

Public Comment Report

Prison/Jail Glossary

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
11790: While often well-intended, most facilities do not offer a concrete definition of the 'need to know' concept, leaving it up to individual staff members to decide with whom to share information. This lack of a clear definition renders many 'need to know' policies largely meaningless, often causing information about sexual abuse to spread rapidly and widely within prisons and jails—including to inmates.		
Concern/Disagreement	N/A	Advocate
12303: It seems to allow for staff to force prisoners to strip naked any time they think a prisoner "looks like they've been up to no good." Such broad, subjective discretion could easily and would most likely be applied in a way that is biased and based on societal prejudices against people of color, transgender people, and other marginalized groups.		
Concern/Disagreement	N/A	Advocate
12314: While a pat down search is not necessarily as invasive as some of the other forms of searches, it is also very frequently abused. Transgender people are often targeted for excessive pat downs and groped or otherwise abused during these searches		
Concern/Disagreement	N/A	Advocate
13526: The role of the "Glossary" is also confusing, since some of the definitions include seemingly compulsory language. For example, the "definition" of a Credibility Assessment is in fact a protocol for how credibility is to be assessed. We believe this is something the Standards should require, and by implication do require, though the matter is far from clear. Descriptions of compulsory actions should not be contained in a Glossary in any case, but should be in the Standards themselves.		
Concern/Disagreement	N/A	Corrections Professional
10840: Certification of compliance - what constitutes compliance is unclear and subjective. what constitutes compliance in the eyes of one chief executive may be very different from that of another.		
Concern/Disagreement	All	Corrections Professional
11370: Language discrepancies also exist between the Prison Rape Elimination Act of 2003 (PREA), Proposed Standards, and language currently used by the Bureau of Justice Statistics (BJS) in the Annual Survey on Sexual Violence. ...standard terminology by BJS to identify and report prisoner on prisoner sexual violence (e.g. abusive sexual contact and non-consensual sexual acts); staff sexual misconduct; and staff sexual harassment. The standards do not recognize this language but instead introduce different terminology identified as sexual abuse, sexually abusive contact, and sexually abusive penetration... Using new terminology will require a massive re-expenditure of fiscal resources in order to once again revise department documents that have already been revised to address PREA.		
Concern/Disagreement	N/A	Corrections Professional
11374: Full Compliance: This definition is confusing. In referencing "immaterial noncompliance," it suggests that there may be some standards where compliance is not necessary to achieve full compliance; but this is not detailed or explained.		
Concern/Disagreement	N/A	Corrections Professional
11375: Physical Body Cavity Search: Security concerns may require that a custody staff person be in the room during this search. It is the role for custody or non-medical staff to be positioned in such a way as not to view the search yet provide needed security.		

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Text of Comment	Standard Components	Source
Concern/Disagreement	N/A	Corrections Professional

11378: Sexual Abuse: Language discrepancies exist between the Prison Rape Elimination Act of 2003 (PREA), the proposed Standards, and the Annual Survey on Sexual Violence submitted to BJS.

Concern/Disagreement	N/A	Corrections Professional
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11379: The standards do not reference sexual violence, but instead introduce new and different terminology which includes sexual abuse, sexually abusive contact, and sexually abusive penetration. One consistent series of terms and definitions needs to be used throughout.

Concern/Disagreement	N/A	Corrections Professional
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11380: The Law defines sexual fondling for the purpose of sexual gratification. However, the standards do not include this purpose or intent.

Concern/Disagreement	N/A	Corrections Professional
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11382: Staff-on-inmate indecent exposure:

Staff-on-inmate voyeurism:

Staff-on-inmate sexual harassment: Although this definition is provided in the glossary, this terminology is not included or referenced in the Prison Rape Elimination Act of 2003 (PREA). All references to this terminology in the standards should be eliminated.

Concern/Disagreement	N/A	Corrections Professional
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11384: Strip Search: This definition does not recognize other times when strip searches are required for the safety and security of facilities, such as before and after a visit, when returning to a facility from an outside work assignment, and prior to being transported to an outside hospital. The 2nd sentence of this definition which proposes to qualify when strip searches are conducted should be eliminated.

Concern/Disagreement	N/A	Corrections Professional
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11433: The glossary states that if there is any chance that an inmate may be the subject of a future criminal prosecution, he or she must be advised of their Miranda rights. This flies in the face of the current legal requirement and is inconsistent with what members of your own expert panel told you. Why be more stringent here than what the courts have required? Moreover, this matter seems to be hidden insofar as it is not mentioned anywhere else, not in the standards, not in the checklists. In the interest of transparency, if this is what the Commission intends it should be in a standard. The relevant checklist (24) only asks if staff is properly trained in Miranda.

Concern/Disagreement	N/A	Corrections Professional
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11440: With regard to the glossary, the definition of sexual abuse broadens the definition beyond that contemplated in the statute. It covers all touching, either directly or through clothing of genitalia, anus, groin, breast, inner thigh, buttocks but does not require the intent be to arouse or gratify sexual desire which we believe to be the statutory definition. It also seems to encompass derogatory comments about clothing. The definition of staff on

inmate voyeurism reads as though a staff person "peering" at an undressed inmate who is showering is never allowable. This runs counter to the requirement for continuous sight and sound supervision. The definitions of staff and volunteers are both too narrow.

Concern/Disagreement	N/A	Corrections Professional
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11487: The definition of visitor is overly broad and needs clarification. P. 15, P. 27

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Corrections Professional
11982: The definition of "Sight and Sound Supervision" assumes that inmates/detainees are always within the confines of a facility and at all times within close proximity of an officer(s) or listening device. It does not consider work crews, work release, recreation, personal hygiene times, or the diverse settings within which inmate programs and services may be rendered. Therefore, application of this definition within a standard should provide examples of exceptions, limitations, or parameters within which the definition is to be used.		
Concern/Disagreement	N/A	Corrections Professional
12131: The definitions of sexual abuse in the glossary are not consistent with the BJS definitions that are currently used for data collection. It is recommended that the definitions of sexual abuse be written consistently.		
Concern/Disagreement	N/A	Corrections Professional
12132: The definition of "Sight and Sound Supervision" assumes that inmates/detainees are always within the confines of a facility and at all times within close proximity of an officer(s) or listening device. It does not consider work crews, work release, recreation, personal hygiene times, or the diverse settings within which inmate programs and services may be rendered. Therefore, application of this definition within a standard should provide examples of exceptions, limitations, or parameters within which the definition is to be used.		
Concern/Disagreement	N/A	Corrections Professional
12404: Page 13 (1): Inmate on inmate Sexual Abuse: The definition given is too vague. Somewhere within the definition it needs to read that this is "for the purpose of sexual gratification," or according to your states penal code.		
Concern/Disagreement	N/A	Corrections Professional
12406: Conducting strip searches is a routine duty of a correctional officer and shouldn't only be conducted due to reasonable suspicion.		
Concern/Disagreement	N/A	Corrections Professional
12616: Audit: Clarification needed in relationship to the process in terms of type of review, what type of an appeal process is there if there are questions concerning the findings?		
Concern/Disagreement	N/A	Corrections Professional
12667: This definition [strip search] does not provide for staff to make any judgment decisions regarding the day – to – day operation of a correctional facility.		
Concern/Disagreement	N/A	Corrections Professional
12691: • In the Glossary Section, the Commission defines "sight and sound supervision" to include "continuous, clear and uninterrupted visual and audio observation of inmates." This requirement is not economically feasible due to present budgetary restraints.		
Concern/Disagreement	N/A	Corrections Professional
12692: • In the Glossary section, the Commission defines "strip search" to provide that these searches are to be based on reasonable suspicion and "should only be conducted when necessary to protect the overriding security needs of the facility..." This definition arguably could jeopardize our ability to conduct those searches.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Corrections Professional
<p>12704: Physical body cavity search: Including ears, nose and mouth in the definition of a "physical body cavity search" would be problematic. For instance, if a security staff observes an offender "cheek" a medication, it would go against sound correctional practices for that staff to stop to find a same-gendered, specially-trained staff to complete the search. It is not practical or reasonable to conclude it is an invasion of an offender's privacy for a female officer to look in a male offender's ears, nose or mouth while in the performance of their official job duties.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>12816: The definitions of sexual abuse in the glossary are not consistent with the BJS definitions that are currently used for data collection. It is recommended that the definitions of sexual abuse be written consistently.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>12817: The definition of "Sight and Sound Supervision" assumes that inmates/detainees are always within the confines of a facility and at all times within close proximity of an officer(s) or listening device. It does not consider work crews, work release, recreation, personal hygiene times, or the diverse settings within which inmate programs and services may be rendered. Therefore, application of this definition within a standard should provide examples of exceptions, limitations, or parameters within which the definition is to be used.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>12876: The definition of Inmate on Inmate Sexual Abuse only covers non-consensual sex between inmates. This is contrary to the Department's prohibition of any sexual activities between inmates. This could be interpreted as sanctioning consensual sex between inmates.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>12878: The definition of Sight & Sound Supervision is not well defined but used throughout the proposed standards. It appears that the intent is for use of a literary interpretation that would require each inmate at all times and in all places would be observed visually/auditorily by an employee, either in person or via technology. This would be extremely costly and unrealistic.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>12932: The proposed Rules do not make any provisions for how the independent auditor is to be compensated and seem to ignore the fact that in many jurisdictions, such as the State of Minnesota, there are already entities that exist and essentially perform the proposed functions, although they do not do so in the level of detail as set forth in the checklist. However, we believe the proposed Rules fail to take into account that the audit could be just as effective and viable at less cost if greater flexibility were permitted.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>12934: If an inmate is in custody but in general population and is not subject to any other confinements or restriction beyond those inherent to be in a facility itself, we believe that constitutional decisions do not require a Miranda Warning in those circumstances. Of course, an investigator may choose to provide such a warning but the Rules of the United States Government should not mandate the same in any case, in which an inmate in any criminal case is subject to questioning by a government official.</p>		

