

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

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

11326: Unobtrusive cross-gender pat-downs have not been prohibited by the federal courts except by the Ninth Circuit. They are a regular and necessary occurrence in our jail, particularly at the time of intake when offenders are brought in straight from the streets, often with concealed contraband, including weapons. Limiting supervision, including pat-downs, to same-sex officers has the potential of jeopardizing security for both arrestees and staff and will have a chilling effect on our budget.

Concern/Disagreement	All	Professional Organization
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11327: With the documented level of same sex misconduct between staff and inmates, focusing on cross-gender supervision diverts attention from the need supervise and lead employees.

Concern/Disagreement	All	Professional Organization
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11328: An important omission in these standards is more information on identification and safety of transgender and intersex inmates. Which gender of Officer is permitted to supervise a transgendered inmate?

Concern/Disagreement	All	Professional Organization
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12438: Finally, we are greatly alarmed about the proposed standard for cross-gender supervision. Currently, sheriffs take the necessary steps to ensure that same-gender supervision and transportation occurs throughout jails, on the majority; however, it is not always a feasible option

Concern/Disagreement	All	Professional Organization
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12457: The proposed standards related to personnel issues - hiring, promotion, discipline, and gender specific work assignments -- are wholly intrusive on the legal prerogatives of sheriffs and present significant issues relating to equal employment opportunity and basic fairness for employees. Additionally, the proposed standards are shallow, seeking solutions through heavy-handed personnel policies.

Concern/Disagreement	All	Professional Organization
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12482: Calling for a significant re-thinking of cross-gender supervision in jails and prisons is a fundamental, core change. Agencies have striven to provide equal access to work opportunities, regardless of the employee's gender. With the documented level of same sex misconduct between staff and inmates, focusing on cross-gender supervision diverts attention from the need supervise and lead employees. The standard should seek to sensitize agencies to the need to assure that employees are not voyeurs, but not go so far as to severely limit deployment of employees.

Concern/Disagreement	All	Professional Organization
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12483: this standard does not strike that balance; and is a negative for the profession rather than a positive. The proposed standard language, in fact, is inflammatory, seeming to suggest that employees seek to prey on inmates because of their state of undress and are unable to control themselves.

Concern/Disagreement	Discussion	Professional Organization
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12484: The Discussion is not helpful, as it raises issues of cross-gender supervision in core functions such as arrestee transport, which will render such transports impossible for a large number of smaller agencies with limited staff on-duty. The potential dichotomy have allowing female law enforcement officers to search arrestees of either gender; and prohibiting cross-gender pat searches is troubling, especially as many sheriffs' offices are responsible for law enforcement and jail functions.

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<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Concern/Disagreement	Discussion	Professional Organization
12487: The reference in the Discussion regarding employee promotions are gratuitous and should be deleted.		
Concern/Disagreement	All	SINA
10350: This looks like males can't supervise the female inmates. The union fought this and we can't meet this standard that is written now.		
Concern/Disagreement	All	SINA
10476: •Severe challenge – not sure about legality about that with collective bargaining.		
Concern/Disagreement	All	SINA
10478: •Here there are males and females – could see big problems for single sex facilities – this is saying opposite sex cannot work in a lot of areas they can work. Not sure you would have the staffing numbers to cover what is needed.		
Concern/Disagreement	All	SINA
10479: •At this facility, we would have to keep completely separate infirmaries, housing units, recreation areas – we would have to move the staff a lot.		
Concern/Disagreement	All	SINA
10481: •Personally it is insulting to the professionalism of the individual to say they cannot work with opposite gender. Sure people may be more comfortable talking with someone of the same gender, but it is very individual to the person – some might not want to talk to ne.		
Concern/Disagreement	All	SINA
10533: •There are some issues that need clarification. Same gender staff, for example. Officers pick their unit and if they're doing rounds while someone is using the bathroom, might be a violation of these standards.		
Concern/Disagreement	All	SINA
10534: Do we strip transgender inmates to determine their sex? Yes, that's the law in MA. We could do it a different way, we could get a letter from a judge telling us what sex they are. We need clarification of the standards.		
Concern/Disagreement	All	SINA
10798: PP-3 (Restrictions on cross-gender supervision): major issue for us – we have a large female officer population. Do not have enough posts where it is just supervision of a female inmate. We have debated in the past – if we restrict female officers from working all over the facility that it may limit promotional opportunities for female COs. I find that a big problem.		
Concern/Disagreement	All	SINA
10897: •Huge outcry form jails – we definitely use cross gender supervision and do not restrict... This issue becomes a union issues, state law issue, discrimination issue. Get issue with strip-searching, but day-to-day living areas – that is problematic to us... We have privacy screens and other things in place. Issue for us and most jails.		
Concern/Disagreement	All	SINA
10898: •Wording on the standard is what is problematic. The wording as written is very harsh •The portion of the discussion that is more open with the description of what should be done. That should be used for the standard ment. The first 5 words of the standards statement are tough. •the discussion you are not excluding the fact that same-sex issues might come up, we train on those issues. Discussion section is very all done.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	SINA
10963: : I don't agree with the standard in this area. If the issue is privacy, we have this covered and we have reasons to support this. In the housing units, we allow gender restriction for the women but not the male population.		
Concern/Disagreement	All	SINA
10995: Supervision and cross gender may be a problem as stated on page 19. TAG: You need more clarity on this? P: I had issues with this in my initial reading of this. In the discussion it talks about privacy panels and other measures. We are ok because we have the doors and other things in place.		
Concern/Disagreement	All	SINA
10999: there may be some concern in non-emergency supervision. I had to read further to find out that we were in compliance by using technology.		
Concern/Disagreement	All	SINA
11047: I do have concerns about the cross-gender part of this whole standard...in a situation with investigations, say Sgt. James here she's a unit investigator with Safe Prisons. And if she wanted to have a one on one interview with an offender of the opposite gender the standard almost puts her in a situation where she has to have a witness in the room with her. And if that witness is going to be a deterrent for that offender to open up to her where he might feel more comfortable to open up just to her as far as outcries and things like that.		
Concern/Disagreement	All	SINA
11048: : I have a problem with the strip search part of it. Strip searches are a part of our routine daily duty out here. And according to this, it should only be done when there is reasonable suspicion. And it says in private as well.		
Concern/Disagreement	All	SINA
11083: Women need more privacy and this is an area that may need gender specific wording.		
Concern/Disagreement	All	SINA
11136: Strip search language – requirements are not consistent with our practices. We can strip search at any time but we don't do it excessively.		
Concern/Disagreement	All	SINA
11527: restrictions on cross-gender supervision is very poorly written. It limits the number of staff members that can work in those areas because of the way it reads... The way it reads is that 1) it is assumed that staff will be unprofessional and 2) that these inmates will be treated differently than the general population... It is policy of TDCJ to not have female officers strip-search male offenders in non-emergency situations; however, to limit staff who can work the building would cause staffing problems for an already short staffed facility. The way it's reading, females cannot work in those areas.		
Concern/Disagreement	All	SINA
11532: This would cause a staffing issue. On a male facility, and we have so many jobs that we have to fill to cover our shifts and of those positions we have 84 positions and 48 of them are female. It's a huge issue.		
Concern/Disagreement	All	SINA
12230: I have a bigger problem because we have a staffing issue because we have low numbers of staff already and we have problems because labor relations and many females on staff. In many facilities we have 50% females on staff and there is a federal lawsuit with females having the right to work in male areas. The strip search requirement requires that a same gender person be present. There will be females in male housing areas.		

# Public Comment Report

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Content of Comment	Standard Components	Source
Concern/Disagreement	Discussion	SINA

12272: Reasonable suspicion strip searches. We do this on a regular basis and I am concerned that this will be counterproductive for our faculty if we need to change this.  
I don't think that strip searching increases offender on offender sexual assault. This will increase the allegations of threats against the offender and will threaten our ability to protect the safety of the institution. This is giving more privacy rights to offenders than our kids receive in their lockers at school.

Concern/Disagreement	All	SINA
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12351: P: Cross Gender Supervision  
•We have come a long way and males cannot pat down females.  
•The wording makes it difficult however because there are areas where there is isolation or on first watch where there is only one officer and the officer is a male. I cannot assure that there is never a one on one where the officer is a male.

Concern/Disagreement	All	SINA
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13957: I have another big problem as a female in corrections. This will knock female staff out of line with advancement. **As a female, I fought this issue because men did not want me working around men and I think that this is putting us back into the dark ages.**  
I have to say that we need men in the female correctional facilities. This would tie our hands from a security standpoint.

Concern/Disagreement	All	SINA
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14034: I'm concerned about some of the issues such as cross gender supervision. The Supreme Court already ruled on this and women officers can supervise male inmates.

Concern/Disagreement	All	SINA
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14093: Women supervise and do physical pat down inmates here as well. There was a federal mandate about 15 years ago that says that women can work where they want to.  
This is my right to work and we do security checks with the men. I see men coming out of the shower and I needed to address this when I took the job.  
This standard is unreasonable. The females should be able to do pat down in an emergency and non-emergency situations.  
Pat downs on page 19, there is a visual body cavity search is done on a strip search, this does not need to be separated as it is here.

Concern/Disagreement	All	SINA
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14095: I don't think that it makes a difference if it is a male or female officer supervising. There is no one watching everyone all the time. This is overkill and if someone wants something to happen sexual, it will happen.

Current Practice	Standard Statement	Academic
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10375: Seems to suggest that you couldn't have women supervising men in housing areas. You could take out "restricts" and try to use a different word that's not as strong, but I don't know how you limit this. Showers aren't as much a problem as the housing areas.

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Type of Comment	Standard Components	Source
Current Practice	Standard Statement	Corrections Professional

10723: The agency has policy, procedure, and practice in place regarding cross-gender supervision in nonemergency situations in areas where inmates disrobe or perform bodily functions in order to protect inmates from unnecessary and degrading exposure of their bodies and to reduce opportunities for staff sexual abuse. This practice shall include the announcement of cross-gender staff working in areas where inmates are housed. As written, inmates would be afforded too much privacy that could lead to the inmate having much more opportunity to: make weapons, escape, etc.

Current Practice	All	Corrections Professional
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11706: The staffing ratio on transports within Oregon does not always allow for same gender escorts on trips. If we are unable to provide for same-gender transport, there are practices in place to ensure the privacy of the transported inmate (i.e. transport escort would not see an inmates in a state of undress.) We request this language be more flexible if the agency can provide training and audits of transports, on scheduled basis.

Current Practice	All	Corrections Professional
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12668: Current practice across the country would generally require the strip searching of an inmate any time the inmate has unsupervised contact with the public... This practice does not require the development of an independent assessment for "...reasonable suspicion that the inmate is secreting drugs or weapons or if his or her appearance and conduct suggests a likelihood of having engaged in prohibited behavior" after each event.

Current Practice	All	Corrections Professional
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12716: The Department currently maintains an effective policy regarding cross-gender supervision of inmates in certain areas within our prisons. The Department has implemented gender specific policies where a need for such a policy has been found... The Department's position is that further restrictions on staffing are not warranted as a need has not been noted in our facilities.

Current Practice	All	Corrections Professional
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12725: It should be noted that we currently do not allow male staff to conduct these searches on female inmates.

Current Practice	All	Corrections Professional
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12735: All posts involving the direct supervision of inmates in administrative confinement, disciplinary confinement, close management, maximum management, and death row are gender specific to the inmates being supervised.

Current Practice	All	Corrections Professional
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12736: Strip searches associated with escorted movement may be performed by the staff providing direct supervision; i.e., assigned housing unit officers and not necessarily by escort staff, unless the escort staff is of the same gender as the inmate.

Current Practice	All	Corrections Professional
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12737: Control room assignments, inmate escort officers and other posts not requiring the performance of the specific intrusive tasks referred to above are not to be designated as gender specific to the inmate being supervised.

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<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
12739: At all times, there will be at least one (1) officer of the same gender as the inmate(s) during transportation of medium, close and maximum custody inmates. There are no gender restrictions regarding the transport of minimum or community custody inmates.		
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
13644: Every effort is made at this time to accomplish this standard. The only time that this would be not followed is during emergency situations.		
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
13747: Some of our facilities have female officers assigned as unit rovers and they are often in areas where inmate shower, conduct pat searches, etc. Training is required to staff to assure announced rounding, entering and placement of privacy panels. Our Department's Labor Management Agreement FLSA prohibits discrimination and opportunity to work specific posts.		
<b>Current Practice</b>	<b>All</b>	<b>Professional Organization</b>
10687: On transportation of inmates, not to belabor cross-gender, but there are often two male officers who will accompany a female inmate.		
<b>Current Practice</b>	<b>All</b>	<b>Professional Organization</b>
10700: Strip searches on transgender inmates: If there is a question about someone's gender, the policy is that they will be given a medical search in an appropriate setting. However, practically speaking, it will sometimes occur by a security officer to assure proper housing is assigned.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10475: •Access to male and female staff, heightened privacy for female population, curtains in hallway, more private area. It is not necessarily same-gender supervision all the time •From observation, if there is any type of search that needs to be done – they always call for same-sex person for that. •For searches or changing up – same gender. Cameras have restrictions for toilet areas so they cannot see people on the toilet except for individuals in mental health watch.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10583: We do a good job of using same-gender pairings of officers and inmates for body cavity searches, strip searches, pat downs, etc., but transportation runs going to and from court are problematic. MA regulations state that pat searches must be same-gender. We have two officers in a van on transportation runs, and because we have low numbers of women on staff, what would we do with female inmates? Sometimes we will have a female and male officer and a female officer as a witness if necessary.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10799: How we have trained on cross-gender supervision. We make announcements like "Woman on the floor" – we also train on professional actions, we also try to make the inmate responsible for their actions, be respectful and be aware there is someone else of the opposite sex in the pod.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10961: Gender restricted positions exist in a couple of areas but this doesn't happen in other areas. In the male institutions we don't gender restrict and use modesty screens.		

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<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10997: I tell the staff the make announcements when they are going to make a round and they know that inmates are going to be using the restrooms.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11001: We used to do cross-gendered putdowns at intake. It was ok at that time for women to pat down men. Oregon state requires that same sex pat downs must occur.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11058: •We have male doctors, but there are always female staff member with them. Same if the physician is female, there is also an escort – the officer for the area is		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11059: •For mental health – none of the things listed here – disrobing, bodily functions – do not take place in our area. We do not do searches we do not want to do them and call in security if it really needs to take place.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11138: Our policy is stated that our male staff must get involved in the units. At one time we were going to hire only females but they dropped this because of the potential law suites. In our policy now, females can pat search males. This can happen in emergency situations for males if we are short staffed.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11179: if there is a male provider we typically have a female supporting him. This is the same for our dentists. There will always be a chaperon if you will, which is required by our standards. We are in compliance in this area and it believes the custody staff is in compliance in this area as well.		
I am over the mental health area also and the same is not true with cross gender supervision for mental health. If there is someone exposing themselves there is a piece of material that is placed on the window and the staff is not seen by staff because custody will not bring them out of their cell.		
The mental health staff is not going to disrobe in front of the mental health staff. Sometimes when there is a client that is extremely mentally		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11584: HIPPA takes care of that for us. We have them in an exam room, we don't have them out in a hallway getting treatment. But the issue is that we have male nurses and female nurses, and I don't know if that makes a difference.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11590: It does talk about the physical body cavity search. In that situation, it would be a medical practitioner who conducts that search. And if that person on duty happens to be a female, she would have to conduct that search		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
12279: PP-3 – restriction of cross gender supervision		
•We provide checkrooms to all male providers that perform physical examinations and male RNs who may need to contact the patient physically. Chaperones everywhere. Even though it is a medical setting we have had males accused of sexual misconduct even to the point to being charged with a crime. They were found innocent, criminal and civil, but restricted from working at a female institution. We instituted that policy about chaperones for male providers – also do that for female providers as well. Provides a safer environment for everyone to have a 3rd person there.		
•Also custody posts that are gender specific. For strip-searches.		

