

September 16, 2014

The Honorable John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cornyn,

We write to offer support for your amendment clarifying the penalties for non-compliance in the Prison Rape Elimination Act (PREA). This amendment will help state and local law enforcement protect victims by ensuring federal grant funds are not inappropriately diverted for other purposes.

The Prison Rape Elimination Act of 2003 (PREA), signed into law by President George W. Bush on September 4, 2003, seeks to eliminate sexual abuse in correctional facilities by setting standards for the physical space and for the training, assignment, and conduct of personnel in correctional facilities. All federal, state, and local public and private prisons, jails, lock-ups, community corrections, and juvenile detention facilities must meet the standards or face a 5 percent reduction in certain federal grant funding. A state is in compliance when the correctional facilities under its operational control are in full compliance with every PREA standard.

The penalty for non-compliance is 5 percent of a state or territory's allocation from any federal grant program that is used for "prison purposes." The term "prison purposes," however, is left undefined in the statute. As interpreted by the Department of Justice, the penalty is levied on any grant program that may be used by, in, or in support of, prisons, jails, lock-ups, or community corrections facilities. This means that programming provided in prisons to improve the chances of an offender's successful reentry into the community upon release, to reduce recidivism, to provide substance abuse treatment services, and even to provide services to the victims of sexual assault in prisons, are the very federal grants penalized by the law. They are the Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG), the Juvenile Justice and Delinquency Prevention Title II state formula grants, the Juvenile Accountability Block Grant (JABG), and the Office of Violence Against Women STOP state formula grants.

This amendment defines "prison purposes" to more appropriately tailor the penalty to any grant program which is used by correctional institutions for "construction, administration, or operations," thereby placing the incentive with the policymakers and administrators directly responsible for compliance with the PREA standards.

We thank you for your leadership on this issue and urge passage of the amendment.

Sincerely,

Major County Sheriffs' Association
Major Cities Chiefs Association
International Association of Chiefs of Police
National Sheriffs Association
National Narcotics Officers' Associations' Coalition
National Troopers Coalition
Association of State Criminal Investigative Agencies
National Association of Police Organizations
Police Foundation
National District Attorneys Association
Association of Prosecuting Attorneys

Rape, Abuse, and Incest National Network
National Center for Victims of Crime
United States Conference of Mayors
National Association of Counties
National Conference of State Legislatures
National League of Cities
National Criminal Justice Association
Council of State Governments Justice Center
American Correctional Association
Association of State Correctional Administrators
American Jail Association