

Public Comment Report
 Prison/Jail
 SA-1: Zero tolerance of sexual abuse

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12010: •There are a number of tasks that agencies and facilities must perform in order to comply with the annual audit process, but there is nothing about consequences should an agency fail to do an audit or should the audit reveal that they are not in compliance and have no adequate plans to come into compliance.		
Concern/Disagreement	All	Corrections Professional
10778: SA-1: Is zero-tolerance the best policy in female facilities? Should there be a distinctions between consensual and coercive behavior? To punish inmates for consensual relationships on the same level as those punished for coercive behavior seems counterproductive.		
Concern/Disagreement	Discussion	Corrections Professional
11385: SA-1, Discussion: Use of the word "eliminate" establishes an immediately unattainable standard as it is doubtful that sexual abuse can ever be totally eliminated. The proposed standards should focus on detection, prevention, and response, as stated in PREA.		
Current Practice	All	Corrections Professional
10736: Certification can be accomplished through proofs of compliance RE training, action plans and deficiencies for those agencies that participate in State accreditation or CALEA. the re-accreditation audit would serve as compliance report in lieu of reports of certification being generated annually.		
Current Practice	All	Corrections Professional
12570: The Connecticut DOC adheres to the zero tolerance of sexual abuse. The agency goes through annual training of PREA to ensure that staff continue to provide direct supervision of inmates necessary to prevent sexual abuse.		
Current Practice	All	Corrections Professional
13625: Staff has been and continues to be trained as to the agency's zero tolerance policy. The inmates have not been fully educated at this time; however, this is one of our main goals The fiscal impact of this standard is not fully known at this time.		
Current Practice	All	SINA
10524: •The superintendent mandated that all the command staff have to tour other units, so inmates know who they are and approach them with issues. Captains have to tour the facility so many times. Every staff person on the upper levels has to be aware of all the facility issues.		
Current Practice	All	SINA
10559: •Staff and inmates were once accustomed to the comfort level that conduct wouldn't be detected, now not the case.		

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Line of Comment	Standard Components	Source
Current Practice	All	SINA

10884: close knit jail managers group that meets quarterly – consistent in helping each other to find solutions to problems together...

all jail managers hooked up and done trainings together with state system – had done a lot of pre-emptive stuff with regards to PREA. Jail managers have done trainings – did something awhile back with an 8-hour training just on how arrest to release and supervision is affected by PREA – lots of interest and participation, lot of networking and trying – doing the best they can without the standards. Have suggestions for how to tweak for the jails. Not a lot of surprises for us considering we have had nothing up front...

sheriffs statewide brought on and voluntarily brought on and have every other year audits on the jail standards...

Our person put together a draft policy and draft jail standards for PREA - from what we expected – and shared with others. We are pretty close. We already have voluntary compliance with these OR jail standards.

Current Practice	All	SINA
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10886: We have independent auditors... and go into someone else's jail – audit them on all their standards – not just policy and procedure, but also go in and talk with people. We do this every other year... to have to do that every year would be difficult... every year is cumbersome. internally we look at performance measures every year and look at things that would be under PREA... OR is pretty transparent and we put this kind of info on-line. That is every year, but the external auditing is not done every year. To free those people up each year it would be a resource drain. I think every other year.

Current Practice	All	SINA
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10919: We emphasis that as soon as you apply restraints, that's PREA. This information is not eliminated in the policy or the title. We focus on this although the act doesn't.

Current Practice	All	SINA
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113: We will learn from some of these incidents and will learn from what happens when another officer is disciplined who allows a sexual assault to occur. If we allow this culture to occur and inmates don't feel safe, the staff will not be safe. Most staff don't care if an inmate is raped at the beginning of class but by the end, most care.

Observation	Checklist	Corrections Professional
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11399: SA-1, Compliance Checklist 1, (a)(b)(c) are measurable and demonstrate that (d) and (e) have been met. Compliance Checklist 1, (d): (e): is redundant if (a)(b) and (c) have been met... This standard should be eliminated.

Observation	Checklist	Corrections Professional
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12785: Checklist 1 (SA-1) the five items on this list require determinations to be made without describing how those subjective determinations are made.

Observation	All	SINA
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10922: You hear of this all across the US with someone in the back of a control car and I think that this is PREA.

Question	Discussion	Academic
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12909: The discussion of policy and practice needs further elaboration. Are the standards requiring each agency to have a PREA related policy? Are there standards for this policy?

Question	All	Professional Organization
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119: The objective measure for any "Standard" should be one for which reasonable professional corrections professional would agree, limits debate or deliberation about the meaning of the phrase. For example, what is the objective measure of the checklist item: "Does agency leadership demonstrate zero tolerance toward all forms of sexual abuse"?

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Type of Comment	Standard Components	Source
Suggestion	All	Academic
12912: Suggest that a policy and its format be described in these standards. Also suggest that this standard discuss the importance of addressing gender differences in prison and jails.		
Suggestion	All	Academic
12922: Prevention programs are not addressed in the SA section-- agencies and jurisdictions should be required to develop and maintain prevention programs and strategies as part of their action plan.		
Suggestion	All	Advocate
11904: •The Standards should set consequences for non-compliance (e.g., imposing fines upon facilities that do not comply).		
Suggestion	All	Advocate
12011: The Standards should include a real comprehensive scheme with incentives for compliance and consequences for non-compliance. We suggest imposing fines upon facilities and agencies that fail to comply, with those monies made available as grants by application for prison programs designed to reduce prison overcrowding.		
Suggestion	Checklist	Advocate
12012: •The auditor should also have unimpeded access to confidentially interview any prisoners and prison staff necessary to perform the audit.		
Suggestion	All	Prisoner
10327: The agency should consider race, age and the time that an inmate has served before placing inmates in cells. Mostly younger inmates are being raped because the prison does not care who they are housed with.		
Suggestion	Checklist	Prisoner
10328: Policies are written but they are limited. The agency should consider placing safety rules and regulations in all hallways such as [], schooling and pod bulletin boards etc.		
Suggestion	All	Professional Organization
* 11305: The term "demonstration" is subjective and not measurable. Requiring the agency to develop a written policy and procedure is the only means to hold the agency accountable. ³ . Do not establish standards in the discussion.		
Suggestion	Standard Statement	Professional Organization
12475: more powerful and stated in measurable terms, as the word "demonstrates" is subjective and not measurable. Requiring the agency to develop a written policy and procedure is the only means to hold the agency accountable.		
Suggestion	Discussion	Professional Organization
12476: The Discussion section requires editing to provide clarification to the standard statement, and refrain from offering opinions or points of view about how an agency head may achieve the goals. References to annual audit should be deleted (see below). Specific strategies should be included in the resource guide accompanying the finalized standards.		
Suggestion	All	SINA
10885: would prefer it was <u>every other year</u> .		

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Name of Comment	Standard Components	Source
10887: when I go out to inspect facilities, my agency pays for me to be out and inspecting the other agencies. Of someone comes in to inspect us, their agency pays for them to be with us the only cost to being inspected is me being part of a team to inspect others.	All	SINA
12168: SA-1: The Commission's zero-tolerance policy comports with U.S. international human rights obligations to adopt reasonable measures to prevent, investigate and punish acts of torture and other forms of cruel, inhuman or degrading treatment. International law has long recognized that rape and other forms of sexual abuse fall within the definition of the norm prohibiting torture and other cruel, inhuman or degrading treatment... We agree that in order to completely eliminate sexual abuse in prison facilities, agencies must commit to zero tolerance of sexual abuse.	All	Advocate
12555: The County Sheriffs of Colorado believe that any form of sexual abuse in criminal justice confinement facilities is unacceptable and Colorado Sheriffs are very supportive of a zero-tolerance outcome.	All	Corrections Professional

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Public Comment Report
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 SA-2: Annual audit and certification

Text of Comment	Standard Components	Source
12903: The audit description is unclear and is causing the most confusion in the folks I have spoken with regarding these standards.	All	Academic
12013: •Respectfully, we assert that a conflict of interest exists in this section. The NPREC recognizes that in order for the Certification of Compliance to be meaningful, it must be based primarily on the conclusions of a competent, independent auditor. However, as currently written the chief executive is the official who both hires the auditor and is responsible for submitting the auditor's Certification of Compliance to the Attorney General, giving the auditor no independent voice.	All	Advocate
12169: SA-2: The PREA auditing standards fall short of international human rights obligations that impose an affirmative duty on the United States to adopt reasonable measures to prevent, investigate and hold accountable persons, including the state, its agents or private actors who participate in or acquiesce to acts of torture... While overall the PREA standards go some way towards meeting U.S. international obligations to <i>prevent</i> sexual abuse of people in confinement, the standards fail to provide an adequate and effective mechanism to hold accountable, through criminal or civil sanctions, those involved in sexual abuse of people in confinement.	All	Advocate
13538: Based on our experience with jails and prisons over decades, we believe that self-auditing by prison and jail officials borders on the futile unless bolstered by meaningful <u>external oversight</u> . We are not alone in this belief: Perhaps more than other institutions, correctional facilities require vigorous scrutiny: They are uniquely powerful institutions, depriving millions of people each year of liberty and taking responsibility for their safety, yet are walled off from the public. They mainly confine the most powerless groups in America—poor people who are disproportionately African-American and Latino. And the relative safety and success of these institutions have broad implications for the health and safety of the public.	All	Advocate
13541: There are no <u>Standards setting out the Auditor's requirements</u> ; there are only a couple of Checklist questions regarding whether the Auditor has any bias or ties to the correctional Agency. No other requirements are set forth defining who can serve as an Auditor although the Compliance Guide talks about an "experienced and well-trained" Auditor. While these are appropriate starting points, they are simply not sufficient. We believe that the Standards should require that an Auditor have some expertise in dealing with reports of sexual abuse and some background in the unique institutional setting of jail and prisons. The Standards also do not make clear the process by which the Auditor will be selected or how much compensation, if any, will be provided, and they should.	N/A	Advocate
13542: The Compliance Guide indicates that the Auditor should review the Checklists and should talk to some staff and inmates. These steps are essential, but too vague. How many inmates and staff members, selected how, and by whom? It is suggested that the Auditor will want to speak to prisoners who complained of staff sexual assault, and to the staff who allegedly assaulted them. These steps should be required, and should specifically require that the Auditor also speak to prisoners whose complaints were not substantiated. The Auditor should also be required to speak to investigators about how they conducted their investigations of complaints, and to high-ranking facility staff to determine what occurred at the Review Meetings required by RP -9 so the Auditor can assess the facility's review of whether policies and procedures contributed to the reported <u>ε</u> e, and whether these Reviews appropriately resulted in changes in policies and practices.	All	Advocate

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SA-2: Annual audit and certification

Content of Comment	Standard Components	Source
Concern/Disagreement	Discussion	Corrections Professional
11386: SA-2, Discussion: To expect detailed annual audits as proposed in the standards will be overly burdensome and will impose a substantial financial burden on the agency. Audits are an unfunded mandate. An expectation that complete compliance with PREA is more important than funding other aspects of correctional operations or other governmental operations is short sighted.		
Concern/Disagreement	Discussion	Corrections Professional
11388: The last sentence of this discussion section includes language that is unattainable, and irrelevant to a finding of compliance. Even if an agency is in total compliance with the standards, it is impossible to guarantee that prisoners can always be "safe from all forms of sexual abuse".		
Concern/Disagreement	Checklist	Corrections Professional
11401: SA-2, Compliance Checklist 2, (a): The word "affiliation" is too broad and unclear. Consider changing the language to "independent auditor not employed by the agency." As currently written, this standard would preclude the use of the same independent auditor in subsequent years. Since this standard also requires that the independent auditor evaluates his or her own competence, it should be eliminated.		
Concern/Disagreement	Checklist	Corrections Professional
11403: SA-2, Compliance Checklist 2, (c): Unbridled access by an independent auditor to enter a correctional facility at any time will negatively impact facility operations. Unbridled access also has the potential to compromise the safety and security of the facility, staff, and prisoners. This standard should be eliminated.		
Concern/Disagreement	Checklist	Corrections Professional
11405: SA-2, Compliance Checklist 2, (d): This standard requires that the Governor be involved in this process, which seems unnecessary. Further, the requirement of an annual audit is overly burdensome and would impose substantial additional costs, given the sheer volume of the proposed standards and the number of facilities in the MDOC.		
Concern/Disagreement	All	Corrections Professional
11449: This language is vague and misleading. The standards should allow for an appropriately independent government auditing body to perform these audits in accordance with accepted standards of government auditing. Further it is simply not feasible for auditors to enter any facility unannounced and at any time, or talk to inmates who've reported abuse while preserving confidentiality.		
Concern/Disagreement	All	Corrections Professional
11451: The discussion on p. 16 states, "In order for such certification to be meaningful, it must be based primarily on conclusions of a (n) ... auditor ... that inmates are in fact safe from all forms of sexual abuse." We submit that is an impossible standard to meet in the real world, even when a correctional agency takes every reasonable and prudent step consistent with the proposed standards to protect the persons in their custody.		
Concern/Disagreement	Standard Statement	Corrections Professional
11450: By requiring that the auditors be "independent auditors who have no previous or current affiliation with the agency," it is unclear if the Department could utilize the same firm/company for subsequent years.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	Standard Statement	Corrections Professional
11549: As it is structured, the requirement for an annual independent audit is, in essence, an unfunded mandate that would lead to increased and substantial expense for the agency.		
Concern/Disagreement	Checklist	Corrections Professional
11555: Compliance Checklist 2 (c) For security purposes, it may not be possible or prudent to permit an independent auditor to have unrestricted, unannounced access to the facility at all times.		
Concern/Disagreement	All	Corrections Professional
11976: the requirement for unaffiliated, independent auditors is both administratively cumbersome and discounts years of unbiased, accurate internal audits conducted within this agency.		
Concern/Disagreement	All	Corrections Professional
12405: The attitude of some members of the Commissioners to the real-life lack of resources available to local jails is concerning. During the "round-table" discussions about the proposed standards on May 14, 2008, the response of some Commissioners to the lack of resources noted by participants was dismissive, and participants were told, in effect, to go get the necessary funding, as if sheriff and jail administrator somehow had the local government's checkbook and authority. This lack of understanding of local budgetary processes, as well as an apparent lack of respect for those challenging the incorrect notions of some Commissioners incorrect perceptions is not helpful in reaching PREA's goals.		
Concern/Disagreement	All	Corrections Professional
12577: SA-2 Will there be training certifications for these auditors. How costly will this be as smaller jails will have a hard time affording this.		
Concern/Disagreement	All	Corrections Professional
12614: The audit process as outlined is much more than a 'paper/policy review' and would require access to the facilities, staff and inmates as well.		
Concern/Disagreement	All	Corrections Professional
12623: SA - 2: Annual Audit and Certification: Understand the need for an auditing capacity, however, since the auditor must be 'independent' and cannot be internal staff in a DOC, there is a fiscal impact in that this service would need to be contracted out. As noted in General Comments, there are no federal funds associated with PREA in relationship to auditing. If there is going to be the establishment of a 'National Auditing Program' there should be a funding mechanism, outline of the specifications and training required of the auditors, requirements in terms of education and experience and a structure to monitor this overall auditing process.		
Concern/Disagreement	All	Corrections Professional
12659: Our primary objection to the standard as proposed is that placing a burden on the state to contract for an additional external or independent audit, especially given the extent of the checklist processes proposed, without providing the federal funding to support the process, would be unduly expensive and burdensome.		

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Name of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
12708: An annual department-wide compliance audit, while well intentioned, is unnecessary and expensive. Costs go well beyond the auditor's salary. Of greater concern are the additional staff resources and workload to prepare for the audit. This type of audit creates redundancy, unnecessary expense and oversight. The Commission should take into consideration agency compliance using a reasonable security expectation and factoring in existing DOC policies and procedures. The scope and authority of the audit and auditors appears exceedingly broad. Allowing auditors carte-blanche access to facilities without prior notice is unreasonable.		
Concern/Disagreement	All	Corrections Professional
12789: The expense to the state of the additional audits in payments to independent auditors and staffing hours for the internal audits would be substantial and is not one that is currently budgeted.		
Concern/Disagreement	Checklist	Corrections Professional
12791: the items to be reviewed pursuant to the checklist are over-broad and subject to different interpretations by different reviewers.		
Concern/Disagreement	Checklist	Corrections Professional
13005: Under Compliance Checklist 2 (d) the question is raised "does agency leadership demonstrate zero-tolerance toward all forms of sexual abuse? We ask the question as to how an evaluator would objectively determine the existence or nonexistence of this factor. We discover that nothing in the proposed Rules would address that issue. Similarly, Checklist 2 (b) asks whether all auditors are competent to conduct an unbiased investigation of compliance with the standards. There are no criteria as to how that question will be measured.		
Concern/Disagreement	Checklist	Corrections Professional
13007: On page 46 Compliance Checklist 3 (b) raises a question as to "serious incidents" that have occurred in the facility, but do not make it clear if the parenthetical clause is to be used to define what a serious incident is not. That same comment is applicable to 2 (n) on that page.		
Concern/Disagreement	All	Corrections Professional
13102: The implementation of this standard seems to create an additional unfunded mandate on corrections agencies. If independent auditors trained in PREA standards are required, it could be difficult and costly to find such individuals. The large size of some state prison systems might make it difficult for auditors to get to all institutions and report in a timely manner. This audit standard would require the Department to ask for additional funding in future fiscal years.		
Concern/Disagreement	All	Corrections Professional
13275: The availability of qualified auditors is also a concern. If every corrections, community corrections, jail, juvenile corrections and juvenile detention system would be required to have annual audits, it is not possible to have qualified auditors available to fill this need in the short-term.		
Concern/Disagreement	All	Corrections Professional
13304: It is not clear who these independent auditors should be or how the audits will be funded. The discussion section infers that the Governor will ensure an independent audit. Why not rely upon ACA, NCCHC, JCAHO, or ASCA auditors who understand corrections? In addition, the MA DOC also has its own internal auditing process which is not affiliated with specific correctional institutions, but operates through the Department's Central Headquarters		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
<p>13307: The standards do not explain whether the auditors report their findings to the United States Attorney General directly, or to the Governor of the state, who must then certify the results, and any corrective action planned, to the United States Attorney General. Finally, due to the level of detail set forth in the lengthy compliance checklists, annual audits would be overly burdensome, extremely time consuming and costly. By way of contract, ACA audits are conducted every three years.</p>		
Concern/Disagreement	All, N/A	Corrections Professional
<p>13412: Not only must the auditor ensure that policies meet the checklists, that training is consistent with the policy and that staff attend training, they "must be able to assess whether staff members do indeed understand their responsibilities and have demonstrated proper execution of them..." (page 9). This is an unrealistic goal, particularly since so many state and local governments are subject to severe fiscal constraints.</p>		
Concern/Disagreement	Checklist	Corrections Professional
<p>13424: Compliance Checklist 2 requires that auditors have the authority to enter any facility unannounced at any time. This is problematic.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13467: 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 Utah, there are already entities that exist and which can 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	All	Corrections Professional
<p>13489: SA-2: Independent Audit. The requirement of an annual independent audit is a budget/cost item. There may be entities formed that would become experts in the auditing requirements. To acquire services from independent auditors and/or experts regarding PREA standards would require funding for contractual agreements. With the length of the audit/monitoring instrument and number of locations to audit, this would be a significant expense. If professionals/experts in PREA standards were not available or acquired, the determination then has to be made what qualifies one as an independent auditor.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13505: SA-2: Requires that the auditor have no previous or current affiliation with the agency. Finding a "competent" auditor on an annual basis with no previous or current affiliation with the agency may be a daunting task for a state with a limited population such as Montana.. This requirement would also cost the state a significant amount of time and resources (contract, new FTE, etc.), not to mention the financial burden it would impose on rural counties.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13507: SA-2b; Define the term competent. How will the agencies certify whether an auditor is competent?</p>		

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Name of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Corrections Professional
<p>13548: Checklist 2: (a) Each year is not reasonable. There are not enough independent auditors in each state for all prisons and jails and new auditor's couldn't be trained fast enough. Checklist 2: (b) An auditor's competence cannot be determined by the facility if being audited. Checklist 2: (c) Would take local legislation.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13627: It is uncertain if the chief executive of our state has the knowledge and understanding of the PREA law and standards in order to conduct a complete audit. We cannot guarantee that this would or could happen every year. If the standard requires an independent, non- state agency audit team, that would cause fiscal impact on the agency based on the geographical locations of our facilities.</p> <p>In addition, in order to be in full compliance, legislative mandates would be required due to staffing and budget concerns. This would not only require the chief executive to audit our system, but also require a legislative audit as well. This would put a fiscal burden on the state of Nevada as a whole</p>		
Concern/Disagreement	All	Corrections Professional
<p>13695: The NJDOC currently does not have the resources to employ independent auditors who have no previous or current affiliation with the agency, unless the agency is defined as a specific correctional facility and not the department as a whole.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13716: SA-2 The requirement for an independent auditor carries a fiscal impact. The definition of audit allows for the auditor to determine what is necessary in order to conduct the audit. This means that the cost of the audit will be difficult to determine and budget for in advance because of the unknown actions that may be "deemed necessary" by the auditor. This should be made more specific so that an agency can determine what is necessary for the audit process and what the cost of the audit will be.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13742: SA-2: Annual audit and certification Due to the anticipated cost to hire an independent auditor this would cause a fiscal impact on our Department based on the geographical locations of our facilities. We anticipate difficulties in finding an independent agent who is a qualified PREA auditor. This requirement should be reviewed to determine whether a more cost-effective auditing option would be feasible.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13743: The audit and certification requirement is an unfunded mandate requiring the Department to contract with an independent auditor.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13826: This standard may be difficult to meet in the future because of significant challenges and limited resources that are funneled toward other expenditures throughout the agency. This will be a very costly standard to comply with.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13845: An independent auditor would cause significant financial burden on IDOC. We disagree with the assumption that an internal auditor would be biased. This is also an unfunded mandate.</p>		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13870: It seems as though compliance is based upon the sole discretion of an independent "Auditor..." However, the standards fail to address the qualifications an "Auditor" must possess and what, or even if, there is an auditor certification process.		
Concern/Disagreement	All	Corrections Professional
13931: the potential costs of an independent auditor and the need for training and certification of auditors to assure consistent application of the standards drew comments. Other concerns included what division of the federal Department of Justice would receive, review, and monitor the audit reports and what would the sanctions be if a state was found to be out of compliance with the standards.		
Concern/Disagreement	All	Government
11801: the standard provides minimal guidance in determining what type of entity would be qualified and appropriate to serve such an important function. It is not clear if the auditor could be an independent government agency or would have to be a contractor.		
Concern/Disagreement	Discussion	Government
11802: standard provides little indication of the level of training or experience the auditor must have and no guidance in evaluating the competence of the auditor.		
Concern/Disagreement	All	Government
11803: It would be especially difficult to find an auditor with sufficient knowledge of corrections and experience in conducting audits in a correctional environment, and that has no previous or current affiliation with the agency. Whatever independent entity contracted with an agency for an audit would appear to be excluded from all future contracts based on their previous affiliation (contract), making it exceedingly more difficult to secure this service.		
Concern/Disagreement	All	Government
13352: This would require tripleing auditing frequency, since currently there is a triennial operational inspection at the Con Brigs, with the ACA and IG audits in the off years.		
Concern/Disagreement	All	Government
13358: The requirement for a "competent" auditor is also reflected in Compliance Checklist 2. In neither place does it specify how such an auditor would be trained, though it is certainly implied that additional training (subject matter expert?) would be expected		
Concern/Disagreement	All	Government
13487: This is an onerous requirement, who audits the auditor ad infinitum?		
Concern/Disagreement	N/A	Labor Union
10651: The concern on our part is having a public facility audited by a private company with a financial interest in finding the facility to be non-compliant. Would this be reviewed by state Secretaries of State? Who do these auditors report to?		
Concern/Disagreement	All	Labor Union
10652: What about a place like Washington, which has 36 counties and 36 jails? The audit is a huge responsibility for each of the sheriffs those jurisdictions.		