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Corrections Professional
12937: provides "Nonmedical staff of the gender opposite from the inmate being searched may not be present during the search". We do not believe such statement belongs in the definition since the definition of physical body cavity search would be the same whether or not that sentence is included in the definition. Rather, a glossary should not be used to establish substantive policy provisions, as we believe this last sentence implies. Additionally, this last sentence is overly broad. It fails to take into account the possibility of an emergency situation that could arise in which due to gender staffing issues it is a threat to the safety, security and order of the facility, its staff or other inmates to delay a search in order to find an individual of the same gender of the inmate.		
Concern/Disagreement	N/A	Corrections Professional
12939: While we understand the definition's intent, we note that the definition fails to make any distinction between a legitimate pat search and inappropriate, abusive physical contact.		
Concern/Disagreement	All	Corrections Professional
12943: This implies each inmate is to be visually and audibly observed constantly by staff without a lull. To achieve this level of supervision, even with the aid of technology, is unreasonable and impractical. Under the proposed definition, facilities would be in violation anytime staff did not observe an inmate both visually and audibly.		
Concern/Disagreement	N/A	Corrections Professional
12953: Agency head - Comments: need to insert, elected official... In some of the reading you use elected official and agency head together in Compliance Guide, page 8 first paragraph. If they are two different bodies then the definition needs to be included for elected official.		
Concern/Disagreement	N/A	Corrections Professional
13100: We believe there may be an issue in dealing with anonymous allegations. Anonymous allegations received by the Department that lack sufficient and/or compelling information will not require the initiation of an investigation.		
Concern/Disagreement	N/A	Corrections Professional
13101: Without clarification, this definition may interfere with the ability to conduct effective pat searches of offenders, which could compromise the safety of staff and other inmates. Inmates do not have the option to refuse a pat search.		
Concern/Disagreement	N/A	Corrections Professional
13271: Strip search - Definition limits the strip searches to circumstances where reasonable suspicion the inmates is secreting drugs or weapons. Strip searches are common at the time of intake and should not be disallowed because of this definition.		
Concern/Disagreement	N/A	Corrections Professional
13535: Auditor: What are the training requirements for be an auditor? Where will this training be provided and by whom? In the PREA of 2003, it was stated that training would be provided by NIC, however with the current budgetary shortfalls, NIC is facing possible closing or cutbacks at a minimum.		
Concern/Disagreement	N/A	Corrections Professional
13611: This definition in the standards is contradictory to the law itself as well as Nevada law. Zero tolerance should be zero tolerance. Our view is that there is no consent in prison, and therefore inmates cannot give consent to another inmate. This definition should read "with or without consent".		

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Corrections Professional
<p>13778: The definition of "confidential communication" includes the phrase, "[m]edical confidentiality is not applicable in cases where the patient is a harm to himself or herself or to others, deemed incompetent to make decisions for him or herself, or where medical practitioners are mandated under law to report communicable diseases and/or other conditions for public health reasons." We are concerned that this will be read by corrections and detention personnel to be a safe harbor from all civil and criminal liability for good faith breaches of medical confidentiality.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>13779: The commission should consider tempering this phrase with some qualification such as "may not be applicable," as we believe the assurance offered by the current wording overstates the liberty that exists to share medical and other private information available at state, federal, and common law.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>13780: The definition of "Miranda warning" includes this phrase: "[s]ince an inmate will always be considered 'in custody,' if there is any chance that inmate may be the subject of a future criminal prosecution, he or she must always be advised of his or her Miranda rights." We are concerned that this will mislead both corrections professionals and inmates to believe that inmates are entitled to Miranda warnings before any interview or interrogation that takes place. This generalization will confuse both staff and inmates about what rights remain attached while incarcerated.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>13782: The definition of "strip search" does not appear to allow same sex searches in emergency circumstances. We understand that same sex searches should be avoided, but we know there will be circumstances where the safety of the facility requires an emergency strip search and no same sex staff will be available.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>13930: It is noted that within the definitions of Strip Search and Visual Body Cavity Search, the definition limits application of these searches to circumstances where reasonable suspicion of contraband being secreted exists. Current policy within the CDCR states "inmates assigned to designated areas (i.e., vocational programs, industries, plant operations, warehouse outside crews, etc.) may be subject to unclothed body searches before return to the institution's general population These recommendations are due to the nature of the prison environment as opposed to a jail environment.</p>		
Concern/Disagreement	N/A	Government
<p>11869: Before addressing specific definitions, we must express an overriding concern that many of the definitions are written in absolute terms and do not include a necessary exception or exclusionary language for extenuating circumstances and other situations in which the ability to maintain safety and security must take precedence over strict adherence to the standard.</p>		
Concern/Disagreement	N/A	Government
<p>11870: While we agree with the Commission's desire to protect inmates in privately-operated prisons, we do not support an approach that would directly impose these standards on privately-operated prisons through definitions... We believe the definitions of "Agency" and "Agency head" should be limited to Federal, state, and local governmental entities. As ultimately prescribed by the Attorney General, the standards would be applied to the private companies through specific statements of work and monitoring of the contracts.</p>		

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Government
11871: Confidential communication Correctional agencies must be able to monitor the written and telephonic communications between these individuals in order to maintain the security of the institution and the safety of staff and inmates therein.		
Concern/Disagreement	N/A	Government
11872: Credibility assessment The second sentence states that "[w]hen assessing the credibility of incarcerated sexual abuse victims and witnesses, investigators must set aside biases they have against inmates..." This language presumes that all investigators possess a bias against inmates that negatively affects their abilities to effectively conduct their duties in a fair manner. This is an unfounded and unwarranted over-generalization and negative stereotype of correctional employees.		
Concern/Disagreement	N/A	Government
11875: The definition of Miranda warning is too broad and does not reflect current law. Because it is not an accurate definition, it should either be corrected or removed. Furthermore, we question whether this minute level of criminal investigation procedure is germane to the goals of the Prison Rape Elimination Act.		
Concern/Disagreement	N/A	Government
11876: Preponderance of the evidence standard This definition is too broad and does not reflect current law. Because it is not an accurate definition, it should either be corrected or removed. As written, it is an over-generalization of a matter relegated to the applicable Federal, state, or local rules of evidence regarding civil matters. It does not, for example, take into account the possible application of the "clear and convincing evidence" standard, or possibly others.		
Concern/Disagreement	N/A	Government
11877: Similar to our comments on the standard regarding restrictions on cross-gender supervision (PP-3), a restriction on opposite-gender non-medical staff being present during a body cavity search would cause delays in the performance of necessary security functions when staff of the same gender are not available and cannot be readily located. Waiting for staff of the same gender to be present to assist and to witness the cavity search could jeopardize the security of the institution and put staff or other inmates at an unacceptable risk.		
Concern/Disagreement	N/A	Government
11878: The definition of sexual abuse goes beyond the definition of rape in the Prison Rape Elimination Act and, therefore, the Commission has exceeded its mandate without Congressional authorization. The PREA defines rape as, at a minimum, the touching of the private body parts of another person for the purpose of sexual gratification. The Commission's proposed definition of sexual abuse includes staff-on-inmate indecent exposure, staff-on-inmate voyeurism, and staff-on-inmate sexual harassment. While always inappropriate, these behaviors are not proscribed by the PREA.		
Concern/Disagreement	N/A	Government
11879: Correctional agencies must be able to prohibit any sexual activity between inmates, even consensual sexual activity. As currently worded, this definition gives the impression that the touching described in the definition is permissible if an inmate provides his or her consent to be touched in the manner described.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Government

11880: Inmate-on-inmate sexually abusive penetration

As currently worded, this definition gives the impression that the sexual behavior described in the definition is permissible if an inmate provides his or her consent to the sexual penetration as described.

Concern/Disagreement	N/A	Government
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11882: Sight and sound supervision

This definition confounds the standard on inmate safety (PP-1), which requires "continuous direct sight and sound supervision of inmates..." Not only are the terms continuous and uninterrupted redundant, but when read in conjunction with the standard on inmate safety, results in the requirement for continuous direct, clear, and uninterrupted video and audio observation of inmates.

Concern/Disagreement	N/A	Government
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11883: Strip search

While the definition uses the language "may be conducted," it is not clear whether this would be interpreted as requiring reasonable suspicion for all strip searches. Correctional agencies must be able to conduct some strip searches as a part of their ongoing, routine security measures to prevent the introduction or transfer of contraband (for example, after social visits, before entering an administrative detention or disciplinary segregation unit, before going on an escorted trip, and after participating in a furlough or other community activity). In these cases, no reasonable suspicion of prohibited behavior should be required.

Concern/Disagreement	N/A	Government
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11884: In addition, the term "strip search" is unnecessarily inflammatory, especially in the context of the goals of the Prison Rape Elimination Act, a proposed set of standards that seek to protect the dignity of inmates that may have been the victims of sexual abuse. The definitions of strip search and visual body cavity search should be consolidated under a single category titled "visual searches" similar to those outlined in the Federal regulations (28 C.F.R. § 552.11(b)).

Concern/Disagreement	N/A	Government
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11885: Visual body cavity search

The definition is confusing since it may be necessary to have medical contact in order to search the vagina and the rectal cavity... This confusion may be resolved if the standards distinguished clearly between visual searches and digital or simple instrument searches, as the BOP has done in 28 C.F.R. § 552.11. The definition of digital or simple instrument searches should address the use of instruments, such as those mentioned above, as well as the use of an endoscope to visualize the stomach.

Concern/Disagreement	N/A	Labor Union
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11794: Agency:

Agency head:

Facility head:

...inappropriately refer to private operators of prisons. Private corporations do not have the ultimate legal authority for the inmates housed in their facilities... It is unclear what mechanism would exist to hold private prison operators to the same standards as the state and local governments. Therefore, an "agency" should be defined solely as a governing authority. If a jurisdiction chooses to privatize, that jurisdiction must remain responsible for making sure the PREA standards are met for inmates under its authority that are housed in private facility.