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<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Current Practice	All	SINA
14033: We might see them going to the bathroom while doing rounds, but try to avoid that at all costs. Try to preserve their privacy as much as possible. We are very respectful in terms of that.		
Current Practice	All	SINA
14034: •For nursing staff – as a professional nurse, there is no cross gender – I would examine a male as I would a female... As a professional nurse it is not a problem to work with men.		
Current Practice	All	SINA
14035: •We would have to get approval from the commissioner to do a body cavity search. We have not done them since the penitentiary days. We do x-rays.		
Current Practice	All	SINA
14096: There is nothing at the academy that talks about cross gender supervision.		
Observation	All	Academic
10378: Some of these restrictions seem too harsh for all settings but appropriate for places that have problems.		
Observation	All	Academic
12940: This is an important standard. Most women's prisons have moved toward developing a policy that address this issue. Not sure that jails have adopted this approach.		
Observation	All	Corrections Professional
12138: 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.		
Observation	All	Corrections Professional
12722: Department would like to make the Commission aware that a properly conducted pat-down search requires that a staff member physically touch all areas of an inmate's body to determine the presence of weapons. The Department further notes that a pat-down search is far less effective at the detection of contraband than is a properly conducted strip-search.		
Observation	All	Corrections Professional
12827: 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.		
Observation	All	Individual
10409: Perhaps, having the same sex in correctional facilities (officers) would be better. For example...only female correctional officers with female inmates (with the exception of parole boards or psychologists, teachers, etc) and male officers with male inmates (with exceptions of parole boards, psychologists, teachers, etc).		
Observation	All	Professional Organization
10585: Cross-gender supervision is basically being prohibited through the sub-standards.		



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Type of Comment	Standard Components	Source
Observation	All	SINA
10431: Pet peeve of mine – did a study here and looked at relationships that were formed staff on inmate. More women having relationships with male and female relationships than men with women and men with men. What is the purpose? Comes down to professionalism.		
Observation	All	SINA
11078: I understand that I must notify everyone that I am present because I am a male. This is how I survive in a female institution. This is a good thing for inmates but I think that staff would object to this in some cases.		
Observation	All	SINA
11767: •Staff restrictive positions – we have looked at this and analyzed it - transportation – one female is minimum security and does not have to have two people in transport so we put a female officer on. If there seems to be an issue with safety or security –we analyze and make gender specific and we continue to work on this. Also has to do with availability of staff. •When we started it was all male staff, but we are getting more female officers, we are getting there. We need the male staff as well – important for the men to be part of the rehabilitation – women may have been victimized by men and need to learn to trust men		
Question	All	Corrections Professional
11619: Is it permissible both to inhibit the job duties of (mainly) female staff members citing an inmate' s privacy concerns (no cross-gender supervision when disrobed or performing bodily functions) and also to urge use of RFID technology as a condition of employment? These actions may raise Constitutional questions, more so when the actions are taken by a government employer.		
Question	All	Corrections Professional
13749: This standard is also unclear: Strip and visual body cavity searches of transgender inmates for the sole purpose of determining genital status should not be conducted?		
Question	All	Corrections Professional
13871: Is this standard meant to restrict, in a semi-direct observation environment (podular design), personnel from supervising inmates of different genders?		
Question	All	Individual
10320: PP - 3: How is the determination made as to ones gender? I don't see how gender determination is relevant to this topic.		
Question	Checklist	Individual
10635: Compliance Checklist 6 (a), fourth bullet. This Checklist item bars cross-gender observation of pat searches. Is this in fact the Commission's intent?		
Question	N/A	Professional Organization
10705: However, in a small facility when there are only two people who are both the same sex, how do they meet that requirement?		
Question	All	SINA
10352: Does this relate to other standards like ACA that want you to provide an escort of the opposite sex for medical procedure? This is presently an issue for us and uses similar language. How do you do this when you have more female therapists, how is this applicable to mental health staff?		
Question	All	SINA
10353: What do you do with transportation services that have a policy those strip searches all inmates that they take to the hospital? This would occur in our facility but is handled by another agency.		

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<b>Question</b>	<b>All</b>	<b>SINA</b>
11586: When it says disrobe, what does that mean? It's pretty unclear. And it also does say non-medical staff members in the discussion, so medical is excluded there?... We don't really supervise, we just provide medical.		
<b>Suggestion</b>	<b>Discussion</b>	<b>Academic</b>
10377: Searches to determine genital status seem reasonable, but maybe it would be better to say that if genital status is uncertain, person should undergo a medical exam.		
<b>Suggestion</b>	<b>All</b>	<b>Academic</b>
12942: Suggest that this standard include a discussion of policy here and require that the cross-gender supervision policy be cross-referenced with the PREA policy itself.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
11691: As included in the discussion for standard PP-3, strip and visual body cavity searches should never be allowed merely to determine genital status, and this requirement should be incorporated into the standard statement and compliance checklist.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
11914: •Restrictions on cross gender searches and supervision should specify how they apply to transgender prisoners. The gender of the staff that search transgender inmates should be determined by the safety-based preference of the inmate, with a default presumption that female staff will conduct the search. All transgender people are often perceived as female and/or feminine and are at high risk of being targeted by male staff for gender-based sexual violence.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Advocate</b>
11916: •This section refers to "the opposite gender" / "the same gender." This checklist should be amended to specify how transgender prisoners would be supervised.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12035: •The restrictions on cross-gender searches and supervision must include guidance on how they should be applied to transgender prisoners. As a best practice, transgender people in prison should be asked to name the gender of those best qualified to search them given their gender identity. If there must be a general presumption about who should search transgender prisoners, we recommend that transgender people (including transgender women, transgender men, and others) be searched by women facility staff. This is because transgender people (from all of these groups) are often perceived as female and/or feminine and, in our experience, are at considerably higher risk of being targeted by male staff for gender-based sexual violence and harassment.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12036: •The provision that "Strip and visual body cavity searches of transgender inmates for the sole purpose of determining genital status should not be conducted" is good, but we recommend broadening it to read: "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 to determine the genital status or a prisoner, to humiliate a prisoner, or for any other improper purpose."		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12037: •The Standards should also prevent people with records of allegations and complaints (unsubstantiated and substantiated) of sexual misconduct from performing searches.		

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<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12038: •This section should specific that strip searches must be authorized by a superior officer (unless in cases of emergency). All searches should be documented, and the documentation should: name the superior officer who authorized the search, state the specific purpose of the search, state who performed the search, identify who was present at the search, detail exactly how the search was conducted, and detail the results of the search (i.e. identify exactly what was found or identify that nothing was found).		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12039: •This section refers to "the opposite gender" / "the same gender." This checklist should be amended to specify how transgender prisoners would be supervised.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Advocate</b>
12183: PP-3, Compliance Checklist 6: The checklist should include an item about respecting the preferences of transgender prisoners regarding the gender of staff supervising them in these contexts.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12301: In the discussion of PP-3 and in the glossary, there are multiple references to restrictions on conducting searches unless certain conditions are met. We believe that firm requirements with regard to when searches may be performed are absolutely crucial to the prevention of sexual abuse. Therefore, we strongly recommend including these restrictions in the compliance checklists as well. We also believe that the language currently in these discussions must be clarified and strengthened.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
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.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12310: to maintain the safety and dignity of transgender people to the extent possible during searches and to reduce the incidents of sexual abuse of transgender people during searches, transgender people should be permitted to designate whether male or female staff are appropriate to search them, or whether they have no preference, and the agency should ensure that appropriate staff members perform the searches. However, should the Commission deem it necessary and helpful to put in place a presumption of the gender of the people who should be permitted to perform searches of transgender people, the most appropriate presumption is that women should perform these searches.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
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		

# Public Comment Report

## Prison/Jail

### PP-3: Restrictions on cross-gender supervision

Line of Comment	Standard Components	Source
Suggestion	All	Advocate

12610: Under proposed Standard PP-3 (p. 19), agencies must restrict cross-gender supervision in non-emergency situations where inmates disrobe or perform bodily functions. To further reduce the possibility of sexual abuse or harassment resulting from cross-gender supervision, we suggest the Commission consider requiring agencies to adopt policies whereby same-gender supervision is the rule in all nonemergency custodial situations rather than only those that involve disrobing and bodily functions. Alternatively, staff positions can be prioritized to facilitate same-gender supervision.

Suggestion	Discussion	Advocate
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13212: To clarify the importance of sight and sound supervision, we suggest that the language be changed to reflect the following addition in bold:... and from being isolated one-on-one with inmates of the opposite gender out of sight of cameras, other staff or other inmates, including during transportation of inmates **inside or outside** the facility

Suggestion	All	Advocate
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13215: In addition, as stated in our comments to the Glossary section, this discussion should make clear that strip searches are inappropriate and not allowed as a routine matter after an inmate has a contact visit.

Suggestion	All	Advocate
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13566: Based on our clients' collective experiences, we believe that the only truly effective way to prevent sexual abuse of inmates by staff is to prohibit male staff from supervising female inmates... Even though a total ban on cross-gender supervision is not likely to be imposed, does not go far enough. It is our belief, as we stated in our Comments to PP-1, that supervision is the cornerstone of preventing sexual abuse, that cameras are needed for jails and prisons to even being to approach "direct and continuous" supervision sufficient to prevent sexual abuse, and that where cameras are not installed, cross-gender supervision should be prohibited.

Suggestion	Checklist	Advocate
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13573: The accompanying Checklist needs to be revised to conform to the Standards. To do this it needs to be parsed into more detailed categories. The precise situations where cross-gender supervision is precluded need to be asked about, and clear questions about actions (not just policies) need to be framed. For example, the Checklist needs to ask "Are there areas out of view of cameras?" Are officers of the opposite gender from the inmates assigned to these areas? If so, what proportion of the time is an officer of the opposite gender assigned there?"

Suggestion	Checklist	Corrections Professional
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11421: PP-3, Compliance Checklist 6, (b): The elements of this standard need to be separated based on the type of search. They are distinctly different.

Suggestion	All	Corrections Professional
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11621: I encourage the Commission to exercise its option to continue to strengthen requirements to provide physical plant modifications which afford inmates security and modesty. Would the Commission frame a standard for staff to maintain secure viewing while providing some privacy for bodily functions?

Suggestion	All	Corrections Professional
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119: The Department recommends that the Commission's final standard on this issue allow flexibility for agencies to develop a standard checklist that will meet the broader goals of PREA without creating a multitude of other problems for the Department.

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

Type of Comment	Standard Components	Source
Suggestion	All	Corrections Professional
12729: We ask that the Commission again defer to the expertise of the Department in determining the appropriate balance for restrictions on cross-gender supervision.		
Suggestion	Checklist	Corrections Professional
12872: Pat down searches should be broken into a separate checklist item from Strip and cavity searches that must be performed by same gender staff.		
Suggestion	All	Corrections Professional
12978: Comments: need definition of "routine strip".		
Suggestion	All	Corrections Professional
12979: Recommend add: "Medical staff are to make the determination through interview, medical history confirmation and if necessary examination." This determination is necessary for the inmate's appropriate classification, housing and safety		
Suggestion	Checklist	Corrections Professional
13018: Pat down searches should be broken into a separate checklist item from Strip and cavity searches that must be performed by same gender staff.		
Suggestion	All	Corrections Professional
13027: Rather than such a sweeping restriction on such searches the Rules should be more focused on ensuring that the searches are done in a professional manner in a private area and consistent with the safety, security and good order of the institution for circumstances that ensure they are not done for harassment of the inmate or other inappropriate reasons.		
Suggestion	All	Corrections Professional
13259: The Commission should remove "non-emergency situations" language from proposed standard.		
Suggestion	All	Corrections Professional
13469: Rather than such a sweeping restriction on such searches the Rules should be more focused on ensuring that the searches are done in a professional manner in a private area and consistent with the safety, security and good order of the institution for circumstances that ensure they are not done for harassment of the inmate or other inappropriate reasons.		
Suggestion	All	Corrections Professional
13791: We think that the standard could be written as follows, and still carry the crucial meaning:		
The agency restricts cross gender supervision in areas where staff are likely to see the unclothed body of an inmate or are likely to witness an inmate performing a bodily function to protect inmates from unnecessary and degrading exposure of their bodies and to reduce opportunities for staff sexual abuse.		
Suggestion	All	Corrections Professional
13809: Rules can be established that require inmates to utilize privacy curtains and prohibit them from undressing in public areas to reduce exposure. Require 2 staff present for strip searches and utilize the L-method. Allow opposite gender to view the other staff member but not the inmate.		

# Public Comment Report

## Prison/Jail

### PP-3: Restrictions on cross-gender supervision

Text of Comment	Standard Components	Source
Suggestion	All	Corrections Professional
13895: The commission should not limit the use of strip searches to cases involving reasonable suspicion as agencies may establish routine strip search procedures to provide for the safety and security of the offenders and staff, and should require strip searches and visual body cavity searches to be conducted by persons of the same gender as the inmate to the greatest extent possible.		
Suggestion	Discussion	Corrections Professional
13896: Furthermore, the commission should consider revising the sentence "Strip and visual body cavity searches of transgender inmates for the sole purpose of determining genital status should not be conducted..." to state, "Strip and visual body cavity searches of transgender inmates for the purpose of determining genital status should only be conducted by a licensed medical practitioner."		
Suggestion	Standard Statement	Corrections Professional
13898: The commission should delete or modify the standard precluding nonmedical staff members of the opposite gender from viewing inmates under certain circumstances, such as observing disrobed offenders of the opposite sex.		
Suggestion	All	Corrections Professional
13927: This provision is highly discriminatory and we recommend that it be removed entirely.		
Suggestion	All	Government
13985: Use of privacy panels must be an acceptable method of accomplishing this task based on work force or you will limit : force promotions.		
Suggestion	All	Government
13992: Recommend allowing cross gender to conduct pat down searches. There are sufficient search techniques to ensure conducted professionally and without groping, if under camera allegations can research allegations.		
Suggestion	Checklist	Prisoner
10412: The appropriate checklist should include items related to ensuring that routine strip frisk policies are compliant.		
Suggestion	Discussion	Professional Organization
12485: The language in the Discussion section should clarify the standard, and all other recommendations moved to the resource guide accompanying the finalized standards. In the first paragraph, the sentence beginning. . . "Additionally, to the extent possible . . ." should be placed in the resource guide accompanying the finalized standards. In the third paragraph, all sentences following the first sentence should be moved to the resource guide. The Discussion section contains generalized statements which are not supported by facts or practice, and should be deleted.		
Suggestion	All	Professional Organization
12921: This standard should fall into line with international standards on the treatment of prisoners which state that female inmates should be guarded only by female officers and that male staff who provide professional services in female facilities should always be accompanied male officers.		

