

TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR
Adan Muñoz, Jr.



P.O. Box 12985
Austin, Texas 78711
Voice: (512) 463-5505
Fax: (512) 463-3185
Agency Website: <http://www.tcjs.state.tx.us>
E-mail Address: adan.munoz@tcjs.state.tx.us

MEMO

May 18, 2012

To: All Sheriffs and Jail Administrators

From: Adan Muñoz

Re: Release of Prison Rape Elimination Act (PREA) Final Rule

Yesterday, the United States Department of Justice issued its final rules for the implementation of PREA, a federal law signed in 2003 by President Bush to eliminate sexual assault in the nation's detention facilities. Some rules of note include the following;

- Sight and sound separation of persons under the age of 18 and under adult court supervision.
- A ban on cross-gender pat down of female inmates, absent exigent circumstances.
- Hiring and promotion decisions regarding individuals with sexual assault/ sexual harassment histories, including the hiring of contractors who have contact with inmates
- The completion of an administrative or criminal investigation for all allegations of sexual abuse and sexual harassment.
- Use of a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE) where possible when investigating sexual assaults of inmates

The sight and sound separation of persons under the age of 18 will likely have significant implications in Texas given that 17 year olds are treated as adults in the criminal justice system. As such, we recommend that counties contact their county attorney for guidance on this issue.

The final standards may be viewed at <http://www.justice.gov/opa/pr/2012/May/12-ag-635.html>, and a PREA Resource center website has been established at <http://www.prearesourcecenter.org/>. Except for the ban on cross-gender pat down, all of the rules will go into effect 60 days from the date of publication in the *Federal Register*. The cross-gender pat down has a delayed implementation date of three years for jails with 50 or more beds and five years for jails under 50 beds. The *Federal Register* is located at www.federalregister.gov/ and officials should monitor for an exact implementation date.

If you need additional information, please do not hesitate to contact us.

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Mission Statement

To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas. The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview.