Monday May 21, 2012

Honorable Eric H. Holder, Jr.
Attorney General of the United States
Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Re: Final Rule to Prevent, Detect and Respond to Prison Rape

Dear General Holder:

I am writing to you on behalf of the American Bar Association to express our appreciation and to commend the Department of Justice for its adoption of strong and comprehensive national standards on the prevention of prison rape. The final Prison Rape Elimination Act of 2003 (PREA) standards announced by the Department are consistent with the ABA Criminal Justice Standards on the Treatment of Prisoners and are supported by a broad consensus of correctional, criminal justice, and human rights experts.

In particular, the ABA commends the Department for making the following improvements to its national standards:

- Strengthening the standard on audits to ensure compliance with PREA by requiring that auditing bodies be independent of agencies under review and that every facility be audited at least every three years.
- Implementing a phased-in ban on cross-gender pat searches of adult women prisoners, absent exigent circumstances.
- Prohibiting time limits on the filing of grievances regarding prison rape and sexual abuse, the Department has removed a significant barrier to victims’ access to the courts.
- Requiring facilities to consider the particular vulnerability of transgender and intersex prisoners and make housing decisions determinations for these prisoners on a case-by-case basis.
- Protecting juveniles housed in adult facilities, the Department now requires facilities to maintain “sight and sound separation” and to refrain from placing youthful inmates in isolation to comply with this requirement.

Finally, the ABA commends you for concluding that PREA should apply to all federal confinement facilities, including those operated by departments and agencies other than the Department of Justice. We applaud your leadership on this important human rights issue.

Sincerely,

Wm. T. (Bill) Robinson III