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

Type of Comment	Standard Components	Source
Suggestion	Checklist	SINA
10299: -PP-3 (Restrictions on cross-gender supervision): You need to give agencies the ability to articulate why they did the next best thing and what safeguards they have in place.		
Suggestion	All	SINA
10354: Can you change the language to less strict language from "restrict" to "preferred"? Linier jails will have a problem with this.		
Suggestion	All	SINA
10430: I think language can be tweaked to make this clear that no leering – but rounds are ok.		
Suggestion	Standard Statement	SINA
10996: I think that cross gender supervision is valuable but I would also lighten up the wording in this area.		
Suggestion	Standard Statement	SINA
10998: The standard is very strict in the initial wording, "the agency restricts cross gender supervision". The discussion explains this but perhaps the wording should say that the agency should make every effort to restrict cross gender supervision.		
Suggestion	All	SINA
11000: Their wording here needs to include more information on the specification allowance.		
Suggestion	All	SINA
11137: . I think that there needs to be something about procedural practices. Some may see that our practices are abusive but under review they may not be.		
Support/Agreement	All	Advocate
12180: We strongly support the restrictions on the use of strip and visual body cavity searches and the specific provision that "[s]trip and visual body cavity searches of transgender prisoners for the sole purpose of determining genital status should not be conducted." We believe that these are important provisions to prevent abuse and humiliation of prisoners by staff.		
Support/Agreement	All	Advocate
12181: This standard complies with SMRTP 53(1)-(3), requiring that "women prisoners . . . be attended and supervised only by women officers" (53(3)) and providing that "no male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer," (53(2)).		
Support/Agreement	Discussion	Advocate
12182: PP-3 (Discussion) "[S]trip searches and visual body cavity 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. ... Routine strip, visual body cavity and physical body cavity searches of inmates for less than an articulable, reasonable suspicion should not be permitted": It would be a major advance to prohibit "routine" strip searches and body cavity searches; it would reduce the risk of abusive uses of strip searches, which is a problem today.		
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.		

# Public Comment Report

Prison/Jail

PP-3: Restrictions on cross-gender supervision

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	N/A	Corrections Professional
12666: This definition makes complete sense for inmates first arriving at a correctional facility.		
Support/Agreement	All	Corrections Professional
12675: WYDOC partially agrees with this standard. Our policy states that only same gender shall conduct or view a strip search. Same gender medical personnel (with same gender officer present) performs body cavity searches.		
Support/Agreement	All	Individual
12434: My only comment is on the fantastic recommendation you make in the last sentence paragraph one on page 20, "Strip and visual body cavity searches of transgender inmates for the sole purpose of determining genital status should not be conducted." Thank you!		
Unintended Consequence	Discussion	Academic
10376: "Articulable reasonable suspicion" is not the right standard. Strip searches after contact visits keep contraband out. I have no problem with saying that those searches shouldn't be cross-gender. What will happen if you say "articulable reasonable suspicion" is that people won't get contact visits, which are very important for prisoners. If searches are done in separate rooms, there should be at least 2 staff, not "the fewest number of staff possible."		
Unintended Consequence	All	Corrections Professional
11453: This will have the effect of diminishing the employment rights and opportunities of the 46% of our officers who are women... The requirement for continuous sight and sound supervision, as defined, combined with the prohibitions on cross gender searching--combined with the prohibition on opposite gender staff observing inmates in an undressed state, bathing, or using the toilet will require the presence of male officers in every area. This will limit the ability of female officers to earn overtime and require the Department to hire sufficient male staff irrespective of civil service exam outcomes... There will be litigation that will result and there will be further costs to the City of New York if these standards are implemented as currently written.		
Unintended Consequence	All	Corrections Professional
11708: The unintended consequences of the proposal for male staff to announce themselves in housing units removes the ability for staff to detect criminal or violation-based activity. We request that cross gender training be the management tool to allow for immediate removal of opposite gender staff if an inmate is in state of undress or facilitating a bodily function		
Unintended Consequence	All	Corrections Professional
12723: If the Department were to be required to limit the use of strip searches to only cases where probable cause or reasonable suspicion exists, there will be a marked decrease in the safety and security of our institutions to both inmates and staff.		
Unintended Consequence	All	Corrections Professional
12870: Restricting cross-gender supervision would invite unequal and unsecure protection of inmates. This restriction would present a severe hardship on the operations of the facilities and poses a safety threat to the officers.		
Unintended Consequence	All	Corrections Professional
13015: Restricting cross-gender supervision would invite unequal and unsecure protection of inmates. This restriction would present a severe hardship on the operations of the facilities and poses a safety threat to the officers		



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

Type of Comment	Standard Components	Source
Unintended Consequence	All	Corrections Professional
13024: In the discussion section it is stated, "this standard is not intended to limit cross-gender supervision in housing areas". It may not be the intention of this standard, however that's the exact result of the standard. It is contradictory and impossible for opposite gender staff to provide continuous supervision and not observe inmates performing bodily functions.		
Unintended Consequence	All	Corrections Professional
13026: However, this proposal far exceeds any current constitutional mandates from throughout the various federal courts of the United States. It would require reasonable suspicion for each and every single search even including searches of inmates who are returning from contact visits or other opportunities in which there is a massively increased opportunity for the smuggling of drugs and other contraband.		
Unintended Consequence	All	Corrections Professional
13086: The standard restricts the ability of the agency to control contraband by not allowing strip searches when inmates have had access to the outside, i.e., work crew, visitation, etc. This restriction would prohibit the agencies' mission to protect.		
Unintended Consequence	All	Corrections Professional
13088: To house a transgender inmate, a visual body search to determine genital status must be conducted to protect the inmate and other inmates. An agency who does not verify gender is encouraging rape by placing a biological, transgender male in the female population or by placing a biological, transgender female in male general population housing.		
Unintended Consequence	All	Corrections Professional
13285: According to this standard and the accompanying checklist, this would restrict cross gender staff from performing pat down searches, medical transports, and off facility transports. Additionally, this would restrict cross-gender work in housing units as inmates use the restroom in their cells and disrobe since cell halls would be considered as non- emergency situations.		
Unintended Consequence	All	Corrections Professional
13286: Restricting female staff from working in some areas of an institution may inhibit promotional opportunities and be discriminatory towards this protected class.		
Unintended Consequence	Discussion	Corrections Professional
13432: the discussion section greatly expands upon the standard. For example, the discussion appears to completely exclude any cross-gender pat frisk except in an emergency situation. This would represent a sea change in how corrections operates. It also will trigger separate Title VII lawsuits by affected employees who will claim gender discrimination.		
Unintended Consequence	All	Corrections Professional
13433: it appears that the preclusion of a visual inspection of a transgender inmate to determine genital status might also preclude such an inspection by medical staff. If this is correct, the proposed standard ignores significant risks; for example, the risk of sexual abuse that a male-to-female transgender inmate with a functional penis may pose if such inmate is housed with female inmates.		
Unintended Consequence	All	Corrections Professional
13752: 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.		
Unintended Consequence	All	Corrections Professional
13790: we fear that the language of this section will discourage agencies from hiring female correctional and detention staff since populations of all types are overwhelmingly male. The standard itself could be read to preclude cross-sex supervision in all cases but emergencies.		

**Public Comment Report**  
**Prison/Jail**

PP-3: Restrictions on cross-gender supervision

<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Unintended Consequence	All	Corrections Professional
13808: The proposed language would conflict with union contracts that have been negotiated and afford employee specific rights, and may raise gender discrimination issues. Announcing rounds when a staff member of the opposite sex is making a round will allow inmates to conceal activities that could create a risk to staff and inmates.		
Unintended Consequence	All	Corrections Professional
13819: This is an extremely restrictive standard that I feel will greatly restrict females from advancement or assignments in our facility.		
Unintended Consequence	All	Corrections Professional
13847: This standard is not attainable due to security needs in an institution. It is unreasonable that an institution would hire all like gender employees if like gender employees are required for non-emergency security functions. This standard is likely to have unintended influence on hiring practices and promotions.		
Unintended Consequence	All	Corrections Professional
13897: The commission should consider potential legal ramifications of limiting cross-gender supervision. The standard could place the agency in violation of Title VII of the Civil Rights of 1964 by forcing the Agency to make employment decisions on the basis of gender.		
Unintended Consequence	All	Government
11824: Essentially requiring same-gender staff in housing areas would affect the number of female staff that can be hired in a correctional m and would benefit male applicants and employees as a result.		
Unintended Consequence	All	Government
13370: But to stop routine strip searches after prisoners have had direct contact with outside visitors or when returning from work on base would interfere with the security (good order and discipline) of the brig. Contraband could flow in with little fear of detection unless reasonable suspicion of that individual exists. This could have the opposite of the intended effect		
Unintended Consequence	All, Discussion	SINA
10351: Wouldn't privacy shields become a security issue? You need visuals and you need to count inmates and these shields will hinder this. This will be a custody and security issue and may encourage more consensual sexual activity behind panels.		
Unintended Consequence	All, Discussion	SINA
10351: Wouldn't privacy shields become a security issue? You need visuals and you need to count inmates and these shields will hinder this. This will be a custody and security issue and may encourage more consensual sexual activity behind panels.		
Unintended Consequence	All	SINA
10480: •It would require each county to separately house males and females. Be almost impossible to duplicate what we do with males and females separately		
Unintended Consequence	All	SINA
10535: •Don't be counterproductive with the bad guys, you don't what rules to be useful for perpetrators. For example, for female inmates with male officer who has to announce before he does rounds, that might help an inmate assault her roommate because she knows when the or is coming.		

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

Type of Comment	Standard Components	Source
Unintended Consequence	All	SINA

12233: We could put in half walls but this may not resolve the problems. We are supposed to help them rehabilitate but these are convicted felons. 19-20year old males are serving life sentences and they don't have an incentive to changes. They will act out.

Unintended Consequence	All	SINA
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13978: This is restrictive and would put me back in the tower.

Unintended Consequence	All	SINA
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13979: If they do this it would announce to the perverts that we were coming on and this may increase the incidences of rape and smoking... These types of restrictions would make my work unbearable.

Unintended Consequence	All	SINA
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13980: This would put us back to where we were not welcome and most of the time the male staff did not want you there... **Don't let them do this to women in corrections – this is degrading!**  
 Although it says that this is limiting in housing areas, it really does.

Unintended Consequence	All	SINA
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14094: No, I don't think that my officers need to be announced before they are entering a pod. This is the opposite of security.

# Public Comment Report

Prison/Jail

PP-4: Language access

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
10783: PP-4: There should be exceptions for using inmates as translators, i.e., inmates who are already functioning in that capacity for other purposes.		
Concern/Disagreement	Checklist	Corrections Professional
10856: Checklist 7 item a - not sure that a facility/agency, particularly a jail, can identify the potential languages that an incoming inmate might speak. They don't know who is going to land at their door on a particular evening/night.		
Concern/Disagreement	All	Corrections Professional
12628: PP - 4: Language Access: Issues relating to language may already be addressed through existing policy such as Intake Process or through the American Disabilities Act. The standards to achieve should be based upon ADA compliance and/or existing policies in place.		
Concern/Disagreement	All	Corrections Professional
12728: By contract, language and sign interpreter services are currently available to supervisors 24 hours a day, 7 days a week. Advance identification of all of the languages spoken by offenders is an unrealistic and unnecessary administrative requirement.		
Concern/Disagreement	All	Corrections Professional
13030: There are fiscal and programming impacts if offenders are not allowed to assist with translating non-private information involving day-to-day programming to other offenders.		
Concern/Disagreement	All	Corrections Professional
12747: The proposed standard would impose substantial additional costs compared to the costs presently expended by state prison authorities.		
Concern/Disagreement	Checklist	Corrections Professional
12796: Checklist 7-(PP-4) The wording of these requirements suggest that first, the facility head would determine all languages spoken by all inmates at the facility, rather than determining which are not able to communicate in English. They also suggest that all staff must be able communicate with all inmates without the use of an inmate interpreter.		
Concern/Disagreement	All	Corrections Professional
13090: The use of the word "any" in reference to communication barriers is a liability to facilities.		
Concern/Disagreement	All	Government
11828: There are a great number of languages that are considered to be the primary language among inmates in the BOP. It would be very costly to require the translation of these documents into all the primary languages spoken by BOP inmates.		
Concern/Disagreement	All	Labor Union
13072: Council 75's concern is whether agencies will have the resources, without BJA's support, to offer training and/or certification to build the abilities of existing staff in light of restrictions against outsourcing this function.		

**Public Comment Report**  
**Prison/Jail**  
**PP-4: Language access**

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Prisoner
12391: PP-4: The discussion states that it is never appropriate for inmates to serve as translators for other inmates as it compromises confidentiality and places some inmates in a position of undue authority and influence over others. We emphatically disagree. Experience has shown that other prisoners usually prove the first line of defense and comfort for abuse victims. A victim will likely be more willing to speak to and through another prisoner, especially one of a common ethnicity and/or geography, than directly to prison officials.		
Concern/Disagreement	All	Professional Organization
11329: Eliminate this "Standard" because as written this will be an extremely difficult standard for all jails, and particularly small jails in rural areas.		
Concern/Disagreement	All	Professional Organization
12488: This standard should be deleted because it is overreaching and while important, not a core of the PREA mandates. Jails and prisons are required to comply with the provisions of the American with Disabilities Act, hence some of these issues are addressed.		
Concern/Disagreement	All	SINA
11009: Sometimes I don't think that it always gets translated. It seems that we get a lot of failure to appear when we use the service. In some cases there may be more confusion		
Current Practice	All	Corrections Professional
13828: Currently, the information contained in the MDOC Orientation and inmate education sessions on sexual abuse, including all of the agency's policies and how to report sexual abuse are not translated and otherwise made available to inmates if they have communication barriers that exist. This will not be unobtainable by the Mississippi Department of Corrections if required.		
Current Practice	All	Government
11829: The relevant standard of the American Correctional Association requires institutions to provide inmates with written orientation materials and/or translations in their own language. Sound correctional practice is to translate information into the languages that are represented by a significant proportion of the inmate population, which may vary by the location of the facility, and to have resources available on an as-needed basis for infrequent occasions in which an inmate speaks a language that is not usually encountered.		
Current Practice	All	SINA
10493: •Use language line. 800-number you are immediately put through to a translator – it is a pain in the neck - but we use it		
Current Practice	All	SINA
10612: We have a 24-hour translating service. We try not to use inmate translators as much as we can.		
Current Practice	All	SINA
11008: We have some county employees there are paid more for translation services. We also have the TDY and language lines.		
Current Practice	All	SINA
11010: We have an indoctrination video in Spanish and English and the inmate manual explains the PREA guidelines. For other language speakers, we don't have anything but the language line.		

