obligation to keep youth in the justice system safe by removing them from adult jails and prisons and by accessing federal support to support new reforms.

Sincerely,

American Civil Liberties Union of Utah