

Public Comment Report
Prison/Jail
Compliance Guide

Name of Comment	Standard Components	Source
Concern/Disagreement	N/A	Advocate
13529: The role of the "Introduction" and "Compliance Guide" is also confusing. They too contain critical information about self-assessments and audits that is not repeated in the Standards themselves. It is thus difficult to ascertain what is mandatory and what is simply recommended, and it is difficult to locate these requirements. Here, too, mandatory requirements belong in the Standards themselves.		
Concern/Disagreement	All	Advocate
13542: The Compliance Guide indicates that the Auditor should review the Checklists and should talk to some staff and inmates. These steps are essential, but too vague. How many inmates and staff members, selected how, and by whom? It is suggested that the Auditor will want to speak to prisoners who complained of staff sexual assault, and to the staff who allegedly assaulted them. These steps should be required, and should specifically require that the Auditor also speak to prisoners whose complaints were not substantiated. The Auditor should also be required to speak to investigators about how they conducted their investigations of complaints, and to high-ranking facility staff to determine what occurred at the Review Meetings required by RP -9 so the Auditor can assess the facility's review of whether policies and procedures contributed to the reported abuse, and whether these Reviews appropriately resulted in changes in policies and practices.		
Concern/Disagreement	All, N/A	Corrections Professional
13412: Not only must the auditor ensure that policies meet the checklists, that training is consistent with the policy and that staff attend training, they "must be able to assess whether staff members do indeed understand their responsibilities and have demonstrated proper execution of them..." (page 9). This is an unrealistic goal, particularly since so many state and local governments are subject to severe fiscal constraints.		
Concern/Disagreement	All	Corrections Professional
13413: The potential loss of federal funding is insignificant in comparison to the cost of implementing the standards as written.		
Concern/Disagreement	Checklist	Corrections Professional
13414: The Compliance Checklists are also enormously problematic. Achieving 100% compliance is a virtual impossibility and, as discussed with respect to some of the specific proposals, may not even be desired in some systems where the compliance checklists have several if not many specific requirements that are inconsistent with or contrary to effective practices already in place within the agency.		
Concern/Disagreement	N/A	Corrections Professional
13776: An additional challenge to consider would be on bed space availability to place inmates that have been identified as "vulnerable or predatory".		
Concern/Disagreement	All	Corrections Professional
13870: It seems as though compliance is based upon the sole discretion of an independent "Auditor..." However, the standards fail to address the qualifications an "Auditor" must possess and what, or even if, there is an auditor certification process.		
Concern/Disagreement	N/A	SINA
11018: The ideas are great but there is no way that they will have the money to make the changes necessary.		
Current Practice	Checklist	SINA
57: Serious incidents in the last year – have they been evaluated in the course of the year? This is impossible to record everything because they happen every day. Some fights are not investigated. If it is related, the fight is evaluated and if there are serious injuries, we investigate. Suicide attempts are investigated but we can't investigate all to determine if there is a sexual assault.		

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Type of Comment	Standard Components	Source
Observation	All, N/A	Corrections Professional
13055: There is no other federal legislation which specifically requires audits to maintain compliance with federal law, so why this one?		
Observation	N/A	Professional Organization
10677: It sounds like there must be a separate contracted auditor.		
Observation	All	SINA
11029: : The facility should be able to state where they were in compliance and how they are trying to address this.		
Question	N/A	Corrections Professional
12658: There is some confusion as to what "...written and signed documentation..." actually means. Is maintaining a copy of the checklist enough to demonstrate compliance?		
Question	N/A	Corrections Professional
13058: Who will certify the "experienced and well-trained auditor?"		
Question	N/A	Professional Organization
10697: What does compliance mean?		
Question	N/A	SINA
11017: Will this bring more retaliation against the facility and can't meet it. Will these facilities now be sued because they can't comply?		
Question	All	SINA
13988: Do you meet the standard if you are 80% compliant?		
Suggestion	N/A	Corrections Professional
12615: In Section II (Audit) after the first sentence in this section that ends "agencies are required to have written policies that support the standards and guide proper implementation ." There should be a sentence that reads that if a Department has policies in place that meet these standards (that may not be the PREA policy itself but may be a policy like our RIDOC Code of Ethics) an agency is not expected to create new policies.		
Suggestion	N/A	Corrections Professional
12951: Compliance Guide for Agency Heads and Auditors, pg 8, 1st paragraph – Comment: Elected officials and agency heads – I found the definition of Agency Head but no definition for elected officials. In this instance I am interpreting that they are interchangeable. If I am correct, I recommend inserting "elected official in the Agency Head definition.		
Suggestion	N/A	Professional Organization
10673: The second paragraph on page 8; if you revisit that paragraph and change the word "must," it will be more clear.		
Suggestion	Checklist	SINA
11165: •More guidelines regarding what percentage of compliance and corrective action for places that are deficient. Time frame as well		