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Labor Union

11795: Auditor:

Many systems already have a process for auditing their facilities... Under the proposed system, it is unclear who would determine the level of independence of the official. For instance, would an official with ties to companies that have private contracts with the state be considered independent?

Concern/Disagreement	N/A	Prisoner
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12379: 1. **Physical body cavity search** – we object to the lack of readily available and less intrusive alternatives such as x-rays, the standard procedure at the Federal Bureau of Prisons' Supermax Facility.

We also strongly object to permitting physical searches based on no more than subjective guesses by prison guards that "appearance behaviors". It is also unclear how this standard of merely engaging in some prohibited behavior in any way justifies a body cavity search.

Concern/Disagreement	N/A	Prisoner
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12380: we strongly object to employing such a loose standard to any decision to take adverse administrative action against an alleged abuser. For this purpose, we support and propose a standard of clear and convincing evidence. The fact is that many prisoners, especially government informants and jailhouse snitches, falsely allege sexual abuse for a variety of reasons, including brokering a favorable deal with prosecuting or prison officials, to gain protective custody, and simply as revenge against prisoners they dislike. Falsified reports against prisoners by staff, the prevalent practice in the Federal Bureau of Prisons, are even more common. This, a more demanding evidentiary standard is warranted.

Concern/Disagreement	N/A	Prisoner
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12381: 3. **Sexual abuse** – we object to the language "with an inmate who is unable to consent or refuse", as used to define inmate-on-inmate sexually abusive contact and penetration, as overly vague. Our concern is a prisoner who might claim, for example, that he or she was unable to consent out of some general fear perceived only by that prisoner and not apparent to others to whom he or she appears a willing participant. We believe a sexual partner has a right to some indication that apparently consensual [sic] sexual contact is a fact non-consensual [sic] before suffering any adverse action as a consequence.

Concern/Disagreement	N/A	Prisoner
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12382: 5. **Sight and sound supervision/video monitoring system** – we most strenuously object to any suggestion of forfeiting prisoners' privacy rights in not being surveilled [sic] around-the-clock by video or audio or otherwise. Such privacy interests clearly outweigh the obvious interests in preventing prison rape. Indeed, the former is itself a form of rape, and a right many have and would be willing to give their lives to safeguard. Surveilling [sic] human beings around-the-clock, with no moments of privacy, is far beyond cruel and unusual. It is inhuman and dehumanizing, and clearly not a life worth living as such.

Concern/Disagreement	N/A	Professional Organization
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10709: Another definition we want to touch on, privileged communications, on page 13, telephone monitor: It says that we cannot listen to telephone calls between husband and wife; that is a huge tool we use to tell us when illicit activities happen including drugs, cigs, and weapons. In fact, inmates will intentionally pass along information in such a way sometimes to pass along information to the administrators. I don't know if that was the intent of the standards but if not, it needs to be clarified.

Concern/Disagreement	N/A	Professional Organization
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10710: Inmate on inmate (p 13-14) penetration: the definition implies that there can be consensual sexual contact between inmates; there is no consensual sex in prison. That puts our staff in the position of having to define what is acceptable and puts inmates in the position where some are acceptable to staff and some are not.

Concern/Disagreement	N/A	Professional Organization
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11269: Allegations include more than tips and grievances. Include direct observation, overhead conversations, direct conversations, etc. e. The last two sentences are out of place, and address policy consideration and are not really appropriate in a glossary entry

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Line of Comment	Standard Components	Source
Concern/Disagreement	N/A	Professional Organization

11272: Classification system, strong classification system
a. No reference to validity of the classification system, instruments utilized, processes employed, outcome validity, required separations are not defined.

Concern/Disagreement	N/A	Professional Organization
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11273: Confidential communication
a. By inclusion of the term, it appears readers are to conclude that there is protected confidential communications between a religious representative working with inmates, or a medical or mental health professional working in a jail.
b. The limits on confidential communication within a jail setting are when an inmate discloses information that is a threat to the facility's safety and/or security, the information must be disclosed.

Concern/Disagreement	N/A	Professional Organization
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11286: Inmate sexual abusive contact
a. The definition fails to make any distinction between a legitimate pat search and inappropriate, abusive physical contact.
b. Under the proposed glossary definition any and all physical contact without regard to the motivating intent would constitute abusive physical conduct. The definition for physical contact of this sort must be modified to reflect the fact that there are very legitimate reasons for such contacts to occur during the course of a security related search.
Non-penetration physical contact should require not only the presence of the contact but requires and defines them to include the contact as having occurred for sexual or aggressive intent.

Concern/Disagreement	N/A	Professional Organization
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11292: 61. Protective custody
a. This is much too broad a term that incorporates the housing of both predatory and non-predatory offenders.

Concern/Disagreement	N/A	Professional Organization
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11295: Sexual abuse
a. This includes "staff on inmate indecent exposure" and "staff on inmate sexual harassment". The majority of incidents are the reverse where inmates expose themselves to staff and sexually harass staff. Why is there no focus on the correctional employees who are exposed to this degrading behavior?
b. Under the proposed definition any and all physical contact without regard to the motivating intent would constitute abusive physical conduct. The definition for physical contact of this sort must be modified to reflect the fact that there are very legitimate reasons for such contacts to occur during the course of a security related search.
c. The definition fails to make any distinction between a legitimate pat search and inappropriate, abusive physical contact.

Concern/Disagreement	N/A	Professional Organization
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11297: 68. Sight and sound supervision.
a. The "continuous, clear, and uninterrupted visual and audio supervision of inmates" is impossible to achieve.

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Concern/Disagreement	All	Professional Organization

11299: 73. Strip search
a. This is too narrowly defined by restricting it to only weapons or drugs and not including instruments of suicidality, dangerous and nuisance contraband.

Concern/Disagreement	N/A	Professional Organization
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11489: Being that we are in a correctional setting, conducting strip searches is part of our routine and daily duties. And so that is not something we concur with as far as the national standard goes... You have reasonable suspicion 24/7 here dealing with convicted felons... The way this reads, we would very seldom ever be doing strip searches, which gives them the opportunity to move contraband, weapons, things of that sort from one side of the unit to the other without ever having to worry about being strip searched. It's a hazard to us as well as the offenders.

Concern/Disagreement	N/A	Professional Organization
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12451: The glossary is inadequate. We recommend the inclusion of approximately 70 entries of words or phrases used in the standards, the discussion sections, or the checklists. Additionally, we suggest language for many of the proposed entries which are, as proposed, inappropriate or inaccurate.

Concern/Disagreement	N/A	Professional Organization
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12459: Issues: (1) This is a very limiting entry; why only a staff member or volunteer? Included should include information provided to any person. (2) Allegations include more than tips and grievances. For example they include direct observation, overhead conversations, direct conversations, etc. (3) The last two sentences are out of place, and address policy consideration and are not really appropriate in a glossary entry.

Concern/Disagreement	N/A	Professional Organization
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12460: Confidential communication: By inclusion of the term, it appears readers are to conclude that there is protected confidential communications between a religious representative working with inmates, or a medical or mental health professional working in a jail. This is not true. The limits on confidential communication within a jail setting are when an inmate discloses information that is a threat to the facility's safety and/or security, the information must be disclosed.

Concern/Disagreement	N/A	Professional Organization
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12461: Credibility assessment: This entry is not a definition. It includes opinions and subjective commentary.

Concern/Disagreement	N/A	Professional Organization
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12462: Facility: Inmates are under the care, custody and control of a jail even if they are assigned to work in the community, or courthouses, etc. The entry should be amended to reflect this custody location.

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Professional Organization

12465: Miranda warning: This definition appears to not be accurate in terms of whether Miranda warnings are required to question inmates (sentenced inmates) within a jail or prison setting. The policy perspective/direction which appears in the sentence beginning with "Since" should be deleted.

Concern/Disagreement	N/A	Professional Organization
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12466: Pat-down search: The definition of a pat-down search as "superficial" is inaccurate and misleading. A better definition may include: A technique of using the open hand(s) to pat the outer clothing and person of an inmate to search for contraband. Others who review the glossary may have additional options for definitions.

Concern/Disagreement	N/A	Professional Organization
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12467: Physical body cavity search: The entry needs to be edited to keep only the definitional information and eliminate opinions, policy direction or points of view. [For example the sentence which begins "Nonmedical staff of the gender . . ." is a policy statement, not a definition.] Additionally the definition should track case law, which as written does not.

Concern/Disagreement	N/A	Professional Organization
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12469: Sight and sound supervision: The entry requires further qualification of terms used such as: clear, uninterrupted, proper staff deployment, particular structural design, immediate availability of staff, always be able to communicate. The entry, as currently written, will require jails to provide staff in inmate housing areas 24 hours day 7 days a week. This is not the current protocol for inmate supervision, regardless of facility design. It is not possible, ever, to have staff in continuous observation and hearing of all inmates, 24 hours a day, 7 days a week. This glossary entry, as a precursor to standards in extremely overreaching, unrealistic, unaffordable, and poses

Concern/Disagreement	N/A	Professional Organization
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12470: Staff: A more accurate distinction of this entry is "employee". The glossary needs to clarify is the term applies to employees who are considered sworn/certified/uniformed, and/or civilian/non-sworn/non-uniform employees. The term "employees" denotes a paid relationship.

Concern/Disagreement	N/A	Professional Organization
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12471: Visitor: The entry is, in our view, inaccurate. Visitors include inmate family members or friends, attorneys who visit their clients, religious officials who visit their parishioner, law enforcement who interview witnesses, suspects, informants, or victims, and tours of community, educational, religious, or from other organizations.