## Public Comment Report

Prison/Jail

PP-4: Language access

Name of Comment	Standard Components	Source
Current Practice	All	SINA
<p>11069: language access</p> <ul style="list-style-type: none"> <li>•Medical has an 800-number for translators</li> <li>•I speak Spanish</li> <li>•Mental health director is fluent in Spanish and English</li> </ul>		
Current Practice	All	SINA
<p>11156: •Haven't established low proficiency for inmates since all of the training thus far is presented to them and not read. We do have a bilingual staff person to provide the training and is provided on demand</p>		
Current Practice	All	SINA
<p>11761: •Use staff to translate or available in Spanish</p> <ul style="list-style-type: none"> <li>•Staff in housing units – in terms of communicating – once we establish that there is a language barrier we will call in someone who knows that person.</li> <li>•Spanish and English flyers available to all in each unit, reception and infirmary</li> <li>•Really takes the correctional awareness – know who is in your unit and who is communicating – they may be quiet but not interacting</li> <li>•Language info is part of their housing card as well – important for staff to know</li> </ul>		
Current Practice	All	SINA
<p>12305: G: another language?</p> <ul style="list-style-type: none"> <li>•Translators or telephone translator</li> <li>•Spanish-speaking providers</li> </ul> <p>...wishes to become a translator – have to take a test and have to fill out an application – have to prove they can be a translator – do not want things lost in translation. We can call the watch office and find out who is available. They get 5% addition to their monthly salary.</p>		
Observation	All	Corrections Professional
<p>13647: Our agency utilizes bilingual employees when possible. In order to fulfill this standard, it would be necessary to identify outside sources for all portions of this standard.</p>		
Observation	All	SINA
<p>10896: •My only thing in terms of challenge – the language barrier at times.</p> <ul style="list-style-type: none"> <li>•No difference for language for someone who is American compared to someone who has an ICE hold. We have the mechanisms in place with the language line</li> </ul>		
Observation	All	SINA
<p>14002: We don't have people who are LEP.</p>		
Suggestion	All	Advocate
<p>12040: •Interpreters must be non-interested parties, particularly during an investigation of sexual assault. There should be no conflict of interest for staff serving as interpreters.</p>		
Suggestion	All	Advocate
<p>14: I suggest that the 2nd paragraph, 1st sentence be revised as follows: “ Accessing the language and communication needs of the inmate population and developing policies and protocols to address those needs will help staff ensure the safety of inmates <i>who are</i> LEP, deaf, mentally ill, speech-or sight impaired, and illiterate.</p>		

**Public Comment Report**  
**Prison/Jail**  
**PP-4: Language access**

Type of Comment	Standard Components	Source
Suggestion	Discussion	Advocate

13347: •Add a sentence from the PP-4 Juvenile standard to the end of the Discussion: “Especially for inmates under age 18, facilities should consider the same issues with regard to communicating with inmates’ families, bearing in mind that the families’ language capabilities may differ from those of the inmates.”

Suggestion	All	Advocate
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13575: The Standards should ensure, at a minimum, that the following communications must be made in a language that the inmate understands and, if possible, should be made in a language that the inmate requests: 1) orientations and explanations of policies and practices dealing with sexual abuse including its prohibition, reporting requirements, investigations and discipline; 2) communications with sexual abuse response teams (SART’s), and 3) communications with investigators. The Standards should also require that this critical information be conveyed both in writing and orally given the limited literacy rates of many prisoners. Finally, there should be an unambiguous requirement that investigators speak to victims and witnesses in the language in which they are most comfortable.

Suggestion	Checklist	Advocate
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13576: The Checklist should require, not merely “take steps to ensure,” that all staff are able to communicate with inmates and vice versa; and more specifically, it should ensure that all investigators are able to communicate with victims and witnesses and have done so in the language requested by the inmate. The Checklist should require the Agency to have all inmate materials about sexual abuse available in the languages of all inmates identified as living in that jurisdiction.

Suggestion	Checklist	Corrections Professional
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11422: PP-4, Compliance Checklist 7: (a)(b)(c)(d) should be combined into a single standard which states "Has the facility head taken steps to ensure that inmates and staff are able to communicate with each other".

Suggestion	Standard Statement	Corrections Professional
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11713: PP-4: Lanugage access page 24

Request Change of Language to State: Accommodations are made to convey all relevant information verbally to inmates with reading skills or who are sight-impaired anytime alleged sexual assault has occurred.

Suggestion	All	Corrections Professional
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12731: LEP terminology is more confining and restrictive than ESL, hence, the focus should concentrate on ESL standards. It is strongly recommended that we look at ways to attract more bi-lingual staff in Corrections to eliminate the possibility of miscommunication and general response time to an offender who is deaf or hard of hearing or with limited English language skills

Suggestion	All	Corrections Professional
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12980: Language access, pg 20, “noninmate” – Comments: change to non-inmate

Suggestion	Checklist	Corrections Professional
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13028: This question is not specific as to time nor is it realistic to assume, given the diversity of our culture as well as inmate population, that all languages spoken by inmates at all times will be readily identified by the facility.

Suggestion	All	Corrections Professional
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13155: PP-4: Language access: This is already an ACA standard. If an agency is ACA accredited then we recommend the ACA certification as proof this standard is met.

**Public Comment Report**  
**Prison/Jail**  
**PP-4: Language access**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
13157: In this standard it is recommended to change the word "deaf" to "hearing impaired" to cover a wider range of hearing problems.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
13158: PP-4, Compliance Checklist 7, (a): Recommend omitting this item. What is the purpose of identifying all languages spoken by inmates? The communication process with an inmate usually involves finding the major language that is spoken.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
13160: PP-4, Compliance Checklist 7, (b&d): Change the word "deaf" to "hearing impaired" to match the suggested standard rewording.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
13162: PP-4, Compliance Checklist 7, (c): Remove the work "all" which implies every staff member in a given facility can speak all the major languages.		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
13792: Would the commission consider the following word change to the final sentence of the discussion in this section? never appropriate for inmates to serve as translators for other inmates when confidential matters are discussed as it compromises confidentiality and places some inmates in a position of undue authority and influence over others.		
<b>Suggestion</b>	<b>All</b>	<b>Individual</b>
12436: While many languages are spoken in the U.S. and it is essential for prisoners to be able to understand what is happening to them, specifically include reference to Spanish.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
11011: We have the NIC training videos but need more resources.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
12184: PP-4: This would be another huge advance, and it would affect not only the victims or potential victims of sexual abuse, but all incarcerated people with communications barriers, whatever their urgent needs might be -- whether for protection from violation or for medical or mental health care or other urgent issues		
<b>Support/Agreement</b>	<b>All</b>	<b>Labor Union</b>
13670: This standard identifies a skill-set valuable for any corrections staff to possess, regardless of PREA's mandates.		
<b>Unintended Consequence</b>	<b>All</b>	<b>Government</b>
11830: An absolute prohibition on the use of inmates as translators could affect the detection and investigation of and the provision of medical care and response to sexual assaults because an inmate may change his or her mind about reporting an incident if he or she has to several hours for an interpreter.		



**Public Comment Report**  
 Prison/Jail  
 PP-5: Staff qualifications

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
11742: Corrections systems should be required to examine an applicant's employment history. Based on the draft standards (specifically PP-5), officials who engaged in sexual abuse and then resigned in lieu of disciplinary action will easily be able to obtain employment in another corrections system.		
Concern/Disagreement	All	Corrections Professional
10784: seem to be legally problematic to refuse employment for previous allegations of harassment, domestic violence, etc. without substantiated evidence or conviction.		
Concern/Disagreement	All	Corrections Professional
10843: Requiring correctional applicants to waive ALL their rights to claim libel, slander, or defamation over reaches the scope of the agency. While it may be legal to ask the individual to waive his/her rights to sue the DOC, asking him/her to waive rights to sue a third-party for defamation, etc. is overreaching		
Concern/Disagreement	Discussion	Corrections Professional
11396: PP-5, Discussion: The MDOC should be free to exercise flexibility and authority in making human resource decisions while protecting the rights of applicants and staff. PREA standards should not dictate or require that applicants and staff waive their legal rights as a condition of employment or promotion.		
Concern/Disagreement	Checklist	Corrections Professional
11423: PP-5, Compliance Checklist 8 (a)(b): These standards are another attempt to micro- manage the human resources and staffing functions of a correctional agency. These standards should be eliminated since they exceed the scope of the Prison Rape Elimination Action of 2003.		
Concern/Disagreement	All	Corrections Professional
11462: Standard PP-5 creates an unattainable standard for hiring. It states,... the Agency take into account a prospective employee's, "history of engaging in sexual abuse, and any other previous conduct that suggests a likelihood of engaging in sexual abuse... we can find no research that would enable us to predict what suggests a likelihood of engaging in sexual abuse... limited by what is on the public record. There is no central registry of persons accused of sexual abuse in prior employment or of persons terminated for that reason... The Standard should refer to "best efforts," and allow us to rely on obtainable records.		
Concern/Disagreement	All	Corrections Professional
11494: "Agency must ask job applicants to sign waivers stating that they waive all of their legal rights to claim libel, defamation or slander regarding the information given during reference checks...Refusal to sign may result in applicant's immediate disqualification from consideration of employment." P. 21		
Impact: Many agencies use the Automated Pay System to make employee verifications; now the prospective employer must contact the current or previous employers and typically, current and past employers will not release this information.		

# Public Comment Report

Prison/Jail

PP-5: Staff qualifications

Content of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Corrections Professional
11569: (b) It appears that this point requires that the agency conduct criminal background checks during all performance reviews of employees, including mid and final probation evaluations and annual performance evaluations. This point also appears to require a criminal background check prior to promotion of an employee. This will require a dramatic increase in criminal background checks for sizable facilities.		
Concern/Disagreement	All	Corrections Professional
12629: PP - 5: Staff Qualifications: There are standards in place in terms of hiring that are established through policy, statute and Equal Employment provisions. Question as to unclear what is required as it relates retention of staff with a history of engaging in sexual abuse.		
Concern/Disagreement	All	Corrections Professional
12698: Though BCA background checks occur for new hires, doing so for promotions or annual performance reviews seems excessive.		
Concern/Disagreement	All	Corrections Professional
12732: A standard requiring criminal history checks for promotional decisions and performance reviews is an unnecessary administrative burden that would require speculation and decision-making based on interpretation of past records, and open the agency up to data practice challenges. This would create union opposition and likely need to be a negotiated contractual issue. This standard would require significant staff resources to come into compliance.		
Concern/Disagreement	All	Corrections Professional
12733: This standard appears to promote the use of an "uncharged" offense in a hiring decision, which is in conflict with the Minnesota Rehabilitation Act, Chapter 364.		
Concern/Disagreement	All	Corrections Professional
12885: Staff Qualifications (PP-5) presents significant challenges. While the Department conducts criminal background checks, there is usually no way to verify previous misconduct. Additionally, conditioning employment on a waiver of the applicant's rights established by other laws is probably suspect or illegal.		
Concern/Disagreement	Checklist	Corrections Professional
13123: If allegations alone are taken into account for retention and promotions, it could be depriving staff of a property right without the opportunity for due process. This could create a legal liability for the agency.		
Concern/Disagreement	All	Corrections Professional
13325: It is unclear what is meant by previous conduct that "suggests a likelihood of engaging in sexual abuse." This is a subjective standard.		
Concern/Disagreement	All	Corrections Professional
13435: It seems that denying an individual continued public employment or promotion based upon unproven allegations is in conflict with state and federal fair labor standards. It is inappropriate to make such sweeping recommendations absent legislative action in this area.		

**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

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

13493: PP-5: Staff Qualifications. The state's hiring procedures must adhere to Civil Service standards. Criminal histories are normally discovered through a background check; however it would be difficult obtaining information concerning potentially abusive behaviors. Additionally, during the hiring process it is not likely that a determination could be made regarding the potential employee's commitment to PREA goals.

Concern/Disagreement	All	Corrections Professional
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13497: 4. Often, when a corrections employee exhibits sexual misconduct, the agency will accept a resignation to ensure that the employee does not get reinstated through the grievance / arbitration process. The Department has a concern regarding negligent referral in the event that one of these employees applies for a job with another corrections agency. If we only tell the other agency that the employee resigned, he or she may be able to repeat this type of misconduct.

Concern/Disagreement	All	Corrections Professional
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13512: PP-5: This whole section doesn't deal with qualification but rather "disqualifications." The standards should be written to address what competencies candidates must have. Examples such as noted below must be modified and be more specific. As currently written they are vague and subjective.

Concern/Disagreement	All	Corrections Professional
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13514: The standard language does not comport with Federal EEO and state requirements. There are mitigating factors and considerations involved when making a hiring decision. The standards should focus more specifically on specific documented actions and activities that may screen someone from a position such as "applicants must not have been convicted of a crime involving sexual abuse."

Concern/Disagreement	All	Corrections Professional
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13517: Another standard suggests screening applicants for any other conduct that suggests a likelihood of engaging in sexual abuse. This requirement is vague, indefinable, not discoverable through established selection process tools and not appropriate as a standard.

Concern/Disagreement	All	Corrections Professional
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13518: Using a history of allegations, rather than verified documented complaints is not appropriate and should be eliminated as a standard as well. The standards should focus on documented, investigated and substantiated complaints involving sexual abuse or misconduct or harassment.

Concern/Disagreement	Discussion	Corrections Professional
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13519: Standard discussion also suggests an expectation that agencies utilize a job applicant waiver that requires applicants to "waive all of their legal rights to claim libel, defamation, or slander regarding the information given during reference checks." This standard is coercive, inappropriate, subject to legal challenge and attempts to take away an applicant legal rights. The requirement will result in increased legal challenges and costs to agencies.

Concern/Disagreement	Checklist	Corrections Professional
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13554: Checklist 8: Criminal history checks are done at the time of hiring. This standard is not necessary as it is a normal function of hiring for criminal justice agencies.

**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Concern/Disagreement</b>	<b>All</b>	<b>Corrections Professional</b>

13736: The discussion section of this standard recommends that prospective employees waive certain rights in regard to reference checks. The Legal Unit addresses this standard in their comment. The recruitment efforts of our facility and parent agency would greatly be affected by this waiver of rights.

<b>Concern/Disagreement</b>	<b>All</b>	<b>Corrections Professional</b>
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13751: It would be difficult to have prospective employees sign a wavier prior to interviewing. This could pose problems with Unions and staff in general.

<b>Concern/Disagreement</b>	<b>All</b>	<b>Corrections Professional</b>
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13756: Many agencies use the Automated Pay System to make employee verifications; now the prospective employer must contact the current or previous employers and typically, current and past employers will not release this information.

<b>Concern/Disagreement</b>	<b>All</b>	<b>Corrections Professional</b>
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13939: Standard PP-5, Staff qualifications, also drew significant concerns, Background checks for various job applicants are completed prior to COCR hiring into different positions, but the extent of the background check differs with each job classification.

<b>Concern/Disagreement</b>	<b>All</b>	<b>Government</b>
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13931: *any other previous conduct that suggests a likelihood of engaging in sexual abuse.* The language that we have highlighted is vague and troubling. It is not clear how narrowly or broadly correctional agencies are to interpret "conduct that suggests a likelihood" of engaging in sexual abuse. If interpreted broadly, it would result in time consuming and resource intensive additions to the applicant screening process and employee performance review process.