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Name of Comment	Standard Components	Source
Concern/Disagreement	Discussion	Professional Organization
11260: This paragraph says the compliance checklists "must be considered during the audit" and further goes on to say that "the checklists do not exactly dictate exactly how agencies will accomplish the requirements..." This is false. The included compliance checklist mandates those actions that must be taken in order to achieve compliance.		
Concern/Disagreement	Discussion	Professional Organization
11261: Given the 560+/- checklist bullets, there is not the "flexibility" for the administrator to determine how a local agency is to implement the Standards		
Concern/Disagreement	Discussion	Professional Organization
11263: This section seems very subjective and open to personal bias on the part of the auditor.		
Concern/Disagreement	All	Professional Organization
12389: Audit Requirement - NSA believes that the Commission's proposal for audits is clearly beyond what is authorized in the PREA legislation. We understand that the law speaks in Section 8 to a state's certification of adoption and full compliance with national standards, but we hold that it is an incorrect and irrational leap to connect this language with creation of a comprehensive national auditing program for the more than 4,500 jails and prisons in the United States.		
Concern/Disagreement	All	Professional Organization
12399: While we have not attempted to estimate the costs of the national auditing program to our membership, the expense from public funds will be substantial and far beyond that which is now allocated. The costs will be associated with developing and modifying existing policies and procedures to meet proposed standards, training, facility infrastructure modification, purchase of electronic surveillance technology, allocation of staff resources to data collection and analysis, renegotiation of existing contracts for medical and mental health services, and/or hiring additional medical and mental health employees. In addition to the costs of preparing for an audit, the agency must annually incur the costs of an auditor, whose qualifications and background are undefined by the Commission.		
Concern/Disagreement	All	Professional Organization
12420: While we do not believe, as noted above, that the Commission has the authority to establish the national auditing program, it is ironic that as important as the auditor would be to this schema, the Commission fails to establish the essential minimum education and job experience for such an important element of PREA compliance		
Concern/Disagreement	All	Professional Organization
12477: This proposed standard should be deleted. There is nothing in the statute that permits or directs the Commission to unilaterally establish a national auditing program. There is nothing in the legislative history, or even in the information distributed by advocates and federal agencies following enactment of the statute that references a future auditing program.		
Concern/Disagreement	All	SINA
381: : Problem with training is that you have to prove to an auditor who was trained, staff is easy but volunteers are very difficult. Outside contractors are difficult to get trained.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	SINA
10541: •As a general matter, for the general requirement to bring in somebody to do an annual audit would be enormous.		
Concern/Disagreement	All	SINA
10569: The standards talk about each facility hiring an auditor. If you're being paid by an entity, are you actually impartial?		
Concern/Disagreement	All	SINA
11683: It kept talking about external auditing process, and my concern is that the commission is looking at requiring that we use truly external, not TDC people to do the audit... My concern is that the commission will say that we have to go to an outside agency to provide that oversight, and that concerns me.		
Concern/Disagreement	All	SINA
12219: The standard says that the auditors must be independent of the agency. This suggests that our present standard would no longer be effective and we take all of these things seriously. This would not be feasible for us.		
Concern/Disagreement	All	SINA
12221: National audits are every 3 years. This requires an annual audit which would be very difficult.		
Concern/Disagreement	All	SINA
12222: On a national basis, you are trying to examine jails and prisons and they are not apples and oranges. The prison is stricter environment and we should not be evaluated with jails who house non-convicted individuals.		
Concern/Disagreement	All	SINA
12223: The outside auditor may not have the correct information and internal auditors have a better understanding of what is going on. If there is a finding, the internal audit would be easier to do because we could then bring in an outside auditor to look at the deficiencies that we have corrected.		
Concern/Disagreement	All	SINA
12225: I understand the requirements but we don't have an external audit requirement for homicides and suicides, why would the standards require external audits for sexual assault?		
Concern/Disagreement	All	SINA
13955: This is a lot, especially the expense to accommodate the standards in the auditing section. At present it costs us 15,000 for ACA.		
Concern/Disagreement	All	SINA
13967: I think that we would have to hire someone special. These people will pull staff from other facilities and this would pull too much of our staff.		
Concern/Disagreement	All	SINA
14119: The auditing will be a problem.		
Concern/Disagreement	All	SINA
14120: Some states will have more problems with this than I do. I know of two actual rapes in 45 years. I know other states that have this problem but we are being asked to jump through all the hoops that some other institutions have 145 a year.		

Public Comment Report
 Prison/Jail
 SA-2: Annual audit and certification

Name of Comment	Standard Components	Source
Current Practice 10736: Certification can be accomplished through proofs of compliance RE training, action plans and deficiencies for those agencies that participate in State accreditation or CALEA. the re-accreditation audit would serve as compliance report in lieu of reports of certification being generated annually.	All	Corrections Professional
Current Practice 12992: auditors do not have access to our facilities and therefore cannot enter unannounced. Audits are a good idea and we could use our own auditors to do this.	All	Corrections Professional
Current Practice 12218: We have an internal auditing standard and our staff goes through the operational review sergeants that are always checking. We also have divisional operational reviews called Monitoring and Standards. These folks will send someone from their office to set up and review these standards.	All	SINA
Current Practice 12224: Texas has a system that is set up already where state auditors that come in and are completely independent that the whole department must comply with. They do come into the facilities on a regular basis. The present system has checks and balances already. When there are deficiencies already, our directors sign off on these and they are certified. This process is in place and it works. To add a different process with sexual assaults would make the process complicated	All	SINA
Current Practice 10736: We have internal auditors that provide auditing functions for the state for ACA accreditation. The central office's job is to do this.	All	SINA
Observation 11551: The standard statement appears to conflict with the glossary, in that the standard states that the auditor must have no previous or current affiliation with the agency yet the glossary states that the auditor may be employed by the chief executive.	Standard Statement	Corrections Professional
Observation 13055: There is no other federal legislation which specifically requires audits to maintain compliance with federal law, so why this one?	All, N/A	Corrections Professional
Observation 13274: : If the auditors can have no "previous or current affiliation with the agency", it would appear that a different auditor would have to be used by an agency every year.	All	Corrections Professional
Observation 12898: I think that it is important to make sure that one auditing system, such as the Intensive Review Process used by the Bureau of Prisons is compatible with other auditing systems such as ACA so that, to the extent possible, expenditure of scarce funds and personnel resources are not duplicated unnecessarily.	All	Individual
Observation 10291: We will do this in the state of Maryland will be through our standards commission. They will be our auditing body.	All	SINA
Observation 10292: In the tool kit you give me independent criteria that you want to have, it is a public health professional? I would do that at no cost to this facility through some government in kind service or public health exchange through Prince George County. We can do this at no cost all over the county.	All	SINA

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Observation	All	SINA
10293: This is how it would be done, in 37 states; they have their own accrediting body within the states. They will adopt this as a function of their accreditation audits. That's how MD will do it. In states that don't have this, can the reasonable prove to you that they validate that they were meeting their standards and who can sign off? Maybe it's the public health authority for that county, every county has one.		
Question	All	Academic
12914: How will competence of auditor be assessed?		
Question	All	Corrections Professional
10779: Will auditors be provided by the PREC or are States expected to pay for them? If States are responsible, will funding be made available to pay for such audits on a yearly basis?		
Question	All	Corrections Professional
12663: How can an official be independent if they are employed by the chief executive? What are the qualifications the independent auditor is required to have? Will the PREA Commission have a process in place to qualify individuals to conduct these audits?		
Question	All	Corrections Professional
12787: Checklist 2 & 3(SA-2,3): By whom and how will these requirements be measured?		
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	All	Corrections Professional
12974: Annual audit and certification, pg 16 – Comments: It is unclear as to who is responsible for the independent audit/auditor. Is this at the agency level (the county level, jail) or the state level?		
Question	All	Corrections Professional
13139: Who is an independent auditor? Will the person be accredited in the state he/she works? (The auditor qualifications are not clear. Suggest using the ACA audit report for compliance for those agencies with ACA accreditation.)		
Question	All	Corrections Professional
13423: Furthermore, where are "independent auditors with no previous or current affiliation with the agency" going to be found to accomplish this task?		
Question	Checklist	Corrections Professional
13477: Under Compliance Checklist 2 (d) the question is raised "does agency leadership demonstrate zero-tolerance toward all forms of sexual abuse? We ask the question as to how an evaluator would objectively determine the existence or nonexistence of this factor. We discover that nothing in the proposed Rules would address that issue. Similarly, Checklist 2 (b) asks whether all auditors are competent to conduct an unbiased investigation of compliance with the standards. There is no criteria as to how that question will be measured to validate competence.		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Name of Comment	Standard Components	Source
Question	All	Corrections Professional
13496: 3.The required annual audit of the institution's implementation and adherence to the PREA standards raised several concerns. Specifically, how will these auditors be trained; will there be a standardized training; will auditors be accredited; if they are accredited, who will provide the accreditation; as individual local authorities are responsible for retaining the auditors, will extra funding be made available; and what repercussions will there be if the audits reveal unsatisfactory findings.		
Question	All	Corrections Professional
13584: The standard as written requires annual audit by "independent auditors who haven previous affiliation with the agency." Shall previous contracts to conduct audits include previous affiliation with the agency?" Please offer further clarification or define the use of affiliation in this case.		
Question	All	Corrections Professional
13746: By requiring that the auditors be "independent auditors who have no previous or current affiliation with the agency," it is unclear if the Department could utilize the same firm/company for subsequent years.		
Question	All	Corrections Professional
13816: Where do we get the funds to hire an independent auditor for this?		
Question	Checklist	Corrections Professional
13881: Checklist 2 (a), (b): Who is the Chief Executive and who designates the Auditor? These two requirements are vague with little to no explanation at all.		
Question	All	Corrections Professional
13913: ". . . standards conducted by independent auditors who have no previous or current affiliation with the agency." Does this sentence mean that no previous or current official with the agency, an employee of a state auditing agency, or ACA auditor may audit more than one time?		
Question	All	Individual
12901: SA2-Does this provision for an annual audit and certification, anticipate the expense to an agency? Are there ways to certify other auditing systems to allow for a consolidation of expenses? Could an agency present those steps that are presently in place for evaluation and compliance to have a determination made whether additional monitoring is necessary?		
Question	Discussion, Standard Statement	Labor Union
10649: Who will perform the function of auditor? What kind of experience in corrections will be required?		
Question	Discussion, Standard Statement	Labor Union
10649: Who will perform the function of auditor? What kind of experience in corrections will be required?		
Question	All	Professional Organization
78: For localities, does it mean the sheriff, the state or the local government who brings in an auditor?		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Question	All	Professional Organization
11257: What forms the basis of "documentation" that must be maintained so the "auditor can assess"?		
Question	Discussion	Professional Organization
11262: What constitutes the "other tests as necessary" to assess the level of compliance? Is this variable from institution to institution? b. How are auditors to document that staff "understands their responsibilities"?		
Question	All	SINA
10290: You are telling me to employ a competent auditor, what is your definition of a competent auditor, who are they?		
Question	All	SINA
10574: What does commission view as level of oversight? Does it see state and local legislatures as having a role in reviewing facilities? Reporting to the Legislature – what is the role of legislature oversight? Year to year snap shot or would there be feedback? What is the process per state, the structure here allows for oversight of some sheriff's departments?		
Question	All	SINA
10577: Depends on the purpose of the report— what is the purpose?		
Question	All	SINA
10957: The external auditor is addressed in our state law with the inspector general's office in our state, which is where the PREA standards are going to be address. Would this comply with the PREA requirements? We need clarification for the role of independents... We need to understand what meets the standards of independence and who would qualify as an auditor.		
Question	All	SINA
12220: What is the certification process? Is it an audit? What is the certification requirement? I'm not sure how we are going to do this and how is PREA going to require this on a national basis?		
Question	All	SINA
13964: Who would be the auditors and how would they be qualified? Once they come into any WV facility, what would make them qualified or disqualified? Someone in the state or do we need to bring in someone from another state?		
Suggestion	All	Academic
12915: Suggest NIC be charged with developing a training program for auditors.		
Suggestion	All	Academic
12922: Prevention programs are not addressed in the SA section-- agencies and jurisdictions should be required to develop and maintain prevention programs and strategies as part of their action plan.		
Suggestion	All	Advocate
11680: Rather than relying on the chief executive or other agency leaders to assess agency compliance with the standards, the survivors recommend incorporating external monitoring through a state accreditation agency or advisory council. Following the proven model of HIV commissions an advisory council should be composed of community members, prisoner rape survivors and other former inmates, and advocates who can help address issues as they arise while also holding the agency accountable when it does not meet its obligations.		

Public Comment Report
Prison/Jail
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Name of Comment	Standard Components	Source
Suggestion	All	Advocate
<p>11732: Under the draft standards, the chief executive (Governor, for state prisons) is the only person required to certify in writing that the corrections agency within his/her jurisdiction is in compliance with the standards (SA-2). However, an elected official cannot know what is going on in each facility. As the person who is responsible for the day-to-day operations of a prison or jail, each facility head should be held publicly accountable in a similar fashion. By adding a written certification requirement at the facility level to standard SA-3 and compliance checklist 3, genuine accountability is more likely to occur.</p>		
Suggestion	All	Advocate
<p>11734: standard SA-2 and compliance checklist 2 should require that auditors interview a sample of staff and inmates at all audited facilities.</p>		
Suggestion	All	Advocate
<p>11736: Relevant outside organizations should be able to speak directly and confidentially with inmates, and corrections management must ensure access for this type of oversight... these officials should be required to attest to the availability of external oversight, including specifying how inmates can provide confidential complaints to outside entities and how these independent bodies can raise concerns with the corrections administration.</p>		
Suggestion	All	Advocate
<p>11905: •It will be difficult, if not impossible, for a chief executive to certify that “inmates are <i>in fact</i> safe from all forms of sexual abuse.” (Emphasis added.) No individual can certify in such unequivocal terms that sexual abuse is never going to happen in the future. This certification statement should provide that “inmates are as safe as possible from all forms of sexual abuse.”</p>		
Suggestion	All	Advocate
<p>12014: If for practical reasons the chief executive must hire the independent auditor, then the independent auditor should be charged with writing the audit and submitting the Certification of Compliance directly to the Attorney General and the chief executive at the same time. At that point in the process, the chief executive should be required to attach the agency’s action plan to achieve compliance, with the concrete and specific benchmarks identified.</p>		
Suggestion	All	Advocate
<p>12015: •This standard should include more specifics on the training of the auditor – an auditor should be a professional with the training and experience to understand how sexual violence manifests in and outside of prisons, and who can be caring and compassionate when interviewing survivors and other prisoners.</p>		
Suggestion	All	Advocate
<p>12106: •The auditor should also assess the quality of medical and mental health care; the auditor should ask survivors to give feedback on the quality of care.</p>		
Suggestion	All	Advocate
<p>12170: We think that it is important for facility heads to be held accountable for full compliance with these standards. To that end, facility heads should develop action plans to ensure full implementation of the standards. Among other things, action plans should take into account the diversity of cultures and needs within prison facilities, to the extent those concerns are likely to bear upon the issue of prison rape, especially the prevention, reporting and treatment of sexual abuse.</p>		
Suggestion	All	Advocate
<p>12259: While it would be inappropriate for independent auditors to receive their training from the agencies they are auditing, in order to be considered qualified, auditors must have received extensive training and professional development on interviewing survivors of sexual abuse, cultural competence including with regard to transgender communities, and the dynamics of sexual abuse in detention.</p>		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Suggestion	Checklist	Advocate
12361: An item in compliance checklist 2 should be added that states: "Is the auditor competent by training and experience to communicate sensitively and effectively with inmate victims of different races, ethnicities, cultural or religious backgrounds, genders, sexual orientations, as well as inmates with different abilities and inmates who are transgender, intersex, or gender nonconforming?"		
Suggestion	All	Advocate
12954: To make the Standards comprehensive and as meaningful as possible, the Commission should incorporate the comments and suggestions made by the Prisoners Rights Project		
Suggestion	All	Advocate
12955: The external auditing process must be more "adequately defined," including specifying how the Auditor will be selected, and compensated, if at all.		
Suggestion	All	Advocate
12956: The external Auditor must have "expertise in dealing with reports of sexual abuse and some background in the unique institutional setting of jails and prisons.		
Suggestion	All	Advocate
12957: There must be detailed instructions about the duties of the Auditor, such as the minimum percentage of inmates and staff who must be interviewed, and the selection of these interviewees in order to conduct a comprehensive audit.		
Suggestion	All	Advocate
12958: The Auditor must be required to "speak to inmates who complained of sexual assault, regardless of whether the complaint was substantiated, and to the staff who allegedly assaulted them."		
Suggestion	All	Advocate
12959: The Auditor must be required to "speak to investigators about how they conducted their investigations and complaints."		
Suggestion	All	Advocate
12960: The Auditor must "speak to high-ranking facility staff to attempt to determine what occurred at the Review Meetings required by RP-9 so that the Auditor can assess the efficacy and utility of the facility's review of whether policies and procedures contributed to the reported abuse, and so the Auditor can assess whether these Reviews appropriately resulted in changes in policies and practices."		
Suggestion	All	Advocate
12961: The Auditor must "review a sample of the documents underlying the Checklists."		
Suggestion	All	Advocate
12962: The Standards must "make clear what constitutes compliance..." and create "instructions for completion and assessment of compliance by the facilities and the Auditor."		
Suggestion	All	Advocate
12963: The Standards should clarify how much detail must be provided in an Action Plan, and mandate that the failure to fulfill an Action Plan in consecutive Audits mandates a finding of non-compliance."		

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 SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Suggestion	All	Advocate
<p>13544: The Auditor should also review at least a sample of the documents underlying the Checklists. The Compliance Guide suggests this, but again it is not clear if this is a mandatory requirement. It should be. In most institutions, it will probably be appropriate to review all of the complaints of sexual abuse, since prisoners' reluctance to complain means that the number will generally be small. In addition, the Auditor should review the facility's investigations, to ensure the correctness of claims in the Checklist.</p>		
Suggestion	All	Advocate
<p>13546: For each Standard, some targeted review of the documentation underlying the Checklists should be required, but it is critical for the most challenging Standards including supervision and the use of appropriate technologies (PP-1 and PP-7), cross-gender supervision (PP-3), investigations (IN-1-2), discipline (DI-1) and the sexual assault incident reviews (RP-9). It is also essential that the Auditor review underlying documentation in areas where complaints of non-compliance have been received (either through grievances and complaints received by the prison or jail itself, or through complaints brought to the Auditor's attention from the public, as suggested below). If, for example, the Auditor is told by inmates or others that cross gender strip searches are being conducted, while the Agency checklist indicates that such searches are not occurring, the Auditor should review the underlying documentation reflecting the actual practices of how</p>		
Suggestion	N/A	Advocate
<p>13553: While we appreciate the role envisioned by the Standards of the external Auditor, we believe that advocates and the public must also have input in the review process of their implementation. Relevant non-governmental organizations need to be able to speak directly and confidentially with inmates to gain information about these closed institutions. Annual meetings geared at problem-solving should be required between correctional officials and advocates who request them, so that advocates can voice their concerns on behalf of their clients (many of whom remain too fearful to report sexual abuse) and prison officials can hear their suggestions and explain barriers and impediments, if any, to change. Problem-solving meetings have proven very useful in the implementation phase of our medical care litigation in New York State.</p>		
Suggestion	N/A	Advocate
<p>13555: Advocates should also be able to meet with the Auditor to voice their concerns, to make suggestions as to the inmates to be spoken with and the documents to be reviewed, and to raise their suggestions about needed changes to policies and procedures which they believe have contributed to continued sexual assault. Advocates should be able to provide this input before the Agency, and the Auditor, determines that there is compliance or before any Action Plan is determined to be effective... Such public involvement would not be unique to corrections: the Joint Commission on the Accreditation of Healthcare Organizations requires that its auditors notify the public that they are conducting a survey and then hold public information interviews with interested members of the public before finalizing their reports.</p>		
Suggestion	All	Advocate
<p>13838: In order for the system to truly avoid corruption, or the appearance of corruption, MIRA believes that the auditors must be under the control of an independent party. MIRA would recommend putting the auditors under the control of the Department of Justice Civil Rights Division or a similar federal agency that has the protection of civil rights as a part of its mandate.</p>		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Suggestion	Standard Statement	Corrections Professional
<p>10720: The chief executive in each jurisdiction must certify the agency's compliance with these standards based on results from annual audits of the standards conducted by outside of the agency, independent auditors. The chief executive must certify annually that the agency or body operating under the legal authority of the state is either in full compliance with or has established an action plan to enable full compliance with this body of standards pursuant to PREA. This wording would allow, for example, County Human Resources auditors to conduct PREA audits of the county facility they work in. Using the wording no-affiliation would leave auditors to assume that the "County" was affiliated with the agency.</p>		
Suggestion	All	Corrections Professional
<p>10770: SA-2; The Commission should consider bi-annual audits. Requiring annual audits by independent auditors could become extremely expensive and taxing. Jails in Oregon currently have bi-annual inspections of our entire facility, including policies and procedures. Combining the PREA audits into these inspections would meet the standards and ensure compliance.</p>		
Suggestion	All	Corrections Professional
<p>11387: Consider changing the standards from annual audits to audits that occur on alternate years perhaps on a three-year cycle (e.g., American Corrections Association). Consider changing the language to "independent auditor not currently employed by the agency".</p>		
Suggestion	Checklist	Corrections Professional
<p>11402: SA-2, Compliance Checklist 2, (b): The use of the terms "competent, unbiased and thorough" are subjective. Consider rewording this checklist item to say: "Do all auditors conduct investigatory reviews of the agency's compliance with these standards?"</p>		
Suggestion	Checklist	Corrections Professional
<p>11406: SA-2, Compliance Checklist 2, (e): Recommend replacing "chief executive" with "agency head."</p>		
Suggestion	All	Corrections Professional
<p>11553: In addition, the document does not provide clarification on what qualifications are necessary to serve as an independent PREA auditor. The document should detail how such determinations would be made.</p>		
Suggestion	All	Corrections Professional
<p>11687: This standard requires an independent auditor from outside the agency.</p>		
<p>We would request; *Youth Authorities, Corrections Agencies and Jails each have auditors trained in PREA. These auditors shall audit each other annually</p>		
Suggestion	All	Corrections Professional
<p>11983: SA-2: Annual audit and certification - The requirement for "independent auditors who have no previous or current affiliation with the agency" should be changed to require auditors who are "objective and competent". Requiring auditors who have never been affiliated with this agency implies a lack of trust, limits the use of valuable, known resources and discounts a successful history of self-monitoring, analysis and oversight. If the goals of the standard are veracity and accuracy, other means can achieve these goals such as requiring the agency head to certify annual statements by way of an affidavit.</p>		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Name of Comment	Standard Components	Source
Suggestion	Standard Statement	Corrections Professional
12133: - The requirement for "independent auditors who have no previous or current affiliation with the agency" should be changed to require auditors who are "objective and competent".		
Suggestion	All	Corrections Professional
12548: Recommend the commission focus this standard on audit of standards at each facility. and reword the standard as follows: "conducted at each facility by independent auditors who have no previous or current affiliation with the facility."...		
Suggestion	Standard Statement	Corrections Professional
12819: The requirement for "independent auditors who have no previous or current affiliation with the agency" should be changed to require auditors who are "obj ect i ve and competent".		
Suggestion	All	Corrections Professional
12862: The Commission should follow the lead of the ACA which conducts audits every 3 years.		
Suggestion	All	Corrections Professional
12863: The Commission should allow DOCs to use internal auditing resources.		
Suggestion	All	Corrections Professional
12933: It is therefore suggested that the Rules be revised to allow for alternative forms of audit and analysis rather than making the hiring of a costly independent or contract auditor the only option.		
Suggestion	All	Corrections Professional
13002: The Commission should follow the lead of the ACA which conducts audits every 3 years.		
Suggestion	All	Corrections Professional
13003: The Commission should allow DOCs to use internal auditing resources.		
Suggestion	All	Corrections Professional
13077: Once in compliance, certification required every three (3) years instead of annually.		
Suggestion	Standard Statement	Corrections Professional
13138: Annual audit and certification: Suggest removing the word "full" from the last line.		
Suggestion	Checklist	Corrections Professional
13140: SA-2, Compliance Checklist 2, (b): Recommend omitting line. If the auditor is responsible for checking this line Yes or No would they ever mark this No?		
Suggestion	Checklist	Corrections Professional
13141: SA-2, Compliance Checklist 2, (e): Remove the word "full".		

Public Comment Report
 Prison/Jail
 SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Suggestion	Standard Statement	Corrections Professional

13220: Recommend additional wording so the standard reads:
 Upon learning that an inmate has been sexually abused, staff is required to take steps to protect the safety of the victim, seal and preserve any crime scene(s), and inform the victim not to take any actions that could destroy physical evidence before an investigator or other member of the coordinated response team (RP-1) arrives or a SANE examination or forensic evidence collection is completed.

Suggestion	All	Corrections Professional
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13248: The Commission should consider allowing agencies to use other similar but separate agencies as auditor. (For instance: County "A" audits County "B"; County "B" audits County "C", etc. This would help address costs (mutual agreements versus hiring auditor) and it would provide persons working in a similar environment who are familiar with the standards to act as auditor. Plus, agencies seeing what works in another facility would be able to bring those ideas back to their own agency to improve their program.

Suggestion	All	Corrections Professional
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13425: It is suggested that ACA or similar accreditation should be sufficient in light of Section 9 of the Prison Rape Elimination Act, which requires that accreditation organizations adopt accreditation standards consistent with the national standards adopted pursuant to the final rule.

Suggestion	All	Corrections Professional
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13731: This requirement would appear to require contracting with specialized outside consultants, which would likely require additional funding that is not presently being expended. The audit could commence in conjunction with the American Correctional Association (ACA) audit performed every three years for those accredited agencies, with yearly updated compliance reports. Requirements of agencies not accredited by ACA should be addressed in another fashion by the commission.

Suggestion	All	Corrections Professional
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13783: Requiring the involvement of a non-affiliated auditor will make the cost of compliance very high. Would the commission consider modifying the language to permit the use of internal monitoring teams or teams from sister facilities or agencies?

Suggestion	All	Corrections Professional
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13785: To avoid unnecessary delays, auditors should be required to provide a minimal amount of advance notice prior to entry. The minimal notice required should be sufficient to arrange unrestricted access, but not to allow the facility to substantively change conditions or procedures related to the standards.

Suggestion	Checklist	Corrections Professional
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13786: Re-word Compliance Checklist 2 (a) to read: "...independent auditors who are capable of objective analysis of agency and facility practice related to these standards."

Re-word Compliance Checklist 2 (c) to read: "...any facility in the jurisdiction with minimal notice (i.e. no less than 2 hours)."

Re-word Compliance Checklist 2 (j) to read: "...to seek technical assistance or training to achieve compliance with the PREA standards."