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	Professional Organization

12472: Visual body cavity search: This entry should be combined with "body cavity search". It is confusing and not a common use in the field.

Concern/Disagreement	N/A	SINA
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10295: I didn't find anyplace were there was a facility head or designee used in that way. This should be an option. Agency head must approve or body have jurisdiction. Some jails are lead by a counsel or board. There is not an agency head.

Concern/Disagreement	All	SINA
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10296: Sight and sound supervision is being able to see and hear that individual at all times. Less than 20% of the prisons in the US are designed that way. No cameras, no nothing. The tier system of management where staff walk down long hallways is not sight and sound supervision.

Concern/Disagreement	All	SINA
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10297: That is a deal breaker for 80% of the facilities in the county because they don't do it and they can't do it. It is beyond any national standard that talks about the accessibility of rounds. This says that you will be everywhere and how staff will be deployed. The national standard says that you will deploy were consistent rounds are done at an interval no less than 15 min. This is the ACA standard and the national model, even on enhance suicide watch.

Concern/Disagreement	N/A	SINA
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11013: This language is not possible. The ability for continuous supervision is possible. I am not continuously listening to all the cells but I have the ability to listen to any pod that I want to.

The continuous language does not fit with the discussion, which allows for the physical structure of the facility.

We can do continuous monitoring of the inmates using sight and sound and immediate access to help 24/7. This is possible if an inmate requests assistance.

Concern/Disagreement	N/A	SINA
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11015: Older facilities are not capable unless there is a whole new monitoring process in place.

There needs to be some flexibility to this for other locations. Some don't have technology other than whistles. Some kitchen staff doesn't have radios and must use a phone in a locked office in some locations.

Concern/Disagreement	N/A	SINA
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11022: The flip side of this is that someone may need to know something about an inmate and they don't hear about it because it is not shared.

Concern/Disagreement	N/A	SINA
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11227: referring to "need to know" definition:

- Do not fully understand that one.

Concern/Disagreement	N/A	SINA
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11230: referring to "need to know" definition:

not exactly sure what the definition is trying to say with this

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Type of Comment	Standard Components	Source
Concern/Disagreement	N/A	SINA
13974: I don't know how you measure this. We have many of these things here but at the other facilities, this is not possible		
Lower custody facilities should not have to deal with these restrictions.		
Concern/Disagreement	N/A	SINA
14105: What is culturally competent related to this issue?... I don't know how it relates to this issue... We don't face that challenge in West Virginia. This is common since and I don't understand how this relates to this issue. I understand how it relates to the job but not this issue... A victim is a victim. This does not matter what culture you are from when dealing with this population?		
Current Practice	N/A	Corrections Professional
10733: Certification can be achieved through the accreditation process for those agencies that participate in State accreditation or CALEA Standards.		
Current Practice	N/A	Corrections Professional
10734: Profane language does not qualify as sexual harassment in verbal exchanges with prisoners. Obscene comments, demeaning comments that are sexual in nature may, however, be considered as sexual harassment.		
Current Practice	N/A	Corrections Professional
12973: Visual body cavity search – Comments: I do not see the stomach as a body cavity in respect to a visual search, unless we are talking sonogram. Our terminology is unclothed searched or strip search.		
Current Practice	N/A	Corrections Professional
13418: The definition for "Garrity warning" expands what is required under state and federal law by providing that the warning should be provided in the form of a written warning and that the employee should acknowledge his or her understanding of the warning in writing or on tape.		
Current Practice	N/A	Corrections Professional
13419: The definition of "Miranda warning" is incorrect as a matter of law in New York State and perhaps elsewhere... the court employs an "additional restraints" test which requires a showing that the circumstances of the detention and interrogation "would lead a prison inmate reasonably to believe that there has been a restriction on that person's freedom over and above that of ordinary confinement"		
Current Practice	N/A	Professional Organization
10704: Strip searches, page 15: Strip searches may be performed on reasonable suspicion – in reality, we regularly perform strip searches without reason after contact with public, coming in and going out. We regularly perform routine searches and this would limit our ability to have that.		
Current Practice	N/A	SINA
10442: Where we document the reasoning for why we moved someone to SHU it is under a protective management screen – and is accessible as "need to know"		

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Type of Comment	Standard Components	Source
Current Practice	N/A	SINA
10491: •Our policies have a need to know clause – that protects me from divulging information – in the county policy and prison health services policy and NCCHC compliance indicator •Same for mental health		
Current Practice	N/A	SINA
10603: If we're short-staffed, we might collapse staff. We might pull some people from maintenance to security. We do that to reduce overtime. But there are areas that are staffed by uniform officers, and I'd prefer that.		
Current Practice	N/A	SINA
11012: I would say that with the intercom, we always have sight and sound. The rounds are done every hour.		
Current Practice	N/A	SINA
11023: Information kept and who sees it is guarded. With the SMP the information is noted and they have a logbook that highlights the behavior of inmates. This is shared in pass along from shift to shift.		
Current Practice	All	SINA
11133: We have video but not audio. For the general population there is no sound.		
Current Practice	N/A	SINA
11185 : Confidentiality for a medical perspective is a must and we take this seriously. We have a lot of family members who call here and want to talk to us and we won't talk to them unless that have a written release form. We adhere to this and it is a must. Our charts are also off limits and staff does not have access to the medical files. We do a need to know when there is a medical procedure done and we need to contact staff to let them know that they may need to use the bathroom for frequently or something like that. Other than that, they don't know.		
Current Practice	N/A	SINA
11186: bound by the confidentiality requirements unless they need to share information regarding the delivery of care. We do have a team meeting with 2 people from custody, the county and we work on mental health issues and classifications and how we can work with problematic clients. Confidentiality is also important here as well.		
Current Practice	N/A	SINA
11228: •We trust them... as long as I get a report back on the outcome I do not care, no offense, of what happened and what was discovered – I just need to know the outcome and if they think something actually took place. Use that info for security and safety measures, but do not care about the details of what they uncover. Want to know if it was a valid sexual assault and who the victim is and the assailant is		
Current Practice	N/A	SINA
11536: • We have positions all throughout the unit that the guards are staffed at, and that is sight and sound. They watch them going to and from activities, and we also use intercoms in the pods. They also walk through the pods to alert if there is any problems going on. The intercoms are on the walkways in the pods so if there's a need for assistance anywhere they can notify us.		
Current Practice	N/A	SINA
13973: One of the few facilities were you can listen in the cells. Most of the institutions in this state can't do this. This is not doable as it is written here.		

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Text of Comment	Standard Components	Source
Current Practice	N/A	SINA
14110: They don't really apply to us... If I am working in a seg unit and I escort the inmate, I am privilege to the information that is given. There is no expectation of privacy unless the doctor asks you to step out of the room. We understand that this information is confidential.		
Observation	N/A	Advocate
12157: <i>Cultural competence</i> : The importance of this concept cannot be overstated, and it should inform every aspect of these standards and their implementation. Given the diversity of cultural, racial and religious backgrounds of the inmate population and staff, a culturally competent environment is a prerequisite to the reporting, monitoring, treatment, and ultimate elimination of prison sexual abuse.		
Observation	N/A	Corrections Professional
12969: Verification of compliance - Comments: Attorney General, is that U.S. or State Attorney General?		
Observation	N/A	Corrections Professional
13069: Credibility assessment: False allegations are not addressed.		
Observation	N/A	Corrections Professional
13070: Medical practitioner and mental health practitioner: Additional funding required and contradictory to ACA standards.		
Observation	N/A	Corrections Professional
13073: Pat - down search: If like-gender only pat-downs are implemented, this would severely inhibit the posts female staff would be allowed to work. This would decrease opportunities for female promotions over time.		
Observation	All, N/A	Corrections Professional
13076: Video monitoring system: Areas of concern include expense, quality of video, increased server space to store data, how long to store data, privacy rights, increased accusations of voyeurism. There is also the dangerous assumption that monitoring equipment is proactive and will prevent. It only records so an agency can react.		
Observation	N/A	Corrections Professional
13132: Glossary - Staff-on-inmate sexually abuse contact: This definition describes a pat search, so further distinction is needed to outline what is part of the staff's duties (following pat search protocol) and what is outside the bounds (not related to official duties).		
Observation	N/A	Corrections Professional
13416: The glossary, although a helpful tool, should not be used to expand definitions and establish criteria above and beyond what is included in the proposed standards.		
Observation	N/A	Corrections Professional
13417: The definition of "full compliance" without a definition of "Immaterial noncompliance" also provides little if any guidance as to what must be done to achieve full compliance under the proposed standards.		
Observation	N/A	Individual
10318: There is no mention of Inmate - on - Inmate Sexual Harassment, Voyeurism, or Indecent Exposure.		
Observation	N/A	Labor Union
10658: page 11, Due process/administrative and criminal investigations should not occur concurrently; statements made in administrative process cannot be used in criminal proceedings.		

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Type of Comment	Standard Components	Source
Observation	N/A	Prisoner
10329: Concerning strip searches: Often times female officers are present and video recording it. This issue should be addressed because it is a form of sexual abuse and dehumanization.		
Observation	N/A	SINA
13976: The ACA standard is 4 min. response time for medical emergencies.		
Question	N/A	Corrections Professional
12664: Certification of compliance: "A written statement submitted by the chief executive to the Attorney General that reports the agency's level of compliance with the PREA standards based on the audit."... Which Attorney General? State or Federal?		
Question	All	Corrections Professional
12665: Sight and sound supervision: Continuous, clear, and uninterrupted visual and audio observation of inmates, achieved through proper staff deployment given the inmate population and the particular structural design of a facility. What does "...clear, and uninterrupted visual and audio observation of inmates..." mean within this operational philosophy?		
Question	All	Corrections Professional
12950: Continuous sight and sound supervision would require an enormous number of staff resources. What is the definition of continuous?		
Question	All	Corrections Professional
12952: Is the chief executive referring to state level? The Attorney General is this state or U.S.? Definitions need to be more specific and/or reference here needs to be more specific.		
Question	N/A	Corrections Professional
12970: Video monitoring system - "staff to provide the minimal sight and sound security necessary"		
Question	N/A	Corrections Professional
13065: Certification of compliance: Who decides if the plan of action is correct?		
Question	N/A	Corrections Professional
13075: Sight and sound supervision: What other profession requires this level of visibility?		
Question	N/A	Corrections Professional
13495: Will auditors be required to conduct an on site audit of every facility under an agency's jurisdiction or will the auditor select random facilities under one agency's jurisdiction to perform on site audits?		
Question	N/A	Corrections Professional
13498: Chief Executive: The chief elected official in the jurisdiction or, in federal systems, the chief appointed official in charge of the system. (Would this refer to the governor for the state of Montana)? Please clarify.		