<b>Concern/Disagreement</b>	<b>Discussion</b>	<b>Government</b>
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11832: Typically, the only routine or regular review of employees occurs during performance evaluations. The discussion seems to indicate that employees could be asked about previous misconduct during their performance reviews. Such questions are investigative and have nothing to do with performance. It is troubling that the standard contemplates a routinized review of all employees' misconduct in order to meet the "proactive policy" described in the discussion.

<b>Concern/Disagreement</b>	<b>Checklist</b>	<b>Government</b>
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11893: **Compliance Checklist 8(b)**

This item indicates that staff performance reviews and potential for promotion must take into account any history of repeated allegations which may indicate a likelihood of engaging in sexual abuse. Only sustained misconduct should be used for purposes of taking disciplinary or administrative action against an employee, to include performance evaluations that might include statements that would serve as a barrier to promotions. Manipulative inmates could harass employees with multiple allegations that, while being investigated, could be held against the staff member during his or her performance review.

<b>Concern/Disagreement</b>	<b>All</b>	<b>Government</b>
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11894: Use of "history of repeated allegations" is not appropriate when reviewing for retention and promotion when standard of guilt is lowered to preponderance of the evidence.

**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Labor Union
13674: One concern here is the general catch-all language that seems to leave a great deal of discretion to determine what past conduct might "suggest[] a likelihood of engaging in sexual abuse."		
Concern/Disagreement	All	Professional Organization
11330: This "Standard" is unnecessary as jails already have in place hiring standards based on EEOC regulations. 2. Jails already take into account the criminal and behavioral history of applicants which further negates the need for this "Standard".		
Concern/Disagreement	All	Professional Organization
11331: Asking a potential employee about their personal sexual histories is an invasion of their privacy and there should be no requirement that any person be expected to waive all of their legal rights in order to have an opportunity to be employed.		
Concern/Disagreement	All	Professional Organization
12457: The proposed standards related to personnel issues - hiring, promotion, discipline, and gender specific work assignments -- are wholly intrusive on the legal prerogatives of sheriffs and present significant issues relating to equal employment opportunity and basic fairness for employees. Additionally, the proposed standards are shallow, seeking solutions through heavy-handed personnel policies.		
Concern/Disagreement	All	Professional Organization
12489: The proposed standard is overreaching and intrusive. The elements of the proposed standard are subjective and not objectively measurable. For example, what is the objective measure for a staff member's commitment to PREA's goals? Or is it possible for an agency to not promote an otherwise qualified person because that person has not "committed" to PREA's goals? It might be helpful in the resource guide to provide a pre-employment checklist to agency's to use to provide ideas on employee screening.		
Current Practice	All	Corrections Professional
13649: Currently, all employees are subjected to NCIC criminal background checks. Custody staff is pre-screened during the on-line application process for domestic violence and child abuse specific crimes.		
Observation	Standard Statement	Corrections Professional
13848: The phrase "suggest a likelihood of engaging in sexual activity" is very broad and almost impossible to detect. The person determining the "likelihood" would require a clinical background and at best a subjective opinion.		
Observation	All	Corrections Professional
13923: There needs to be clarification of the statement "any other previous conduct that suggests a likelihood of engaging in sexual abuse".		
Observation	All	Individual
10408: In my opinion, funding needs to be on: a stricter hiring methods of correctional officers, monthly training for officers and hidden cameras throughout prison facilities that no officer is aware of.		
Question	All	Corrections Professional
11493: How does an agency effectively establish an employee is committed to PREA goals?		

**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Question</b>	<b>Standard Statement</b>	<b>Corrections Professional</b>
12906: How is a candidate's undocumented "...likelihood of engaging in sexual abuse." to be assessed by the hiring agency?		
<b>Question</b>	<b>All</b>	<b>Corrections Professional</b>
13755: How does an agency effectively establish an employee is committed to PREA goals?		
<b>Question</b>	<b>All</b>	<b>Government</b>
13372: There is insufficient guidance provided as to how selecting officials or supervisors would gather information to conclude these factors and seems unrealistic in its expectation, unless it is already a matter of record. It is unclear whether such information can be questioned of applicants for federal positions (an initial inquiry about this to the HRO liaison indicated that further research is needed to know if this level of interrogation would be permitted).		
<b>Question</b>	<b>Discussion</b>	<b>Labor Union</b>
10654: page 21, PP-5: Staff Qualifications, Discussion, Why does the Commission require that applicants wave ALL of their legal rights?		
<b>Suggestion</b>	<b>All</b>	<b>Academic</b>
12944: Suggests that hiring procedures contain some reference to PREA and its goals.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
11: Corrections staff are the ultimate enforcers of human rights in detention and, as such, must adhere to the highest possible professional and ethical standards. Hiring decisions must be based on a thorough review of an applicant's background. The draft standard for staff qualifications (PP-5) screens for egregious concerns, such as criminal history, history of engaging in sexual abuse, and other prior conduct suggesting a likelihood of engaging in abuse, but SPR urges the NPREC to make this standard broader.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Advocate</b>
11743: • Criminal history should be clearly identified as a basis for termination during staff performance reviews, rather than merely "taken into account," as stated in compliance checklist 8, for standard PP-5.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
11917: •Hiring/promotion procedures should also screen for staff with bias against LGBT people, including people who believe the myth that LGBT people are sexually predatory or promiscuous by nature.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12041: •The Standards correctly identify that in hiring and promoting correctional officers, the goal is to screen for staff who are able and willing to treat prisoners with dignity and respect their rights, and that to achieve that, the history of sexual assault of candidates for hiring or promotion should be evaluated and taken into consideration. However, in light of a history of discrimination and targeting LGBT people for criminalization as sex offenders, we recommend that having a conviction for a sex offense should not be an automatic bar to employment. Instead, we recommend that appropriate weight should be given to the underlying circumstances of the situation that led to conviction and to the rehabilitation of the person as well. Evaluations should also include positive hiring and promotion factors as well, such as evidence of an ability to work appropriately and effectively with transgender people, people of color, LGB people, people with disabilities, immigrants, etc., and experience and skills in responding to sexual assault.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12: •Hiring and promotion procedures should screen out potential staff with bias against LGBT people, including people who believe BT people are sexually predatory or promiscuous by nature		

**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

Type of Comment	Standard Components	Source
Suggestion	All	Advocate
12043: •The Standards should suggest providing incentives and rewards for staff that protect prisoners and follow the facility's guidelines to prevent sexual abuse.		
Suggestion	All	Advocate
12044: •The Standards should specify that staff who are unable to comply with the zero-tolerance policy or who influence other staff to not comply, should be demoted, passed up for promotion, or terminated according to existing procedures.		
Suggestion	Standard Statement	Advocate
13348: Amend the second sentence of the Statement to read: "Agency hiring and promotion decisions must take into consideration any criminal history, any history of engaging in domestic violence or child abuse or neglect, any history of engaging in sexual abuse, and any other previous conduct that suggests a likelihood of engaging in sexual abuse."		
Suggestion	Checklist	Advocate
13385: •Amend Checklist 8(a) – second bullet to read: "Any history of engaging in sexual, domestic, or child abuse; crimes against children; or failure to protect children." This language more closely mirrors Checklist 8(a) from the Juvenile standards.		
Suggestion	Standard Statement	Advocate
13578: First, if an employee who has passed through this screening process is later discovered to be involved in sexual abuse, the screening process should be reexamined and modified; the Standard should specify this. (Alternatively this suggestion could be made part of RP-9, which requires facility reviews of incidents of abuse to determine if any policies or procedures need to be revised).		
Suggestion	All	Advocate
13579: Second, we are concerned that a loophole exists in this Standard which permits officials who engaged in sexual abuse and then resigned in lieu of disciplinary action to obtain employment in another corrections system. To remedy this loophole, corrections systems should be required to examine an applicant's employment history, including any termination memoranda from prior correctional employment.		
Suggestion	Checklist	Advocate
13581: Third, this Standard should be strengthened, so that any criminal record relating to sexual abuse or of a history of engaging in sexual abuse will prevent the hiring, retention, or promotion of an employee, rather than merely being "tak[en] into account," as stated in Checklist 8.		
Suggestion	All	Corrections Professional
11988: PP-5: Staff qualifications - The agency does take into consideration an applicant's prior history of sexual abuse, sexual harassment and/or other behavior such as domestic or child abuse. It is difficult to measure a person's commitment to PREA goals. It is recommended that the Commission rewrite this standard to address a staff member's prior history and avoid discussion of their commitment to the PREA initiative.		
Suggestion	All	Corrections Professional
12139: It is difficult to measure a person's commitment to PREA goals. It is recommended that the Commission rewrite this standard to address a staff member's prior history and avoid discussion of their commitment to the PREA initiative.		

**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Suggestion	All	Corrections Professional
12550: Recommend the commission consider limits on direct questioning about previous misconduct by rewording the standard to read, "The agency should direct background checks be performed on applicants and employees and reviewed for potential problems before hiring on promoting staff. "		
Suggestion	All	Corrections Professional
12734: Other options to achieve this type of standard would be to incorporate into policy a provision that allows random checks of staff under the guise of reasonable suspicion or the reporting of a complaint. For example, if an offender accuses a DOC staff of sexual abuse, as part of the investigatory process, a background check is completed. It could also include mandatory supervisory inquiry directly to the staff member at the time of promotion or performance review.		
Suggestion	Checklist	Corrections Professional
12738: CC-8(b) – A suggested addition to the first bullet of (b) would be, "Any reported or otherwise discovered criminal history."		
Suggestion	All	Corrections Professional
12829: It is difficult to measure a person's commitment to PREA goals. It is recommended that the Commission rewrite this standard to address a staff member's prior history and avoid discussion of their commitment to the PREA initiative.		
Suggestion	All	Corrections Professional
12873: The Commission should change this standard to require criminal background checks and reference checks but not to require waivers or interview questions about sexual behavior of applicants.		
Suggestion	All	Corrections Professional
13020: The Commission should change this standard to require criminal background checks and reference checks but not to require waivers or interview questions about sexual behavior of applicants.		
Suggestion	Standard Statement	Corrections Professional
13164: PP-5: Staff qualifications: Recommend rewording this standard to read: Agency hiring decisions must take into consideration any criminal history, any history of engaging in sexual abuse and misconduct.		
Suggestion	Checklist	Corrections Professional
13165: PP-5, Compliance Checklist 8,(a): Omit the bullet point about: Any other previous conduct that suggests a likelihood of engaging in sexual abuse.		
Suggestion	Checklist	Corrections Professional
13167: PP-5, Compliance Checklist 8,(b): Omit (b). This information is confidential and will not always be available or accessible for an audit.		
Suggestion	Standard Statement	Corrections Professional
13169: The commission should consider clarifying what "...any other previous conduct..." means.		



**Public Comment Report**  
**Prison/Jail**  
**PP-5: Staff qualifications**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>Standard Statement</b>	<b>Corrections Professional</b>
13900: The phrase "any other previous conduct that suggests a likelihood of engaging in sexual abuse" should be deleted.		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
13901: The requirement to obtain a waiver should be eliminated. As written, it only protects the employer providing the adverse information, but not the entity, which relies on the information.		
<b>Suggestion</b>	<b>Discussion</b>	<b>Government</b>
12587: The subgroup recommends the development of a specific protocol for the release of information regarding former or current employees including a waiver that is specific to incidents of sexual or physical abuse. For example, the waiver should state that employers are allowed to release information related to concerns regarding prior <i>acts of sexual or physical abuse</i> rather than a broader release of information.		
<b>Suggestion</b>	<b>All</b>	<b>Government</b>
12588: We recommend that state agencies develop a similar registry that lists staff with a documented history of physical or sexual abuse. Potential employers would have access to the registry when conducting background investigations of new hires.		
<b>Suggestion</b>	<b>Discussion</b>	<b>Labor Union</b>
10655: Maybe the Commission should say "may" instead of must on page 21. ("In jurisdictions where prospective employers are limited in what they can ask of previous employers during a reference check and to the extent permitted by state law, the agency <b>MUST</b> ask job applicants to sign waivers stating that they waive all of their legal rights to claim libel, defamation or slander").		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10300: -PP-5 (Staff qualifications): Hiring and retention requirements could be must more stringent. You could require psychological testing. Separate hiring and retention from promotion. They're separate things. None of us wants to promote someone who does this stuff. If you're doing more at hiring, you shouldn't have someone who does this stuff up for a promotion.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10301: -PP-5 (Integrated information systems): This is too much telling me that I have to have a computer system.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
12185: PP-5: Similar hiring and retention policies are mandated by SMRTP 46(1)-(3), which requires: "The prison administration shall provide for the careful selection of every grade of the personnel." SMRTP 46(1). "The prison administration shall constantly seek to awaken and maintain in the minds of both of the personnel and of the public the conviction that this work is a social service of great importance . . . ." SMRTP 46(2).		
This is a very important standard. After abuse at the Texas Youth Commission was uncovered last year, criminal backgrounds of numerous staff accused of sexually abusing the youth, were revealed.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
12591: The Commission should strongly encourage that this particular standard remain intact as a person's history not only of sexual abuse, but of domestic violence or child abuse, can be an extremely important to insight into the person's potential relationships with subordinates in an authoritative relationship.		

**Public Comment Report**  
 Prison/Jail  
 PP-5: Staff qualifications

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Support/Agreement	Discussion	Government
12586: The Vulnerable Populations subgroup strongly supports the statement regarding failure of an agency to meet zero-tolerance goals if it employs, retains, or promotes staff who demonstrated abusive behavior.		
Support/Agreement	All	Labor Union
13676: Council 75 is generally supportive of specific, verifiable and transparent job selection criteria that minimize subjective hiring judgment-calls. Council 75 is also generally supportive of consistent hiring standards which provide candidates with an appropriate background and capabilities for the job.		
Unintended Consequence	Checklist	Corrections Professional
13287: PP-5. On Checklist 8, part b - for the purpose of staff retention or promotion - the history of allegations is to be considered.		
Taken literally, agencies could be adversely impacting a property right of staff without the opportunity for due process if promotion decisions are impacted by allegations alone (as opposed to incidents involving confirmed misconduct).		
Unintended Consequence	All	Corrections Professional
13849: The legal waiver requirements mandate potential staff to sign waivers that are indiscriminate and may unfairly require them to give up rights for consideration of employment.		
Unintended Consequence	Discussion	Government
1333: Some states may limit the ability to waive future harms, rendering these agreements unenforceable. Further, if the applicant gives a negative reference is based on discriminatory reasons, courts or the Equal Employment Opportunity Commission might not permit an individual to waive future acts of discrimination based on public policy reasons.		
Unintended Consequence	All	Labor Union
13677: In addition, the economic impact of modifying promotional selection criteria will trigger the Union's right to bargain over the impact of any such changes.		