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Name of Comment	Standard Components	Source
Suggestion	All	Corrections Professional
13817: This is something that should be the responsibility of the different states jail inspection sections, for example in Ohio the Bureau of Adult Detention.		
Suggestion	All	Corrections Professional
13882: The commission should provide more explanation as who is the defined Chief Executive is and the process for designation of the Auditor.		
Suggestion	All	Corrections Professional
13892: SA-2: the commission should consider extending the audits from an annual audit to a minimum of every three (3) years.		
Suggestion	All	Corrections Professional
13914: Our suggestion is to conduct an internal audit annually, PREA audits every three years, and incorporate the PREA audit with the American Correctional Association (ACA) audit for certified facilities.		
Suggestion	All	Corrections Professional
13924: We recommend the audit is reduced to a representative sample of prisons.		
Suggestion	All	Corrections Professional
13932: One suggestion was to have the audit tool and training material be developed by the National Institute of Corrections or the American Correctional Association. It was suggested that PREA standards be added to the COCR current internal audit procedures. The COCR is continuing to develop its internal audit system led by an executive who reports directly to the Secretary and the Secretary's Chief of Staff. The credibility of this audit function remains high, with oversight from the independent Office of the Inspector General (DIG) The OIG reports to the Governor's Office.		
Suggestion	All	Government
11804: Coordination of the auditing function with ACA's accreditation process would balance the need for independence with adherence to the process and acceptance of the results within the profession of corrections. A model of standards development and auditing that has the Commission working in conjunction with an accrediting organization, such as the American Correctional Association, would be a more cost-effective method of achieving the goals of the Prison Rape Elimination Act with regard to the prevention, detection, and response to sexual assault and the objective of agency compliance with standards that are ultimately implemented. Additionally, working in concert with an established accrediting entity would better ensure consistency.		
Suggestion	All	Government
11805: The PREA requirements for internal audits could be incorporated into a correctional agency's internal auditing process, similar to the way many agencies currently incorporate American Correctional Association standards.		
Suggestion	All	Government
11805: Change audit requirements to an every three year requirements, like other audit processes (ACA accreditation of prisons, JCAHO accreditation of hospitals/clinics). With the annual reporting requirements concerning reporting of incidents and other data there would remain significant attention to PREA issues.		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Suggestion	All	Government

13359: The "competence" expectation should be clarified

Suggestion	All	Individual
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12425: In order to assist in hiring this auditor there should also be an advisory council in each state as well as in a federal capacity to oversee the Bureau of Prisons and INS detention. This advisory council would exist for the purpose of providing another agency for survivors to make reports to, for prison guards to ask questions of and make reports to, to educate assorted detention centers on policy and practice regarding sexual violence, and to educate communities most affected by the prison system about sexual violence in prison and about the realities of post-incarceration syndrome (www.tgorski.com/criminal_justice/cjs_pics_&_relapse.htm). This advisory council would consist of community members, advocates, prisoner rape survivors, and other former inmates who can help address issues as they arise while also holding the agency accountable when it does not meet its obligations. Similar to Inspector General advisory boards do not need the authority to compel action or impose discipline, but they can provide persuasive recommendations and work with the agency and its institutions to improve policies and practices. The auditor should be directly accountable to this advisory council.

Suggestion	All	Professional Organization
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11256: Many facilities already have written policies that address classification, security, discipline, training, etc. It should be elaborated here that there is no expectation for a facility to create separate PREA policies when proposed standards are already addressed in separate policies.

Suggestion	All	Professional Organization
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11307: This proposed standard should be deleted. There is nothing in the statute that permits or directs the Commission to unilaterally establish a national auditing program.

Suggestion	All	Professional Organization
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11308: If the Commission believes that a national auditing program is essential to PREA implementation, specific Congressional approval should be sought.

Suggestion	All	Professional Organization
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11309: 4. If a national auditing program is established by Congress it should include, at a minimum:

- a. Funding to all agencies from whom an audit is required to fund the preparation for the audit and the salary/compensation for the auditor;
- b. Specific measurable objectives for all standards, which have been validated;
- c. A selection process for auditors, including minimum educational and job experience requirements;
- d. A mandatory training program for auditors;

Suggestion	All	Professional Organization
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12394: If such a national auditing program is established by Congress it should include, at a minimum: Funding to all agencies from whom an audit is required to finance the preparation for the audit [including staffing, hardware, software, training, and other requirements] and the salary/compensation for the auditor; Specific measurable objectives for all standards, which have been validated; A selection process for auditors, including minimum educational and job experience requirements; A mandatory training program for auditors; Orientation programs for agencies from whom an audit is required; A national evaluation program to assess the impact and effectiveness of these audits; and An organization to oversee the audit program, including perform annual quality assessments of audits.

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Suggestion	All	SINA
10294: I would put this in the tool kit. These are examples of what you can do; this is how to get in-kind service.		
Suggestion	All	SINA
10444: Need to set standards about who audits and give them PREA-training for auditing. Need for consistency.		
Suggestion	All	SINA
10572: The idea that a sliding scale of "outstanding compliance, sufficient, other" would be an excellent idea as stated in an earlier session.		
Suggestion	All	SINA
10575: The Executive Office of Public Safety is an office that would be the best to oversee the process. The legislative members don't have an interest in corrections.		
Suggestion	All	SINA
13968: Go with ACA or NIC, why aren't they dealing with those who know corrections best. I think that ACA would be the best to deal with the standards. I disagree with ACA in that most states don't have to require ACA accreditation... NIC should come in and determine if a facility is safe.		
Suggestion	All	SINA
13969: If there are no rapes in that year, don't audit that year.		
Support/Agreement	All	Advocate
12154: It is critical that an auditor be able to assess whether or not staff members are properly executing their responsibilities when a report of sexual abuse has been made. By talking to both prisoners and staff, auditors are better able to make a proper assessment.		
Support/Agreement	Discussion	Advocate
12171: SA-2 (discussion) <i>"If the facility or agency ... is unable to meet these standards, [they] must document the reasons why that facility or agency is unable to comply in its action plan, explain how resources are being funneled towards other expenditures, and describe the immediate steps it will take to achieve compliance, including efforts to secure additional resources"</i> : This is an important standard -- it requires officials to take affirmative steps to get the necessary resources to comply with these important standards and improve the safety of their facilities.		
Support/Agreement	All	Corrections Professional
12657: WYDOC partially agrees with this standard. Regular, recurring audits should take place.		
Support/Agreement	All	Corrections Professional
12993: We feel comfortable that this group [auditors] is insulated from day to day operations and would be able to provide an independent review.		
Support/Agreement	All	SINA
10573: Audits are very effective to get a snapshot by someone outside, but if you're in an agency for a long time the culture might not strike you as wrong, and having an auditor come in and take a snapshot can be very valuable, ensuring that it's neutral and effective.		
Support/Agreement	Discussion	SINA
1081: The discussion is helpful in explaining how we should handle this standard.		

Public Comment Report
Prison/Jail
SA-2: Annual audit and certification

Type of Comment	Standard Components	Source
Support/Agreement	All	SINA
12335: We have no problem with the audit or annual certification		
Unintended Consequence	All	Corrections Professional
13422: this is a significant unfunded mandate that will divert funds from other necessary functions such as the upgrading of surveillance technology or the addition of more investigators trained specifically in the investigation of allegations of sexual abuse.		
Unintended Consequence	All	Corrections Professional
13784: Restriction of independent auditors to persons who "have no previous or current affiliation with the agency" may result in exclusion of persons whose experience in the corrections field or with the agency has made them aware of issues which inexperienced auditors may overlook.		
Unintended Consequence	Discussion	Professional Organization
11258: The first sentence indicates that agencies must be prepared to provide written and signed documentation to auditors to demonstrate compliance in every area of the standards. This will require that agencies create position(s) to track and monitor all documentation being processed within the facility.		
Unintended Consequence	All	Professional Organization
11306: Most likely, this will require a contractual agreement with an independent auditor, further impacting the budget of the jail. It will be no easy task to secure an auditor with the background and expertise to perform the required tasks.		
Unintended Consequence	All	SINA
10501: Other agencies will tell us we're doing a great job, know what we're up against, but we still fail because we weren't doing one thing on the mandate. Current audits if there is a checkmark in the wrong place we "fail" even if we are doing a good thing overall – if a lawyer gets a hold of that. Need to make the standards realistic.		
Unintended Consequence	All	SINA
10570: How much do you rely on what the auditor tells you and how much on your own self-assessment, and what do you do if you discover that you are not in compliance? If someone were to make an allegation, their attorney would try to get the audit information through discovery, and people might try to find auditors who will find them in compliance so they don't have to worry about that.		
Unintended Consequence	All	SINA
10576: In this case, the Superintendent is personally liable, his home and personal effects are open for being sued by saying that he is liable.		
Unintended Consequence	All	SINA
10959: Federal standards require a civil procedure and requirements in court for self-audit and external audit. For compliance, rather than have an external protocol and allow the inmates to sue and a default of the process. If we do not meet a federal standard of the audit, the inmates become a beneficiary of the standard by suing.		
Unintended Consequence	All	SINA
11684: And how would that work? If every agency had an annual audit, the cost for the state of TX could be astronomical.		
Unintended Consequence	All	SINA
13965: There is a cottage industry of consultants that travel across the country to make money off of this.		

Public Comment Report

Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
13539: It is true that many jail and prison officials are deeply committed to eliminating sexual abuse from within the walls of their jails and prisons. It is also true that having prison and jail officials themselves analyze their own policies and practices and make their own recommendations for needed changes is the best way to ensure that they are invested in attaining their goals. But self-policing is never effective in isolation. Unless the Standards set clear requirements, prison and jail officials will always face the temptation to avoid voluntary self-criticism that may jeopardize their funding or open them to criticism.		
Concern/Disagreement	All	Advocate
13550: The nature and role of Action Plans also needs to be clarified. Their present provisions leave entirely too much leeway for inaction. The Standards should not allow for a finding of compliance where officials repeatedly rely on Action Plans without ever actually meeting the Standards' requirements... The Standards should clarify how much detail must be provided in an Action Plan, and mandate that the failure to fulfill an Action Plan in consecutive Audits mandates a finding of non-compliance. This is necessary if, as we believe, the Commission means to require facilities not just to strive toward meeting these Standards, but to actually achieve them.		
Concern/Disagreement	Discussion	Corrections Professional
11389: SA-3, Discussion: Assessment and planning. Policy and practice should be the focus of the compliance checklists, not the assessment and planning to achieve compliance. References to assessment and planning should not be considered as a measure of compliance.		
Concern/Disagreement	Checklist	Corrections Professional
11407: SA-3, Compliance Checklist 3, (b): The term "serious incidents" is vague and undefined. The listed examples are extremely varied, and include instances outside the scope of PREA.		
Concern/Disagreement	Checklist	Corrections Professional
11408: SA-3, Compliance Checklist 3, (c): This standard conflicts with constant sight and sound supervision required and referenced in PPI. The word "adequate" is a subjective term, and should be eliminated.		
Concern/Disagreement	Checklist	Corrections Professional
11410: SA-3, Compliance Checklist 3, (d): This standard is too broad and expands the scope of PREA into areas which are not included in the Prison Rape Elimination Act of 2003. This standard should be eliminated.		
Concern/Disagreement	Checklist	Corrections Professional
11411: SA-3, Compliance Checklist 3, (i): subjective and impossible to measure. (j): impose additional costs (p): too broad and expands the scope of PREA (u): expands the scope of PREA into areas which are not related to sexual violence (w): impose additional costs... should be eliminated.		

Public Comment Report

Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Type of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Corrections Professional

11558: (d) It is unclear what is meant by a review of "all administrative complaints" related to the five identified areas on the checklist. As written, during the initial assessment and each subsequent annual assessment, the assessors would be required to review all administrative complaints pertaining to any aspect of facility operations or policy. This appears to be overly broad and unclear, since all complaints would ultimately fall in this category.

Concern/Disagreement	All	Corrections Professional
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11980: Three additional examples of standards that limit the autonomy and flexibility of the agency include: (1) The requirement of an outside governmental agency to serve as an official reporting outlet for offenders; (2) the establishment of MOU's without considering the willingness of other independent agencies to partner with our agency; and, (3) the requirement to inform the legislature of internal assessments and action plans without an awareness of whether a relationship and an active involvement by the legislature currently.

Concern/Disagreement	All	Corrections Professional
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11984: SA-3: Internal assessment and planning for achieving compliance with the Prison Rape Elimination Act standards - The requirement that the agency head submit internal assessments and action plans to the state legislature assumes a relationship and an active involvement by the legislature in the implementation of the Prison Rape Elimination Act that does not currently exist.

Concern/Disagreement	All	Corrections Professional
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12624: SA - 3: The planning for achieving compliance is a major task upon itself even if there are external auditors as the agency would need to prepare and organize such a task across divisions and units of the RIDOC. There would be a need to define "other stakeholder" (k). The check list becomes even more onerous an unwieldy in itself when applied to each facility. As noted, this standard will require more staffing and manpower.

Concern/Disagreement	Checklist	Corrections Professional
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12654: To actually incorporate this point in the checklist assumes the correctional culture will be resistant to these standards without exception. This box does not demonstrate any value to evaluating the facility's success of PREA implementation. The Commission should consider deleting it from the checklist.

Concern/Disagreement	All	Corrections Professional
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12706: • The proposed standard would impose substantial additional costs compared to the costs presently expended by state prison authorities. Unannounced access to institutions will also present undue staffing/workload burdens on institutions during certain portions of the day and/or night.

Concern/Disagreement	All	Corrections Professional
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12789: The expense to the state of the additional audits in payments to independent auditors and staffing hours for the internal audits would be substantial and is not one that is currently budgeted.

Concern/Disagreement	Checklist	Corrections Professional
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12791: the items to be reviewed pursuant to the checklist are over-broad and subject to different interpretations by different reviewers.

Public Comment Report
Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Name of Comment	Standard Components	Source
12864: The internal resources required to complete the voluminous checklists would be a substantial financial and operational burden to the department. The 900+ item checklists would require new positions for each of our 50 facilities to complete the checklists, develop action plans and ensure on-going compliance.	All	Corrections Professional
13004: The internal resources required to complete the voluminous checklists would be a substantial financial and operational burden to the department. The 900+ item checklists would require new positions for each of our 50 facilities to complete the checklists, develop action plans and ensure on-going compliance	All	Corrections Professional
13104: There are concerns about how this information is to be presented to the State legislature and also how and where to publish the results. Does PREA require publication in the media or would placement on the agency website suffice? The commission should clarify this.	Checklist	Corrections Professional
13122: The Department will try to implement this standard, but we are concerned about how an agency would go about finding out if sexual abuse played a role in serious incidents. It could be difficult to determine if sexual abuse was involved.	All	Corrections Professional
13631: While we definitely could utilize the compliance checklists to do an initial assessment and follow-up assessments, it would be difficult to attain full compliance. In addition, this type of assessment and planning would require more staff and funding. This type of documentation in a public forum would put staff and inmates at risk as well as the security of our facilities	All	Government
11808: In addition, the requirement in this standard that "[t]he facility head uses the compliance checklists in this body of standards to assess facility safety and compliance and to develop action plans to achieve full compliance with the PREA standards" appears to be inconsistent with a statement in the Compliance Guide that indicates "[t]he compliance checklists . . . do not dictate exactly how agencies will accomplish the requirements because the method of compliance will vary depending upon the structure and resources of a given agency." In addition, the requirement in this standard that "[t]he facility head uses the compliance checklists in this body of standards to assess facility safety and compliance and to develop action plans to achieve full compliance with the PREA standards" appears to be inconsistent with a statement in the Compliance Guide that indicates "[t]he compliance checklists . . . do not dictate exactly how agencies will accomplish the requirements because the method of compliance will vary depending upon the structure and resources of a given agency."	Checklist	Government
13484: (1) and (2) requirements are too broad, vague, or excessive (i.e. 1(d) for assessing PREA, must examine complaints pertaining to "any aspect of facility operations or policy" and "personnel actions taken against staff". 2(n) require evaluation of "all serious incidents in the facility" to examine for a sexual abuse role. 2(p) requires "all administrative complaints" pertaining to "any aspect of facility ops or policy", etc. to be evaluated for a potential sexual abuse role.)	All	Labor Union
13636: There is no mention of how these requirements or any other requirements would be funded. With many systems understaffed and short on resources, there needs to be a way to provide correctional systems with funds for public safety needs as well as adhering to the requirements of PREA.		

Public Comment Report

Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Professional Organization
11310: This section mandates actions on the part of the "facility head", submit them to an undefined "legislature" (local, state or Federal) and to publish them to an unknown location, audience or entity.		
Concern/Disagreement	All	Professional Organization
12478: The proposed standard should be deleted. The NSA renews its objection to any type of annual audit requirements based on the Commission's lack of statutory authority to require such audits. If the Commission wishes to provide objective, measurable and validated checklist to assist agencies in reviewing policies, procedures and protocols to assess their ability to prevent and address sexual assault, such checklists are welcome. These suggested checklists should be included in the resource guide accompanying the finalized standards.		
Concern/Disagreement	All	SINA
10953: The facility have done and annual action plan but this is a large amount of work and as I read this the facility head and an independent auditor requirement. This is very difficult to have the resources to do one and we would not have the funds to do the later.		
Observation	Checklist	Corrections Professional
11556: c) This point states "adequate sight and sound supervision" and refers to PP-1. Both PP-1 and the corresponding Checklist 4 refer to "direct sight and sound supervision." The language provides very different meaning and is confusing in the intent.		
Observation	All	Corrections Professional
12134: The requirement that the agency head submit internal assessments and act on plans to the state legislature assumes a relationship and an active involvement by the legislature in the implementation of the Prison Rape Elimination Act that does not currently exist.		
Observation	Checklist	Corrections Professional
12661: The checklist in general appears to be extensive and exhaustive, but a concise on point checklist of attainable standards for the institutions that is separate from that to assess the overall agency is much more important for the success of the PREA effort.		
Observation	All	Corrections Professional
12820: The requirement that the agency head submit internal assessments and act on plans to the state legislature assumes a relationship and an active involvement by the legislature in the implementation of the Prison Rape Elimination Act that does not current l y exist.		
Observation	All	Corrections Professional
13744: Our Department will utilize the compliance checklist to do an initial and follow-up assessments. Our Department would need to request for more funding to be in full compliance with this standard		
Observation	All	Government
11807: It is not clear how an annual follow-up assessment to an initial assessment and action plan would interact with the requirement for annual auditing and certification (SA-2). It appears there would be a great deal of redundant and overlapping auditing by independent auditors and agency auditors.		
Question	All	Academic
12918: SA-3, item b on checklist: "serious incidents" require futher elaboration. How will agency deal with confidentiality requirements? This is a big problem with personnel issues and labor contracts.		

Public Comment Report
Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Line of Comment	Standard Components	Source
Question	All	Corrections Professional
12578: SA-3 Will they have to submit the internal assessments and action plans to the state legislature or the federal legislature and who will they publish them to?		
Question	All	Corrections Professional
12787: Checklist 2 & 3(SA-2,3): By whom and how will these requirements be measured?		
Question	All	Corrections Professional
13079: Where is the information required to be published?		
Question	All	Corrections Professional
13143: This standard mentions submitting the internal assessments and action plans to the legislature (Congress or State?). What is the legislature to do with these reports?		
Question	All	Corrections Professional
13426: Is it expected the legislature is going to appropriate the funds specific to gain compliance with the action plan?		
Question	Checklist	Corrections Professional
33: Checklist 3 (p): Does an organization's annual policy review qualify as an annual assessment? Our agency reviews each and every policy and post order annually. Does this requirement imply that we complete a formal assessment of our policy annually, follow-up action plan and submit a written report to the Director?		
Question	All	SINA
10574: What does commission view as level of oversight? Does it see state and local legislatures as having a role in reviewing facilities? Reporting to the Legislature – what is the role of legislature oversight? Year to year snap shot or would there be feedback? What is the process per state, the structure here allows for oversight of some sheriff's departments?		
Question	All	SINA
10577: Depends on the purpose of the report— what is the purpose?		
Suggestion	All	Academic
12922: Prevention programs are not addressed in the SA section-- agencies and jurisdictions should be required to develop and maintain prevention programs and strategies as part of their action plan.		
Suggestion	All	Advocate
11733: agency heads should be required to publish all assessments and action plans (SA-3). Broad publication, including through the internet, would ensure that this information can be accessed by advocacy organizations, journalists, and others. If there are well-founded concerns that such publication would "jeopardize the safety and security of the facility" (SA-3), documents should be redacted, rather than kept entirely out of the public's view.		
Suggestion	All	Advocate
36: Relevant outside organizations should be able to speak directly and confidentially with inmates, and corrections management must have access for this type of oversight... these officials should be required to attest to the availability of external oversight, including specifying how inmates can provide confidential complaints to outside entities and how these independent bodies can raise concerns with the corrections administration.		

Public Comment Report

Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Type of Comment	Standard Components	Source
Suggestion	All	Advocate
12016: We recommend a process of appointing a body of three reviewers to determine whether releasing the assessments would endanger the safety and security of the facility. We further recommend that assessments should be made available in their entirety if the potentially jeopardizing information can be redacted.		
Suggestion	All	Advocate
12017: •Agency and facility heads should be provided with training to increase their understanding of sexual violence, abuse, and assault, so they can create meaningful assessments and programs to meet PREA's mandate		
Suggestion	Standard Statement	Advocate
13558: Facility and Agency Checklists and Action Plans are to be made public unless doing so "would jeopardize safety and security." We believe this Standard should be strengthened so, like in DC-2, this material will be made public unless, as we suggest for DC-2, "there is a specific significant and countervailing safety and security consideration that cannot be overcome." Otherwise we are concerned that most jails and prisons will simply claim that these documents implicate security or reflect the deliberative process and so will not make them public. Second, the Commission should require that if any portion of any of these documents cannot be made public in their entirety, they should be redacted only to the extent necessary and the remainder made public. It is critical that if these Checklists, Action Plans, and the external Audit are to have meaning, the process must be accountable to the public and open for review.		
Suggestion	All	Corrections Professional
10771: SA-3: The Commission should consider creating a universal checklist/assessment form which all Jail agency heads could use. This form could be completed easily and would better organize the amount of paperwork being forwarded to the state legislature.		
Suggestion	All	Corrections Professional
10780: SA-3: The PREC should consider the overall goal and purpose of submitting internal reviews to the Legislature and publishing them for public consumption. Both factions ultimately understand very little about corrections in general and PREA specifically. Perhaps publishing the external audits that would be conducted would be sufficient		
Suggestion	Checklist	Corrections Professional
12866: the Commission should streamline its focus to include only checklist items critical to core PREA objectives. Checklist items should be separated into "mandatory" and "optional" categories rather than having all mandatory.		
Suggestion	Checklist	Corrections Professional
13008: the Commission should streamline its focus to include only checklist items critical to core PREA objectives. Checklist items should be separated into "mandatory" and "optional" categories rather than having all mandatory.		
Suggestion	All	Corrections Professional
13142: Recommend using an audit timeframe similar to ACA where standards are reviewed yearly through an internal audit and nationally every 3 years.		
Suggestion	All	Corrections Professional
13277: The Commission should create an agency checklist separate and distinct from the facility checklist.		

Public Comment Report
Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Content of Comment	Standard Components	Source
Suggestion	All	Corrections Professional
13427: This proposed standard should recognize that many of the standards will take years to implement and provide a more appropriate schedule for certification and the update of "action plans." The initial implementation schedule should recognize that follow-up action plans may be submitted every three years until compliance is achieved.		
Suggestion	All	Corrections Professional
13428: Furthermore, in recognition of the fact that many of the standards deal directly with security protocols, those sections should be designated as confidential in all cases.		
Suggestion	Discussion	Corrections Professional
13884: The commission should provide more explanation as to what a formal annual assessment is going entail and/or provide the local agency with the ability to use their annual policy review process as the assessment process as is being required in this standard.		
Suggestion	All	Corrections Professional
13933: Standard SA-3 indicates the agency head must approve internal assessments and action plans, submit them to the legislature and publish them. The COCR recommends that any reporting to the Caledonia State Legislature will occur pursuant to the routine business of the state, and in response to the interest of the Legislature.		
Suggestion	All	Government
14006: As outlined in our comments to SA-2, coordination of the PREA standard auditing process with ACA's accreditation process will ensure the objectives of this standard are being met.		
Suggestion	Checklist	Prisoner
10331: Staff members should assure safety for inmates who complain about threats sexual behavior and fights. There should be certain officers put in place to address these issues without them being threatened		
Suggestion	All	SINA
10572: The idea that a sliding scale of "outstanding compliance, sufficient, other" would be an excellent idea as stated in an earlier session.		
Suggestion	All	SINA
10575: The Executive Office of Public Safety is an office that would be the best to oversee the process. The legislative members don't have an interest in corrections.		
Support/Agreement	Discussion	Advocate
12172: SA-3 (discussion) "Should the facility head choose to delegate some of the responsibilities for managing the facility's efforts to comply with the PREA Standards, he or she .. will [nevertheless] be the person held accountable....": This is an important provision, ensuring the highest officials are held responsible for compliance or non-compliance with the standards.		
Support/Agreement	All	Corrections Professional
12660: WYDOC partially agrees with this standard. Assuming the final standards are amended so that they are both attainable and manageable, internal assessment to comply with the standards is achievable.		
Support/Agreement	All	SINA
10573: Audits are very effective to get a snapshot by someone outside, but if you're in an agency for a long time the culture might not strike you as wrong, and having an auditor come in and take a snapshot can be very valuable, ensuring that it's neutral and effective.		