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Text of Comment	Standard Components	Source
Question	N/A	Corrections Professional
13499: Agency head: The chief authority of a federal, state, local correctional, law enforcement, or privately run system. (Would this refer to the director of the Montana Department of Corrections)? Please clarify.		
Question	N/A	Corrections Professional
13781: The definition of "video monitoring system," includes the phrase, "[t]he video monitoring system should have the capabilities to ...activate an immediate response to detected abuse that will abate and/or contain the behavior...." Would the commission consider rewording this statement to clarify what is meant?		
Question	N/A	Individual
12424: When the chief executive is defined in the glossary it remains unclear who this individual should be within the system... If this individual is "ultimately accountable for approving and certifying compliance with the PREA standards..." does that mean if the system fails to protect a prisoner can the prisoner then take legal action against the chief executive as an individual?		
Question	N/A	Individual
12429: What prohibited behavior would be worthy of getting strip searched for? This part of the sentence should be removed. Also, it is great that prisoners should be strip-searched by "staff of the same gender" but how will you account for transgender prisoners? Will the prisoner be allowed to choose the gender of the guard/staff-person strip searching them? What about prisoners who have been victimized by individuals of the same gender and may be triggered by the strip search? Can they choose an individual of a different gender to strip search them?		
Question	N/A	Individual
12446: Who exactly needs to know? Who gets to decide who needs to know?		
Question	N/A	Labor Union
10650: What do you mean when you say "official"?		
Question	N/A	Professional Organization
11264: Actual staff a. Is this the number of staff employed? Or is the number of staff budgeted for employment? Is this an ideal number of staff given unlimited resources?		
Question	N/A	Professional Organization
11266: Administrative investigation a. Which agency administration?		
Question	N/A	Professional Organization
11267: Agency officials/head a. Are regional jail officials included?		

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Type of Comment	Standard Components	Source
Question	N/A	Professional Organization
<p>11268: Allegation</p> <p>a. Define investigation.</p> <p>b. Will an internal affairs inquiry suffice based on tips and allegations, or is there an expectation of a formal criminal investigation in each instance?</p>		
Question	N/A	Professional Organization
<p>11270: Audit. This needs further clarification on how the process will occur. How will findings be addressed, what type of review after an audit will be conducted prior to publishing the document, what type of appeal process is there to inaccurate findings, who keeps auditors in check when there is issues of integrity, lack of professionalism, etc. at issue?</p>		
Question	N/A	Professional Organization
<p>11274: Continuous direct sight and sound supervision</p> <p>a. What constitutes "continuous"?</p> <p>b. What constitutes "direct"?</p> <p>c. Does video and audio surveillance require a dedicated staff person to watch or listen to only that particular device?</p>		
Question	N/A	Professional Organization
<p>11275: Cost-effective and appropriate technology</p> <p>a. How is a determination made of "cost-effective"?</p>		
Question	N/A	Professional Organization
<p>11277: Cross gender supervision – Does this mean a male with a female gender identity</p>		
Question	N/A	Professional Organization
<p>11278: Culturally competent staff members</p> <p>a. How do you determine "cultural competence"?</p>		
Question	N/A	Professional Organization
<p>11279: Degrading</p> <p>10</p> <p>a. What is the standard for "degrading"?</p>		
Question	N/A	Professional Organization
<p>11280: Essential posts</p> <p>a. Who makes the determination of what constitutes "essential" or "non-essential" posts?</p>		

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Name of Comment	Standard Components	Source
Question	N/A	Professional Organization

11281: . Every reasonable effort
a. Reasonable by what standard?

Question	N/A	Professional Organization
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11282: Fit for duty
a. Is this a medical, mental health or physical agility assessment?
b. Is the criteria specific to that particular agency only?
c. How does bona fide occupational requirements and “reasonable accommodations” fit into this determination?

Question	N/A	Professional Organization
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11283: Forensic medical examination
a. What is meant by a forensic medical examination?
b. What are the qualifications necessary to conduct, and therefore comply, forensic medical examinations?

Question	N/A	Professional Organization
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11284: 36. Heightened sight and sound supervision
a. Heightened above what baseline standard?

Question	N/A	Professional Organization
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11285: Immigration detainee
a. When do these standards apply?
b. Do these standards apply when notification is made to ICE that their local charges have been resolved and ICE picks them up on their roles?

Question	N/A	Professional Organization
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11287: Intensive sight and sound separation
a. What is “intensive”?

Question	N/A	Professional Organization
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11288: Meaningful enforcement
a. Is there a baseline to determine “meaningful”?

Question	N/A	Professional Organization
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11289: Medical and mental health reception
a. Where does this occur? Is this part of the “Intake” process? Is this a specialized process?

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Type of Comment	Standard Components	Source
Question	N/A	Professional Organization
11291: 55. Official visitor a. Is this an individual in the facility at the request of the agency? b. Is this any member of the criminal justice system that is permitted access to the facility? c. Would citizen groups be considered as "official visitors"?		
Question	N/A	Professional Organization
11293: Qualifications of independent forensic medical examiner 12 a. What about those states or locales that do not utilize a "forensic medical examiner"? b. Does an elected "Coroner" meet this criteria?		
Question	N/A	Professional Organization
11294: Sensitivity training a. Please define the term "sensitivity"?		
Question	N/A	Professional Organization
11296: Sexual activity a. What constitutes "sexual activity"? b. Is this any "activity" that can be somehow correlated with sex? c. What is "sex"? Does it require two persons fulfill the definition of "sex"?		
Question	N/A	Professional Organization
11300: Transgender a. Is this only individuals with diagnosed "gender identity disorder"?		
Question	N/A	Professional Organization
11301: Uniform evidence protocol 78. Unnecessary and degrading exposure a. Who makes the determination of "unnecessary"? b. Who makes the determination of "degrading"?		
Question	N/A	Professional Organization
11302: Verification of compliance. Is this a state official or U.S. Attorney General?		
Question	N/A	Professional Organization
11303: . Validated, uniform data a. What is the criteria for determining "valid"?		

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Name of Comment	Standard Components	Source
Question	N/A	SINA
10602: Another issue is non-essential staff positions, how do you classify those?		
Question	N/A	SINA
10921: Is there a definition of custody? Should we train the other law enforcement agencies?		
Suggestion	N/A	Advocate
11693: The draft standards adopt the "need to know" policy common among some systems, but do not specify who is considered "needed" for this purpose. The standards should specify that information about a sexual assault must be shared with as few people as possible, and that line staff typically do not need to know sensitive information.		
Suggestion	All	Advocate
11791: Medical and mental health providers should not be covered by regular reporting requirements, including 'need to know' policies. They must instead be obliged to provide inmates with confidentiality comparable to that offered to survivors on the outside.		
Suggestion	N/A	Advocate
11901: 1) <u>Gender Identity</u> : Gender-related identity, appearance, or other characteristics, regardless of the individual's designated sex at birth. 2) <u>Transgender</u> : A term describing persons whose gender identity does not correspond to the sex assigned at birth. The term "transgender men" refers to people who were born female but identify as men, and the term "transgender women" refers to people who were born male but identify as women. 3) <u>Gender non-conforming</u> : Refers to people whose gender identities or expressions do not conform to gender stereotypes associated with sex assigned at birth, but who do not identify as transgender. Some examples include masculine women and feminine men. 4) <u>Intersex</u> : Also called "Disorders of Sex Development." Intersex conditions are usually present at birth and involve reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of female or male.		
Suggestion	N/A	Advocate
11903: we recommend modifying the following terms for additional clarity: 1) <u>Privileged Communication</u> : This definition should state "spouses" rather than "husband and wife." 2) <u>Sexual Abuse</u> : This definition should be expanded to include inmate-on-inmate sexual harassment in addition to inmate-on-inmate sexual abuse, staff-on-inmate sexual abuse, and staff-on-inmate sexual harassment. 3) <u>Confidential information</u> should be defined separately from "confidential communication." The definition of "confidential communication" is too narrow to encompass certain medical information that is considered confidential by law in many states (e.g., the results of an HIV test). Without a separate definition for "confidential information," the Glossary implies that information is "confidential" only if it is part of a communication between certain individuals in specific contexts. Certain medical information – such as the results of an		
Suggestion	N/A	Advocate
12007: In order to clarify several terms used within the Standards, we recommend including these terms in the glossary with the following definitions: 1) <u>Gender Identity</u> : One's gender identity is their gender-related identity and core sense of self, regardless of the individual's designated sex at birth. 2) <u>Transgender</u> : An umbrella term describing the wide variety of persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth. This term encompasses "transsexuals" as well. Additionally "transgender men" refers to people who born female but identify as men, and "transgender women" refers to people who were born male but identify as women.		

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Type of Comment	Standard Components	Source
Suggestion	N/A	Advocate

12009: We further recommend modifying the following terms as indicated for additional clarity:

1) **"Confidential Information"**: Please add more specificity to the exceptions to confidentiality so they cannot be read over-broadly. The use of the word "harm" in the phrase "the patient is a harm to himself" should say "danger" rather than "harm." However, even if patients could be a danger to themselves, there should be specific limits on what specific information could be shared, and with whom. Test results should be confidential and the information they contain should be disclosed only to those with a care-related need to know.