**Public Comment Report**  
 Prison/Jail  
 PP-6: Integrated information systems

Content of Comment	Standard Components	Source
13585: Consistently with our belief that integrated information systems are critical, we are concerned that the qualification "where possible" in the Opening Statement invites exploitation. What determines whether or not data collection is possible? No guidance is given. This is an example of the need for the Standards to be clarified to establish what level of non-compliance will be countenanced and for how long before there are consequences.	Standard Statement	Advocate
11397: PP-6, Discussion: Using an automated data base system which shares information "across facilities" without a need to know will compromise the confidentiality of the department's data management system, and erode privacy of staff and prisoner records.	Discussion	Corrections Professional
11495: The Department's current system lacks the technological capability to qualify as an "automated database system." The development of this type of system would be labor intensive, expensive and cannot be implemented immediately.	All	Corrections Professional
12630: PP - 6: Integrated Information Systems: Even in systems that have a more up to date integrated management information system, there would be a need for modifications to the existing systems to meet the requirements proposed in the standards. Smaller jails lack the resources to accomplish the tasks outlined in this section. There would need to be some level of fiscal allocation in order to develop the software capacity, data base linkages, training and maintenance of such a system	All	Corrections Professional
12908: The proposed standard would impose substantial additional costs compared to the costs presently expended by state prison authorities to develop new software and a database to share data in an integrated information system across facilities statewide.	All	Corrections Professional
13093: Data collection could prove to be a problem for all jails, but especially smaller facilities.	All	Corrections Professional
13753: Currently, our Department does not have an integrated information system. Due to budget constraints, the funding of an integrated system for all our facilities to implement and maintain will be difficult to meet at this time.	All	Corrections Professional
13940: Standards PP-6, Integrated information systems, and PP-7 Use of appropriate monitoring technology, were both questioned as viable standards due to current fiscal constraints.	All	Government
13375: Seems that it would have potential for release of sensitive/confidential information. CORMIS capability already captures information required for consolidated annual sexual violence reports, this addition seems excessive	All	Government

**Public Comment Report**  
**Prison/Jail**  
**PP-6: Integrated information systems**

<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Concern/Disagreement	All	Labor Union
13679: ODOC will need an agency-wide hardware and software system that will require extensive design input and testing by staff in a variety of relevant classifications. Difficulties exist whereby access to the Information System may be sparse or restricted which may need to be addressed in order to better facilitate compliance with this standard. Once deployed, end-users may require additional training and education to become adept with utilizing the system as envisioned by this standard.		
Concern/Disagreement	All	Professional Organization
11332: This will require a significant modification of our existing jail management system and may be a difficult standard with which to comply. 2. Small jails lack the resources necessary for sophisticated management information systems so this places a significant burden on them to achieve compliance. 3. A manual paper-based system can be as effective if properly maintained, filed and stored.		
Concern/Disagreement	All	SINA
10281: It needs to be comprehensive. We need to soften the language but not the standard. For example, IT. We are promoting an IT system; I don't really care if they have an IT system. Can it be a notebook that captures the data and they keep it in the Wardens office? Fine. That still happens because paper and pen systems are still in place around the country.		
Concern/Disagreement	All	SINA
10964: P: This is a challenge and we can't do this. There is a strategic information system but it will be years before this is implemented. We need a excel spreadsheet that everyone has – we can do this but we can't have an integrated database. This is unwieldy.		
Concern/Disagreement	All	SINA
13985: We cannot meet this and we can't for the next 3-4 years. This costs money and if it is our priority, something else is not being addressed.		
Current Practice	All	Corrections Professional
13651: This standard is achievable due to our NOTIS computer system. Some tweaking to the system and reporting process will need to be made as well as additional staff training. This would require additional funding.		
Question	All	Corrections Professional
12910: Does this standard require a database that has intra or inter facility operability?		
Question	Checklist	SINA
14004: Checklist 9 Integrated systems – does the integrated system include an automated database. This is not consistent with the standard, which makes it an option.		
Suggestion	All	Advocate
11744: State and county agencies in the same geographic jurisdiction should be required to develop integrated information systems, allowing for the tracking of information related to sexual abuse throughout an inmate's tenure behind bars.		
Suggestion	All	Advocate
18: •The Discussion of this Standard should specify that confidential medical information, such as HIV test results, <i>should not</i> be included in the integrated information system related to incidents of sexual abuse.		

**Public Comment Report**  
**Prison/Jail**  
**PP-6: Integrated information systems**

Type of Comment	Standard Components	Source
Suggestion	All	Advocate

13219: This standard should also include and contractors or subcontractors used by a facility. All contracts and subcontracts should require those entities to participate in the integrated information system.

Suggestion	All	Corrections Professional
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11724: PP-6, mentioned the use of an integrated information system.....

I would suggest that this system be developed by one group, maybe VERA, and shared for use by all correctional agencies.

Suggestion	All	Corrections Professional
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13806: we have elected to have a separate (independent) automated database for the storage of incident information involving inmates sexual assault/abuse and staff sexual misconduct. You may want to consider some allowance for agencies to create and maintain one or the other.

Suggestion	All	Professional Organization
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11333: If the Commission wishes to support data collection, they should, at a minimum:

- a. Cause the development of inexpensive software, including standard definitions, for agencies of all size to capture data;
- b. Provide funding to upgrade or establish jail information systems, including automated systems;
- c. Provide training for agency staff; and,
- d. Establish an evaluation process to assess the outcomes and effectiveness of such initiative.

Suggestion	All	Professional Organization
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12490: NSA supports data collection in order to allow agencies to track all serious incidents, provide data to the Bureau of Justice Statistics, and to measure progress. That should be the scope of the standard. The means and methods should be left to the agency head to determine. The language of the standard fails to appreciate the difference between multi-facility agencies, and single facility jails. How jails afford updated information systems is of concern, and while using desk-top spreadsheets are applicable, the staff to collect, analyze and report the data are not readily available.

Suggestion	All	SINA
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10302: Soften this language and give people a chance to do it another way.

Support/Agreement	All	Advocate
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12186: PP-6: An integrated information system, utilizing the latest technology, is essential to getting a complete grasp of the nature and extent of sexual abuse in prisons and ultimately to eliminating it. Sharing this information across facilities also should help prevent the occurrence of some instances of sexual abuse .

Support/Agreement	Standard Statement	Advocate
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13583: We commend the Commission for emphasizing the need for corrections agencies to develop integrated information systems, which would allow for the tracking and sharing of data related to the problem of sexual abuse. The creation of such systems will be an important step forward in the effort to eliminate sexual violence, but they must be developed across Agency lines, in recognition of the fact that many, perhaps the vast majority, of inmates have been held both in jails and in prisons. Moreover, State and county agencies in the same geographic jurisdiction should be required to develop integrated information systems, allowing for the tracking of information related to sexual abuse throughout an inmate's tenure behind bars.

# Public Comment Report

## Prison/Jail

### PP-7: Use of appropriate monitoring technology

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12277: Assuming RFID tracking would be implemented through having staff and prisoners carry cards with RFID chips, it seems entirely possible that staff in particular could leave their cards somewhere or have a friend hold them while they sexually abuse a prisoner elsewhere. Were that to happen, it would not only fail to improve monitoring and supervision, but it could actually make accurate identification of perpetrators more difficult and undermine investigations by giving staff a way to create false alibis.		
Concern/Disagreement	All	Advocate
12278: On the other hand, it would raise major legal and ethical problems were agencies ever to consider employing RFID technology by actually implanting chips into human skin. Such measures would violate the privacy, bodily integrity, and human rights of affected staff and prisoners. While this form of RFID tracking is not specifically mentioned or condoned in the current draft standards, neither is it specifically disallowed.		
Concern/Disagreement	All	Advocate
13586: This Standard does not clearly set out the degree to which an Agency must utilize technology, effectively allowing Agencies to achieve compliance with only the most minimal and ineffective efforts. Technology should play an essential role in reducing sexual assault in jails and prisons. Video cameras function both as a deterrent to abuse by staff and inmates, and as a critical means of assessing complaints. Without them, complaints of staff sexual abuse will usually come down to "he said, she said," with the officer inevitably being believed. Cameras are also an invaluable tool for enhanced supervision. While, as the Commission notes, wholesale real-time monitoring is not feasible, (which means that actual staff must be available to provide supervision and to help prevent inmate-on-inmate assaults), targeted, real-time monitoring or review of video recordings can be performed of individual persons about whom there are repeated complaints or reasonable suspicions.		
Concern/Disagreement	All	Advocate
13588: Yet this Standard does not explicitly require the use of technology and certainly does not set out any clear expectations about the scope or extent of any such requirement. The Standard requires only that "cost effective and appropriate technology" be used. The Checklist only asks the Agency to assess whether a facility has "weaknesses in security technology," and if so, to develop a Plan. Neither the Checklist (nor the Standard) lay out any objective criteria for determining this, nor does it ensure that once weaknesses are identified, they will be remedied in a timely manner.		
Concern/Disagreement	Checklist	Corrections Professional
10857: Check list 10, item d - this will be is very costly, with little gain.		
Concern/Disagreement	Discussion	Corrections Professional
11398: PP-7, Discussion: Not being able to achieve full compliance with the myriad of technological systems and tools proposed in the standards should not penalize an agency. State budget constraints often limit MDOC's capacity to expand or update technology.		
Concern/Disagreement	All	Corrections Professional
11478: Proposed Standard PP-7... the use of this technology entails substantial costs and the ongoing monitoring of the video feed is itself staff intensive and among the cost drivers we believe make these proposed standards violative of the statutory limitation. The discussion of that proposed standard suggests use of RFID systems which are as yet untested and untried. They are of unproven effectiveness and the Commission is ill advised to embrace a particular type of technology.		
Concern/Disagreement	All	Corrections Professional
11476: This is an unfunded mandate requiring additional surveillance systems such as the RFID system and implementation of radio frequency identification systems requiring extensive physical plant restructuring and additional staff.		

**Public Comment Report**  
**Prison/Jail**  
**PP-7: Use of appropriate monitoring technology**

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

11571: 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	All	Corrections Professional
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11617: I find the suggestion of mandatory staff 'chipping' problematic. Is 'chipping' of staff permissible as a condition of government employment and is it practical, especially in consideration of already high staff turnover rates in many prisons?

I find problematic the Commission's recommendation that RFID should be used to monitor staff movement, as with staff cards/tags or beeper-like devices. Will we soon be looking for a way to cuff the chip to an employee for during each shift? Will we move toward a requirement of non-removable attachment on the prison grounds but chip separation from staff at the end of shift, as with removable bracelets/wristbands?

Concern/Disagreement	Standard Statement	Corrections Professional
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11727: Who could afford this in all areas of their facilities?

Better version:

The agency continually monitors its sexual abuse prevention, detection, response, and monitoring efforts. Monitoring includes human staff supervision and may include the use of video monitoring systems and other cost-effective appropriate technology.

Concern/Disagreement	All	Corrections Professional
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12631: PP - 7: Use of Appropriate Monitoring Technology: There are cost implications for jurisdictions in the development and implementation of technology such as video surveillance systems

Concern/Disagreement	All	Corrections Professional
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12679: In some cases it would not be possible to have such tracking systems be effective due to the design of a facility and the programming opportunities (forestry work).

Concern/Disagreement	All	Corrections Professional
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12749: The proposed standard would impose substantial additional costs compared to the costs presently expended by state prison authorities.

Concern/Disagreement	All	Corrections Professional
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12911: The expense associated with installation of video security monitoring and RFID systems to monitor staff and inmate movement will be cost prohibitive for most local correctional facilities.

Concern/Disagreement	All	Corrections Professional
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12972: This is going to be a very costly endeavor, equipment, installation, and staff resources, to monitor and record.

**Public Comment Report**  
**Prison/Jail**  
**PP-7: Use of appropriate monitoring technology**

Name of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Corrections Professional
13029: The audit standard provides no objective measure by which that factor is to be measured and therefore leads to potential risk for significant disparity and response.		
Concern/Disagreement	All	Corrections Professional
13326: The MA DOC employs cameras in many of its facilities but does not have the funding to survey all areas of each facility. RFID systems are prohibitively expensive based upon the infrastructure which supports it. Also, BJS reports that most assaults are likely to occur in a victim or perpetrator's cell where cameras cannot see and tracking devices are of no use.		
Concern/Disagreement	All	Corrections Professional
13436: The standard seems to focus on the implementation of "cost-effective" systems, in particular RFID, without any realistic consideration of the expense associated with retrofitting a large correctional system's facilities.		
Concern/Disagreement	Checklist	Corrections Professional
13481: The audit standard provides no objective measure by which that factor is to be measured and therefore leads to potential risk for significant disparity and response.		
Concern/Disagreement	All	Corrections Professional
13483: PP-7: Use of appropriate monitoring technology. Tennessee has increased the use of security monitoring systems during the last several years and recognizes the value of utilizing these systems. With these systems comes a cost for continuous maintenance. Systems as the RFID (as suggested in the discussion) could be very costly if implemented system wide.		
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
13506: The draft standards suggest the use of automated, integrated information systems that allow for the tracking, storing and sharing of data related to incidents of sexual abuse. This would be very costly to implement.		
Concern/Disagreement	N/A	Corrections Professional
13547: PP-7 - Purchasing and upgrading monitoring systems to a RFID system would become cost inhibitive.		
Concern/Disagreement	All	Corrections Professional
13652: This standard is not achievable with our current prison facilities' age, design, and funding limitations. Grants have been submitted in the past but not funded in order to outfit every institution with cameras and recordable technology. If the federal government released funding so that these standards could be achievable, we would request this type of technology for our institutions statewide. Collaboration with county jails could also be reviewed.		