Public Comment Report

Prison/Jail

SA-3: Internal assessment and planning for achieving compliance with the PREA standards

Type of Comment	Standard Components	Source
Unintended Consequence	Checklist	Corrections Professional
12865: Many of the checklist items are not critical to the goals of PREA. This creates an overkill of requirements counter productive to PREA by being so burdensome that States cannot comply.		
Unintended Consequence	Checklist	Corrections Professional
13006: Many of the checklist items are not critical to the goals of PREA. This creates an overkill of requirements counter productive to PREA by being so burdensome that States cannot comply		
Unintended Consequence	All	SINA
10501: Other agencies will tell us we're doing a great job, know what we're up against, but we still fail because we weren't doing one thing on the mandate. Current audits if there is a checkmark in the wrong place we "fail" even if we are doing a good thing overall – if a lawyer gets a hold of that. Need to make the standards realistic.		
Unintended Consequence	All	SINA
10571: Facility Head – relies on a report of compliance or non-compliance. Why would a facility head report that they were not in compliance? Why would you publish this and allow auditors to do the same? This would be a litigation issue.		
Unintended Consequence	All	SINA
10576: In this case, the Superintendent is personally liable, his home and personal effects are open for being sued by saying that he is liable.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Academic
10372: Doesn't think sight and sound supervision is even an aspirational goal. When a person is in a minimum security level, it means there's been a judgment that he/she doesn't need a certain level of supervision. It allows for more liberty and rehabilitation. You want those people to be in the most normalized environment as possible, so the person can self-regulate and function in the community eventually. Not all people need that level of supervision. You have to balance safety against liberty and rehabilitation. If it was only safety, you'd only house people in single cells, but we recognize that safety is not the only goal.		
Concern/Disagreement	All	Advocate
12261: Given the fact that staff members are such major contributors to sexual abuse in prisons, jails, and immigration detention, it is not clear to us that increasing the number of staff members and/or their access to watching and listening to prisoners is the most helpful or logical step to decrease sexual abuse.		
Concern/Disagreement	All	Advocate
12266: The transgender and gender nonconforming current and former prisoners whom we have consulted in developing this comment, many of whom are survivors of sexual violence in detention, have pointed out the impracticality or impossibility of continuous sight and sound supervision, given the physical design and staffing of the facilities that they have been confined in. They have also pointed out the many ways that staff members use to circumvent already existing electronic surveillance and video recording.		
Concern/Disagreement	All	Corrections Professional
10273: I do not consider video or RFID tracking to be fiscally feasible because the benefits simply do not justify the cost.		
Concern/Disagreement	All	Corrections Professional
10773: If approved the way it is written, most jails would be in violation and require vast amount of construction/technological improvements to meet the standard.		
Concern/Disagreement	All	Corrections Professional
10781: PP-1: Continuous sight and sound observation of all inmates is not physically possible. Will there be funding available to purchase technology to aid in this requirement?		
Concern/Disagreement	All	Corrections Professional
11368: as currently written is impractical and unrealistic because in a prison, it is impossible to provide constant sight and sound supervision of all inmates. Current staffing levels do not permit one on one supervision of inmates which compliance with this standard would require... massive structural changes would be required throughout the MDOC to meet this requirement. Compliance with this standard would impose substantial additional costs.		
Concern/Disagreement	All	Corrections Professional
11369: Constant sight and sound supervision of all inmates will negatively impact the limited privacy afforded prisoners within a facility to perform bodily functions and hygiene as well as erode the capacity for confidentiality during medical and mental health appointments.		
Concern/Disagreement	Discussion	Corrections Professional
11391: PP-1, Discussion: Limiting one on one contact with staff must recognize that many health care, mental health appointments and tigatory call-outs require one on one contact due to the need for confidentiality.		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Type of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Corrections Professional

11413: PP-1, Compliance Checklist 4, (b): expands the scope of PREA... intent and objective of this standard are vague and unclear.
(c): beyond the scope of PREA.
(f): expands the scope of PREA
(g): expands the scope of PREA and is an attempt to micro-manage facility operations.
(h): subjective and unattainable

Concern/Disagreement	Standard Statement	Corrections Professional
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11559: • The continuous, clear, and uninterrupted sight and sound observation of inmates is nearly or almost impossible, either due to staffing limitations or the structure of the correctional institutions. In addition, requiring the impossible in the supervision of inmates would very likely impede correctional programs and services, especially for those responsible, low-risk offenders who are participating in programs and services to prepare them for reentry into the community. The need for increased supervision of offenders is related to the security level and risk presented, rather than a blanket statement for all offenders.

Concern/Disagreement	Discussion	Corrections Professional
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11560: The discussion for this standard implies that the use of Radio Frequency Identification Systems (RFIDs) should be used to monitor staff and inmate movement and location. While these systems have many positive benefits, they are extremely expensive for use in all situations and are not as effective as many believe. Ohio DRC has two RFID systems in operation by separate vendors and, from experience, they are not an overall solution to offender supervision. In addition, many labor unions, including those in Ohio, are opposed to the use of RFID technology on staff.

Concern/Disagreement	Checklist	Corrections Professional
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11561: (c) There is a concern that the auditor will be permitted to substitute his judgment for that of the agency in determining if the staffing levels of both authorized staff and the actual number of staff ready and fit for duty are sufficient to prevent or respond to sexual abuse.

Concern/Disagreement	Checklist	Corrections Professional
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11562: (d) It is unclear what and who defines the essential and nonessential posts or if the auditor will be able to substitute their judgment for that of the agency.

Concern/Disagreement	All	Corrections Professional
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11611: Direct sight and sound supervision of inmates, the Commission should consider that the facility physical plant is the key factor. The expense of adding additional staff vs. the additional expense of adapting/replacing sight/sound impediments may be a cost-prohibitive factor. However, in areas where physical plant problems cannot be ameliorated, efforts to continually supervise must be built into staff rounds.

Concern/Disagreement	All	Corrections Professional
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11702: In older penitentiaries and institutions, adding cameras and recording equipment may be difficult. The RFID system does not work through concrete and rebar in all facilities. In the process of constructing a new facility we could include the system, although the addition would be expensive.

Concern/Disagreement	All	Corrections Professional
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11977: The requirement for "continuous direct sight and sound supervision" is impossible to achieve in any correctional setting and would prove to be an unavoidable stumbling block in achieving full compliance with this standard.

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Name of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
12579: PP-1 I think the wording "continuous direct sight and sound supervision of inmates" needs to be changed. Continuous indicates 24/7 watching of each individual and it is impossible due to staffing and architecture to watch each inmate every minute of the day and night.		
Concern/Disagreement	All	Corrections Professional
12625: PP - 1: Inmate Safety: The capacity of state and local correctional facilities to achieve full compliance in this category is challenging at best. With older facilities and jails that do not have up to date sight and sound supervision, technology in place or the capacity for enhanced technology, even if funds were available, older facilities will only be able to go so far with monitoring camera's. Depending upon the final definition of continuous in relationship to observation, there is a cost in terms of staff, adding on of post positions, paying overtime to proved the required observation.		
Concern/Disagreement	All	Corrections Professional
12646: PP-1 Inmate Safety The commission should consider that continuous sight and sound supervision of all inmates at all times is not possible. In order for cell design to offer security, privacy and cost efficiency, opaque materials must be used in construction. Officers on housing areas can patrol at various frequencies to maintain order but are not capable of maintaining the standard. While dormitory style housing is more conducive to such supervision, it is not appropriate for all inmates.		
Concern/Disagreement	Checklist	Corrections Professional
12655: PP-1 Compliance Checklist 4 (e) Direct sight and sound observation of inmates 24 hours per day is not possible. The Commission 'd consider deleting this from the checklist.		
Concern/Disagreement	All	Corrections Professional
12671: Mandating the staffing levels and deployment of state-funded FTEs, including supervisory staff in isolated areas, and requiring institutions to purchase and utilize RFID systems is extremely costly and burdensome and could not be attained without a large influx of federal dollars.		
Concern/Disagreement	All	Corrections Professional
12670: This standard also appears to preclude medical, mental health and counseling staff to work independently with inmates. Confidentiality must be maintained for these interactions.		
Concern/Disagreement	All	Corrections Professional
12673: The expense associated with installation of RFID systems to monitor staff and inmate movement will be cost prohibitive for most local correctional facilities.		
Concern/Disagreement	All	Corrections Professional
12697: Though we operate within a philosophy of direct supervision, "continuous direct sight and sound supervision" would pose a need for new practices that could impact staffing levels, or require installation of expensive surveillance equipment, or require major physical plant renovations to some of our existing facilities.		
Concern/Disagreement	All	Corrections Professional
12709: While in many areas of our institutions the physical layout is designed to allow maximum sight supervision, other areas are limited in this area by the functional impediments associated with the purpose of our structures. Certain areas such as kitchens, bathrooms and cal buildings do not avail themselves of continuous sight supervision nor is a camera monitoring system practical in some of these tances. Furthermore, by requiring this level of continuous monitoring of all inmates, the number of staff required would ot be maintainable due to budgetary and labor availability constraints.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
12710: "Continuous" direct sight-and-sound supervision of all offenders with "heightened" sight-and-sound supervision for those identified as vulnerable is impractical and unnecessary. There are many systems already in place to monitor offenders including staff rounds/presence, duress intercoms, direct observation and camera observation. Identifying offenders as vulnerable or potentially vulnerable could be extremely subjective. The monitoring technology necessary to meet this standard would be extremely costly, and policies addressing special supervision would need to be developed for those areas with limited surveillance.		
Concern/Disagreement	Checklist	Corrections Professional
12714: CC-4(k)- Continuous monitoring is unrealistic, and monitoring staff movement without cause would have a negative impact on morale and create mistrust that is counter-productive to effective prison operation. The Commission would need to further define this criterion.		
Concern/Disagreement	Checklist	Corrections Professional
12793: Checklist 4-(PP-1): To the extent that they require redesign and construction of existing institutions, they would require a substantial financial burden not already budgeted. While the use of video security monitoring systems is widely used, the increased level of round-the-clock video and audio monitoring of all inmates contemplated by the items on the checklist is prohibitively expensive and would require expenditures far exceeding those currently budgeted.		
Concern/Disagreement	All	Corrections Professional
12867: Constant site and sound supervision would increase the DOC's budget more than ten-fold and would require the ridiculous situation where one Correctional officer would need to be posted at each double inmate cell. There is not enough manpower to provide constant sight and sound supervision, and even if the budget allowed, we would be unable to fill the positions. The cost to upgrade facilities for cameras in all inmate cells and all other areas would be astronomical.		
Concern/Disagreement	All	Corrections Professional
12890: I do not consider video or RFID tracking to be fiscally feasible because the benefits simply do not justify the cost... the initial cost, monitoring, and maintenance of RFID and individual inmate video tracking systems does not offer benefits substantial enough to justify its implementation.		
Concern/Disagreement	Discussion	Corrections Professional
12976: Discussion, pg 18 - Comments: one on one contact for duties such as outside work crews, off complex work crews, transportation to off complex medical appointments, hospital duty are unavoidable, not realistic/obtainable to limit or provide a second escort.		
Concern/Disagreement	Standard Statement	Corrections Professional
13009: Also on page 18, PP-1, the standard statement uses the terms "continuous direct sight and sound supervision". Again, the term "continuous" is unreasonable and impractical.		
Concern/Disagreement	All	Corrections Professional
13011: Constant site and sound supervision would increase the DOC's budget more than ten-fold and would require the ridiculous situation where one Correctional officer would need to be posted at each double inmate cell. There is not enough manpower to provide constant sight and sound supervision, and even if the budget allowed, we would be unable to fill the positions. The cost to upgrade facilities for cameras in all inmate cells and all other areas would be astronomical.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13017: It is implied many times that "continuous sight and sound supervision" be employed. It is unclear how this heightened sight and sound supervision is to be achieved.		
Concern/Disagreement	All	Corrections Professional
13105: The standard of "continuous direct sight and sound supervision" needs to be clarified. The Missouri DOC has installed additional cameras and has an intercom system at many of its prisons, but it is unclear if these measures will completely meet this standard. If our systems do not meet PREA standards, the Department would need additional, substantial amounts of resources including additional staff that are not attainable within the current fiscal outlook for the state of Missouri.		
Concern/Disagreement	All	Corrections Professional
13251: This standard as worded may require significant expenditure in staffing and/or technology and may still be unattainable.		
Concern/Disagreement	All	Corrections Professional
13279: While providing "the continuous direct sight and sound supervision of inmates necessary to prevent sexual abuse of inmates by other inmates and sexual abuse by staff" may not literally mean sight and sound supervision of all inmates, all the time, regardless of inmate or facility classification, this statement and the following sentence from the Discussion section is concerning: "Achieving full sight and sound supervision of inmates requires proper deployment and supervision of staff, assisted as necessary by cameras and tracking technology, and may require other creative adaptations to facility design."		
Concern/Disagreement	Checklist	Corrections Professional
13280: The following item from the checklist appears to reinforce an unrealistic expectation: "Has the agency taken steps to identify and eliminate any physical barriers that impede sight and sound supervision of inmates?"		
Obviously, maintaining sight and sound supervision of all inmates all the time is unrealistic and it should be made clear that this is not the intended standard.		
Concern/Disagreement	All	Corrections Professional
13282: The costs associated with replacing all systems with sound and RFID technology would be prohibitive.		
Concern/Disagreement	All	Corrections Professional
13284: Given PP-1 (continuous direct sight and sound supervision of inmates necessary ...), there should be no need for this standard as vulnerable inmates would already be receiving necessary supervision.		
Concern/Disagreement	All	Corrections Professional
13310: The MADOC employs direct supervision, but cannot possibly meet the Commission's standard of continuous sight and sound supervision of inmates by correctional staff at all of our facilities without significant additional resources.		
Concern/Disagreement	All	Corrections Professional
13313: Moreover, inmates may find themselves alone, under the supervision of a single officer. Operational realities, staffing levels and facility architecture often dictate this scenario. Many job assignments and escorts involve supervision by a single officer. This standard assumes that inmates should not be left alone with a staff member. This is a negative message to send to both staff and inmates.		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13429: Moreover, it is unlikely that federal funds are available to pay for these added staff, cameras and RFID technology. It is virtually impossible to meet this standard in many older facilities.		
Concern/Disagreement	All	Corrections Professional
13504: There is concern that this means that there be constant audio supervision of inmates while they are in their cells. This would be impossible to achieve is in conflict with current Massachusetts General Law which prohibits the audio taping of an individual without his/her consent.		
Concern/Disagreement	All	Corrections Professional
13509: The intent of this standard seems cost prohibitive for many agencies. If it is not the intent to have supervisors assigned within sight and sound of staff, perhaps clarification could be provided within the standard.		
Concern/Disagreement	All	Corrections Professional
13543: PP-1 - The phrase "continuous direct sight and sound supervision" leaves one to believe that each housing area with multiple units would require multiple officers to supervise. It would become cost inhibitive and man-power intensive		
Concern/Disagreement	Checklist	Corrections Professional
13551: Checklist 4: (h) Construction, constraint and acceptable corrections architecture makes this debatable in any indirect setting.		
Checklist 4: (j) Are the cameras located in a high risk area or areas that would be beneficial in an investigation?		
Checklist 4: (k) General supervision of staff.		
PREA as a concept can redefine operations. This mandates it.		
Concern/Disagreement	Checklist	Corrections Professional
13556: Some areas do have one-on-one staff to offender supervision. These areas, are not usually equipped with camera equipment.		
Concern/Disagreement	All	Corrections Professional
13634: With our current budget situation, staffing shortages, inmate overpopulation, facility layout and lack of grant funding, this standard is unattainable and unrealistic. In order to utilize the technological equipment identified in the discussion of this standard, our department would need to level and rebuild several prisons with no funding stream.		
Concern/Disagreement	All	Corrections Professional
13701: As the standards change to suggest PREA security monitor systems for all inmates significant departmental funding would be required.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Theme of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
<p>13717: Achieving full sight and sound supervision of inmates is an excellent goal but the means to achieve this goal are lacking. The KDOC has, through a federal grant, ventured into the realm of Radio Frequency Identification (RFID). This project was implemented at our newest facility, with a considerable investment of time and funds; however, this expensive new technology does not yet deliver on the promises or work as well as we hoped. Perhaps in the future this technology will be more reliable and affordable. We look forward to that day. It is impossible without drastically expanding staff to have constant surveillance or supervision of offenders 24 hours a day.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13735: The discussion section of this standard references radio frequency identification systems (RFID) to monitor offender and staff movement as well as camera and other tracking technology. The definition of "continuous" could be debated, however it appears obviously unrealistic to require all offenders and staff to be visible or monitored at all times. The purchase and use of the additional equipment would assist in this direction, but again significant costs would be associated with such acquisitions. The agency/facility should be able to show the request for such equipment from the legislature/parent agency, as the influx of these requests would be many and should be awarded where the need is the greatest.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13745: The language on the checklist is too vague on what is meant by direct sight and sound supervision of all inmates at all times. Currently, this is not feasible for all our facilities due to facility designs and our classification level system. To implement such a system to include audio surveillance would seem unrealistic and overly costly. Currently, none of our facilities currently utilize RFID monitoring systems; this would be a significant financial impact on our budget.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13748: This is an unfunded mandate requiring around-the-clock, sight-and-sound supervision of inmates in all prison settings by corrections personnel as well as increased use of technology and physical plant modifications.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13804: The physical design of many facilities would require added staff, cameras and audio equipment. The addition of cameras also requires staff to monitor. Storage of camera recording requires a significant cost investment if maintained for a significant of time.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13818: Achieving this full sight and sound supervision is going to be extremely costly, the funds are not there in our community.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13846: The monitoring technology required to meet this standard would impose a significant financial and resource burden on the department.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13972: The "Standards" taken solely upon face value could cost the taxpayers of Harris County millions of dollars to implement... The Harris County Sheriff's Office would be forced to make extensive modifications to our jails which are predominantly podular in design (semi-direct observation) and do not satisfy this requirement.</p>		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13885: At all times, inmates have the ability to press an intercom button in their cell, and our control center will respond to them. Does this meet the standards of sight and sound supervision? Our segregation, and close observation modules are staffed 24 hours a day/ 7 days a week. It would be helpful if the commission would provide further clarification as to if this meets the sight and sound supervision requirement of this standard. It is not feasible for local facilities to meet the staff requirement to have staff in the module constantly.		
Concern/Disagreement	All	Corrections Professional
13915: Inmate Safety - Compliance with this standard is not feasible and it will impose substantial additional costs on facilities resulting from the need for the addition of a significant number of staff and the purchase of a considerable amount of video equipment in order to meet "continuous direct sight and sound supervision of inmates ..."		
Concern/Disagreement	All	Corrections Professional
13925: Per dialog with credible systems installing Radio Frequency Identification Devices will cost \$15,000,000 and would require assistance from DOJ. Several of our prisons would be nonenduring and would be compromised.		
Concern/Disagreement	All	Corrections Professional
13934: This is considered cost prohibitive and unreasonable based on the number of inmates housed in and the various designs of the COCR Institutions. The current national standards for designing prisons, with "direct line of sight" for effective custody supervision over inmate populations does not require or expect continuous direct sight and sound supervision.		
Concern/Disagreement	All	Government
11809: This standard is not achievable under the current and future proposed budgets of most correctional agencies; it is certainly not achievable under the Bureau of Prisons' current and expected future budgets.		
Concern/Disagreement	All	Government
11810: Under present conditions, this standard would require a significant increase in the number of staff at each institution and concomitant reductions in the number of inmates that would participate in work and other programs in order to ensure continuous, direct supervision. It would also require significant infrastructure modifications to increase visual observation of inmates and to install the necessary additional video and audio monitoring equipment.		
Concern/Disagreement	All	Government
11811: In addition, some parts of an institution are not conducive to routine video or audio surveillance due to Constitutional and statutory protections. For example, surveillance of employees in their private offices and audio recording during inmate medical examinations pose legal issues. Also, video monitoring in inmate bathrooms and showers poses a potential for Constitutional violations.		
Concern/Disagreement	Checklist	Government
11886: Compliance Checklist 4(b)		
It is not clear how a facility's being compliant with local building capacity codes and fire safety regulations regarding the number of inmates in each housing unit at midnight relates to the prevention, detection, or response to sexual assault.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Line of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Government

11887: Compliance Checklist 4 (c)

This item provides no objective indicators and calls upon the subjective judgment of the auditor to determine that the authorized staffing level and the actual number of staff on duty are sufficient to prevent or respond to sexual abuse.

Concern/Disagreement	Checklist	Government
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11888: Compliance Checklist 4 (d)

This item provides no objective indicators and calls upon the subjective judgment of the auditor to determine which "essential posts" may be "especially dangerous" due to physical design constraints, the time of day, poor sight lines, or any other limitation in order to ensure these posts are staffed 24 hours a day.

Concern/Disagreement	Checklist	Government
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11889: Compliance Checklist 4 (e)

This item provides no objective indicators and calls upon the subjective judgment of the auditor to determine which "essential posts" may be "especially dangerous" to ensure the staff at these posts have direct sight and sound supervision of inmates.

Concern/Disagreement	Checklist	Government
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11890: Compliance Checklist 4 (f)

This item provides no objective indicators and calls upon the subjective judgment of the auditor to determine which posts are "nonessential." Having a yes or no response, it appears to require that all of these posts are occupied by security staff. It is not clear how this requirement relates to the prevention, detection, or response to sexual assault.

Concern/Disagreement	All	Government
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13078: Continuous direct sight and sound supervision as defined is not feasible.

Concern/Disagreement	All	Government
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13360: It is too onerous a requirement for 100% of spaces to have this level of continual supervision. Staff resources cannot support this and material resources for sufficient video and RFID monitoring would be beyond brig's budgets, typically.

Concern/Disagreement	All	Individual
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12426: I do not think sight and sound supervision at all times increases the safety of prisoners. As a survivor of an assault by a prison guard I do not feel safer when they are holding the power. As I work with individuals who have been sexually assaulted as prison guards watched I again do not feel as though that recommendation increases safety of prisoners. In my experience prison guards are very often some how connected to a sexual assault that happens. Increasing surveillance will not increase safety, it does not work outside prison walls will not work inside prison walls either.