2) **"Privileged Communication"**: This definition should state "spouses" rather than "husband and wife" to reflect the fact that same-sex couples may be in legal spousal relationships in several states.

Suggestion	N/A	Advocate
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12156: *Auditor*: This definition should make clear that to be "independent," an auditor should be outside the state's criminal justice system, and should not, for example, be employed in the prison system's internal affairs or ombudsman's office or the state inspector general's office. Employees of such agencies, even though not affiliated with the incarcerating agency, may in fact feel closely aligned in interest with it and may be less willing to offer criticism of lax practices by corrections and detention officials.

Suggestion	N/A	Advocate
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12158: cultural competence definition:

This definition should include sexual orientations, gender identities and expression.

Suggestion	N/A	Advocate
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12159: *Preponderance of the evidence standard*: Because there is often no extrinsic proof that a prisoner has been sexually abused (as the Standards themselves recognize), protection should never be denied simply because a complaint cannot be "substantiated" other than through the victim's statement that he has been abused or threatened with abuse. This principle needs to be made explicit, perhaps here in the glossary but also elsewhere in the Standards.

Suggestion	N/A	Advocate
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12160: *Privileged communication*: We recommend changing "husband and wife" to "spouses."

Suggestion	N/A	Advocate
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12161: *Searches*: Definitions of "physical body cavity search", "strip search" and "visual body cavity search": We agree that such searches may be conducted on reasonable suspicion that the inmate is secreting drugs or weapons but recommend removing the provision that such searches may be conducted when a prisoner's "appearance and conduct suggest a likelihood of having engaged in prohibited behavior." Unless there is reasonable suspicion that a prisoner is hiding contraband, we don't see why such a search is necessary based on the suspicion that the inmate has engaged in prohibited behavior. We are concerned that this standard gives staff too much discretion and is subject to abuse.

Suggestion	N/A	Advocate
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12162: The definitions state that "non-medical staff of the gender opposite from the inmate being searched" may not be present during the search. This does not provide guidance concerning searches of transgender prisoners. We recommend specifying that these prisoners' gender preferences for staff searching them should be respected.

Suggestion	N/A	Advocate
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12164: *Sexual abuse*: We suggest adding "intimidation" as a means by which prisoners may be coerced into nonconsensual sex. We recognize that prisoners are often coerced into sexual contact by "threats of violence", but we also believe that more subtle forms of "intimidation" can act as a means by which individuals or groups of individuals within prison facilities may pressure other prisoners into sexual activity.

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Type of Comment	Standard Components	Source
Suggestion	N/A	Advocate
12166: <i>Staff-On-Inmate Voyeurism</i> : Because strip searches are often employed needlessly and for the purpose of retaliation, gratuitous strip searches unjustified by a legitimate security rationale should be included in the definition of "staff-on-inmate voyeurism."		
Suggestion	N/A	Advocate
12167: To prevent the frustration of meritorious civil actions brought by prison rape victims arising from the unintended effects of the Prison Litigation Reform Act, the Committee should add a definition for "physical injury" in the Glossary such as: "all rape and sexual abuse constitute physical injury," or "physical injury includes rape and sexual abuse, regardless of whether there exists visible injury."		
Suggestion	All	Advocate
12301: In the discussion of PP-3 and in the glossary, there are multiple references to restrictions on conducting searches unless certain conditions are met. We believe that firm requirements with regard to when searches may be performed are absolutely crucial to the prevention of sexual abuse. Therefore, we strongly recommend including these restrictions in the compliance checklists as well. We also believe that the language currently in these discussions must be clarified and strengthened.		
Suggestion	All	Advocate
12306: procedures must be put in place to increase the chances that the limitations on searches are adhered to in practice. To help make sure that searches are not conducted for inappropriate reasons, searches should always be approved by a superior officer absent an emergency and should always be documented.		
Suggestion	N/A	Advocate
12311: We urge the Commission to modify that language so that it states: "Strip searches of inmates may only be conducted on reasonable suspicion that the inmate is secreting drugs or weapons that could not be found with through a pat frisk."		
Suggestion	N/A	Advocate
12312: we recommend "Visual body cavity searches of inmates may only be conducted on reasonable suspicion that the inmate is secreting drugs or weapons."		
Suggestion	N/A	Advocate
12313: we recommend "Physical body cavity searches of inmates may only be conducted on reasonable suspicion that the inmate is secreting drugs or weapons and when absolutely necessary to protect the overriding security needs of the facility."		
Suggestion	N/A	Advocate
12315: Limits are therefore important for pat downs as well as other types of searches. We recommend the addition of the language: "Pat down searches may only be conducted on reasonable suspicion that the inmate is secreting drugs or weapons."		
Suggestion	N/A	Advocate
12412: The glossary should the terminology required for a basic understanding of the Americans with Disabilities Act (ADA):		
ADA Coordinator: the person designated by the Department of Corrections to ensure that appropriate reasonable accommodations are granted to inmates with disabilities as mandated by the Americans with Disabilities Act (ADA).		
Substantial Alteration or Undue Burden under the ADA: If the achievement of overall program accessibility causes undue financial or administrative burdens on the Department of Corrections or fundamentally alters the program or service, alternative means of achieving compliance must be sought to ensure that people with disabilities can participate in or receive the benefits of the program or activity.		

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Glossary

Type of Comment	Standard Components	Source
Suggestion	N/A	Advocate

12609: The Glossary of terms for the NPREC Standards for sexual abuse does not include any mention of unwanted, forcible or unwelcome kissing (mouth to mouth contact). Certainly, however, staff members who kiss prisoners are engaging in inappropriate conduct, and kissing can be used as a "grooming" technique that leads to further inappropriate sexual acts. Thus, the Standards should include or address kissing under the definition of sexual abuse and/or sexual harassment.

Suggestion	N/A	Advocate
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13200: In general, we believe that the glossary should not provide substantive standards. Rather, the glossary should only be used to define terms as used in other sections.

Suggestion	N/A	Advocate
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13204: The definition should make clear that strip searches are inappropriate and not allowed as a routine matter after an inmate has a contact visit. Rather, strip searches, even at those times, must be conducted only when there is reasonable, particularized suspicion of the particular inmate, and that the reasons for the strip search must be recorded in written logs.

Suggestion	N/A	Advocate
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13336: Since many adult facilities will be unfamiliar with the child abuse reporting laws also applicable in cases of sexual assault, there needs to be a new definition of "mandatory reporting laws" added to the glossary.

Add this as its definition (drawn from SD-1 Discussion, PDF p. 35): "State laws that mandate reporting to outside agencies for abuse perpetrated on certain vulnerable groups (e.g., youth, the mentally ill, mentally or physically disabled, or the elderly)."

Suggestion	N/A	Advocate
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13340: There is currently no definition that explains the federal rules regarding the need to keep youth under the age of 18 separate from adult inmates.

Add a new definition, "Sight and sound separation from adults": "To protect youth from abuse, inmates under the age of 18 should be out of clear visual contact and direct oral communication with other inmates who are adults, in accordance with The Juvenile Justice and Delinquency Prevention Act, 42 U.S.C.A. § 5633(a)(12) & (13)."

Suggestion	N/A	Advocate
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13342: Add new definition for "vulnerable population": "Includes all inmates who have not yet been classified, all inmates who are isolated from the general population, and all inmates who are from traditionally vulnerable populations, such as gay, lesbian, bisexual, and transgender inmates, as well as those inmates likely to be perceived as gay, lesbian, bisexual, and transgender; deaf or speech- or sight-impaired inmates; inmates with mental or physical disabilities; inmates with limited English proficiency; inmates with past histories of sexual abuse; youth under the age of 18 and those who appear young; and inmates who are physically weak; and those inmates who, according to judgment calls based on experience in a given facility and populations, are likely to be vulnerable for any reason."

Suggestion	N/A	Advocate
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13630: In the Glossary definition of "Credibility Assessment," the Commission urges the investigator to "make every effort" not to discount an inmate's testimony simply because she is an inmate. The Standard should be worded more strongly – an inmate's testimony should never be discredited simply because she is an inmate.

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Name of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional

10717: I would suggest the following definition of Inmate:
Any person that has been arraigned before a court magistrate/commissioner and has been incarcerated or detained in any adult facility.
This wording would better clarify who needs to receive PREA training and education.....to leave the definition as it is currently listed, would include those detainees in initial lock-ups that are part of Correctional facilities.....in many cases, detainees in lock-up's are only there for a few minutes to a couple of hours.....staff would be hard pressed to meet PREA requirements during such a short time and no one would want to increase the amount of time a detainee is kept in these areas..
Do you only mean adult facilities???

Suggestion	N/A	Corrections Professional
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10718: I would suggest the following definition of Staff:
Staff: All full-time and part-time employees of the agency, contractors with regular contact with inmates, and volunteers with regular contact with inmates.

Suggestion	N/A	Corrections Professional
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10719: I would suggest the following definition of Visitor:
Visitor: Any person, other than an employee, contractor, or volunteer who enters the secure portion of an agency for an official purpose. Excludes family members, friends, clergy, and attorneys who enter an agency to visit an inmate.

Suggestion	N/A	Corrections Professional
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10735: Staff conducting strip searches may, however, direct the inmate to lift breast or folds in skin where contraband (handcuff key) could be concealed.

Suggestion	N/A	Corrections Professional
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11375: Patdown Search: Needs to specifically state that the individual being search is clothed.