**Public Comment Report**  
**Prison/Jail**  
 PP-7: Use of appropriate monitoring technology

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
<p>13711: PP- 7 The acquisition of technology will have a significant fiscal impact. The KDOC two years ago studied the installation of RFID services for the maximum security unit of one facility. The cost estimate exceeded two million dollars. That level of cost extended over the entire Kansas correctional system makes the acquisition of that technology cost prohibitive.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13728: Some institutions have begun to update their VHS camera monitoring systems to digital systems, but due to budgetary constraints still have a few areas that are monitored using a VHS system. To update the remaining areas would be costly to implement and maintain. The implementation and use of an RFID tracking system would also be costly, would require round the clock staff monitoring, and could take a lot of time to implement.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13737: This is similar to PP-1. Again, significant expenditures would be required to acquire, install and monitor such equipment.</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>13758: This is an unfunded mandate requiring additional surveillance systems such as the RFID system and implementation of radio frequency identification systems requiring extensive physical plant restructuring and additional staff.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13821: Discusses the use of this equipment to a great length with no consideration to an agencies ability to fund the purchase or maintenance of the equipment other than RFID.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13850: May cause a significant financial burden as it is an unfunded mandate.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13906: Due to budget constraints and shortfalls, the ADOC will not be able to meet this standard.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13917: Use of appropriate monitoring technology- This standard will impose substantial additional costs on facilities for additional technical monitoring equipment.</p>		
Concern/Disagreement	All	Corrections Professional
<p>13940: Standards PP-6, Integrated information systems, and PP-7 Use of appropriate monitoring technology, were both questioned as viable standards due to current fiscal constraints.</p>		

# Public Comment Report

## Prison/Jail

### PP-7: Use of appropriate monitoring technology

Text of Comment	Standard Components	Source
Concern/Disagreement	All	Government
11834: Many correctional agencies make extensive use of video monitoring equipment, and, as the discussion section suggests, expansion of this equipment may not be cost-effective when taking into account the substantial increase in staff resources that would be needed to monitor the video displays sufficiently.		
Concern/Disagreement	All	Government
13377: While ideal to have such technology, it is not realistic to expect funding availability to effect its use throughout a facility.		
Concern/Disagreement	All	Labor Union
13681: Ultimately, while developing technology and other infrastructure enhancements show promise, agencies' ability to pay for such infrastructure appears dubious.		
Concern/Disagreement	All	Prisoner
12392: PP-7: This standard is one among many reflective of the Commission's misguided approach and erroneous belief that punishing sexual abuse in lieu of appropriate treatment is an appropriate means of eliminating this scourge.		
Concern/Disagreement	Discussion	Professional Organization
10667: Under the discussion of the monitoring technologies, it talks about using technology about being used to respond to prison sexual abuse; it sends the wrong message. It is not a "got you" kind of system, but one to eliminate sexual abuse.		
Concern/Disagreement	All	Professional Organization
1033: 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
12491: The standard sets an unfunded mandate for many jails and should be deleted unless funding is provided. Additionally, the term "other cost-effective and appropriate technology" is undefined.		
Concern/Disagreement	Discussion	SINA
10303: How would this help someone who is being abused if the person holding the information held on the RFID is the one doing the abusing?		
Concern/Disagreement	Discussion	SINA
10304: That would be one of those where the person, me, I am 100% into this stuff (standards) that one is too much – going too far.		
Concern/Disagreement	All	SINA
11540: I think it's one of those things that morale wise would be a downer for employees. Thinking that someone is right on top of your shoulder.		
Concern/Disagreement	All	SINA
12235: There is a lot of activity in the kitchen and commissary and in 2 rooms off to the side and to have cameras in these areas is cost prohibitive		

**Public Comment Report**  
**Prison/Jail**  
**PP-7: Use of appropriate monitoring technology**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
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.		
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
12703: Duty wardens are also required to check the fixed video cameras a minimum of once per week by viewing a sample segment of the recording from one (1) fixed video camera of each confinement/close management/protective management dormitory to ensure that the required thirty (30) minute security checks are being conducted.		
<b>Current Practice</b>	<b>All</b>	<b>Professional Organization</b>
10666: In VA, it's no different than anywhere else for sheriffs, but we also house people in the judicial building. We are constantly putting in cameras in the various areas to protect the inmates and the guards. Like David, we do have female staff in the male pods. We are very careful about rumors and concerns. As stated earlier, for sheriffs with small facilities, it is going to mandate additional staff for monitoring.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10427: 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.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
10477: •Although after the fact, the cameras are there for help. Not sure in terms of prevention.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
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.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
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.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11016: We are putting in new cameras and the DVR system, which puts us in compliance. We have technology not specifically to address sexual abuse but to enhance the overall security of our facility. We did geomapping to find out what our blind spots are in the facility. We will place another 20 cameras to complete this project. RFID systems are being considered as well.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
13981: Camera and monitoring has improved. I would like to be able to have special room for monitoring and audio any place in the facility. At present, our recording equipment is only up to 21 days. Some of our camera is not recorded. We have used the camera numerous times to validate claims by inmates. This has been great but we can only keep the film for 7 days.		
<b>Observation</b>	<b>All</b>	<b>Corrections Professional</b>
13060: The creation of new cottage industries is evident – private contractors in jails. Examples of these are monitoring equipment, auditors, recording and tracking technologies. In PP-7, the language sounds like an RFP.		

**Public Comment Report**  
Prison/Jail

PP-7: Use of appropriate monitoring technology

Content of Comment	Standard Components	Source
Observation	All, N/A	Corrections Professional
13076: Video monitoring system: Areas of concern include expense, quality of video, increased server space to store data, how long to store data, privacy rights, increased accusations of voyeurism. There is also the dangerous assumption that monitoring equipment is proactive and will prevent. It only records so an agency can react.		
Observation	All	Corrections Professional
13097: Inmates are prone to modifying monitoring equipment, i.e., covering the camera lens with paper or clothing, scratching the lens, etc. This alone will prohibit immediate response should an incident occur.		
Observation	All	Corrections Professional
13170: PP-7: Use of appropriate monitoring technology: It is not defined what "appropriate" technology means.		
Observation	All	Individual
10408: In my opinion, funding needs to be on: a stricter hiring methods of correctional officers, monthly training for officers and hidden cameras throughout prison facilities that no officer is aware of.		
Observation	All	SINA
10757: I talked them into putting cameras in women's pods. Shows the ones that are aggressive that we have an eye on them. Put a camera on them even if they do not cover every angle – they don't know that.		
Observation	All	SINA
10: only time that we even have to resort to technology over our deputies is when we have to lock everyone down. Inmates are not let without a deputy or staff member present. When they are locked down for the night – master control might take over a pod for a deputy to be gone for a minute, but every inmate cell has an intercom and master control can also look at the cameras		
Observation	All	SINA
10899: In all cases the cameras system is an added layer and precautions, but does not replace staff... Value to us is that the more you can show the cleaner, strive for transparency. Strive to have as many cameras as possible to show that things are being run well... agency uses camera monitoring... also hearing the initiative was not just PREA •That is correct, helps support a well-run facility		
Observation	All	SINA
11105: •In older facilities – this facility is almost 20 years old – the systems need to be upgraded. There are facilities across the US that do not even have cameras.		
Observation	All	SINA
14102: In some cases, officers are working very long hours 10-12 per day and officers may miss something.		
Question	All	Corrections Professional
10785: PP-7: Will funding be available for advancing facility technology?		
Question	All	Corrections Professional
13: what is feasible for supervision via RFID technology - what staff effort might this technology replace? What does this standard demand? Also, is there some preferred method of 'chipping' inmates using active chips/transponders (vs, passive ones)? Does the commission contemplate use of a wristband/wriststrap for inmates?		

**Public Comment Report**  
**Prison/Jail**  
**PP-7: Use of appropriate monitoring technology**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Question	All	Corrections Professional
11619: Is it permissible both to inhibit the job duties of (mainly) female staff members citing an inmate's privacy concerns (no cross-gender supervision when disrobed or performing bodily functions) and also to urge use of RFID technology as a condition of employment? These actions may raise Constitutional questions, more so when the actions are taken by a government employer.		
Question	All	Corrections Professional
13095: Cost – effectiveness as determined by whom?		
Question	All	Corrections Professional
13098: Will the federal government supply the required hardware and software to meet this standard? To do so would prohibit the monopolization by any one technology vendor.		
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
11073: Some items will be costly such as the radio id frequency system. Can we get grants for this?		
Question	All	SINA
11076: The design and construction will determine if you are in compliance. What about video cameras, if you have enough of these can you skip the radio requirement?		
Question	All	SINA
14100: My question is this – is the saying the RFID is a part of the standard and the facility has to purchase this system?		
Suggestion	All	Advocate
12187: PP-7: While the use of video recordings is an effective means of preventing and detecting abuse, videotaped images of prisoners in states of undress, performing basic bodily functions, or during searches are subject to abuse, and can become the means by which sexual exploitation occurs. To protect prisoners' privacy, strict protocols must limit access by prison workers to such recordings. Such protocols should explain whether cameras must be recording (rather than just viewing), how long recorded videos should be kept, how they are stored, who watches them, etc.		
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	All	Advocate
13349: •The Juvenile Standard Statement language is better because it calls for technology to be a supplement for direct supervision.		
•Amend the Statement to read: "The agency uses video security monitoring systems and other cost-effective and appropriate technology to support supplement the direct supervision of inmates and the agency's its sexual abuse prevention, detection, response, and monitoring efforts.		
•Amend first sentence of Discussion to read: "Video security monitoring systems and other technology are invaluable tools for eliminating and punishing sexual abuse in some facilities for preventing, detecting, and responding to sexual abuse."		

**Public Comment Report**  
**Prison/Jail**  
**PP-7: Use of appropriate monitoring technology**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>Checklist</b>	<b>Advocate</b>
13386: Add a question to Checklist 10: "Does the agency use technology only as a supplement, but not as a substitute, for actual, in-person supervision of staff and inmates?"		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
13589: If this Standard is to have any teeth, the Commission must require that cameras, supplemented by RFID and other technology, be used throughout facilities, especially in isolated areas where rape is known to occur, such as utility rooms and storage closets. By the same token, the accompanying Checklist should ask questions about whether cameras are used throughout the facility, whether RFID is used and for whom (staff and inmates) and where, and if other technologies are used. If cameras are not used throughout the facility, that should be considered non-compliance.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
11424: PP-7, Compliance Checklist 10, (a): This standard needs to be reworded to replace the word "prevent" with "deter."		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
11615: I am interested in whether reprogrammable chips can be utilized in a prison environment. I hope the Commission will work with the Corrections Technology Committee of the ACA to provide reliable information and feedback on these matters. ... It might prove helpful if the commission could work with ACA at some future point to provide an on-going review of RFID systems in prisons, measuring their real-world utility as sexual violence prevention measures.		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
12581: PP-7 The commission needs to change the word "punishing" in the first sentence of the discussion as video security monitoring systems don't punish		
<b>Suggestion</b>	<b>All</b>	<b>Labor Union</b>
11797: There should be a statement in the standards that makes it clear that technology should never be used as a substitute for adequate staffing. Monitoring technology has practical limitations which can often provide a false sense of security.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10965: This should be left open and should not specify in the discussion because there is new technology tomorrow.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10966: This is another standard that should say, "explore technology" but leave it open and not specify. This could be an aspiration of a standard. There should be elements of both but specificity would work against you.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
13983: This says that you have to have RFIDs and it should say "or".		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
14101: Some of the programs that were costly but some of these programs are the best ones in the nation. If the feds want this they should pay for it.		

**Public Comment Report**  
**Prison/Jail**  
**PP-7: Use of appropriate monitoring technology**

Type of Comment	Standard Components	Source
Support/Agreement	All	Advocate

13587: Similarly, as recognized by the Commission, RFID technology can play a pivotal role. It allows officials to know immediately when staff or inmates are in secluded areas or areas where they are not otherwise permitted.

Support/Agreement	All	Corrections Professional
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12678: WYDOC partially agrees with the standard. The department supports the idea of technology and monitoring inmates to prevent, detect and respond to sexual abuse.

Support/Agreement	All	Corrections Professional
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13705: Our Health Services would strongly support use of RFID devices to support an emerging e-MAR application.

Support/Agreement	All	SINA
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11541: On the other hand, on the investigative side, it would be a wonderful tool for all of these allegations these guys make about staff sexually assaulting them. It would disprove those things very quickly.

Support/Agreement	All	SINA
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13982: I would like to have RFID and fingerprint/eye scan in the facility. We would like to have security across the state that would allow us to follow the inmates wherever they went.

Unintended Consequence	All	Advocate
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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.

Unintended Consequence	All	SINA
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11106: •It is such a deterrent to have them. We will have an interview with someone and they deny everything. you then pull the video and they will confess

**Public Comment Report**  
 Prison/Jail  
 RP-1: Coordinated response team

Topic of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	Checklist	Corrections Professional
11439: RE-1, Compliance Checklist 25: The screening as currently proposed needs to be clarified to differentiate between the elements expected at intake versus subsequent transfers within a state system which has many facilities. To complete this level of screening upon each transfer would be redundant and overly burdensome.		
Concern/Disagreement	All	Corrections Professional
12750: • The proposed standard would impose substantial additional costs compared to the costs presently expended by state prison authorities.		
Concern/Disagreement	Checklist	Corrections Professional
13030: no mechanism is put in place to advise auditors as to how they would make that assessment and therefore we again see a risk of significant disparity and responses in the audit process.		
Concern/Disagreement	All	Corrections Professional
13437: Furthermore, the proposed standards are overreaching in setting forth who should be members and what their role should be.		
Concern/Disagreement	All	Corrections Professional
13654: Only one of our facilities has a coordinated response team that handles all types of incidents within our system. In order to obtain outside assistance, our agency would have to pay those outside agencies due to their federal funding restrictions. This would be a burden to this department at this time. Coordinated response teams inside our facilities could be attained with proper staffing and training. This type of response team is currently being reviewed. However, with the current budget crisis the State of Nevada is facing, this standard is not attainable.		
Concern/Disagreement	All	Corrections Professional
13754: Due the rural geographical locations of some of our facilities, the implementation of a complete Sexual Assault Response Team would not be feasible. Currently, there are only five S.A.N.E Nurses throughout the State of New Mexico.		
Concern/Disagreement	All	Corrections Professional
13829: No team exists in the MDOC. This is not feasible.		
Concern/Disagreement	All	Labor Union
13683: It is not clear whether such a multidisciplinary team would be staffed with management personnel or represented staff, or a mix of the two. This team and the forensic evidence-gathering and preservation contemplated by this standard may require additional, specialized training, and possibly additional staffing depending on the way any new job duties are assigned.		



**Public Comment Report**  
**Prison/Jail**  
**RP-1: Coordinated response team**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Concern/Disagreement</b>	<b>All</b>	<b>Professional Organization</b>

11334: The funding is not available for small jails to implement this "Standard".  
 2. The second sentence is not language for a standard because of "able" and "obtain", and the concept is captured in proposed standard RP-2.  
 3. The third sentence is unnecessary as it is addressed in proposed amendment to "Standard" DI-2.  
 4. The reference to the "Checklist" reinforces the nature of the "Checklist" as an extension of the "Standard".

<b>Concern/Disagreement</b>	<b>All</b>	<b>Professional Organization</b>
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12492: While NSA endorses this concept, but the funding is not available for most jails to establish, train and maintain such a team. Suggested memoranda of understanding, protocols, and other such templates would be an asset if included in a resource guide accompanying the finalized standards.

<b>Concern/Disagreement</b>	<b>All</b>	<b>Professional Organization</b>
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12493: Additionally, there are three standard statements in this proposed language. The second sentence is not language for a standard because of "able" and "obtain", and the concept is captured in proposed standard RP-2. The third sentence is unnecessary as it is addressed in proposed amendment to standard DI-2.

<b>Concern/Disagreement</b>	<b>All</b>	<b>SINA</b>
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10357: The problem comes into place when you can not reach an outside person. Do you pay them overtime, what if they are on vacation? It would be easier to have that person on staff. But what if they are on the regular work schedule, do you yank them from their schedule to work on a special project?

<b>Concern/Disagreement</b>	<b>All</b>	<b>SINA</b>
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10487: To me, I think, are we able to treat people here and people report to us issues, it is potentially a big problem to bring in outside people and it becomes confusing especially if you have a therapeutic relationship already established. We have a large therapeutic alliance set up with people – large percentage of people here on our caseload. It would be confusing to bring in outside people to just deal with sexual assault. We treat people with mental illness – there is a lot of crossover. Becomes confusing for figuring out what to treat, by whom and how. For places that do not have mental health on site maybe that is fine.

<b>Concern/Disagreement</b>	<b>All</b>	<b>SINA</b>
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11080: I understand that but there are some things that may not be possible and we don't have the immediate resources and we will need to justify some of this stuff. Such as the need for a SANE nurse which is many miles away.

<b>Concern/Disagreement</b>	<b>All</b>	<b>SINA</b>
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11219: •I truly believe we have it well covered. I know the trend is to go to those formalized teams. I think the system we have covers it pretty well. I have mixed feelings about the need for this... I think their response would be why are we going since we are already doing this? Why do we need to have an acronym for this?

