

# Congress of the United States

Washington, DC 20515

May 10, 2010

The Honorable Eric H. Holder, Jr.  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder:

As members of Congress, who have been longtime supporters of the Prison Rape Elimination Act (PREA) of 2003, we are submitting this letter in reference to the Advanced Notice of Proposed Rulemaking to solicit input on the proposed standards addressing sexual abuse developed by the National Prison Rape Elimination Commission [Docket No. OAG 131; AF Order No. 3143-2010]. We are writing these comments to express our support for the Commission's standards and to urge you to enact them as soon as possible.

PREA mandated the National Prison Rape Elimination Commission to carry out a comprehensive study of prison rape and based on this study the Commission recommended national standards for the Department's consideration. The Commission spent more than five years gathering information and developing its recommended standards. While the process to develop the standards was lengthy, it represents the Commission's extensive consultation and deliberation with corrections officials, practitioners, advocates, prisoner rape survivors, and other experts. The resulting recommended standards are a compromise that balances the rights of inmates to be free from sexual abuse against the security and financial limitations of institutions.

Prison rape compromises the safety of staff and inmates alike and imposes tremendous costs on corrections systems and society at large. In addition to the fiscal impact of allowing sexual abuse to continue, the moral costs are even more dramatic. Dangerous institutional policies and practices that do not address prison rape, unnecessarily increase corrections costs in areas such as staffing, investigations, and inmate health care. Moreover, inmates who are traumatized while incarcerated suffer long-term harm that often prevents them from becoming self-sufficient members of society upon release. While PREA requires that standards established under the Act not impose any "substantial additional costs," this requirement does not prohibit the Department from taking into account the savings and benefits that will result from implementation of the proposed PREA standards in determining whether there are "substantial additional costs." [See enclosed Robert Toone Letter dated April 15, 2010].

Recent reports by the Bureau of Justice Statistics (BJS) demonstrate that sexual abuse in jails and prisons across the country continue to jeopardize the safety of staff and inmates in these facilities. In a 2008 BJS report based on inmate surveys, approximately 60,500 federal and state prisoners reported being sexually assaulted in the past year. In another BJS study, nearly 25,000 county jail inmates reported being sexually abused in the last six months. In addition, in juvenile

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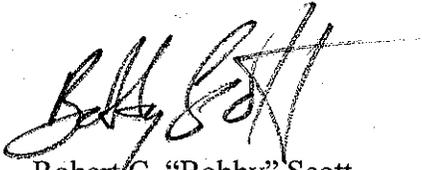
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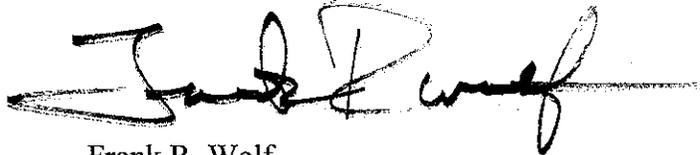
facilities one in eight youth reported being sexually abused in the past year in the facilities surveyed. Considering these troubling reports, it is more important than ever to adopt the PREA Commission's standards as soon as possible.

We appreciate the Department for its diligence in addressing the serious problem of prison rape. However, the quicker strong standards are enacted, the more men, women and youth can be spared this egregious form of abuse.

Sincerely,



Robert C. "Bobby" Scott  
Chairman  
Subcommittee on Crime, Terrorism,  
and Homeland Security  
House, Committee on the Judiciary



Frank R. Wolf  
Ranking Member  
Subcommittee on Commerce, Justice, State  
Science, and Related Agencies  
House, Committee on Appropriations

Encl: Letter from Robert Toone