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August 1, 2011

The Honorable Eric Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Holder:

I am writing to express my concern about the Department of Justice's (DOJ) failure to adequately address the safety of youths held in adult jails or prisons in the proposed National Standards to Prevent, Detect, and Respond to Prison Rape. While I understand that the comment period has ended, as a member of the House Judiciary Committee with jurisdiction over this matter, I want to ensure that the final rule on these standards is consistent with Congressional intent and the recommendations of the National Prison Rape Elimination Commission.

As you know, 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" and recommended that "individuals under the age of 18 be held separately from the general population." According to the Bureau of Justice Statistics (BJS), on any given day approximately 10,000 children are held in adult jails and prisons, and an estimated 200,000 youth spend some period of time in an adult facility each year. We know that these youths are at high risk of sexual assault. A Bureau of Justice Statistics study in 2005 found that 21% of the victims of sexual violence in jails and prisons were under the age of 18. A statistic made even more egregious when you consider that just 1% of inmates are under age 18.

It is clear that incarcerating youth with adults has potentially devastating consequences for too many youth. While the DOJ's proposed standards give adult facilities the ability to make case-by-case determinations of how to ensure the safety of vulnerable youth, they fail to address the numerous problems caused by efforts to separate youth from adults while still holding them in the same facilities. Under the proposed standards, adult facilities housing children and youth

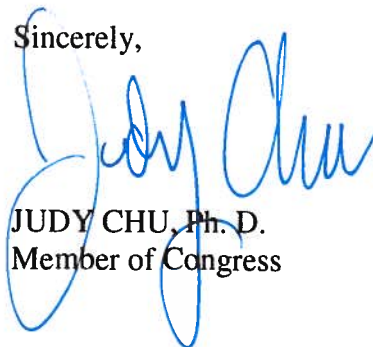
will be forced to choose between housing youth in the general adult population, which the Commission recommends against, and housing youth in segregated settings. Segregation most often leads to youth spending long stretches in solitary confinement, which can aggravate mental health problems and put youth at a higher risk of suicide.

Placing youth in solitary confinement is not an acceptable response to the harms youth face in the general population. Both policies have resulted in a suicide rate for children in adult facilities that is nearly forty times greater than that for children in juvenile detention facilities.

The purpose of Prison Rape Elimination Act (PREA) is to protect incarcerated individuals from unfair, unjust, and unconscionable treatment and the DOJ's national standards should reflect that goal. Standards that encourage the adoption of one dangerous practice as the solution to eliminating another do not reflect Congress' intent in passing PREA. The fact is that adult facilities are simply not equipped to safely detain youth and I would urge the DOJ to put forth a final rule that reflects this reality by calling for the removal of all under-18 youth from adult prisons and jails.

Thank you for your attention to this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judy Chu", is written over the typed name and title.

JUDY CHU, Ph. D.
Member of Congress