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Prisoner
12384: PP-1: We most strenuously object to any suggestion of forfeiting prisoner's 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 prevention prison rape.		
Concern/Disagreement	All	Prisoner
12385: We are likewise disgusted and appalled by the suggestion of employing tracking technology. We suggest that anyone who has ever been stalked and sexually assaulted will suffer unimaginable horrors should such tracking devices be forced upon them, not to mention the many paranoid schizophrenics who fill our nation's prisons.		
Concern/Disagreement	All	Professional Organization
10670: Continuous sight and sound is going to be difficult if not impossible to meet. The physical design of older facilities is going to be difficult and may require new construction.		
Concern/Disagreement	All	Professional Organization
10683: I think there are already standards that address security inspection for the safety of inmates. Short of getting continuous officers in every area, it will not be possible. Man power is the largest cost driver, and we try and build facilities to reduce the staffing.		
Concern/Disagreement	All	Professional Organization
10694: "The least restrictive possible;" observation of standards does not meet the idea of being least restrictive. As written (not knowing what you intended, only what is written), if we put cameras and audio, the cost would be insurmountable. For one camera, there is a high cost; even FCI Butner is high to meet what is written and intended.		
Concern/Disagreement	All	Professional Organization
11311: While the proposed standards mandate "full sight and sound supervision," the legal standard is "reasonable."		
Concern/Disagreement	All	Professional Organization
11318: This standard as written is unachievable. Use instead "aggressive supervision efforts" of inmates and eliminate "continuous direct sight and sound".		
Concern/Disagreement	All	Professional Organization
12479: As written, this proposed standard should be deleted. NSA would like to propose a replacement standard, but we are unclear as to the intent, and are therefore unable to do so. There is no definition of "trained" in the proposed standards, an area where specific direction might have been helpful. There is no definition of "continuous direct sight and sound supervision".		
Concern/Disagreement	All	SINA
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
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	All	SINA
10578: Sight and sound, web-eye system is a lot better than what we've had. We can't audio tape someone without permission, so do the commissioners envision us audio taping and how would we get around the MA law that prevents audio taping without permission?		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Text of Comment	Standard Components	Source
Concern/Disagreement	All	SINA
10582: Price would be an issue.		
Concern/Disagreement	All	SINA
10599: We're overcrowded, we can't single bunk sexual offenders. We have a waiting list for our SHU, how can we protect people given our overcrowding?		
Concern/Disagreement	All	SINA
10892: •Interesting the way it is written – it is saying, if you read it as it is written it is saying I need someone watching Tristan who is watching you. To know that my staff person is not doing something I have to have something watching them. Again, the intent, I think we are fine – the way it is written concerns me a bit. In a direct supervision pod, although there are cameras there, master control is not watching it all the time, that would increase our staffing.		
Concern/Disagreement	All	SINA
11074: items are doable except the direct sight and sound with women on work release. If someone is in their cell we won't have this or when taking someone to the doctors office. We need more clarification with some of these.		
Concern/Disagreement	All	SINA
11083: Women need more privacy and this is an area that may need gender specific wording.		
Concern/Disagreement	All	SINA
11084: : the sound is an issue. This says continues direct sight and this is a problem here. If I am in the control center and I am paying attention to what is going on in one area, another area is left without supervision.		
Current Practice	All	Corrections Professional
12570: The Connecticut DOC adheres to the zero tolerance of sexual abuse. The agency goes through annual training of PREA to ensure that staff continue to provide direct supervision of inmates necessary to prevent sexual abuse.		
Current Practice	All	Corrections Professional
13935: Current policy and practice in the COCR is that continuous direct sight and sound supervision is applied when an Inmate is placed under special, short-term custody supervision, such as when the inmate has threatened or attempted suicide referred to as 'suicide watch'), or when an inmate is suspected to have swallowed or is hiding In a body cavity an item of contraband and custody places the inmate in a controlled cell, in adapted clothing with waist/wrist restraints and direct observation (referred to as 'contraband watch'). Video cameras are used in special housing circumstances by mental health or medical professionals.		
Current Practice	All	Professional Organization
10681: Often the inmates are put in cells and are only seen hourly when they are doing rounds. Older facilities are not constructed for continuous sight and sound. This standard will either put older facilities out of compliance or will require new construction.		
Current Practice	All	Professional Organization
11314: It is an accepted practice that when arrestees/inmates are housed for the night in sleeping quarters, staffing is fewer consistent with arrestee/inmate activity.		
Current Practice	All	SINA
427: We are putting cameras everywhere – we just prioritized and decided to put cameras in female areas and in Building 4 first. We are expanding on that and putting them everywhere.		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Type of Comment	Standard Components	Source
Current Practice	All	SINA
10537: •We can use the video surveillance if it's reported within a month, we can go back and check an allegation to see if it's true. •The past seven out of seven complaints have been untrue when checked with the video.		
Current Practice	All	SINA
10538: •In terms of things we can do better, we are behind on technology. The design of the prison, in terms of sight lines and sound lines, are not conducive to implementing PREA. The recording and storing of the video we could do better.		
Current Practice	All	SINA
10558: We had a dark period of sexual abuse, we had an inmate in the 90's who became pregnant by a staff person. We have tried to overcome this by having a tour policy where everyone is required to walk through all of the facilities. Staff do tours of other units, take a notepad, talk to staff and inmates, hear about what issues are going on and check up on those issues. All command staff are required to do this and duty officers are on call 24 -7. This is different from other facilities.		
Current Practice	All	SINA
10759: Staff is biggest resource, officer in the pod is the best resource. Direct supervision is the best thing and we have seen a difference. Inter-personal communication skills are the most important resource we have. It's important to have direct supervision with a CO in a pod, rather than behind plexi-glass. We train staff each year on IPC skills. Keep behavior on a professional level of all individuals		
Current Practice	All	SINA
11004: Single cell is perfect for the women with special needs. We could use a few more hard cells for women who need to be isolated. We don't have enough space for woman and they get less opportunities and programs for women. We switched women to the floor crew and they have a little more opportunities. This is a problem in general for jails because the women are being processed.		
Current Practice	All	SINA
11133: We have video but not audio. For the general population there is no sound.		
Current Practice	All	SINA
14091: We don't do this... This would be cautionary, special management and they would be sent to another maximum security facility were they have ad seg. This would take us 1 week to 1 month to get someone into an Ad Seg program.		
Current Practice	All	SINA
14092: Time frames tied in with space available... At times we are trading inmates one on one and we may get someone who is worse than the one we traded... 20% of our population is being held in the jails. Early release does not happen in our state.		
Observation	All	Academic
10374: When people are in a higher custody level, direct supervision or sight and sound supervision is the answer. It's not the answer for lower custody levels.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Line of Comment	Standard Components	Source
Observation	All	Advocate
12263: One of the factors we asked our survey participants to rank in importance with regard to classification and placement was being placed "somewhere where the COs watch, monitor, and control inmates more closely than they usually do in general population." Two thirds of the survey participants (8 out of 12) ranked this particular item a 1 or a 2 on a scale of 5 in terms of importance, with 1 equivalent to "Not important at all" and 2 equivalent to "not very important." In fact, with all the responses taken together, this item fell at 20th out of 25 in terms of importance, indicating that heightened surveillance is not the highest priority for many transgender and gender nonconforming prisoners.		
Observation	All	Advocate
12271: Ten out of 12 survey participants ranked not having to take showers with anyone else as "most important," making this item the 5th highest ranked consideration overall out of 25 factors.		
Observation	All	Advocate
12281: Two thirds of our survey respondents (8 out of 12) ranked the item: "That I am somewhere where there is a lot of use of video cameras to record what happens between inmates and COs" a 4 (very important) or a 5 (most important) in terms of their priorities for their placement. With all responses taken together, this item fell at 9th out of 25 in terms of importance. Over half of respondents (7 out of 12) ranked "That I am somewhere where there are usually a lot of inmates around and it would be unusual and/or difficult for a CO to be alone with me out of sight of others" a 4 or 5. This item fell at 11th out of 25 in terms of overall priorities.		
Observation	All	Corrections Professional
91: The requirement that specific identification systems (RFID) be used implies other identification systems will not be accepted. P. 18		
Observation	Checklist	Corrections Professional
11556: c) This point states "adequate sight and sound supervision" and refers to PP-1. Both PP-1 and the corresponding Checklist 4 refer to "direct sight and sound supervision." The language provides very different meaning and is confusing in the intent.		
Observation	Checklist	Corrections Professional
11563: (f) (g) These two items are unclear as to how they are to be audited and what is considered a deficiency. In addition, it is possible to have security staff occupying nonessential security posts and still have essential posts occupied 24 hours per day.		
Observation	All	Corrections Professional
12702: Outside work squads present an area where direct supervision of minimum and community custody inmates is not required at all times and may be impractical and unnecessary given specific circumstances.		
Observation	All	Corrections Professional
12711: This requirement could be interpreted to require that each cell be monitored at all times by staff.		
Observation	All	Corrections Professional
13254: The wording does not account for emergency situations and responses.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Type of Comment	Standard Components	Source
Observation	All	Corrections Professional
13894: The standards are contradictory concerning the requirement for sight and sound supervision: the definition of video monitoring system, which references the ability of staff to provide minimal sight and sound security, seems to recognize that staff cannot always provide continuous, clear, and uninterrupted visual and audio observation. See standard PP-2 which references "heightened sight and sound supervision" and "increased sight and sound supervision", which seems to set a higher standard than continuous, clear and uninterrupted visual and audio observation. Standard CL-1, which provides for "intensive sight and sound supervision of all inmates before and during the initial screening process", suggests that a lesser standard can be applied after the diagnostic process is complete. See also discussion of same standard which provides "intensive sight and sound supervision must be maintained until inmates are fully classified." See standard CL		
Observation	All	Labor Union
13656: Fiscal realities and/or administrative decisions have seriously impeded accomplishment of this goal in some locations.		
Observation	All	Labor Union
13660: Of all the standards, the requirement for "continuous direct sight and sound supervision of inmates" probably has the most sweeping implications for staffing levels and infrastructure requirements.		
Observation	All	Professional Organization
10682: I think these standards are already in place. There are local and state laws that address the issue.		
Observation	All	Professional Organization
11312: There is no definition of "trained staff". There is no definition of "continuous direct sight and sound supervision".		
Observation	All	SINA
10888: with the direct supervision jail and the set-up of our pods with the single cells we are able to isolate without locking people down – we can give people a safe place with their own cell and constant deputy attention –this style of supervision helps 1 levels of individuals.		
Observation	All	SINA
11201: Here the inmates are housed single cell and they are identified as special needs which are very helpful in keeping the numbers low.		
Question	All	Advocate
12259: In the draft standards, it is not clear from the language whether sight and sound supervision would ever be considered "adequate" if it were not literally continuous and uninterrupted with regard to both sight and sound.		
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
13252: What about night time lockdowns?		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Text of Comment	Standard Components	Source
Question	Checklist	Corrections Professional
13479: (d) & (e) both reference essential posts without defining them for purposes of audit.		
Question	Checklist	Corrections Professional
13480: Asks if security staff is constantly present and immediately available to inmates but does not define that what those terms are, thus leading to a risk of inconsistency between different evaluators.		
Question	All	Corrections Professional
13750: The requirement that specific identification systems (RFID) be used implies other identification systems will not be accepted.		
Question	All	Government
13081: When locked down in their cell is there still a requirement to have direct continuous sight and sound supervision if it is a one person cell?		
Would sound supervision by way of electronics violate any rights of the prisoners? Would continuous supervision further identify to other inmates and label certain inmates as vulnerable.		
Question	All	Individual
10672: The term "continuous sight and sound supervision of inmates" appears to mandate a very high standard of supervision... Often the level of supervision is tied to the security level, i.e. Maximum, Work Release, etc. What then would "heightened sight and sound supervision" as outlined in PP-2 be? In other words, additional clarification needs to be given to the nature of supervision as it applies to various institutional situations and various security levels.		
Question	All	Professional Organization
10680: You have a standard about sight and sound; how are we to meet that in older facilities or podular facilities where people are bunked 2-3 people behind a barrier where they cannot be seen?		
Question	All	Professional Organization
10693: Regarding inmate safety: The issue of continuous sight and sound observation. What does it mean? Every inmate has to be continuously seen and heard all day? Minimum security inmates need to be monitored? Do we need to reconstruct our facilities? Including our dormitories? Our dorms have some of the best sight and sound but they are open facilities. Do we need to change for the visual and acuity? Does that place inmates more at risk? Particularly those who are at the lower level of risk?		
Question	All	Professional Organization
10696: At higher level facilities, do there need to be single cells and do we need to stop double bunking? A good 60-70 percent are double bunked; if we go to single, we would need to build at least 150,000 cells. We do not have the money or power to do that.		
Question	Checklist	Professional Organization
11316: When double-bunking what impact does the size of the window in the cell door have in impeding observation? Would you have to reconstruct the door or eliminate double-bunking?		
Question	All	SINA
10433: I was wondering if visual and audio meant human beings in the unit watching and listening, or does it mean just technology?		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Type of Comment	Standard Components	Source
Question	All	SINA
10515: •Some questions, like video and audio, in MA you can't record without someone's permission. Does that mean the officer is doing both? It's overwhelming because I don't know what that means.		
Question	All	SINA
10579: Should video have the ability to stop abuse from happening, and would video go into the cells?		
Question	Checklist	SINA
14114: PP-1 is this a yes or no? If we don't meet the standard do we fail and don't receive federal funds. If you can't measure the standard, we are going to fail.		
Suggestion	All	Academic
10373: Think about proper classification instead of sight and sound supervision.		
Suggestion	All	Academic
12923: Prevention here is defined only as training staff. and sight and sound separation A broader defintion of prevention is needed that emcompasses treatment programs for all inmates that addresses anger management, sexual behaviors, boundaries and the like.		
Suggestion	All	Advocate
11906: •Requirements of "continuous sight and sound supervision" should be clarified to acknowledge the privacy rights of vulnerable prisoners. Shower curtains or fogged glass can provide increased privacy without limiting effective supervision. Potential for abuses should be examined carefully. For example, RFID technology could be abused by guards who simply leave their RFID card in one location while they commit abuse in another location. Surveillance cameras have blind spots. We recommend making staff available to monitor problem areas and to facilitate the reporting of concerns.		
Suggestion	All	Advocate
12018: •To further clarify what is expected from facilities and agencies to meet the Standards' "continuous sight and sound supervision" goals, we suggest including language specifically describing how this can be accomplished because we believe some privacy must be afforded to protect vulnerable prisoners. For example, while prisoners are showering, staff should use "common sense" by observing only the visible areas of the prisoners in order to ensure safety.		
Suggestion	All	Advocate
12019: Investment in monitoring technology would also increase prison budgets substantially, so when this is not appropriate, designing staff shifts and staff rounds so that staff are constantly available to prisoners to discuss a variety of concerns would encourage prisoners to come forward.		
Suggestion	All	Advocate
12020: •Agencies and facilities should end, not just "limit," times where prisoners have one-on-one contact with staff.		
Suggestion	All	Advocate
12021: •The use of cameras can help secure facilities, but cameras have blind spots. We recommend facilities and agencies take creative approaches to supervision, including possibly designating certain staff members to act as independent reporters to monitor areas of facilities known to be "problem areas."		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Category of Comment	Standard Components	Source
Suggestion	All	Advocate
12022: •When facilities have the option of remodeling, we recommend using fogged glass or fogged portions of windows in some cells to provide the privacy needed to protect transgender and other vulnerable prisoners. Other simple measures to protect prisoners' privacy include installing shower curtains that provide some privacy, but still allow prison staff to monitor prisoners' security and safety.		
Suggestion	All	Advocate
12255: We believe that it is important to carefully consider the most effective means to improve supervision, so that large costs are not incurred counterproductively. We also believe that it is important while improving supervision to maintain basic privacy for prisoners, particularly when they are partially or completely undressed, and to avoid creating situations where prisoners could easily be subjected to voyeuristic sexual abuse by staff.		
Suggestion	All	Advocate
12260: We believe that the language of the standards should be revised to clarify that sight and sound supervision need not always be literally continuous in every situation in order to prevent sexual abuse.		
Suggestion	All	Advocate
12268: The standards must be clarified to ensure that continuous sight and sound supervision cannot be interpreted to undermine the prevention of staff-on-inmate voyeurism (as defined on page 14 of the draft standards).		
Suggestion	All	Advocate
12273: Shower curtains can be an easy, inexpensive, and effective tool for preventing sexual abuse.		
Suggestion	All	Advocate
12276: It is important to consider these and similar concerns when making decisions about where and how to implement video surveillance. If recordings are made of such sensitive events, strong procedures must be put in place to prevent these recordings from being viewed except when necessary in the course of an investigation of a report of sexual abuse or other serious misconduct.		
Suggestion	Checklist	Advocate
12282: In order to strengthen this crucial element of improved supervision, we recommend deleting all reference to RFID technology in compliance checklist 4(k). Because at best RFID tracking would only reveal the location of the staff member, it would be totally ineffective at deterring or detecting sexual abuse perpetrated by a staff member who is known to be supervising isolated prisoners—it would simply show that the staff member was where he or she was supposed to be. Therefore, it should not be considered sufficient to satisfy this requirement.		
Suggestion	All	Advocate
12283: Also, several of the incidents of staff-perpetrated sexual abuse that we have learned of involve staff bringing prisoners in general population to isolated and unsupervised areas of the facility temporarily, sometimes on a pretext of having some job or chore for the prisoner to perform in another area of the prison or jail, then forcing the prisoner to perform sexual acts once out of sight. Because staff members in this situation might not be considered to be supervising "inmates isolated from the general population," the compliance checklist as written would not necessarily address or prevent this practice. We therefore recommend that an additional item be added to the compliance checklist in order to meaningfully ensure that staff members are prevented from having one-on-one contact with prisoners out of sight of cameras or other prisoners.		
Suggestion	All	Advocate
35: In the first sentence of PP-1, at the top of page 18, the word "continuous" should be replaced with the word "comprehensive." Similarly, on page 24, the definition of sight and sound supervision should be revised to state "comprehensive, clear, and thorough" rather than "continuous, clear, and uninterrupted."		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Type of Comment	Standard Components	Source
Suggestion	All	Advocate
12287: Language should be added to PP-1 that states, "Continuous sight supervision is not required when an inmate is disrobed or performing bodily functions. Any video recording of an inmate who is disrobed, including video recordings of strip, visual body cavity or physical body cavity searches, must be kept in a secure location and viewed only when necessary for investigation into alleged sexual abuse or other serious misconduct."		
Suggestion	All	Advocate
12289: The last sentence of the discussion of PP-1 should be modified eliminating the reference to RFID technology, so that it would read, "Technology such as video security monitoring systems should be used when necessary to adequately monitor staff and inmate movement and location, and supervisory staff should monitor interactions between line staff and inmates in isolated areas."		
Suggestion	Checklist	Advocate
12291: Checklist 4(a) should be revised through adding the word "adequate" prior to "sight and sound."		
Suggestion	Checklist	Advocate
12293: An item should be added to compliance checklist 4 that states, in effect: "Are provisions in place to ensure that inmates cannot watch or touch inmates who are showering?"		
Suggestion	Checklist	Advocate
12295: An item be added to compliance checklist 4 just prior to 4(k) that states, in effect: "Are staff members prevented from moving an inmate from an area where they are within eyesight of other inmates to an area that is out of sight of other inmates, except when acting pursuant to written agency policies and for bona fide reasons?"		
Suggestion	Checklist	Advocate
12297: Compliance checklist 4(k) should be modified eliminating the reference to RFID technology, so that it would read: "Are staff members monitored by supervisors and/or video security monitoring systems any time they have contact with an inmate who is out of sight of other inmates?"		
Suggestion	All	Advocate
13208: In addition to sight and sound supervision, all custodial staff must be required to prevent other members of the custodial staff to remove any inmate from areas with sight and sound supervision. In addition, custodial staff must be required to report to supervisors when other members of the custodial staff attempt to remove any inmate from areas with sight and sound supervision, and full investigations of such attempted violations must be conducted.		
Suggestion	Discussion	Advocate
13344: •Amend the second sentence of the Discussion to read: "It enables staff to identify and intervene after inappropriate, aggressive or coercive inmate behavior before it escalates to sexual abuse, to identify and protect inmates who may be more likely to be victimized, to identify signs of inappropriate staff relationships developing with inmates before they become abuse, to respond immediately to prevent or end incidents of abuse by inmates or staff, and, where an incident does occur, to take the necessary steps to respond to it."		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Name of Comment	Standard Components	Source
Suggestion	All	Advocate
<p>13560: We commend the Commission for recognizing that adequate supervision is the cornerstone of preventing sexual abuse behind bars... The Commission should acknowledge that supervision sufficient to prevent sexual abuse is the goal, but it should also articulate specific requirements for supervision, which, along with the requirements of other related Standards, will minimize the opportunity for sexual abuse. In particular, this Standard must be read in conjunction with PP-7 which addresses the use of technology and PP-3 which sets out limitations on cross-gender supervision.</p>		
Suggestion	All	Advocate
<p>13562: In order to clarify this Standard's requirements concerning supervision, the Discussion portion of PP-1 should be turned into the Standard. The Discussion sets out achievable and enforceable requirements for meaningful supervision that will limit opportunities for staff sexual misconduct and help protect inmates from inmate-upon-inmate assault. This Standard should additionally recognize that cameras are the only way to come close to achieving "continuous and direct sight and sound supervision" of persons in jail or prisons. In areas where there are no cameras, cross-gender supervision should be prohibited to protect inmates from staff sexual abuse. The Checklist then needs to be modified to incorporate auditing questions about this, including questions such as "Do staffing deployment policies limit all occasions in which inmates are in one-to-one contact with staff or regularly out of sight of other inmates or cameras? Are these policies followed?"</p>		
Suggestion	All	Advocate
<p>13563: Since there is no other Standard concerning how supervision is to be effected, we suggest that the Commission include a requirement that jails and prisons perform unannounced rounds at unpredictable times conducted in a random manner, along with a requirement that staff not be permitted to alert other line staff a supervisor is coming, and that evidence of such efforts to subvert supervision shall result in discipline of staff. This requirement should be added to both the Standard and the Checklist.</p>		
Suggestion	All	Corrections Professional
<p>10772: PP-1: The Commission should consider eliminating the word "continuous" and changing the requirement to direct "sight or sound". Most jails have some or most of their housing areas constructed in a linear designed style. These housing areas make it impossible to maintain "continuous" direct sight and sound of the inmates, without having employees sitting directly outside each inmate's cell.</p>		
Suggestion	Discussion	Corrections Professional
<p>11393: Rather than dictate which type of security system is used, agencies should be given the flexibility to determine which security system is optimal for the physical plant, level of security, population needs, and available fiscal resources.</p>		
Suggestion	All	Corrections Professional
<p>11704: Agencies' budgets may restrict such a system. We request change of language to request that; whenever possible budget for cameras and recording equipment, to enhance supervision of all isolated areas, will be listed as a priority. However, the state of the budget is controlled by the legislature and in many cases may not raise to the level of the Basic Needs Budget.</p>		
Suggestion	All	Corrections Professional
<p>11985: PP- I : Inmate safety - The standard states: "Trained corrections staff provides the continuous direct sight and sound supervision of inmates necessary to prevent sexual abuse of inmates by other inmates and sexual abuse by staff." This assumes that inmates are never out of sight of a correctional officer or that the officer has sound supervision of the inmate at all times. It is recommended that the Commission change the wording from "continuous" to "sufficient or adequate to prevent sexual assaults."</p>		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Type of Comment	Standard Components	Source
Suggestion	Standard Statement	Corrections Professional

12135: The standard states: "Trained corrections staff provides the continuous direct sight and sound supervision of inmates necessary to prevent sexual abuse of inmates by other inmates and sexual abuse by staff." This assumes that inmates are never out of sight of a correctional officer or that the officer has sound supervision of the inmate at all times. It is recommended that the Commission change the wording from "continuous" to "sufficient or adequate to prevent sexual assaults."

Suggestion	All	Corrections Professional
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12549: Recommend the commission consider direct sound (audio) supervision a distractor and focus on increasing visual observations by rewording the standard to read, "Trained corrections staff provides the continuous direct sight supervision of inmates." We assume that inmates confined in single cells will be considered under direct sight supervision. Since the intent of the law is to prevent rape, inmates locked in single cells should not require continuous direct sight supervision via a CCTV or an individual staff member beyond the normal staff supervision standards established by the agency for each housing area. If that analysis is defective, please clarify the specific requirement/intent of the standard.

Suggestion	Standard Statement	Corrections Professional
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12823: The standard states: "Trained corrections staff provides the continuous direct sight and sound supervision of inmates necessary to prevent sexual abuse of inmates by other inmates and sexual abuse by staff." This assumes that inmates are never out of sight of a correctional officer or that the officer has sound supervision of the inmate at all times. It is recommended that the Commission change the wording from "continuous" to "sufficient or adequate to prevent sexual assaults."

Suggestion	Standard Statement	Corrections Professional
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12975: Comments: Continuous direct sight and sound is unrealistic... Recommend replacing the term with diligent perceptive sight and sound supervision of inmates.

Suggestion	Checklist	Corrections Professional
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13012: Compliance Checklist 4 (d) & (e) both reference essential posts without defining them for purposes of audit. While essential posts may be a term of art for security practices, it does not necessarily follow that the same definition would be used in this audit by all auditors and therefore there needs to be clarification in that regard. Compliance Checklist 4 (h) asks if security staff is constantly present and immediately available to inmates but does not define that what those terms are, thus leading to a risk of inconsistency between different evaluators.

Suggestion	Standard Statement	Corrections Professional
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13145: Reword standard as follows:
Trained corrections staff provides reasonable sight and sound supervision of inmates at a level necessary to prevent sexual abuse of inmates by other inmates and sexual abuse by staff.

Suggestion	All	Corrections Professional
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13255: The Commission should consider amending the language to "trained correctional staff provide the supervision of inmates necessary to prevent sexual abuse of inmates by other inmates and sexual abuse by staff." Remove "continuous direct sight and sound" from standard.

Suggestion	All	Corrections Professional
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13281: CEO's and administrative leaders must hold all correctional staff to a higher standard and ensure this is being done through quantitative methods. One easy way to identify the attitude of staff member is to do a survey of the institution in order to get a understanding of the implied nature of the subject of sexual abuse. Leaders must be able to first eliminate the language of slang words, such as "punk", "girl", or "husband" (when referring to a female partner) from the institutional climate.

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Text of Comment	Standard Components	Source
Suggestion	All	Corrections Professional
13788: Would the commission consider revising this language to suggest that it is aspirational, rather than mandatory?		
Suggestion	Checklist	Corrections Professional
13789: Consider re-wording the Compliance Checklist 4 (a) to read: "...barriers that impede sight and sound supervision of inmates without compromising safety and security?"		
Suggestion	All	Corrections Professional
13803: The commissioner should consider changing the terminology to enhanced direct sight and sound supervision. The continuous sight and sound supervision standard would be difficult to achieve due to resources required.		
Suggestion	All	Corrections Professional
13893: PP-1: the commission should either revise the definition of sight and sound supervision, or revise the requirement to maintain continuous sight and sound supervision, in order to reflect a more realistic and practical application of the standard.		
Suggestion	All	Corrections Professional
13926: A more efficient strategy might be to mandate long-term goals for achieving the standards and training resources from DOJ.		
Suggestion	All	Government
13361: Lower custody level prisoners do not require this level of supervision and to implement all the security features that would accomplish this is unrealistic with available resources. Revise interpretation of 'sight and sound' supervision.		
Suggestion	All	Labor Union
13661: Council 75 would support, and NPREC should consider, minimum square footage requirements per inmate on each housing unit / jail cell because overcrowding is a major factor in facilitating and concealing assaultive activity. As for staffing in minimum security (level 1 or 2) custody institutions, one staff member is usually adequate. For medium security custody and above (level 3 and higher), no fewer than two staff members should be present at all times.		
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	All	SINA
11082: This seems like it means uninterrupted and perhaps you could say that it would be immediate supervision.		
Support/Agreement	All	Advocate
13818: SPR commends the NPREC for establishing firm requirements for sight and sound supervision of all inmates, especially of those who have been identified as vulnerable to sexual abuse. Compliance checklist 5, for standard PP-2, is particularly strong and illustrates the NPREC's recognition of the extreme dangers facing certain detainees based on known risk factors, such as sexual orientation, gender identity, disability, and youth.		

Public Comment Report
Prison/Jail
PP-1: Inmate safety

Type of Comment	Standard Components	Source
Support/Agreement	All	Advocate
12173: PP-1: The insistence on achieving continuous direct sight and sound supervision is absolutely necessary to improve safety and prevent violence.		
Support/Agreement	All	Advocate
12257: We believe that the limitation on staff having one-on-one contact with prisoners out of sight of other prisoners or cameras is a key aspect of PP-1 that must be preserved and strengthened in the final version of the standards.		
Support/Agreement	All	Advocate
12280: Because of the extreme pervasiveness of staff-perpetrated sexual abuse against transgender, intersex, and gender nonconforming prisoners, we believe that the sentence in the discussion of PP-1: "To prevent staff-on-inmate sexual abuse, staffing deployment policies should limit occasions in which inmates are in one-on-one contact with staff or regularly out of sight of other inmates or Cameras," together with the subsequent sentence and compliance checklist 4(k), are of great importance.		
Support/Agreement	All	Corrections Professional
12669: WYDOC agrees with a "direct" model of inmate supervision.		
Support/Agreement	Discussion	Individual
12431: It is excellent that if you are going to suggest the use of RFID systems that guards will have to use them as well. I would suggest that prisoners already experience enough surveillance and do not need to be subjected to the RFID systems. I do think, however, that guards should be tracked while they are on duty.		
Support/Agreement	All	Labor Union
13653: 1.Continuous sight and sound supervision: Council 75 strongly supports a standard requiring constant supervision of all inmates, and we constantly advocate for staffing levels adequate to achieve safety and security for all inmates and staff alike.		
Support/Agreement	All	SINA
10581: But with the video we have now, it has mostly exonerated staff from allegations.		
Unintended Consequence	All	Academic
10371: In a minimum security prison, there's not sight and sound supervision of prisoners and there shouldn't be. If you have this standard, you basically do away with the possibility for minimum security.		
Unintended Consequence	All	Advocate
12269: Requiring staff to watch prisoners while they shower would certainly promote voyeurism and would be more likely cause additional sexual abuse than prevent it, in addition to simply invading prisoners' privacy unnecessarily. In the words of one of the members of our Prisoner Advisory Committee, "It's like opening up a peep show for guards to enjoy. Me, personally, I'll feel degraded. I would literally stop taking showers."		
Unintended Consequence	All	Advocate
12275: Video surveillance can be a useful tool in deterring and preserving evidence of sexual abuse. However, there is also a potential for voyeuristic abuse of this technology. For example, Tom, a transgender man in a women's facility, strongly objected to the practice in his facility of having all strip and visual body cavity searches recorded by video. He felt violated by having these searches captured on video. He believed that staff members would view these videos, which show women and transgender people being forced to reveal their breasts and genital areas, for their sexual gratification.		

