

The safety, security and good working order of a county jail is best determined on a State and County level with the Sheriff administering his or her county jail facility, not Washington's one size fits all regulations.

Several years ago, Congress passed the "Prison Rape Elimination Act" (PREA). I am sure everyone is in favor of eliminating rape in prisons, but I am not sure that PREA will accomplish that. What I am sure it **will** do is add huge costs to the operation of county jails around the country. The Act did not spell out how prison rape was going to be eliminated, but left it to the Attorney General of the United States to specify regulations that would accomplish it. The Attorney General's proposed standards implementing PREA were published in the Federal Register on February 3, 2011.

The PREA standards apply not only to Federal and State prisons, which are designed to hold long term prisoners, but also to the county jails, which are designed for short term incarceration of persons awaiting trial and those serving sentences of a year or less. Most New York Sheriffs, like their counterparts in other parts of the country, are the chief law enforcement officers of their respective counties AND the administrators of the county jail. Sheriffs take seriously their responsibility to operate the county jail safely and securely for public safety AND for inmates in their care and custody. We recognize the critical issues related to sexual assaults on inmates while incarcerated and understand the need to take reasonable steps to prevent ANY such abuse. Sheriffs know that sexual misconduct has no place in a professionally and morally run correctional environment. We also know that rape, especially inmate on inmate rape, is much less of an occurrence in county jails than in prisons, due in part to the short term stay of most county jail inmates; their local community connections; their opportunity for, and ease of, visitation by family and friends.

It is clear that many of the proposed PREA standards, although, perhaps, appropriately designed for prisons, will apply equally, but inappropriately, to county jails. Prison systems are generally much larger than county jails and they are intended for long-term stays. PREA does not really recognize the difference in the two types of correctional facilities; prison systems and county jails. Imposing burdensome standards on county jails facilities would be impractical even in the best of economic times. The inmate population turnover in a county jail is frequent. In 2010, Wayne County incarcerated 1,719 inmates with 55% or 945 inmates being released in the first 72 hours of their incarceration. Under these conditions, many of the proposed standards could not be implemented effectively. Yet many of the proposed standards would impose huge costs on our small county jails, to address a problem that occurs primarily in the large prison systems around the nation.

For example, PREA standards would impose stringent rules with many county jails lacking sufficient physical facilities to comply with those rules. Counties will be faced with the enormous and burdensome cost of building appropriate space **OR** the enormous and burdensome cost of litigation and sanctions for violating the standards.

The proposed standards will require each jail to collect and report detailed data and to hire an independent auditor to assess the county jail's compliance with PREA. Most jails, certainly all New York State county jails, already have detailed data collection and reporting obligations to their State oversight agency, in our case the New York State Commission of Correction. Adding a federal layer of audit will only add a financial burden and will create conflicting obligations between state and federal mandates

Again, all Sheriffs recognize that inmates should be free from sexual assaults while incarcerated. Washington should not presume that Sheriffs will not do the right thing unless it is mandated in minute detail by a Washington rule.

Congress should not leave it to a federal agency to determine how a Sheriff can best accomplish his or her obligation to operate a safe, secure and humane county jail facility.