Suggestion	N/A	Corrections Professional
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11381: Inmate-on-inmate sexually abusive penetration involves penetration: Two of the three examples provided in this definition describe only contact between the penis, vagina, anus, or mouth, not penetration As such, the following examples should be eliminated from the standards:

- contact between the penis and the vagina
- contact between the mouth, and the penis, vagina, or anus

Suggestion	N/A	Corrections Professional
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11383: Sight and Sound Supervision:
This definition should be reworded to state: "Sight and sound supervision includes the availability of staff to inmates, requires that inmates be able to communicate with staff about matters of safety, and requires that staff be able to intervene in the event of sexual abuse, aggression, or any other emergency. Sight and sound supervision may be aided by technology that enhances the ability of security staff to view and listen to inmates." Measures can be taken to attempt to prevent prison sexual abuse and, when not prevented, to respond appropriately given that human behavior is unpredictable.

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Type of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional

11484: Staff-on-inmate sexually abusive contact: Touching without penetration by a staff member of an inmate with or without his or her consent, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks. P. 14
 Impact: This definition could be interpreted that pat searches constitute sexually abusive contact therefore, it is recommended that a phrase such as, "unrelated to official duties," be included.

Suggestion	N/A	Corrections Professional
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11486: Vulnerable/potentially vulnerable is referenced under PP- 2 Heightened protection for vulnerable inmates however, no definition is provided in the glossary. The glossary should include a definition to ensure uniformity. P. 19

Suggestion	N/A	Corrections Professional
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11488: There is no definition for "Validated Uniformed Data," a term repeatedly used under Monitoring Data Collection. P. 16

Suggestion	All	Corrections Professional
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11529: The Commission should define "validated" so that universally defined data elements are reported as this material will be used to develop policy and operational practices regarding sexual abuse issues.

Suggestion	N/A	Corrections Professional
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11580: The glossary should include a definition of the term "intake." From experience with the ACA accreditation process, it is known that some auditors will define this as the reception process into the agency's overall correctional system, while other auditors will define this to include intra- system transfers between two prisons within the same system. It should be made clear whether this notification is required only at reception centers or if it is expected to be delivered again at each subsequent facility that the offender is transferred to within the same agency.

Suggestion	N/A	Corrections Professional
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11607: defining the common, everyday term, "visitor" to exclude family, friends, and attorneys? The use of this term as defined may lead to confusion. Would the Commission consider using instead some different term, such as: "visitor/official" or "official visitor" to denote non-volunteer individuals who enter an agency for an official purpose?

Suggestion	N/A	Corrections Professional
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11712: Staff-on-Inmate sexually abusive contact (pg 14)

We request Change of Language to State: Touching without penetration by a staff member of an inmate with or without his or her consent, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks; *except when pat-down search is conducted as training indicates*

Suggestion	N/A	Corrections Professional
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11720: The Oregon Department of Corrections has a 20% standard of strip searching for visiting (inmates) and work crews due to security risks presented if not completed.

We request Change of Language to State: Strip searches must be conducted in private settings by staff of the same gender as the inmate being searched and should be conducted when necessary to protect the security needs of the facility. The unintended consequences could be failure to provide overall safety and security to staff, inmates, and visitors in correctional facilities for failure to recognize introduction of contraband.

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Type of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional
11981: The definitions of sexual abuse in the glossary are not consistent with the BJS definitions that are currently used for data collection. It is recommended that the definitions of sexual abuse be written consistently.		
Suggestion	N/A	Corrections Professional
12617: Auditors: There should be language that reflects the qualifications of the auditor		
Suggestion	N/A	Corrections Professional
12618: Classification: This needs to be added into the Glossary as a defined term since there is such emphasis on assessment, validity of classification system, what constitutes a classification system in a jail setting?		
Suggestion	N/A	Corrections Professional
12619: Legal: Staff on inmate sexually abusive contact is defined as "touching w/o penetration by a staff member of an inmate directly or through clothing.. of the genitalia, anus, groin, breast, inner thigh or buttocks". This definition would seem to include pat searches such as abusive touching and should include a phrase "unrelated to official duties".		
Suggestion	N/A	Corrections Professional
12620: Sexual Abuse: The proposed definition includes language that states "any and all physical contact with regard to the motivating intent would constitute abusive physical conduct. There is a need to reflect language that there may be reasons for such contact to occur in a prison setting during a security related search.		
Suggestion	N/A	Corrections Professional
12621: Strip search: The definition should be expanded to include not only weapons or drugs but also items that may be used that would be a danger to the inmate (i.e. suicide risk) and contraband		
Suggestion	N/A	Corrections Professional
12622: Recommendation is made to compare the BJS glossary of terms in relationship to PREA to ensure that there are no inconsistencies of what is required by the Bureau of Justice Assistance and what is proposed in the guidelines relating to definitions.		
Suggestion	N/A	Corrections Professional
12689: Should consideration be given to include a category for sexual abuse/harassment by inmates on staff/visitors/volunteers, the following standards in this draft would need to be modified to include language relating to inmate on staff incidents: SA-1: Zero tolerance of sexual abuse PP-1: Inmate safety PP-2: Heightened protection for vulnerable inmates RE-1: Inmate reporting		
Suggestion	N/A	Corrections Professional
12693: There is no need for the foregoing heightened definition of "sight and sound supervision" in confinement housing units.		

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Type of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional
12935: We can find little utility in light of the rest of the Rules why this reference to a Miranda Warning is even found in the glossary and we believe it should be deleted.		
Suggestion	N/A	Corrections Professional
12941: We believe the definition for physical contact of this sort must be modified to reflect the fact that there are very legitimate reasons for such contacts to occur during the course of a security related search. Minnesota Statutes in this regard may be instructive. Minnesota Statutes for Criminal Sexual Conduct involving non-penetration physical contact requires not only the existence of the contact but requires and defines them to include the contact as having occurred for sexual or aggressive intent.		
Suggestion	N/A	Corrections Professional
12945: The definition language should not include unrealistic and unachievable standards, but rather statements such as "reasonably necessary to prevent sexual abuse".		
Suggestion	N/A	Corrections Professional
12947: the definition of "Strip search" references reasonable suspicion that the inmate is secreting "drugs or weapons". We believe a broader definition is appropriate. Specifically, we suggest the definition include drugs, weapons or other contraband. It is possible that a variety of contraband that is a threat to the safety and security of the institution could be secreted and would still justify a strip search.		
Suggestion	N/A	Corrections Professional
12948: the glossary includes the stomach as a body cavity to be visually searched. The term "stomach" needs to be removed from this glossary definition.		
Suggestion	N/A	Corrections Professional
12949: Additionally on page 15 under the glossary definition of visual body cavity search, there is a reference to "other dangerous contraband concealed in the body cavity". The definition of dangerous is not present. Inclusion of such a term could lead to unnecessary litigation as to whether or not certain types of contraband are dangerous or not. We believe it to be more appropriate to simply eliminate the word dangerous as a modifier to allow for appropriate searches to discover drugs, weapons or other contraband.		
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	Corrections Professional
12965: Physical body cavity search – Comments: need to replace reasonable suspicion to probable cause. Probable cause requires a higher standard of reasoning for such an evasive search. Also, include, "A search warrant should be obtained if time and control factors allow."		
Suggestion	N/A	Corrections Professional
12966: Sight and sound supervision... either the requirement is continuous, clear and uninterrupted or not. Recommend deleting this portion and add to the last sentence, after last word, "emergency" add, "as a result of preventative observations, reportings, and discoveries."		
Suggestion	N/A	Corrections Professional
12967: Staff – Comments: need examples of agency representatives. Are they other agency representatives (other law enforcement agencies, Parole, Probation, etc...)?		

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Type of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional
12968: Reviewing the term Visitors, it sounds like other law enforcement agencies, Parole, Probation, etc... falls under this definition		
Suggestion	N/A	Corrections Professional
12971: Maybe minimal sight and sound needs defining, more under the sight and sound definition.		
Suggestion	N/A	Corrections Professional
13127: Glossary - Chief Executive: Suggest rewording the first sentence of this definition to cover agencies that have no elected official but an appointed official not under a federal system. Something more generic like chief elected or appointed official in charge of the system.		
Suggestion	N/A	Corrections Professional
13128: Pat-down search: Remove the words "superficial" and " running of the hands over the body of the inmate" to make this definition read: A physical search of the inmate's body without disrobing by a staff member in order to determine whether he or she is holding an illegal object or other dangerous contraband.		
Suggestion	N/A	Corrections Professional
13129: Glossary - Physical body cavity search: In the first line, add text in parentheses where it states ... for the purpose of discovering (and recovering) drugs...		
Suggestion	N/A	Corrections Professional
13130: Remove the last line stating: Nonmedical staff of the gender opposite from the inmate being searched may not be present during the search.		
Suggestion	N/A	Corrections Professional
13131: Glossary - Privileged communication: remove the phrase "a husband and wife" this is not considered privileged in an incarceration setting under some states law. Husband and wife (common-law, same sex, etc.) is not defined.		
Suggestion	N/A	Corrections Professional
13133: - Sight and sound supervision: Reword standard as follows: Visual and audio observation of inmates, will be achieved through proper staff deployment given the facility security level and the particular structural design of a facility. Sight and sound supervision may be aided by technology that enhances the ability of security staff to view and listen to inmates. Adequate sight and sound supervision includes the availability of staff to inmates; requires that inmates consistently be able to communicate with staff about matters of safety; and requires that staff be able to intervene to prevent sexual abuse, aggression, and any other emergency. This definition is used in so many other standards that the definition must be detailed enough without imposing		