Public Comment Report

Prison/Jail

PP-1: Inmate safety

Content of Comment	Standard Components	Source
Unintended Consequence	All	Corrections Professional
12707: In order to minimize the institutionalization effect that long periods of incarceration may have on offenders, the Department has created a system where offenders are provided as much liberty, personal responsibility and accountability that is available without hindering institutional security. The requirement of one hundred percent (100%) sight and sound supervision is, in the opinion of the Department, a step backwards in the goal of rehabilitation of offenders. These requirements may have lasting negative effects on inmates leaving our institutions and their individual abilities to reintegrate into society.		
Unintended Consequence	Checklist	Corrections Professional
13010: On page 48, Compliance Checklist 4 (a) asks if the agency has taken steps to identify and eliminate any physical barriers that impede sight and sound supervision of inmates. The physical plant reality of most facilities may simply mean that these barriers cannot be eliminated without major costs or even perhaps abandonment of the facility.		
Unintended Consequence	Checklist	Corrections Professional
13478: The physical plant reality of most facilities may simply mean that these barriers cannot be eliminated without major costs or even perhaps abandonment of the facility. Therefore the question implies a potential risk for massive capital costs for older correctional facilities.		
Unintended Consequence	All	Corrections Professional
13787: The cost of RFID can be extraordinary. Further, in some populations, such as low security immigration detention, we suspect the use of RFID technology would tend to create distrust between facility residents and their custodians.		
Unintended Consequence	All	Professional Organization
11313: If "continuous" means constant observation of a housing unit, cell block or other area in which arrestees/inmates are held 24 hours a day, 7 days a week, the cost to achieve this mandate in terms of hiring new staff, paying overtime, assigning staff to monitor cameras; or purchasing, installing and maintaining cameras is significant. The architecture of many jails does not allow constant surveillance, but allows for intermittent surveillance.		
Unintended Consequence	All	Professional Organization
11315: Achievement of "full sight and sound supervision" implies the need to appropriate and expend additional fiscal resources for staffing, physical plant changes and technology.		
Unintended Consequence	All	SINA
10580: The staff is going to think it's big brother, tracking what they're doing, if they're slacking off.		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Academic
12938: The issue of separate housing is extremely problematic-- most women's facilities (and many male facilities) have only punitive housing available to segregate individuals from general population. This segregation itself is a "red flag"-- an indicator of vulnerability to staff and inmates alike and may mark the inmate as a future target.		
Concern/Disagreement	All	Advocate
11900: [the standards] fail to recommend voluntary segregation units for vulnerable populations.		
Concern/Disagreement	All	Advocate
12319: However, we believe that the draft Standards suffer from a lack of clarity with regard to placement of transgender prisoners in male or female facilities.		
Concern/Disagreement	All	Corrections Professional
10782: The separation of vulnerable and aggressive inmates is a recognizable concern. We have a policy in place also addressing this issue, however, it creates problems with space and where to house inmates identified as potential victims and perpetrators. Often times, the only available separate housing are segregation cells because the majority of our facilities are dorm style housing. Segregation housing usually must be reserved for disciplinary segregation and maximum security inmates.		
Concern/Disagreement	All	Corrections Professional
11368: as currently written is impractical and unrealistic because in a prison, it is impossible to provide constant sight and sound supervision of all inmates. Current staffing levels do not permit one on one supervision of inmates which compliance with this standard require... massive structural changes would be required throughout the MDOC to meet this requirement. Compliance with this standard would impose substantial additional costs.		
Concern/Disagreement	All	Corrections Professional
11369: Constant sight and sound supervision of all inmates will negatively impact the limited privacy afforded prisoners within a facility to perform bodily functions and hygiene as well as erode the capacity for confidentiality during medical and mental health appointments.		
Concern/Disagreement	Discussion	Corrections Professional
11394: PP-2, Discussion: Uppermost is the importance of keeping prisoners safe, which may require separation from the general population. It is sometimes impossible for vulnerable prisoners to fully participate in work, programs, and recreational opportunities based on their security needs.		
Concern/Disagreement	All	Corrections Professional
11400: As proposed these standards will impose substantial costs upon local, state and federal authorities. For the City of New York, the standard with the most substantial fiscal impact is the requirement for "sight and sound supervision," defined as " continuous, clear and uninterrupted visual and audio observation of inmates, ...includes the immediate availability of staff to inmates; requires that inmates always and immediately be able to communicate with staff about matters of safety; and requires staff always and immediately be able to intervene to prevent sexual abuse, aggression, and any other emergency. " (p.14)		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
11409: Your proposal states, " While complying .. will likely prove cost-saving over time, some agencies face budgetary constraints ... " There is no evidence you conducted any analysis of the fiscal impact of the proposed standards upon which to base such an assertion. The cost of compliance with these Standards will cost the City of New York hundreds of millions of dollars and they should be rejected as violating the limitation placed upon the Commission by statute.		
Concern/Disagreement	Checklist	Corrections Professional
11415: the example referencing sexual orientation should be eliminated. After consulting with the Triangle Foundation, Michigan's largest statewide organization for GLBT rights and advocacy, the MDOC stopped tracking prisoners' sexual orientation. Triangle foundation advised that labeling prisoners as gay or lesbian actually created more fear and potential risk.		
Concern/Disagreement	Checklist	Corrections Professional
11417: PP-2, Compliance Checklist 5, (g): , (h): , (i):, and (j): The use of the term "every" creates absolute conditions which are impossible to meet.		
Concern/Disagreement	Checklist	Corrections Professional
11418: PP-2, Compliance Checklist 5, (k): This standard is in conflict with information provided in the discussion section. The discussion section indicates the need to identify inmates that may be vulnerable and provide heightened protection without isolating them. Any placement other than in general population would be considered "isolating" this particular group of prisoners.		
Concern/Disagreement	Checklist	Corrections Professional
11419: PP-2, Compliance Checklist 5, (l): It is sometimes impossible for vulnerable prisoners to fully participate in work, programs and recreational opportunities based on their safety and security needs. This standard exceeds the purpose of the Prison Rape Elimination Act of 2003, Section 3. This standard should be eliminated.		
Concern/Disagreement	All	Corrections Professional
11466: Proposed Standard PP-2 is particularly troubling... "heightened supervision," for vulnerable or potentially vulnerable inmates over and above the general requirement for "continuous direct sight and sound supervision" applicable to all persons in custody. How is this operationally defined? What does it mean? Does it require one-on-one supervision and escorts? If so, it is another cost item that must be added to the already considerable costs of compliance.		
Concern/Disagreement	All	Corrections Professional
11469: "traditionally vulnerable populations" whom staff must be able to identify and provide heightened protection to... This categorization is overly broad and impossible of accomplishment. Individuals in these categories are equally capable of being predatory and dangerous to others.		
Concern/Disagreement	Standard Statement	Corrections Professional
11564: For those offenders who have to be separated because they cannot be kept safe in general population, it may not be possible to allow them to work in all institution job assignments and still maintain their safety. While they can be provided access to certain secure work assignments, it is unrealistic and unwise to suggest that they should be able to participate in any work assignment.		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional

11721: Unintended consequences would prohibit Oregon DOC from achieving the Oregon Accountability Model (OAM). OAM's goal is to have inmates with a high risk to reoffend placed in programs, work, cognitive skills programs so that inmates learn to make the correct choices. While holding inmates accountable, Oregon teaches 9 offenders to be responsible for behaviors in the community.

The written assumption is that inmates are not in general population. Language conflicts with heightened protection. Both statements are hard to achieve together

Concern/Disagreement	All	Corrections Professional
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12626: PP - 2: Heightened protection for vulnerable inmates: This standard as proposed seems to want it both ways in respect to protection for inmates and providing for the full range of services. There are established protective custody protocols that outline this process. There is also a need to clarify full site and sound, if this is truly a goal. However, there should be a recognition of how realistic full site and sound may be for jurisdictions versea direct supervision design.

Concern/Disagreement	Checklist	Corrections Professional
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12674: The checklist portion is redundant. It requires more criteria to be captured than what is necessary for compliance.

Concern/Disagreement	Standard Statement	Corrections Professional
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12676: This standard is not clear as to what is intended by "...heightened sight and sound supervision..."

Concern/Disagreement	All	Corrections Professional
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12710: "Continuous" direct sight-and-sound supervision of all offenders with "heightened" sight-and-sound supervision for those identified as vulnerable is impractical and unnecessary. There are many systems already in place to monitor offenders including staff rounds/presence, duress intercoms, direct observation and camera observation. Identifying offenders as vulnerable or potentially vulnerable could be extremely subjective. The monitoring technology necessary to meet this standard would be extremely costly, and policies addressing special supervision would need to be developed for those areas with limited surveillance.

Concern/Disagreement	All	Corrections Professional
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12717: Heightened protection for vulnerable offenders, (PP-2)
Compliance would be challenging due to physical plant layouts of many facilities, and facility living units comprised of other than single-occupant cells. This standard also fails to take into consideration the hierarchy of power that exists even within the vulnerable offender populations. There would have to be additional beds and increase in staffing levels to adequately supervise and program for this population.

Concern/Disagreement	All	Corrections Professional
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13013: On page 18 at PP-2, the statement is made that vulnerable or potentially vulnerable inmates must be housed safely in the least restrictive setting possible. That term is not defined and absent a definition it has potential to lead to an unnecessary dispute and litigation as to whether or not a particular housing situation is the least restrictive setting possible.

Concern/Disagreement	All	Corrections Professional
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13017: It is implied many times that "continuous sight and sound supervision" be employed. It is unclear how this heightened sight and sound supervision is to be achieved.

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Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Corrections Professional
13019: Compliance Checklist 5 (c) asks if policies are flexible to allow staff to make rational judgments regarding inmate vulnerability but does not define that term or provide any measuring devices. Similarly, under 5 (f) the term degrading is not defined nor is any measure provided and in items (g), (h), (i) and (j). The term "every effort" is used but is not defined and provides no objective criteria by which different evaluators and auditors could make that assessment.		
Concern/Disagreement	All	Corrections Professional
13080: The requirement to house vulnerable inmates away from general population, yet provide the same programs and privileges is contradictory to itself. This will be nearly impossible to accomplish in small jails.		
Concern/Disagreement	All	Corrections Professional
13106: it is difficult to classify new commitments immediately on intake as it takes time to assess whether an inmate is vulnerable or not. Vulnerable inmate's safety is paramount and, if assigned to protective custody, they may have limited access to various programs.		
Concern/Disagreement	All	Corrections Professional
13314: There is no definition provided for heightened sight and sound supervision or "heightened protection." What does this mean? Vulnerable inmates are identified and housed safely based upon the facility housing structure, staffing levels, and the facility inmate management plan. All inmates are afforded the same privileges, even if placed in protective custody.		
Concern/Disagreement	All	Corrections Professional
13491: PP-2: Requirement for sight and sound supervision. This is problematic. Institutional designs and staffing levels do not always provide supervision/observation that is continuous, clear and uninterrupted, to include visual and audio equipment. To comply with this standard, additional staffing levels as well as expansion of audio and visual equipment would be necessary.		
Concern/Disagreement	All	Corrections Professional
13637: In order for an inmate to work or program in our facilities, he/she would need to be in general population. There are many factors to be considered when placing inmates in programs or work positions, i.e., crime committed; enemy situations; classification; medical and/or mental health issues; gang affiliations; and disciplinary problems. This standard would in essence require that we segregate our inmates based on their sexual orientation, age, disabilities including physical and mental, or past victimization.		
Concern/Disagreement	All	Corrections Professional
13641: By housing all alternative lifestyle inmates together, you are in essence encouraging predatory behavior that may not occur in a regular setting. This standard would set the department up for numerous civil rights violations and discrimination lawsuits, in addition to "profiling" of inmates based on a perceived notion of their vulnerability.		

Public Comment Report
Prison/Jail
PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional

13708: PP-2 This standard provides for "heightened protection" for vulnerable or potentially vulnerable inmates without providing any criteria for determining that status or for what is meant by heightened protection. What is the definition of vulnerable or potentially vulnerable and what criteria should be used to determine this status? How do you distinguish between being vulnerable and being potentially vulnerable? It would that someone is either vulnerable to a potential threat or one is not vulnerable. Adding the "potentially vulnerable" status without any criteria for determining that status places the correctional administrator in an almost impossible situation.

Concern/Disagreement	All	Corrections Professional
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13735: The discussion section of this standard references radio frequency identification systems (RFID) to monitor offender and staff movement as well as camera and other tracking technology. The definition of "continuous" could be debated, however it appears obviously unrealistic to require all offenders and staff to be visible or monitored at all times. The purchase and use of the additional equipment would assist in this direction, but again significant costs would be associated with such acquisitions. The agency/facility should be able to show the request for such equipment from the legislature/parent agency, as the influx of these requests would be many and should be awarded where the need is the greatest.

Concern/Disagreement	All	Corrections Professional
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13936: Standard PP-2, Heightened protection for vulnerable inmates sets a standard that will be very difficult to achieve. CDCR is progressing on the areas of this standard that will require changes to inmate assessments and evaluations. Some of the areas of challenge will be the development of flexible criteria to identify inmates who are particularly vulnerable to sexual abuse; on providing housing that provides the degree of protection to prevent sexual abuse; on identifying transgender inmates and evaluating the inmates transgender status while avoiding a degrading method; and to require staff to "make every effort" to assess, evaluate and properly identify, house, and program the vulnerable inmate.

Concern/Disagreement	All	Government
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11812: It is unclear how "heightened" sight and sound supervision compares to "continuous direct" sight and sound supervision. The implication is that heightened supervision is more stringent than continuous direct supervision, therefore, this standard bears the same operational and cost concerns as PP-1 on inmate safety.

Concern/Disagreement	All	Government
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11813: The standard's description of a traditionally-vulnerable inmate is too broad.

Concern/Disagreement	All	Government
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11814: Correctional agencies would face a tremendous burden providing the heightened protection this standard would require for the number of inmates that would be included under the category of vulnerable inmates.

Concern/Disagreement	All	Government
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11816: The safest housing for a potential victim is in administrative detention, yet this is not the least restrictive and does not afford inmates access to the same privileges and programs as general population inmates.

Concern/Disagreement	All	Government
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11817: additional staffing and other costly controls would be needed to, for example, ensure the separation of inmates during work assignments and during participation in other programs, if these inmates were housed separately within the same institution. In addition, inmates under this contemplated special housing status would be identified as within the category of vulnerable inmates and may be stigmatized by such labeling.

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Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Government

11891: Compliance Checklist 5(f)

The topic of this item (strip searches) is outside of the scope of the standard. In addition, the use of the word "degrading" to describe strip searches is not necessary and appears to have been included for its pejorative effect. Visual searches of inmates are never to be degrading.

Concern/Disagreement	Checklist	Government
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11892: Compliance Checklist 5(g) through (j)

These items assess whether staff are making "every effort to identify inmates who are particularly vulnerable to sexual abuse..." at different points during incarceration. These items provide no objective indicators and call upon the subjective judgment of the auditor to determine the efforts of staff in meeting these requirements.

Concern/Disagreement	All	Government
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13365: Such protection seems reasonable to limit to those considered vulnerable: potentially vulnerable is even more vague and broad. By the definitions of vulnerability in the "discussion" of the standard approximately 80% of all prisoners would qualify (those with past histories of sexual abuse' gay/lesbian/bisexual' mental or physical disability).

Concern/Disagreement	All	Government
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13366: Requiring full access to programs the "same" as general population is too rigid. Vulnerable prisoners may not be safe to participate in prisoner tournaments, special presentations, or less supervised activities such as mixed gender, evening programming with volunteers.

Concern/Disagreement	All	Labor Union
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13665: This standard requires especially attentive supervision of inmates determined to be vulnerable to sexual assault, while at the same time preserving all their rights and privileges. This may entail changes in job duties, and may require additional, specialized training on how to achieve this increased level of supervision and protection without impairing rights. This standard may also require infrastructure changes.

Concern/Disagreement	All	Labor Union
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13667: This standard fails to take account of the infrastructure and programmatic challenges of duplicating services for a potentially separate housing unit which also requires enhanced security supervision.

Concern/Disagreement	All	Prisoner
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12386: PP-2: We note that, at least in the Federal Bureau of Prisons, most sexual assaults occur in segregated housing and rarely, if ever, in the general population. Thus, segregating those prisoners identified as vulnerable may well be counter-productive and place those prisoners at an increased risk of sexual assault.

Concern/Disagreement	All	Prisoner
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12387: This standard should also take account the will of the prisoner. If he or she does not wish to be segregated in any way, he or she should not be so. Otherwise, this standard opens the door to misuse as a surrogate for discrimination against LGBT prisoners, who will almost always fall into the vulnerable group.

Concern/Disagreement	All	Prisoner
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12388: One important means that the Commission inexplicably neglects to address, one that would eliminate most opportunistic instances of prisoner-on-prisoner sexual abuse, is to prohibit the practice of double-bunking.

Public Comment Report
Prison/Jail
PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Professional Organization
10683: I think there are already standards that address security inspection for the safety of inmates. Short of getting continuous officers in every area, it will not be possible. Man power is the largest cost driver, and we try and build facilities to reduce the staffing.		
Concern/Disagreement	All	Professional Organization
10694: "The least restrictive possible;" observation of standards does not meet the idea of being least restrictive. As written (not knowing what you intended, only what is written), if we put cameras and audio, the cost would be insurmountable. For one camera, there is a high cost; even FCI Butner is high to meet what is written and intended.		
Concern/Disagreement	All	Professional Organization
10698: "Vulnerable inmates" is defined too broadly; upon intake, it is inappropriate to ask inmates about sexual preference.		
Concern/Disagreement	Discussion	Professional Organization
10699: Inmates in protective custody: Placing them in custody and providing them with work/recreation opportunities is a huge cost.		
Concern/Disagreement	All	Professional Organization
12480: There is no definition of "heightened sight and sound supervision" or "vulnerable or potentially vulnerable" inmates. The requirement for least-restrictive housing and access to privileges is language which should guide administrators, and is not appropriate in standard's language.		
Concern/Disagreement	All	Professional Organization
12506: The proposed standard language is too prescriptive. The standard should be broad to provide the latitude for agencies to address training for the job description or post order for all employees, including PREA related job duties. The standard should not just focus on the employees listed, but ask agencies to look more widely at all employees. The standard fails to recognize contractual relationships many jails have with health and mental health providers.		
Concern/Disagreement	Discussion	Professional Organization
12507: The Discussion section needs to be amended to provide clarification to the standard. The prescriptive description for each of the areas should be moved to a resource guide to accompany the finalized standards. The language needs to be reviewed to remove philosophical statements which do not provide objective statements.		
Concern/Disagreement	All	SINA
10423: Part of our sight and sound issues are because of the structure of the facility.		
Concern/Disagreement	All	SINA
10470: •One issue we will have to deal with – definition of vulnerable. We will separate someone if they are identified as vulnerable. However, the standards talk about separating transgender, gay, bisexual – we do not ask this, I do not think we are allowed to ask by state law. Not sure the importance of knowing. Have a right not to answer the questions. Sexual orientation should not affect their classification.		
Concern/Disagreement	All	SINA
10472: •In corrections an argument can be made that everyone is potentially vulnerable. •Because they are young, old, female... what makes someone not vulnerable? There is not a clear exception. How do you exclude someone from being labeled as potentially vulnerable? That would be a challenge here and everywhere. Can you provide input on how you would exclude someone?		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Content of Comment	Standard Components	Source
Concern/Disagreement	All	SINA
<p>10960: There is very little predictability for women and there are many concerns with PP2 and classification. The only single cells are for punitive reasons. The goal is that everyone has a cell but we could not comply with the standards. We don't want to fence off an area and say that these are the vulnerable ones...</p> <p>Vulnerable is a civil tag and is a nuance of language that is not fair and creates a standard that we can't follow. Why would the commission want to go in this area?</p> <p>P: We did a research project that we know what makes an inmate at risk already – instead of putting a label on this people, we should establish a protocol and create a practice on working with them in housing and other services. We don't want to label and create a target of inmates.</p>		
Concern/Disagreement	All	SINA
<p>11086: This list may not accurately describe who we think is vulnerable.</p>		
Concern/Disagreement	All	SINA
<p>11128: The only disadvantage in ours is that we have one facility. It is difficult to move people around... We cannot move them to another facility.</p>		
Concern/Disagreement	All	SINA
<p>11764: • To monitor each inmate constantly as in the standard – not feasible with the layout of the facility – there is constant walking and constant monitoring – but 24 hours sight and sound if not factored into our unit.</p> <p>• Impossible to comply with this standard. Not constant supervision</p> <p>Cameras are a good idea – but to give the women some level of privacy it is good to have officers walking through to make sure are safe. One-on one contact would be somewhat an invasion of privacy.</p>		
Concern/Disagreement	All	SINA
<p>12347: Vulnerability and what constitutes this in an inmate, is a problem here. We house them together and we don't have specialized housing for sensitive needs. This is not possible under the definition of the guidelines. We need to be careful with the definition and it weighs case by case. The staff determines where the inmates should be – we need to be very careful in labeling inmates. This is not how the female prison is set up in CA.</p>		
Concern/Disagreement	All	SINA
<p>12349: IDing an inmate on her sexual orientation are not important here and does not matter. Inmates have healthy and unhealthy relationships and it does not have anything to do with their sexual orientation.</p>		
Concern/Disagreement	All, Checklist	SINA
<p>11643: I don't think being bisexual in and of itself warrants protection—how is someone going to know that I am bisexual unless I shared that information? Transgender is another story. That is more obvious because something different is going on, and that is something that I wrote in another area. I think there are inmates who are vulnerable and require protection, but that in itself, one particular item doesn't mean that they need protection. For example, a gay offender. Because he is gay doesn't mean that he can't be in the general population. Or he may be gay but he could also be very aggressive, and we have had many instances of that with aggressive homosexuals preying upon weaker inmates. I would like to see worded in there that one or all of these characteristics doesn't warrant greater protection.</p>		
Concern/Disagreement	All	SINA
<p>14087: 24/7 is not going to happen here or anywhere else. Someone is a liar if they say that they are doing this.</p>		
Current Practice	All	Corrections Professional
<p>404: In the day-to-day operation of our jails persons in our custody are given a great deal of freedom of movement depending on their behavior and classification level. We believe that is consistent with good corrections practice and creates a "normalizing" environment.</p>		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Current Practice	All	Corrections Professional
12695: Assurance that these 'security/health and welfare' checks are being conducted is further achieved through review by supervisors and managers of the recordings from fixed video cameras located throughout the CM living areas. These recordings are maintained routinely for 30 days and longer if there is any indication they may be needed for further investigation.		
Current Practice	All	Corrections Professional
13937: Inmates Who request protection based on a fear of being subjected to sexual misconduct from other inmates are able to make such a request to custody or classification personnel at any time during their incarceration. Custody and classification personnel can recommend such action to an institution classification committee which will evaluate the recommendation and make a decision whether protective housing, restricted housing or special needs housing is required. The checklist provides excellent reflections on what elements should be Included in a policy and procedure.		
Current Practice	All	SINA
10346: We don't really have a special classification unless there's stress reported by the inmate, subjected distress at the moment. Or we deem it appropriate based on the appearance of the inmate. Of course, they can request to be moved at any time. On the other hand, even if they don't voice subjective distress but they seem to us that they might be vulnerable by the appearance – size, height, weight, gender issues. They may be in the process of a sex change, then we do take precautions and at times we have offered house.		
Current Practice	All	SINA
10414: First indication, done by booking officers, any type of red flag – which can be the charge itself, notoriety – that red flag flown up a booking and will talk with that person right there to discuss any fears or risks. If there are any they will be separated for the evening, kept alone and classification will come in the next day. We will look at it and review it.		
Current Practice	All	SINA
10422: SHU is doing this. Smaller unit. 16 cells – 47 beds in one and 36 in another. Such a small unit the officer is smack in the middle		
Current Practice	All	SINA
10463: Separate educational program and housing for those inmates.		
Current Practice	All	SINA
10464: •Will also request that people be placed in there – based on mental illness or other vulnerabilities – we feel they may not be safe or preyed upon in general population. We listen to mental health – we feel they are professionals and know what is best for individuals		
Current Practice	All	SINA
10473: •For us (medical, mental health) – our first step is to get in touch with classification. Our role is to immediately get them separate housing. •Sight and sound separation from other inmates at all times. Separate recreation and separate programming and medical services. •We would also do a report for investigators to look into it again.		
Current Practice	All	SINA
10474: •Yes, I think so. Nothing is more restrictive •We try to achieve things without limiting things. •They get everything that the general population gets.		

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Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Name of Comment	Standard Components	Source
Current Practice	All	SINA
10517: •No, more out of MA law to treat everyone fairly. A transgender inmate, we won't remove them if they don't want us to. If they say they don't want to be with everyone else, we do that. We try to treat it as a case by case. But it's a challenge. Some of the toughest inmates want to be in protective custody the entire time they're here. I would hope that we would remove someone because they were at risk, not because they were, for example, transgender.		
Current Practice	All	SINA
10604: Talked about protecting vulnerable people, the wheelchair one caught my eye. We've had people in wheelchairs who want to be in general population.		
Current Practice	All	SINA
10763: We talk with people to try and figure out how to protect them. They are safer in here than what they have experienced outside. we have active homosexuality happening here and we try to place people in places where they're more intensely supervised. For example, we'll put someone right next to a CO's desk.		
Current Practice	All	SINA
10986: If someone wants protective custody, they cannot be a part of programming. If they aren't, they can attend programming.		
Current Practice	All	SINA
11004: Single cell is perfect for the women with special needs. We could use a few more hard cells for women who need to be isolated. We don't have enough space for woman and they get less opportunities and programs for women. We switched women to the floor crew they have a little more opportunities. This is a problem in general for jails because the women are being processed.		
Current Practice	All	SINA
11053: •We do an intake mental health assessment – not very thorough – about 45 minutes on every woman who enters the facility to see if they are a danger to themselves, or others or have a mental health problem that will impede their ability to function in the facility.		
Current Practice	All	SINA
11133: We have video but not audio. For the general population there is no sound.		
Current Practice	All	SINA
11175: special needs pod where medical, mental and other special needs like age are placed here. This pod has the least restrictions and has the most out time. Anyone that we don't think would be safe in the general population or they can't function well in this area... Age, especially we are getting more juveniles. Anybody that is extremely mentally ill and needs to be watched more carefully and anyone who needs to be placed there because of their crimes like sex offenders are housed in that area for safety reasons.		
Current Practice	Checklist	SINA
11195: A would apply to the special needs pod with the increased care for special needs people. B has to do with booking and medical classification. We house the transgender in the medical observation unit, segregated in single cell. I believe that they have the same access to regular programming and they get the same TV time as other inmates. yes and there is good communication between the custody and medical staff. We talk about when someone should be moved for their safety.		

