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United States Senate

WASHINGTON, DC 20510-2503

September 15, 2010

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

Dear Attorney General Holder,

It is my understanding that the Department of Justice (DOJ) is evaluating potential standards and requirements for proper implementation of the Prison Rape Elimination Act (PREA) of 2003. The laudable goal to eliminate this particular form of violent assault received overwhelming support by way of unanimous consent votes in both the House and Senate and I am encouraged to see your continuing efforts to apply this legislation.

However, it has been brought to my attention that some of the proposed measures being considered by the DOJ, which are intended to advance the bill's objective, may have an unintended negative impact on small sheriff's departments and municipalities. Specifically, concerns have been raised regarding the requirement that PREA not impose any onerous financial burdens on local governments. Two potential regulations have been cited which may not abide by this standard. One possible regulation would require gender-specific hiring practices and increases in staff levels due to a limit on supervision by members of the opposite gender in detention and corrections facilities. The other provision which has been identified would require facilities to be outfitted with advanced surveillance equipment.

Both of these potential regulations are well-intentioned and commendable steps toward the primary goal set forth in PREA and I am happy to see the DOJ's efforts to execute the law. However, small municipalities and sheriff's departments often operate under fiscally-constrained budgets which make staff decisions and equipment purchases more challenging. Furthermore, some of the communities that will likely be impacted by the new regulations are located in rural communities and serve as the only law enforcement agency in the area. Sheriff's departments and small municipalities must adapt in order to make the most of their scarce resources and additional regulations may inhibit that flexibility, thus compromising their ability to provide the best service to their communities.

Any new or updated regulations must account for the unique challenges that our small communities must face. As you move forward, I ask that you please keep me and my staff informed of your plans to implement PREA especially as it affects small communities and sheriff's departments.

Sincerely,



Christopher S. Bond