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Type of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional
<p>13134: Strip search: Suggest rewording the definition as follows: A search that requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, abdomen, rectal cavity, or genitalia, mouth, nose, or ears of such person. Strip searches of inmates may be conducted on reasonable suspicion or after contact with public, in accordance with agency guidelines. Strip searches must be conducted in private settings by staff of the same gender as the inmate being searched. Staff conducting strip searches are not allowed to touch the breasts, buttocks, or genitalia of the person being searched.</p>		
Suggestion	N/A	Corrections Professional
<p>13135: Glossary – Verification of compliance: Remove the word "full" in the first line.</p>		
Suggestion	N/A	Corrections Professional
<p>13136: Glossary – Visual body cavity search: Suggest removing this standard since it is already defined under Strip Search with the reworded Strip Search definition above.</p>		
Suggestion	N/A	Corrections Professional
<p>13137: Glossary – Volunteer: Remove the last line of this definition as each facility will determine the criteria for their volunteers without the need to outline the criteria in a definition.</p>		
Suggestion	N/A	Corrections Professional
<p>13272: Staff-on-inmate sexually abusive contact is defined as follows: "Touching without penetration by a staff member of an inmate with or without his or her consent, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks." Comments: The above definition would seem to identify pat searches as abusive contact. Should include the phrase "unrelated to official duties".</p>		
Suggestion	N/A	Corrections Professional
<p>13421: The remaining definitions should be carefully examined by the Commission to ensure that the glossary is nothing more than a list of defined terms. The glossary should not be used as a tool to impose additional requirements or limits above-and-beyond those set forth in the standards.</p>		
Suggestion	N/A	Corrections Professional
<p>13434: The definition of body cavity search is overly broad. The definition should not include searches of the mouth, nose and ears, as it is perfectly appropriate for staff of the opposite gender to conduct visual searches of these areas.</p>		
Suggestion	N/A	Corrections Professional
<p>13500: As this definition is written, pat searches would constitute staff-on-inmate sexually abusive contact. The commission should consider verbage to exclude pat searches and contact while performing official duties (ie cell extractions) in this definition.</p>		
Suggestion	N/A	Corrections Professional
<p>13777: The definition of "certification of compliance" includes the phrase, "written statement submitted by the chief executive to the Attorney General that reports the agency's level of compliance with the PREA standards based on the audit." Clarification needs to be provided as to how this will be accomplished for private vendors.</p>		

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Type of Comment	Standard Components	Source
Suggestion	N/A	Corrections Professional
13929: The term "strip-search" was particularly questioned. The CDCR believes that "unclothed body search" is more precise terminology. The word "must" also caused some concern as used in "strip searches must be conducted in private settings by staff of the same gender." It was suggested that "must" be replaced with "except when exigent circumstances exist."		
Suggestion	All	Government
11863: The Bureau of Justice Statistics (BJS) establishes the definitions associated with the collection of data regarding sexual abuse in Federal prisons. Accordingly, the Commission should affect changes in the definitions through work with BJS.		
Suggestion	N/A	Government
11873: Full compliance		
This definition includes the term "immaterial noncompliance" and states that "[i]mmaterial compliance will not constitute a failure to fully comply with the PREA standards." Insofar as immaterial noncompliance is referenced as excusing full compliance, a detailed definition of that term should be included in the glossary.		
Suggestion	N/A	Government
11874: The definition of inmate should comport with the definition in the Prison Rape Elimination Act.		
Suggestion	N/A	Government
11881: Staff-on-inmate sexually abusive contact: Under the proposed definition, routine pat searches conducted by most correctional agencies would be staff-on-inmate sexually abusive contact. The corresponding statutory definition of sexual contact from the Federal statutes (18 U.S.C. § 2246) contains similar language with the following additional clarification: "...with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." This additional qualifying language should be part of the definition of staff-on-inmate sexually abusive contact in order to allow correctional agencies to continue to conduct pat searches of inmates.		
Suggestion	N/A	Government
12850: In the definition of "confidential communication," we recommend inserting "a sexual assault victim advocate and victim" after "(or anyone seeking spiritual help)," because many state laws provide a sexual assault victim advocate privilege or provide for confidentiality of information shared by victims with advocates.		
Suggestion	N/A	Individual
12428: It would be helpful to include a definition of what you mean by Radio Frequency Identification Systems in the Glossary.		
Suggestion	N/A	Prisoner
12383: 6.Visitor – we believe "official visitor for the state" should be employed to better distinguish them from other visitors, such as a prisoner's employee, investigator, assistant, secretary, accountant, etc.		
Suggestion	All	Professional Organization
1271: Authorized staff a. Defined "authorized" (budgeted, hired, allowed, etc)		

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Type of Comment	Standard Components	Source
Suggestion	N/A	Professional Organization

11276: Credibility assessment
a. This entry is not a definition that includes opinions and subjective commentary.
b. The second sentence labels an accusation that investigators will not conduct their job with integrity and professionalism. Eliminate this sentence.

Suggestion	N/A	Professional Organization
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11304: Visual body cavity search
a. There is a reference to "other dangerous contraband concealed in the body cavity". The definition of dangerous is not present.
b. Eliminate the word dangerous as a modifier to allow for appropriate searches to discover drugs, weapons or other contraband.

Suggestion	N/A	Professional Organization
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11317: There is no definition of "trained" in the proposed standards, an area where specific direction might have been helpful.

Suggestion	N/A	Professional Organization
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11319: There is no definition of what constitutes a "vulnerable inmate"? Is this classification based?

Suggestion	N/A	Professional Organization
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12463: Inmate: It is recommended that the term arrestee be added to denote individuals who are have been arrested by a law enforcement agency. It will also be helpful for the purposes of precision in the standard language to differentiate among arrestees; pre-trial detainees; and sentenced inmates.

Suggestion	N/A	Professional Organization
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12464: Medical practitioner and mental health practitioner: This definition needs to reflect the scope of professional practice is within the professional rules of the state in which the person practices. References to specific standards should be eliminated.

Suggestion	N/A	Professional Organization
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12468: Preponderance of the evidence standard: The entry, if retained, should be more precise, and avoid qualifying statements (such as "most"). The entry should be edited, with deletion from the sentence beginning with "Thus, . ." deleted to the end of the entry.

Suggestion	N/A	SINA
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10298: It talks about the inmates have been classified. You need to add classification to the glossary. It is a standardized process to assign a security level or human service need to an inmate... Don't take for granted that this is understood.

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Name of Comment	Standard Components	Source
Suggestion	N/A	SINA
10400: this is described as orientation; it could be described as intake. How do you define orientation and when does it occur? 48 hours or 2 weeks, each facility must define this relative to their facility.		
Suggestion	All	SINA
10407: We also need to add the word contractor as well.		
Suggestion	N/A	SINA
10619: We consider ourselves more of a prison because we have mostly sentenced people. Standards could define prison, jail, lock-up.		
Suggestion	All	SINA
10891: •More information on the continuous and clear – need to put the emphasis on the ability for inmates to always have immediate and constant access to someone to communicate safety issues/concerns.		
Suggestion	N/A	SINA
11014: Maybe you could say that it's the availability for sight and sound supervision to hear and or see what's going on. Availability to call for help combined with the access to auditory and visual supervision.		
Suggestion	N/A	SINA
11509: "inmate on inmate sexual abuse." We feel that the definition is too vague. Somewhere within the definition it needs to read that it is for the purpose of sexual gratification and it needs to be according to the states penal code.		
Suggestion	N/A	SINA
12267: Definitions on page 14 on voyeurism and harassment. There needs to be a clarification on the difference between voyeurism and harassment. How should we treat employees when they are using profane language vs. someone who is being sexually assaultative. A disciplinary correction can take place and should be treated separately		
Suggestion	N/A	SINA
13975: I would remove the first sentence and I would strike immediate.		
Suggestion	N/A	SINA
14074: Harassment should be under another category. We have had staff member call an inmate a queer after an inmate threw a cup of urine on the staff member. You cannot verbally harass inmates in our policy.		
Support/Agreement	N/A	Advocate
12165: <i>Sight and sound supervision</i> : This definition's insistence on continuous, clear, uninterrupted visual and audio observation is extremely important, and if implemented will help prevent not only sexual abuse but all other kinds of violence.		
Support/Agreement	All	Advocate
12308: We also strongly support the draft standards statement that strip searches, visual body cavity searches and physical body cavity searches must be conducted in private settings by staff with appropriate training.		
Support/Agreement	N/A	Corrections Professional
10366: This definition makes complete sense for inmates first arriving at a correctional facility.		
Support/Agreement	N/A	SINA
10367: Definitions are good for mental health and medical qualifications compared to other groups.		

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Type of Comment	Standard Components	Source
Support/Agreement	N/A	SINA
11523: I don't have a problem with the way it is. I think you could even remove the word repeated. There is zero tolerance for that here as well. Staff is not going to talk to an offender in a sexual nature. It's not allowed. Not once, not ten times, not repeatedly.		
Support/Agreement	All	SINA
14057: •The glossary was pretty good. Had to read things and go back and forth with the glossary. For someone who is not familiar with the correctional terms it can be confusing.		
Unintended Consequence	N/A	Corrections Professional
12879: We feel that these routine strip searches ARE necessary to protect the overriding security needs of the facility. This same wording--"...should only be conducted when necessary to protect the overriding security needs of the facility"--is part of the proposed definition. We would argue that this is contradictory. Routine strip searches are part and parcel of preventing contraband from entering a facility and protecting inmates and staff from the influx of weapons, drugs, and other items that may jeopardize safety.		
Unintended Consequence	N/A	Corrections Professional
13420: There is no caveat that such touching be "unrelated to official duties." As a result, by definition , every pat frisk (pat-down search) is an incident of sexual abuse.		
Unintended Consequence	N/A	Professional Organization
10703: Glossary, page 14: Staff on inmate sexually abusive contact: closely mirrors the criminal statue eighteen, however what the statue has and yours doesn't is the intent to arouse. By your definition, the routine pat search would be considered sexual abuse.		
Unintended Consequence	N/A	SINA
11231: Problem in a correctional facility are people that mirror or mimic things that happen... Do not want to cause a chain reaction so people are trying to get special treatment when they do not need it and you do not want to cause a panic through the system either.		