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Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Current Practice	All	SINA
11535: He can request it and say I don't want to go, but if we feel that the overriding safety of the offender and the needs of the unit is that he does go, his opinion doesn't matter at that point.		
Current Practice	All	SINA
11557: We've got our vulnerable inmates separated in safe keeping quarters, where they sleep, shower and rec separately from the other offenders. However, we don't take away from any of their programmatic activities, such as education. They still make commesary spins and get their recreation time, they're allowed to work with other offenders, but we do separate them as far as where they live.		
Current Practice	All	SINA
11570: Usually if they are smaller in size, if they've been victims of sexual assault in the past, usually they are more susceptible to sexual assault again. Depends on age, height and weight.		
Current Practice	All	SINA
11739: We have intake building – allows us to observe inmates before they move to GP – staff can watch and see if there are vulnerabilities they observe and input form mental health area as well – we are limited on how we identify inmates		
Current Practice	All	SINA
11755: • Often when identified we segregate them and lock-alone yard during investigation and work with mental health to see they are ready to interact with other inmates (this is for the predator) • Documentation of the relationships – separating those inmates so they are not housed together		
Current Practice	All	SINA
14032: •Always an officer present... We try to provide as much privacy as safety allows. •often the officer will stand in the doorway or in the hallway with the door closed. If they want to talk privately we will close the door. For safety reasons there is always an officer present... •Sometimes. They will not strip them in front of a female. If not, in the hall within sight and sound of the individual.		
Current Practice	All	SINA
14086: The majority of our inmates... we will get them from other facilities... They are special management and they want to be placed here because they were vulnerable at other facilities... We try to mainline the inmate back... We separate them by pods. They have common rec yards and we manage them and read them the riot act and separate them by pods. There is no other place for them to go. They are creature of habit and they are under constant observation and they know that they are being watched. The design of the facility helps us out.		
Current Practice	All	SINA
14088: What we do right now is an ACA standard, every 30 min. We have audio all the time but the inmate must initiate this on his own.		
Observation	All	Corrections Professional
12687: a fundamental principle of correctional system management is to assign inmates to the least restrictive environment safely possible both to minimize the overall cost of incarceration and to promote successful inmate reentry into society. This principle involves placing them as soon as possible in an environment where individual accountability and responsibility for their actions is tested and assessed. The supervision level for "all inmates" described as the Commission's goal would essentially classify all inmates as close custody and is contrary to this fundamental correctional principle.		

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PP-2: Heightened protection for vulnerable inmates

Name of Comment	Standard Components	Source
Observation	All	Corrections Professional
13082: jails are not allowed to classify/house inmate according to race as required.		
Observation	All	Corrections Professional
13430: It is noted that the standards do little to help in the identification of potentially vulnerable individuals. Rather, general references are made to broad categories of inmates. These broad categories account for a significant portion of our prison population. Furthermore, in our experience, many inmates with one or more of these characteristics are not victim prone.		
Observation	All	Corrections Professional
13431: The Compliance Checklist for PP-2 has a significant focus on transgender inmates. It does not account for transgender inmates who seek general confinement placement, or for those who are aggressive sexual predators.		
Observation	All	Corrections Professional
13894: The standards are contradictory concerning the requirement for sight and sound supervision: the definition of video monitoring system, which references the ability of staff to provide minimal sight and sound security, seems to recognize that staff cannot always provide continuous, clear, and uninterrupted visual and audio observation. See standard PP-2 which references "heightened sight and sound supervision" and "increased sight and sound supervision", which seems to set a higher standard than continuous, clear and uninterrupted visual and audio observation. Standard CL-1, which provides for "intensive sight and sound supervision of all inmates before and during the initial screening process", suggests that a lesser standard can be applied after the diagnostic process is complete. See also discussion of same standard which provides "intensive sight and sound supervision must be maintained until inmates are fully classified." See standard CL		
Observation	All	Government
11815: Many inmates in the categories noted as traditionally vulnerable are able to function within the general inmate population under existing staff supervision, enhanced monitoring and controls as necessary, and participation in appropriate treatment programs.		
Observation	All	Government
11818: Maintaining potentially vulnerable inmates in the general population when possible is preferable because it allows these inmates to participate in programs and activities with minimal restriction, decreases any stigma associated with their vulnerability, and allows them to develop and use appropriate coping skills, all while under the supervision of staff.		
Observation	N/A	Individual
11674: A long term goal should be single cells for all prisoners, especially young ones.		
Observation	All	SINA
10471: I would also say that the definition of gay, lesbian, transgender are different inside corrections compared to outside. Someone would not identify as gay even though they engage in homosexual relationships in corrections, and never will.		
Observation	All	SINA
11085: A lesbian in a female facility is not vulnerable. This may not be true in a male facility.		
Observation	All	SINA
1099: A lot of the older facilities don't have the audio function.		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Observation	All	SINA
14090: Most of the older prisons don't have this capability and in the dorm style facilities this is not possible in "cuts". This is a cheaper facility to build and some have 4 - 8 persons in a dormitory style. They put lines on the floors to indicate the living spaces.		
Question	All	Government
13084: Not sure what is more heightened sight and sound than continuous? Please further define, and send back to the public for comment. Will this create a new custody level in each facility which will identify those that are vulnerable to the population.		
Question	All	Government
13369: "Meaningful access" to programs, work, and other services needs further clarification/ delineation.		
Question	All	Individual
10319: PP - 2: How is the dermination made as to who is vulnerable? I think there needs to be more here to clarify the term vulnerable.		
Question	All	Professional Organization
10696: At higher level facilities, do there need to be single cells and do we need to stop double bunking? A good 60-70 percent are double bunked; if we go to single, we would need to build at least 150,000 cells. We do not have the money or power to do that.		
Question	All	SINA
10345: Are you leaving it up to use to identify the individuals who are potentially vulnerable or do you have a definition of potentially vulnerable?		
Question	All	SINA
10762: We do planning, but this seems geared toward the inmate who comes in and says, "I'm gay." What are you gong to do to protect them?		
Question	Checklist	SINA
11056: •Because we see vulnerabilities in different ways – we look at all of them – I am wondering what you mean by the heightened sight and sound supervision upon entering the facility?		
Question	Checklist	SINA
11057: what do you mean by youthful appearance?		
Suggestion	All	Academic
12928: This section should provide more detail on definitions of "vulnerable inmates" and require each jurisdiction to define this category as part of their action plan/PREA policy.		
Suggestion	Checklist	Academic
12936: Criteria listed in PP-2 (b) does not necessarily apply to women and needs elaboration. A quick fix would be to add such language as "vulnerability criteria as appropriate to gender and other characteristics" here and elsewhere.		

Public Comment Report
Prison/Jail
PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Suggestion	All	Advocate
11692: In addition, transgender women may not be able to be safely housed in a men's facility – even in units intended solely for gay and transgender inmates – and agencies should house these women in women's facilities.		
Suggestion	All	Advocate
11907: •The list of vulnerable groups of inmates should include gender non-conforming inmates. Many inmates who do not identify as gay, lesbian, bisexual, or transgender ("LGBT") may nevertheless have gender non-conforming expressions that make them vulnerable. The Standards should offer additional guidance on how to identify vulnerable inmates beyond self-identification.		
Suggestion	All	Advocate
11908: •The Standards should state that the search for "least restrictive housing" for transgender women prisoners should also include women's facilities and that housing determinations should be made on a case-by-case basis.		
Suggestion	Checklist	Advocate
11909: •These checklists should add definitions for "transgender" and other vulnerability factors, along with training for classification staff on these definitions.		
Suggestion	Checklist	Advocate
11910: •Change "transgender identity" to "gender identity" to maximize clarity.		
Suggestion	Checklist	Advocate
11911: •This language should be clarified to specify that transgender prisoners should not automatically be segregated. •Add "gender non-conforming" or other language establishing that gender non-conforming people (who may not identify as LGBT) are protected.		
Suggestion	Checklist	Advocate
11912: •Add "gender non-conforming" or other language establishing that gender non-conforming people (who may not identify as LGBT) are protected.		
Suggestion	Checklist	Advocate
11913: •This wording (which pertains to strip searches of transgender inmates "to determine their gender") should be aligned with the wording in PP-3 (which pertains to strip searches of transgender inmates to determine "genital status").		
Suggestion	Discussion	Advocate
11915: should be broadened to read as follows: "Strip and visual body cavity searches of transgender inmates should only be performed for legitimate, documented, contraband-related purposes. They should never be conducted for any other purpose, including the determination of genital status, the humiliation of the prisoner, or the amusement or titillation of staff."		
Suggestion	All	Advocate
11963: PP-2: This standard should also address identification and housing of predatory inmates. Most perpetrators of sexual violence will reoffend repeatedly. The best prevention of sexual violence is identification and housing of perpetrators.		

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PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Suggestion	All	Advocate
12024: We recommend that the Standards also should include in the list of vulnerable groups of inmates those who otherwise deviate from social stereotypes about sex, e.g. effeminate men. Many individuals who are not transgender and may not identify as lesbian, gay or bisexual may be gender non-conforming in their appearance or expression, which can make them vulnerable.		
Suggestion	All	Advocate
12025: •In determining who constitutes "vulnerable" prisoners, the Standards should offer more guidance to aid prison staff, particularly more guidance on how to identify a transgender person.		
Suggestion	All	Advocate
12026: •Facility staff should document all bed moves and research for "least restrictive housing" – this would allow staff to be held accountable if the housing placement is not the least restrictive option.		
Suggestion	All	Advocate
12027: •Staff should solicit the suggestions of vulnerable prisoners in the search for safer housing.		
Suggestion	Checklist	Advocate
12030: •These checklists should add definitions for "transgender" and other vulnerability factors, and specify that training should be provided for classification staff on these and other definitions.		
Suggestion	Checklist	Advocate
12031: •Change "transgender identity" to "gender identity" to maximize clarity.		
Suggestion	Checklist	Advocate
12032: •The language here could translate into automatic segregation. It is crucial to state that transgender prisoners should not automatically be segregated.		
Suggestion	Checklist	Advocate
12033: •Add "gender non-conforming" and "intersex status" or other language that makes it clear that gender non-conforming prisoners and people with intersex conditions (in addition to transgender prisoners) are protected.		
Suggestion	Checklist	Advocate
12034: •This wording (which pertains to strip searches of transgender inmates "to determine their gender") should be aligned with the wording in PP-2 (which pertains to strip searches of transgender inmates to determine "genital status").		
Suggestion	Discussion	Advocate
12175: We think this is particularly important to maintain the identification of the specific groups of prisoners that are known to be vulnerable to sexual abuse, including gay, lesbian, bisexual, and transgender prisoners. We would also recommend including on the list of vulnerable groups prisoners who otherwise deviate from social stereotypes about sex, e.g. effeminate men. Many individuals who are not transgender and may not identify as lesbian, gay or bisexual may be gender non-conforming in their appearance or expression, which can make them vulnerable.		
Suggestion	Checklist	Advocate
12178: PP-2, Compliance Checklist 5: In 5(b), (d) and (e), we recommend including prisoners who otherwise deviate from social stereotypes about sex, e.g. effeminate men.		

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PP-2: Heightened protection for vulnerable inmates

Category of Comment	Standard Components	Source
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	All	Advocate
12316: We also recommend adding the following items to the compliance checklist: "Absent an emergency, are all searches approved by a superior officer prior to being performed?" "Are all searches documented in a way that identifies the person being searched; the time, date, and place of the search; all people who performed, approved, or were present for the search; how the search was conducted; and the results of the search, including whether or not anything was found?" Are pat down searches conducted only on reasonable suspicion that the inmate is secreting drugs or weapons? Are strip searches only conducted when there is both 1) reasonable suspicion that the inmate is secreting drugs or weapons that a pat down search would be unable to detect and 2) a finding that the strip search is necessary to protect the overriding security needs of the facility? Are visual body cavity searches only conducted when there is both 1) reasonable suspicion that the inmate is secreting drugs or weapons that		
Suggestion	All	Advocate
12320: We believe the standards should explicitly state that placement in female facilities must be considered as an option to promote the safety of transgender and intersex prisoners. We also believe that this section should be clarified to identify intersex and gender nonconforming prisoners as vulnerable and to ensure that transgender prisoners are not to be automatically segregated.		
Suggestion	Checklist	Advocate
12324: The following items should be added to compliance checklist 5: "Is heightened protection for transgender inmates provided in a way that does not automatically or unnecessarily subject transgender inmates to isolating or restrictive settings (CL-3)?" "Are decisions concerning the placement of transgender inmates in male or female facilities made based on the safety needs of transgender inmates?" The term "intersex condition" should be added to compliance checklist item 5(b).		
Suggestion	Discussion	Advocate
12325: The list of traditionally vulnerable populations in the discussion of PP-2 should be expanded to state "gay, lesbian, bisexual, transgender, intersex, and gender nonconforming;..."		
Suggestion	Checklist	Advocate
12350: In compliance checklist 5(b), "conviction for a sex offense" should be added to the list of criteria for vulnerable inmates.		
Suggestion	All	Advocate
12413: This standard should address that pursuant to the Americans with Disabilities Act, individuals with mental or physical impairments that substantially affect a major life activity should be provided reasonable accommodations. For example, they may need to have a support person present in order to effectively communicate.		

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Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
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Suggestion	Discussion	Advocate
13346:	<ul style="list-style-type: none">•Add paragraph, which comes from Juvenile PP-2 Discussion (PDF p. 18 of Juvenile Standards): "Some facilities have blanket policies of placing lesbian, gay, bisexual and transgender (LGBT) inmates in segregated housing or isolation. Facilities should not have blanket rules about how to handle LGBT inmates; rather they should make individualized determinations about how to ensure the safety of each resident."•Amend the last sentence of the Discussion: "Vulnerable inmates housed in protective custody should have regular access to ... programs available to general population inmates, and should not be subjected to the same disciplinary environment as inmates who have committed infractions."	

Suggestion	Checklist	Advocate
13381:	<ul style="list-style-type: none">•Checklist 5(L) does not provide for full access to educational opportunities for separately-housed vulnerable inmates.•Checklist 5(m) allows for monitoring by supervisors "and/or" technology.•Add "and educational" before "and recreational opportunities" in 5(L) so that it reads "Are vulnerable inmates ... housed separately ... able to participate fully in the work assignments, programs, and educational and recreational opportunities available in the facility?"	

Suggestion	Checklist	Advocate
13383:	<ul style="list-style-type: none">•Add to Checklist 5 another question: "Do vulnerable inmates who are housed separately from the general population live in a different environment than the one experienced by inmates who are being isolated because of disciplinary infractions?"•Add to Checklist 5 another question: "Are inmates under the age of 18 sight and sound separated from inmates age 18 or older in accordance with The Juvenile Justice and Delinquency Prevention Act, 42 U.S.C.A. 5633(a)(12) & (13)?"	

Suggestion	Standard Statement	Corrections Professional
10722:	<p>Staff provides heightened sight and sound supervision to inmates who are identified and classified as vulnerable or potentially vulnerable. Highly vulnerable inmates, as classified by the facility, must be housed safely in the least-restrictive setting possible and must have access to the same or similar privileges and programs as inmates housed in general population.</p> <p>This allows a more clear duty of the facility classification and for similar versus the same privileges.....I would suggest that in most jails and prisons this standard, as written could not be properly complied with given these types of inmates would be kept separate from much of the population.....to provide the same privileges and program opportunities would be impossible.</p>	

Suggestion	All	Corrections Professional
10774:	<p>PP-2: The Commission should consider adding a provision, allowing agencies to meet the standard by providing protective custody option and solo activity status. Many jails are not large enough to have a specialized housing area just for vulnerable or potentially vulnerable inmates.</p>	

Suggestion	Checklist	Corrections Professional
10855:	<p>Need additional item to require development of specific criteria for identifying predators. (It should be similar to item b, but one for identifying predators.) We actually have better data for identifying predators than we have for vulnerability.</p>	

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PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Suggestion	Checklist	Corrections Professional
11565: (l) Related to the comment above, the word "fully" should be removed from the criteria, instead reading "Are vulnerable inmates who are housed separately from general population able to participate in appropriate, secure work assignments, programs, and recreational opportunities available in the facility?"		
Suggestion	All	Corrections Professional
12028: •The Standards should state that the search for "least restrictive housing" for transgender women prisoners should also include women's facilities, and that housing determinations should be made on a case-by-case basis.		
Suggestion	All	Corrections Professional
12137: It is recommended that the Commission provide as part of these standards an adequate tool or checklist for identifying vulnerable or potentially vulnerable inmates.		
Suggestion	All	Corrections Professional
12713: The Commission should implement standards that give individual states and agencies the ability to explore how to best achieve the desired result of identifying these inmates, if this is in fact possible.		
Suggestion	All	Corrections Professional
12725: It is recommended that the Commission provide as part of these standards an adequate tool or checklist for identifying vulnerable or potentially vulnerable inmates.		
Suggestion	Standard Statement	Corrections Professional
12977: Comments: recommend this be changed to: "programs as inmates of the same general population custody status if the safety and security of both inmate and facility is possible."		
Suggestion	Standard Statement	Corrections Professional
13148: PP-2: Heightened protection for vulnerable inmates: Suggested adding "appropriate security level" after "least-restrictive" for standard to read: Staff provides heightened sight and sound supervision to inmates who are identified as vulnerable or potentially vulnerable. Vulnerable or potentially vulnerable inmates must be housed safely in the least-restrictive/appropriate security level possible and must have access to the same privileges and programs as inmates housed in general population.		
Suggestion	Checklist	Corrections Professional
13150: PP-2, Compliance Checklist 5, (d): Suggested revised wording: Does the facility provide heightened protection for inmates who meet the criteria listed in b). The vulnerable inmates are identified in (b) and the checklist item (d) should apply to them all instead of targeting transgender specifically.		
Suggestion	Checklist	Corrections Professional
13152: PP-2, Compliance Checklist 5, (k&l): Recommend omitting these two checklist items or making a more general item regarding keeping vulnerable inmates safe in the general population.		

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Prison/Jail
PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Suggestion	All	Corrections Professional
13283: There is a need to define 'heightened sight and sound supervision'.		
Suggestion	All	Corrections Professional
13805: The standard should reflect that efforts be made.		
Suggestion	All	Government
13362: It would be more realistic to state that the prisoners must have access to the same privileges and programs as those in general population to the greatest extent possible balancing the needs of both the vulnerable and all other prisoners.		
Suggestion	All	Individual
12432: This section is incredibly vague. Rather than recommending that vulnerable prisoners spend the "least amount of time" in isolation, it should be specified that isolation is not ever an option unless consented by the prisoner. Those prisoners who are designated as "vulnerable" by prison guards need to be given the option to refuse the "protective custody" or other classification given to them.		
Suggestion	All	Individual
12433: If prisoners want to be held with other "vulnerable" prisoners they should be allowed to, but if that is not the prisoner's desire then the guard should not classify them in such a way.		
Suggestion	All	Prisoner
10865: PP-2: Should also consider "single-cell housing" for inmates, who for all intent and purpose are considered by other inmates and staff (by majority), as a significant distraction. (i.e. gay and transgendered inmates).		
Suggestion	All	Professional Organization
11320: Vulnerable inmates or potentially vulnerable inmates should have access to the same privileges and programs as inmates housed in general population to the extent the institution is reasonably able to accommodate.		
Suggestion	All	Professional Organization
11321: Delete all references to least restrictive setting possible.		
Suggestion	All	Professional Organization
11322: The following assertions should be deleted, unless there is data to indicate that issue is wide-spread: "Too often, vulnerable inmates are placed..." [to the end of the paragraph].		
Suggestion	All	Professional Organization
11323: The remaining two paragraphs of the "Discussion" section should also be deleted, unless they are amended to clarify the standard. Recommendations regarding inmate management should be included in the resource guide accompanying the finalized standards.		

Public Comment Report

Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Content of Comment	Standard Components	Source
Suggestion	All	Professional Organization
11324: Eliminate action requirements in the "Discussion". The "Discussion" mandates action. In the last paragraph, 2nd sentence, it states "...the facility's plan must require that vulnerable inmates be housed in that setting for the shortest period of time..."		
Suggestion	Discussion	Professional Organization
12481: Regarding the Discussion section, language should be amended to delete unsubstantiated statements, or assertions lacking data.		
Support/Agreement	All	Advocate
11738: SPR commends the NPREC for establishing firm requirements for sight and sound supervision of all inmates, especially of those who have been identified as vulnerable to sexual abuse. Compliance checklist 5, for standard PP-2, is particularly strong and illustrates the NPREC's recognition of the extreme dangers facing certain detainees based on known risk factors, such as sexual orientation, gender identity, disability, and youth.		
Support/Agreement	Checklist	Advocate
11964: PP-2, Compliance Checklist 5: This standard is strong. It is very important to protect all inmates and especially those with known risk factors for abuse, including sexual orientation, gender identity, disability, and youth.		
Support/Agreement	All	Advocate
12323: •This is an important provision. It is particularly important to maintain in the discussion section the identification of the specific groups of inmates that are known to be vulnerable to sexual abuse, including gay, lesbian, bisexual, and transgender inmates.		
Support/Agreement	All	Advocate
12029: •We particularly applaud the discussion in the final paragraph of this section, which recognizes the importance of minimizing isolation and ensuring regular access to services and programs for inmates who are in protective custody to ending the cycles of poverty and prison devastating many communities today.		
Support/Agreement	All	Advocate
12174: PP-2: The insistence that "vulnerable or potentially vulnerable inmates must be housed safely in the least-restrictive setting possible and must have access to the same privileges and programs as inmates housed in general population" is extremely important, for the reasons stated in the Discussion.		
Support/Agreement	Discussion	Advocate
12176: Another important part of this provision is the discussion of minimizing isolation and ensuring regular access to services and programs for prisoners who are in protective custody.		
Support/Agreement	All	Advocate
12177: This standard complies with specific standards set forth in the U. N. Standard Minimum Rules for the Treatment of Prisoners ("SMRTP"), 8 and 67(b), requiring "different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment;" and "so far as possible, separate institutions or separate sections of an institution shall be used for the treatment of the different classes of persons."		
Support/Agreement	All	Advocate
12300: We strongly support the prohibition of searches for so-called "gender checks" that are for no purpose other than to view or touch the genitals of a transgender, intersex, or gender nonconforming person. It is critical that the final version retain a strong prohibition of these unconstitutional, inhumane, degrading, and abusive searches.		

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Prison/Jail

PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
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	All	Advocate
12317: We strongly support the language in the draft Standards stating that vulnerable prisoners must be housed safely in the least-restrictive setting possible and must have access to the same privileges and programs as inmates housed in general population, as well as the language stating that vulnerable prisoners should never be automatically subjected to highly restrictive or isolating conditions.		
Support/Agreement	Checklist	Advocate
12321: We strongly support the proposed items in the compliance checklist that indicate that heightened protection must be provided for transgender prisoners and that the safety concerns of transgender prisoners must be taken into account in providing this protection.		
Support/Agreement	All	Corrections Professional
11986: PP-2: Heightened protection for vulnerable inmates - The agency agrees that vulnerable or potentially vulnerable inmates must be housed safely in the least-restrictive setting possible and must have access to the same privileges and programs as inmates housed in the general population. It is recommended that the Commission provide as part of these standards an adequate tool or checklist for identifying vulnerable or potentially vulnerable inmates.		
Support/Agreement	All	Corrections Professional
12136: The agency agrees that vulnerable or potentially vulnerable inmates must be housed safely in the least-restrictive setting possible and must have access to the same privileges and programs as inmates housed in the general population.		
Support/Agreement	All	Corrections Professional
12672: WYDOC supports the identification of vulnerable inmates.		
Support/Agreement	All	Corrections Professional
12712: The Department fully supports the goal of making prisons safer for vulnerable inmates.		
Support/Agreement	All	Corrections Professional
12715: agencies should have the latitude to develop effective ways to eliminate prison rape given unique and different situations without being tied to protocols that may not be effective... While these protocols currently entail inmates being placed in a segregated environment for a temporary period, the Department is supportive of a workable system of identifying potential victims and predators and ensuring that these individuals are not housed within the same cell.		
Support/Agreement	Checklist	Corrections Professional
12795: Checklist 5-(PP-2): The classification and segregation portions of the checklist are reasonable.		

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PP-2: Heightened protection for vulnerable inmates

Type of Comment	Standard Components	Source
Support/Agreement	All	Corrections Professional
12824: The agency agrees that vulnerable or potentially vulnerable inmates must be housed safely in the least-restrictive setting possible and must have access to the same privileges and programs as inmates housed in the general population.		
Support/Agreement	All	Corrections Professional
13016: We believe the important and most valid point of this paragraph is that vulnerable inmates or potentially vulnerable inmates should have access to the same privileges and programs as inmates housed in general population to the extent the institution is reasonably able to do that.		
Support/Agreement	All	Corrections Professional
13827: The Mississippi Department of Corrections has no problem meeting this standard.		
Unintended Consequence	All	Corrections Professional
12869: There is the potential for discrimination suits if inmates are singled out based specifically on these criteria.		
Unintended Consequence	All	Corrections Professional
13014: There is the potential for discrimination suits if inmates are singled out based specifically on these criteria.		
Unintended Consequence	All	Professional Organization
10495: Also, it implied that staff should not be alone with inmates; there are medical, work supervisors, chaplains, psychologists who need alone with inmates in order to do their jobs. They are meeting spiritual, medical, mental health, and improvement needs.		
Unintended Consequence	All	SINA
10497: •I think that any process that the inmate identifies that the end result is additional privileges will generate false statements – think we need to set the standards so we can identify those people that need care.		
Unintended Consequence	All	SINA
10516: Inmates need to have separate cells, what does that mean? Transgender inmates need separate housing? We would be treating them differently if we did that. We may do it if they fear for their safety. Someone who looks young? We don't separate them out because of that.		
Unintended Consequence	All	SINA
10605: Is that an ADA issue? Stating that because you have this limited function you can't be in general population?		

Public Comment Report
 Prison/Jail
 PP-3: Restrictions on cross-gender supervision

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Academic
12925: Sight and sound provisions need to be modified to address privacy concerns of women offenders.		
Concern/Disagreement	All	Advocate
12179: PP-3: The standard addressing cross-gender supervision when prisoners are disrobed or performing bodily hygiene fails to provide any guidance on supervision of transgender prisoners in these contexts. It is critically important to address this issue because these prisoners are especially vulnerable to sexual violence when their bodies are exposed. We recommend that transgender prisoners' gender preferences for staff supervising them in these contexts should be respected.		
Concern/Disagreement	All	Advocate
12309: With regard to the prohibition on cross gender searches, we are deeply concerned at the lack of guidance in the current standards about how transgender prisoners are to be treated.		
Concern/Disagreement	Discussion	Advocate
13568: The Discussion seemingly takes a first step in this direction by precluding staff from being one-on-one with inmates in isolated areas outside the view of staff, inmates or cameras. But at the same time, the Discussion then undercuts this restriction by stating explicitly that this Standard is not intended to limit cross-gender supervision in housing areas if compliance with it can be achieved by privacy panels or by announcements by staff of the opposite gender that they are on the unit. As a result, while it may help encourage privacy for prisoners, it is completely ambiguous about the extent to which it is actually limiting cross-gender supervision, if at all. The Commission must clarify that the Standard itself mandates that staff are precluded from being isolated with inmates of the opposite gender out of sight of cameras, other staff or other inmates. However, even this requirement will not be sufficient.		
Concern/Disagreement	All	Advocate
13570: We would expect New York State to claim compliance with this Standard, as currently written. Privacy curtains are permitted and officers of the opposite sex are supposed to announce their presence on a housing unit. The Department would also likely claim that they comply with even the more stringent suggestion in the Discussion and that their assignment of staff is sufficient to deter sexual misconduct since other inmates are usually in the housing area and since other staff are supposed to make unannounced rounds. While these claims may be true in theory, in practice there are repeated opportunities for male staff to be alone in isolated areas with an inmate and for sexual abuse to occur.		
Concern/Disagreement	All	Advocate
13572: All in all, because staff will be able to create a one-on-one situation with an inmate even in assigned posts that would appear to prevent it, this Standard will be ineffective unless it prohibits cross gender supervision in all areas out of sight of a camera.		
Concern/Disagreement	All	Corrections Professional
10413: PP-3: Restrictions on cross-gender supervision: Non-medical staff not allowed to pat-search offenders of the opposite gender. We cannot isolate offenders one to one outside of video surveillance in the dorms and during transports. This would not be practical in dorm housing. Video monitoring would be a problem, we do not have video cameras at the Segovia Unit and would be in violation. (Lopez Unit has cameras but some monitors are not working. This would put a strain on same gender officers due to them having the majority of the workload.		

Public Comment Report
Prison/Jail
PP-3: Restrictions on cross-gender supervision

Category of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional

10842: for compliance the agency must fulfill all mandatory, have at least partial compliance for the critical and most of the recommended. This would allow the agencies to prioritize areas of weaknesses and have objective criteria for determining compliance. The standard is "Restrictions on cross-gender supervision" yet the second paragraph of the discussion creates additional standards for whom and when a strip search should be conducted. This is problematic for two reasons as it represents a much higher rationale for conducting searches within a correctional setting and allows for the introduction of drugs and other contraband in the facilities. This would constitute a major threat to institutional safety and security.
The second problem is the discussion creates an additional standard that is buried in the discussion of another topic. If wish to create standard for strip searches, create a separate standard.

Concern/Disagreement	Discussion	Corrections Professional
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11395: PP-3, Discussion: State and Federal law, Equal Employment Opportunity standards and union contracts drive cross gender staffing assignments in facilities. All searches, excluding clothed body searches, should be conducted under conditions that provide privacy for the inmate from all but those authorized to conduct the search.

Concern/Disagreement	All	Corrections Professional
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11456: The standards as proposed, if enforced will, in our professional opinion, compromise the safety of inmates to the extent female officers will be limited in their ability to observe male inmates in situations we know to high risk for suicide, fights and assaults, including sexual assaults.

Concern/Disagreement	All	Corrections Professional
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11458: The discussion of standard PP-3 states, "Strip and visual body cavity searches of transgender inmates for the sole purpose of determining genital status should not be conducted." New York State Correction Law § 500-B expressly requires that male and female inmates be housed in separate buildings. In New York it is a genital determination verified where necessary by a licensed medical professional. Unless the inmate truthfully self identifies how then will the correctional agency be able to make the decision where to house?... The standard should say instead that where such an examination is necessary, a licensed medical professional should perform it.

Concern/Disagreement	Discussion	Corrections Professional
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11460: The Standards propose a new limitation on Strip Searches that exceed the limitations contained in current case law. Properly conducted and with due consideration for the privacy of the persons being searched, random and routine strip searches are vital to ensuring the safety of all persons in a correctional facility. The Standards propose a new "reasonable suspicion" requirement precedent to conducting a strip search, in all circumstances. To adopt this rule, will in our opinion endanger the very persons the Commission hopes to protect, other persons in custody, staff, members of the judiciary and court personnel, and the public... It would be very ill advised to adopt the reasonable suspicion requirement contained in the glossary and the discussion under the standard relating to cross-gender supervision. Such a requirement will seriously endanger more people than it will protect.

Concern/Disagreement	All	Corrections Professional
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11492: Restricting staffing according to this standard significantly, negatively impacts agencies' ability to staff prisons and is contrary to long standing employment law with adverse consequences for staff movement, promotions and other employment opportunities.

Concern/Disagreement	Discussion	Corrections Professional
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11566: The discussion indicates that staff must be precluded from conducting pat-down searches on offenders of the opposite gender. This requirement would not only severely restrict the ability of facility staff to adequately supervise offenders but would cause undue discrimination in job assignments based on gender. There are very few, if any, areas of a prison wherein an essential part of a correction officer's job does not include conducting pat-down searches.

Public Comment Report
Prison/Jail
PP-3: Restrictions on cross-gender supervision

Type of Comment	Standard Components	Source
Concern/Disagreement	Discussion	Corrections Professional
11567: • The discussion appears to prohibit routine strip searches for less than an articulable, reasonable suspicion. Auditors should not be permitted to substitute their judgment for that of the agency's in determining when strip searches are warranted. Many agency policies require a strip search when an offender has come into contact with the public or other times when there is an increased risk for conveying contraband, which auditors may not interpret as constituting an articulable, reasonable suspicion.		
Concern/Disagreement	Checklist	Corrections Professional
11568: (a) It is unreasonable to require that staff members of the opposite gender be prohibited from viewing inmates undergoing a pat-down search. Often, pat down searches are done in open areas and during mass movement, such as leaving common areas and secure work sites. Prohibiting the opposite gender from viewing such searches would severely restrict their ability to work in the facility and subject them to undue gender discrimination.		
Concern/Disagreement	All	Corrections Professional
11705: Because of BOFQ's, female officers conduct pat-down searches on male inmates. We request this language change based on labor contracts and training for staff on opposite gender searches.		
Concern/Disagreement	All	Corrections Professional
11978: The restrictions placed on cross-gender supervision go beyond what is reasonable to achieve the goals of PRE A, limit the utility of half of our work force in providing basic security functions (i.e., pat -down searches and supervision in housing areas), and is not inclusive of compensatory measures currently employed such as privacy panels and screens, and operating procedures that emphasize inmate privacy.		
Concern/Disagreement	All	Corrections Professional
11987: PP-3: Restrictions on cross-gender supervision - The standard indicates that staff should not be penalized or denied promotion based on the limits of cross gender supervision. Under Title VII, the Department of Correction has agreed to provide female officers with equal rights and opportunities as their male counterparts. Considering the number of female correctional officers employed, this standard may not be fully attainable.		
Concern/Disagreement	All	Corrections Professional
12129: the expectations found in this standard and the related compliance checklist is in potential conflict with a settled agreement related to Title VII litigation.		
Concern/Disagreement	All	Corrections Professional
12407: Restrictions on cross-gender supervision is very poorly written. It limits the number of staff members who can work in those areas because of the way it reads... The way it reads is that one, it is assumed that staff will be unprofessional and two, that those offenders will be treated differently than the general population offenders.		
Concern/Disagreement	All	Corrections Professional
12559: For example, the recommended standards imply that cross-gender supervision of offenders causes sexual misconduct when sexual misconduct may correlate more strongly to other factors in the workplace. An unsupported standard regarding cross gender supervision creates significant staff and equal opportunity concerns.		

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Content of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
<p>12580: PP-3 Cross gender supervision on the job and during transports is very important to fairness in employment. Women have fought hard to gain equal opportunity employment to men and part of that has been having the same experiences. Male and female inmates are very different to care for. If we get rid of cross gender supervision female employees will not have the same opportunities in work as men and will not be as knowledgeable in promotion interviews. I agree on no cross gender body searches but other than that I strongly believe females should have the same job as males. It is more about insisting all officers be professional around all inmates.</p>		
Concern/Disagreement	All	Corrections Professional
<p>12627: PP - 3: Restrictions on Cross Gender Supervision: The primary area of concern in this section is what is what is allowable by the federal courts in terms of pat downs, cross gender supervision. If the federal court defined allowable pat downs and supervision (as an example contraband or weapons), than that is the standard that should apply. This provision could prove to be problematic in that it will create a new legal standard that no strip searches can be done without reasonable and articulate suspicion.</p>		
Concern/Disagreement	Checklist	Corrections Professional
<p>12656: PP-3 Compliance Checklist 6 (a) (bullet point 4) Preventing staff of the opposite sex from viewing pat down searches would be operationally problematic. The standard as written appears to require that same sex staff conduct pat-downs but are not prohibited from viewing them. The Commission should consider deleting "pat downs" from this bullet.</p>		
Concern/Disagreement	N/A	Corrections Professional
<p>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.</p>		
Concern/Disagreement	All	Corrections Professional
<p>12677: Due to Wyoming's rural nature and the fact that almost 40% of our workforce is female, while only 10% of our inmate population is female, it would be impossible to not allow cross gender supervision and pat searches in those units.</p>		
Concern/Disagreement	All	Corrections Professional
<p>12718: The sheer number of dormitory positions that would be affected would require gender staffing changes that would be unattainable when held against the backdrop of Title VII requirements.</p>		
Concern/Disagreement	All	Corrections Professional
<p>12720: As gender specific posting in all dormitories is not a feasible requirement, given labor and logistics issues, the Commission recommends using privacy screens or verbal announcement of one's presence as a protective measure to prevent unnecessary exposure of inmates' bodies... Our facilities possess privacy walls in our lavatory areas as a best practice to protect both our staff and inmates from unnecessary exposure. The Department is concerned that any further obstacles to sight supervision into the bathing areas will present significant security concerns for both inmates and staff. Furthermore, an announcement protocol would alert inmates to the presence of staff and hinder staff's ability to detect illicit behavior.</p>		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional

12721: Requiring visual searches and pat searches to be done only by same-gendered staff would require many posts to become "gender specific" which would significantly limit staffs' opportunities for bidding, transfers, and promotions. We assert that this would violate equal employment laws. This would require retooling of language in some of the collective bargaining agreements, or at least require a change in the application of "qualified and capable." This could impact health services providers and therapeutic counselors as well. Also, requiring same gender security staff during medical exams and transportation trips would significantly affect officers' bidding and promotional opportunities.

Concern/Disagreement	Discussion	Corrections Professional
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12724: The discussion states this standard is not intended to limit cross-gender supervision in housing areas. However, many facilities have toilets in the cells and security staff, inclusive of both genders, may observe offenders performing bodily functions or disrobing while completing a security round. This standard seems contradictory and is difficult to ascertain how that could be accomplished given the physical layouts of facilities. We respectfully disagree that visual inspection of the mouth, ears and nose need to be conducted by the same-gendered staff.

Concern/Disagreement	Checklist	Corrections Professional
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12726: CC-6(c)-If a security staff person must be present during an offender medical exam; s/he must be of the same gender. We suggest if a security staff is a nearby presence, it does not seem to rise to the same level.

Concern/Disagreement	Checklist	Corrections Professional
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12727: CC-6(d)- This may impact Minimum Security Units or Minimum Security Work Crew Units. The Commission must take into consideration that DOC does not regulate other agencies that may transport offenders.

Concern/Disagreement	All	Corrections Professional
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12813: the expectations found in this standard and the related compliance checklist is in potential conflict with a settled agreement related to Title VII litigation.

Concern/Disagreement	All	Corrections Professional
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12880: The Agency is required to provide sight and sound supervision, eliminate all barriers but then also directed to put barriers in place to protect inmate privacy. The cost of this (see comments in the glossary section also) and the negative effect on security would be prohibitive.

Concern/Disagreement	All	Corrections Professional
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12882: The proposed restrictions on cross-gender supervision would not allow these women to fulfill all of their job assignments but they could not be fired because of EEOC and NEOC consideration unless gender is recognized as an accepted qualification for these positions.

Concern/Disagreement	All	Corrections Professional
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12883: these restrictions on cross-gender supervision appear to be stereotyping at its worst. It presumes that all female employees are more likely to engage in illegal sexual activities, because some staff, primarily identified by unverified inmate self-report, engage in such behavior

Concern/Disagreement	Discussion	Corrections Professional
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13021: On page 19 under section PP-3 Discussion, the proposed Rule would preclude opposite gender staff members from conducting any search of inmates, including pat-downs. We believe this is a major problem in that it either creates serious and significant security threats or unduly and unnecessarily hampers equal opportunity in employment in correctional facilities.

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Line of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13083: The standard limits the use of female staff in the jail, yet states staff should not be prevented from attaining promotions due to the restriction. It is contradictory of itself.		
Concern/Disagreement	All	Corrections Professional
13107: In certain instances where measures to protect privacy are insufficient or there is a lack of same gender staff to perform strip searches, it is possible to legally restrict staff to the same gender on certain posts. However, this is a narrow exception and should only be applied on a case-by-case basis. Attempts to generally restrict cross-gender staffing on posts will expose the Department of Corrections to potential liability for violating state and federal anti-discrimination laws. Any blanket ban or restriction on cross-gender staffing on posts where offenders disrobe or perform bodily hygiene functions should be opposed.		
Concern/Disagreement	All	Corrections Professional
13108: The commission is urging a standard that requires correctional officers have an articulable reasonable suspicion before conducting a strip search of an incarcerated convicted felony offender. This standard is not legally required in cases of strip searches of incarcerated convicted felony offenders. Strip searches are a necessary step for institutional safety and security in several situations found within correctional institutions. The commission is attempting to impose a standard not legally required of correctional institutions that house convicted felony offenders.		
Concern/Disagreement	All	Corrections Professional
13153: PP-3: Restrictions on cross-gender supervision: Recommend omitting this standard. It violates Federal law and would prohibit staff from making rounds in wet cells. Prohibits female officers from making rounds in male facilities and vice-versa. This implies that only cross-gender staff abuses an inmate. This also ignores the benefit that cross-gender staff can have in dealing with opposite sex inmates (male inmates will be more likely to cooperate with female staff than male staff for example).		
Concern/Disagreement	All	Corrections Professional
13258: This standard as worded may mandate additional staff or new facilities, which I do not believe is the intent of the Commission		
Concern/Disagreement	All	Corrections Professional
13316: This standard, if implemented, would create serious operational and security concerns within institutions. It is overly restrictive and not realistic in the MA DOC, particularly at our female facilities where males make up a significant portion of the shift roster. In the discussion section, for example, there is language to suggest that this standard would preclude officers from conducting "pat-downs" on inmates of the opposite gender.		
Concern/Disagreement	All	Corrections Professional
13319: Further, not restricting where male female officers can work allows the MA DOC the greatest flexibility in utilizing its line staff. These standards may also cause tensions between male and female correction officers where certain officers maybe curtailed from performing what is otherwise part of their regular functions, the care and custody of inmates. The discussion section of this standard is extremely restrictive and does not provide officials with discretion and flexibility based on staffing needs.		
Concern/Disagreement	Discussion	Corrections Professional
13323: Finally, the discussion section of the standards also suggest that strip searches should be conducted only where there is "articulable reasonable suspicion that the inmate is concealing contraband or weapons on his or her body in a manner that cannot be detected by a pat-down search alone." This practice is inconsistent with the current MA DOC search policy, 103 DOC 506, that permits strip searches for some "routine security checks" as noted below.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
<p>13468: the proposed Rule would preclude opposite gender staff members from conducting any search of inmates, including pat-downs. We believe this is a major problem in that it either creates serious and significant security threats or unduly and unnecessarily hampers equal opportunity in employment in correctional facilities. Such a restriction is simultaneously under broad and over broad and ignores existing federal case law on cross gender searches.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13470: The wide restrictions or prohibitions articulated in PP-3 are simply excessive and are required neither by the constitution nor good correctional practices intended to protect the safety and security of the facility.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13492: PP-3: Restrictions on cross-gender supervision. The restriction on cross-gender supervision may be preferred, however due to the staffing at various locations, this requirement could be difficult to comply with without increased staffing levels.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13510: PP-3: (a)inmates may be disrobing or performing bodily functions during count time. Would this standard require an officer of the same gender perform counts? This could present a concern for staffing in all facilities/programs.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13511: any staff member assigned a housing area with inmates of the opposite gender would violate this standard. If this is the intent of the standard, it will substantially limit the use of existing staff in many facilities and will likely require revisions to most agency hiring and perhaps retention practices.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13545: PP-3 - Not allowing female officers from supervising male housing area could create some legal issue. It would become cost inhibitive and man-power intensive.</p>		
Concern/Disagreement	Checklist	Corrections Professional
<p>13552: Checklist 6: (d) Seniority, union contracts and availability of same gender staff may limit compliance. Normally a staff person must stay at the facility with in house females. Two male staff should be acceptable. CDL and weapons qualifications are also considerations.</p>		
Concern/Disagreement	Checklist	Corrections Professional
<p>13561: Staffing concerns would not support compliance with this standard.</p>		
Concern/Disagreement	Discussion	Corrections Professional
<p>13608: The discussion section in some respects is insulting, To limit the transport of inmates of differing gender from the deputy in charge assumes the deputy is not a professional. Shall we limit doctors, lawyers, counselors, etc. who consult with inmates within or from without the facility and at times without immediate supervision, to be of the same gender as the inmate. Does the same assumption that these professionals will be inappropriate exist? As wards of the state or county, the preoccupation of the welfare of the inmate as they meet with other professionals is not removed.</p>		

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Name of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13703: This section permits, and limits body cavity searches to "specially trained authorized medical practitioners." This violates both NCCCHC and ACA accreditation standards.		
Concern/Disagreement	All	Corrections Professional
13723: Meeting this standard would have a negative effect on operating procedures, especially on transportation trips.		
There are serious issues associated with this standard as it relates to daily operations and parity for women working in corrections.		
Concern/Disagreement	All	Corrections Professional
13726: To restrict the areas where a female can work in a predominately male arena would cripple any chance of advancement for our female staff as well as create a gap in the delivery of safety through staff vigilance. Some studies have suggested that the female presence in a male institution may actually decrease the occurrences of violence in the prison. There appear to be some serious work parity issues in this restriction.		
Concern/Disagreement	All	Corrections Professional
13820: This does not take into account the inmates that are walk in sentenced inmates to jail and the inmate workers who are outside of jail security and cannot be watched every minute.		
Concern/Disagreement	All	Corrections Professional
13825: Due to staffing shortages and institutions that are at 200% capacity, the ADOC will not be able to meet this standard.		
Concern/Disagreement	Standard Statement	Corrections Professional
13916: The language of this standard is too broad and the use of the word "restricts" makes it too restraining in a correctional setting by prohibiting cross gender supervision		
Concern/Disagreement	All	Corrections Professional
13938: There was also concern expressed regarding the "reasonable suspicion" criteria for a visual body cavity search since a search is routinely conducted when transporting an inmate to outside medical appointments, at intake from another institution or county jail, and upon a change in their current housing assignment. The safety of the institution is primary.		
Concern/Disagreement	All	Government
11819: This standard would have a significant impact on the BOP, as there is a substantial percentage (25 percent or more) of opposite gender staff at virtually all BOP institutions.		
Concern/Disagreement	All	Government
11820: This standard is confusing because the overarching language "restricts" the above-mentioned cross-gender supervision and the discussion indicates the standard is "not intended to limit cross-gender supervision in housing areas" through the use of privacy panels and placement of the presence of opposite-gender staff.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	Government
11821: A restriction on opposite-gender security staff being present during medical examinations or procedures will cause delays in medical care when security staff of the same gender are not available and cannot be readily located.		
Concern/Disagreement	All	Government
11822: A restriction on cross-gender supervision will be perceived as and may be determined to be discriminatory because it limits certain job assignments to staff of a specific gender based on the claim that it is necessary to prevent sexual abuse when in fact such potential abuse can be prevented more effectively through other means. Moreover, there is no evidence that cross-gender supervision has been associated with incidents of sexual abuse in the past.		
Concern/Disagreement	All	Government
11823: While the discussion section states that staff members should not be penalized or prevented from attaining promotions due to the restriction on cross-gender supervision, implementation of this standard would affect hiring practices and the job assignments of employees to ensure a correctional agency is meeting all prohibitions on cross-gender supervision and searches.		
Concern/Disagreement	All	Government
11825: Restrictions on cross-gender supervision should certainly not be imposed in correctional institutions that are not subject to such court-determined occupational standards.		
Concern/Disagreement	All	Government
11826: Many correctional administrators believe that cross-gender supervision contributes to the normalization of a correctional environment and bringing dedicated, talented, public servants of all genders into the institution serves as a reflection of the outside community.		
Concern/Disagreement	All	Government
11827: It is not clear that this standard would significantly contribute to the prevention of staff-on-inmate sexual assaults (as it appears to be intended) because most staff-on-inmate sexual assaults in the BOP do not occur where large numbers of inmates congregate (such as in housing areas), and correctional officers are not the subjects in most sustained sexual assault cases.		
Concern/Disagreement	All	Individual
10636: Standard PP-3: Notwithstanding the Commission's intent not to limit cross-gender supervision in housing areas, Discussion, p. 19, the combined effects of the limitations on cross-gender viewing and cross gender pat searches may have that precise effect, particularly for female officers working in male housing units. Privacy screens and announcements will not mitigate the effects of the limitations. Courts have permitted female officers to have "episodic and casual" observation of male inmates in states of undress. <i>Michenfelder v. Sumner</i> , 860 F.2d 328 (9th Cir.1988), <i>Johnson v. Phelan</i> , 69 F.3d 144 (7th Cir., 1995). Similarly, they have allowed female officer to pat search male inmates, <i>Timm v. Gunter</i> , 917 F.2d 1093 (8th Cir., 1990), <i>Brown v. Withrow</i> , 985 F.2d 559 (6th Cir., 1993). Women have made great employment strides in corrections over the last 25 years or so because job opportunities opened throughout male prisons. But to be able to work in posts with direct inmate contact, an officer must be able to perform the duties attendant to that post. In housing units, this includes pat searches and observation of inmates in their cells. Some of those observations will be done at times when inmates are undressed or		

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Name of Comment	Standard Components	Source
Concern/Disagreement	Discussion	Individual
<p>10637: Standard PP-3: The Discussion imposes an individualized reasonable suspicion requirement for all strip searches. This goes beyond holding of Bell v. Wolfish, 441 U.S. 520 (1979), which permitted all inmates returning from contact visits to be strip searched. Other courts have approved similar blanket strip search rules for inmates. Rickman v. Avanti, 854 F.2d 327 (9th Cir.1988), strip and body cavity searches of inmates in administrative segregation every time they leave their cells; strip searches incident to general cell block searches, Peckham v. Wisconsin Department of Corrections, 141 F.3d 694 (7th Cir., 1998). A requirement of individualized reasonable suspicion for all strip searches will make it easier for inmates to hide contraband and weaken prison security. Moreover, the connection between this requirement and the elimination of sexual abuse in prison seems tenuous.</p>		
Concern/Disagreement	All	Individual
<p>12904: Needs more clarification; as it reads cross gender supervision would be very difficult in most housing areas, particularly in cell blocks where on one hand the standards call for "continuous sight and sound supervision" while having to announce your presence as you make rounds.</p>		
Concern/Disagreement	All	Labor Union
<p>13668: Although this explanation for this standard essentially exempts supervision in housing units, this standard may be interpreted as requiring the elimination of sight lines or procedures which present opportunities for cross-gender contact outside of required supervisory duties. Council 75 is concerned because of current architecture or facilities in most Oregon Institutions have communal showers which without constant supervision could create opportunities for misbehavior directly related to what the PREA law and commission are attempting to eliminate. Council 75 is also concerned that some staff may miss out on opportunities for professional development and skill-building because this standard may be applied to exclude one gender from specific assignments, albeit without any discriminatory intent.</p>		
Concern/Disagreement	All	Prisoner
<p>12390: PP-3: We object to this standard as it promotes gender discrimination. Moreover, we believe that staff, regardless of gender, have no legitimate reason in non-emergency situations to view prisoners in a state of undress, that prisoners have a fundamentally basic human right not to be so viewed, and that the standard should reflect this.</p>		
Concern/Disagreement	Standard Statement	Professional Organization
<p>10686: We all read this separately, and came to the conclusion that females cannot work in a male facility. What you're saying and what you've written are two different things.</p>		
Concern/Disagreement	All	Professional Organization
<p>10701: Cross-gender: It implies that it eliminates cross-gender but there is also language that you don't want this restriction to interfere with promotion. 50% of our staff are female and they do supervise men. If we had to pull those employees, it is a high cost issue.</p>		
Concern/Disagreement	All	Professional Organization
<p>10702: On average 25% of our staff is female, and we think this will negatively affect our ability to perform our job. We need the carte blanche right to strip search and pat down inmates. It is rare to find a time when a male or female wouldn't be available and it is our policy that when possible, pats and searches are performed by a person of the same gender.</p>		
Concern/Disagreement	All	Professional Organization
<p>11325: This will present a significant challenge for our jail with a predominantly female staff and a predominantly male inmate population, especially when the proposed standards prohibit opposite gender staff from even "conducting pat-downs."</p>		