<b>Concern/Disagreement</b>	<b>All</b>	<b>SINA</b>
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110: More is not better because word gets around the grapevine quickly between inmates to inmate. I would be worried about how many people you would have on this.

**Public Comment Report**  
 Prison/Jail  
 RP-1: Coordinated response team

Type of Comment	Standard Components	Source
Current Practice	All	Corrections Professional
12740: Minnesota DOC is currently exploring the creation of facility multi-disciplinary SART teams. We currently have on-call mental health coverage available as a resource to facility shift commanders and administrative duty officers during non-traditional hours. There has been no discussion of involving outside law enforcement on a facility SART team. To date, there has been a sufficient response time from outside law enforcement on matters they are called in on; however, no MOU exists currently.		
Current Practice	All	Corrections Professional
13174: State law requires an advocate to meet with the offender within 72 hours. We cannot require the advocate to be at the forensic medical exam if their agency or state law does not require this.		
Current Practice	All	SINA
10355: Someone reported an alleged sexual assault incident the other day. They reported it to me, I documented it, reported it to my supervisor and made a mental health referral and referred to the Chaplin. From that point, the Captain of our unit followed up and there was some form of investigation with the gentleman that was involved. Once there is a report that's when it all starts. We will isolate the individual if there is a need, we'll send in medical if there is a physical allegation. We don't do a full blown report if there isn't touching. This is 80% of our reports is the non touching ones. I will have one of my case managers investigating it and offer services. We will make a referral if they request it. If there is an actual physical, mental health and Chaplin all write up a report.		
Current Practice	All	SINA
10358: If something serious happens, we are lucky that we will have the police SAC team come in and this is what they do for a living. They will do their thing, give a report and we are done.		
Current Practice	All	SINA
10359: Legitimate things will be handled by the police and the hospital. A sexual assault kit will happen at the hospital. It covers us; it is a neutral party that is going to do everything. It's safer for us to do these things with others.		
Current Practice	All	SINA
10483: •Response generally is initiated by the medical staff. If someone says they have been a victim they are immediately brought to health services. We make sure they are treated for emergency health – not allowed to shower or change clothes. Our responsibility to be least invasive as possible just treating the immediate emergency needs. Need to not compromise the evidence. Inmate is then transported to BMC and treated there.		
Current Practice	Checklist, Discussion	SINA
10484: •I was looking at the idea of immediate notification of mental health. We have one gentleman that has claimed over 100 sexual assaults. He likes trips to the hospital. It would be fairly staff intensive. He might be telling the truth sometime. I think we will need to sit down and determine the mental health component right now instead of afterwards.		
Current Practice	Checklist, Discussion	SINA
10484: •I was looking at the idea of immediate notification of mental health. We have one gentleman that has claimed over 100 sexual assaults. He likes trips to the hospital. It would be fairly staff intensive. He might be telling the truth sometime. I think we will need to sit down and determine the mental health component right now instead of afterwards.		
Current Practice	All	SINA
10585: Investigations, mental health, officer who witnessed it, Boston Police sexual assault unit, DA's office, shift commander.		
Current Practice	All	SINA
10589: There's a protocol, if there's an allegation there's a checklist we give to the captain about who needs to be called, protecting the potential crime scene, collecting evidence. They contact Boston Police, investigators. Report generated about what happened and findings. We also produce findings about what we could have done better and what we need to do in the future. We might not reconvene the whole group but we will work on the specific issues raised.		

**Public Comment Report**  
**Prison/Jail**  
**RP-1: Coordinated response team**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Current Practice	All	SINA
10900: •Not officially called SART – but medical, chaplain, mental health – team of people to respond to this with their set of skills.		
Current Practice	All	SINA
10981: We inform the jail command staff and they make a determination to make an investigation. The Captain makes the investigation and makes a decision.		
Current Practice	All	SINA
11031: : The team that you're talking about is not specific to a set number like four per the unit.		
Current Practice	All	SINA
11036: We have victim's representatives here. We have four. We have the chaplain, the other three work in our classification department		
Current Practice	All	SINA
11060: We report to the director of mental health and she reports it to security and the warden. Not part of a team		
Current Practice	All	SINA
11087: We have an investigator and he comes out to do a report and may give information to the facility... We also investigate using the police and sheriff's department information is given to the DA's office.		
Current Practice	All	SINA
11092: •We have a team that meets every month to review medical, housing issues, inmates that might need special consideration... composed of medical and mental health, chief of security, unit manager and another manager – different people that can help		
Current Practice	All	SINA
11464: •Combination of a procedure and a team. Once we put things in place, and fine-tuned it – system of checks and balances. Team effort – we follow guidelines of the procedure. Make sure we do what we have implemented and what people have been trained to do.		
Current Practice	All	SINA
11592: Well, they have a response team here, and the wardens have a list of who can be on that team, and medical is not on that. Classification is, and chaplain's services, but not medical. So we hear about it afterward and so they can be reported to mental health to see if we need to get involved. We do have a response team, and we do have people on call for that, and they notify medical.		
Current Practice	N/A	SINA
11598: [If OIG requests rape kit], offenders are sent to the hospital downtown. And the on call nurse will meet them there, and OIG and security will escort the individual there, and if they request for a SART team member... And we do the visual, checking for trauma, so we'll do that before they go downtown. And we try to preserve the evidence. And the offenders have the right to refuse their lab work if they don't wish to have it done, they can sign a refusal.		
Current Practice	All	SINA
12286: We do not have a SART team on the grounds. We use Fresno Community Hospital (recently changed their name) they have the appropriate personnel and SART nurse – we deal with the initial response.		
Current Practice	All	SINA
1133: We are following these guidelines but we don't follow the name. We provide treatment and get the victims to the designated hospital and work with mental health and appropriate housing. Do we need to rename it? This is a community name SART – I'm not sure .. we need to call it a SART team. This is a process and perhaps not a team.		

**Public Comment Report**  
**Prison/Jail**  
**RP-1: Coordinated response team**

Type of Comment	Standard Components	Source
Current Practice	All	SINA
14036: •We do not have a team that responds.		
Current Practice	All	SINA
14049: •They are at liberty to write and talk at any time... We have provided for private discussions if they choose. There are also grievances – a bit more public. We have provided them with a lot of options... they are allowed to write to anyone they want to. It then gets turned around and sent to us.		
Current Practice	All	SINA
14061: We have a good relationship with the state police and outside law enforcement.		
Observation	Checklist	Corrections Professional
11530: Compliance Checklist 11: Coordinated Response Team RP-1 (i): Do investigators make victim safety a top priority during the course of their investigations?  Impact: It is a top priority but not the only priority. Getting the victim to safety and securing the perpetrator(s) are critical functions of the investigators and others in the correctional system. Inmate protection is a coordinated effort of many disciplines.		
Observation	Checklist	Corrections Professional
13438: Compliance Checklist 11 seems to eliminate the discretion left by the standard and the discussion.		
Observation	All	Professional Organization
11335: 2004 U.S. Dept. of Justice's Office of Violence Against Women publication A National Protocol for Sexual Assault Medical Forensic Examinations, while helpful, does not include many protocols used in sexual assault treatment centers, such as providing victims with information on pregnancy prevention (e.g. the "morning after pill") and termination of pregnancies, which are discussed in terms of "reproductive health care".		
Observation	All	SINA
11061: •Organizing something like that would be the challenge. If it was policy it would be organized. Right now we do pull people together for different situations.		
Observation	All	SINA
14038: •No need right now.		
Question	Checklist	Corrections Professional
13124: There needs to be some clarification on what an advocate is. Will there be a requirement to find an outside individual to advocate for the inmate victim or will a correctional officer accompanying the victim fill that role?		
Question	All	Professional Organization
11290: 52. Multi-discipline team a. What are the "specialties" that need to be included on this "team"?		
Question	All	SINA
10356: Would this team be outside of the facility or inside the facility?		

**Public Comment Report**  
**Prison/Jail**  
**RP-1: Coordinated response team**

<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Question</b>	<b>All</b>	<b>SINA</b>
10584: SART—is that envisioned to be in house staff, outside or both?		
<b>Question</b>	<b>All</b>	<b>SINA</b>
10588: Are we always required to call them and bring in investigations for every allegation? If we receive allegations from family, advocates, etc.?		
<b>Question</b>	<b>All</b>	<b>SINA</b>
10968: Do we need a SART? We have elements of this but want to make sure that there is a process in place that may not occur at once in one assembled team.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
11745: The coordinated sexual assault response team (SART) should include an advocate, in addition to medical, mental health, security, and investigations specialists (RP-1). While the discussion section of RP-1 notes the value of an advocate, compliance checklist 11 only requires an advocate to be included if the victim undergoes a forensic exam.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
11919: should state that information about HIV test results must be maintained confidentially and that any information pertaining to an inmate's HIV status must be treated confidentially and not shared with non-medical members of the sexual assault response team, except as necessary under applicable laws.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Advocate</b>
12058: RP-1, Checklist 11: The checklist should require that a victim advocate be involved in a reported case of sexual assault, even if a forensic exam is not conducted. The victim advocate is a critical piece of the community, coordinated SART response, even if a forensic exam is not conducted. It is very important for the mental health and well-being of the victim that s/he has access to a specially trained victim advocate who will "believe" him or her and provide specialized support in the aftermath of sexual violence.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12189: <b>RP-1:</b> As a precautionary measure against intimidation and other retaliation, correctional officers accused of sexual abuse should be transferred or placed on administrative leave such that they have no contact with the complainant unless and until exonerated after a full investigation.		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12190: Consistent with standards employed by police departments and prosecutors in cases of domestic violence, the Commission should require that investigations and prosecutions of perpetrators of prison rape proceed regardless of the victim's willingness to testify against the perpetrator		
<b>Suggestion</b>	<b>All</b>	<b>Advocate</b>
12191: Victims can better protect themselves against such victimization if they are provided regular reports regarding the status of the investigation. Such reporting also comports with international human rights standards entitling victims to information gleaned during an investigation. Accordingly, victims of sexual abuse should be kept fully informed of both the progress of the investigation and its eventual outcome. The Commission should require that the withholding of any information from the victim be specifically justified based on the confidentiality of the information or other factors.		

**Public Comment Report**  
**Prison/Jail**  
**RP-1: Coordinated response team**

Type of Comment	Standard Components	Source
Suggestion	All	Advocate

12592: this standard needs to also include an advocate as an integral part of the Corrdinated Response Team. The discussion section talks about the important role that the victim advocate plays in this process. However, the Compliance Checklist 11 does not include this important component.

Suggestion	Discussion	Advocate
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13350: Add to the Discussion that the coordinated response team should include a youth sexual assault expert when the victim of the reported assault is an inmate under the age of 18.

Suggestion	Checklist	Advocate
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13388: The Checklist is bereft of protections and services for youth. The phrase "age-appropriate" needs to appear in several places. To the right, underlining within quotes indicates additions.

- Add another question to Checklist 11: "If the victim chooses to undergo a forensic medical exam, are the exam materials and instruments used by either the off-site provider or the facility medical staff age-appropriate for victims?"
- Amend Checklist 11(f): "Does the victim receive age-appropriate crisis intervention counseling before and after undergoing the forensic medical exam?"
- Amend Checklist 11(g): "Does the victim receive age-appropriate information about accessing available mental health and victim services?"
- Amend Checklist 11(j): "Does the agency's response plan address how to meet any special needs a victim may have (e.g., youth, LEP, deaf,

Suggestion	All	Corrections Professional
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10738: Many police agencies already provide these services through their Victim Advocate. Consideration should be given to such agencies as to not duplicate efforts.

Suggestion	All	Corrections Professional
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11623: The provision of outside mental health services provides a unique challenge to facility heads in geographically isolated areas. I suggest that telemedicine also be considered as a way to address inmate access to medical/mental health providers.

Suggestion	Checklist	Corrections Professional
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13172: RP-1: Compliance Checklist 11, (e): Suggest removing the wording at the end of this so the item reads:  
 If the victim chooses to undergo a forensic medical exam, is an advocate made available to him or her.

Suggestion	Checklist	Corrections Professional
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13176: RP-1: Compliance Checklist 11, (f): Suggest rewording so the item reads:  
 Does the victim receive crisis intervention counseling?

Suggestion	Checklist	Government
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12859: Compliance checklist 11. In item (b), we recommend adding victim advocates to the list of members of the coordinated response team.

Suggestion	All	Individual
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10321: RP - 1: Person serving on a prison SART need to have specialized training on the prison culture.

**Public Comment Report**  
**Prison/Jail**  
 RP-1: Coordinated response team

<b>Text of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>All</b>	<b>Individual</b>
10326: Again, I cannot stress enough how important it will be for those who are community service providers, advocates, SART, mental health providers, etc to have training on the prison culture. It is very important that persons going into a prison setting understand the culture they will be entering.		
<b>Suggestion</b>	<b>Checklist</b>	<b>SINA</b>
10495: •The set-up is fine – maybe more room for comments.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10809: -One option would be to take it all out of corrections hands and let an external SART team do everything.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
11965: RP-1: This standard is strong. It is just as important to follow the community Sexual Assault Response Team (SART) model when responding to an incident of sexual abuse, assault or rape in a detention facility as it is to follow the SART model with victims in the community. Collaboration between a detention facility and a community SART response is not only possible but can also be very successful. I speak from experience as a member of a coordinated, community SART that responds to sexual assaults reported in our local men's prison.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
11966: I have personally responded to a forensic exam conducted for a male Donovan prison inmate who was raped by another male inmate. After this experience I was even more convinced that a coordinated, community SART response is crucial for the well-being of inmates assaulted in the prison setting - perhaps even more so given the pervasive insensitivity to inmates and the widespread belief among corrections staff that inmates who report sexual abuse are "lying" or "just trying to get something" by reporting. When I responded to the SART forensic exam for the Donovan prison inmate, I observed extremely insensitive and cruel comments made by one of the two guards who escorted the victim to the exam. The blatant skepticism, disrespect, lack of confidentiality and mocking comments that I heard coming from him - and his easy defense of his statements when I challenged his assumptions and allegations - was truly shocking and above all heart-breaking. The other guard - to his credit - reserved judgment and treated the victim with respect, particularly during the very invasive, anal forensic exam that the victim had to endure while shackled in the presence of both guards.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
11967: The SART model emphasizes a coordinated response that includes a victim advocate and medical, mental health, security and investigations specialists. It is very important that the standards require that facilities enter into agreements with community-based rape crisis centers to provide the same quality of care and response that victims in the community receive. The presence of a victim advocate is essential to ensure that the victim is treated with respect, understands the purpose of the forensic exam if deemed appropriate at the time of the report, and is told that the forensic exam is completely voluntary.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
12192: We agree that it is important to use a multi-disciplinary coordinated response team. Sexual assault response teams are ideal because they address the complex needs of the victim as well as work to find the perpetrator. We suggest that facilities coordinate their response teams to have not only multidisciplinary representation, but also multiracial and multiethnic representation.		
<b>Support/Agreement</b>	<b>Discussion</b>	<b>Advocate</b>
12593: In addition, the discussion section discussed the importance of additional specialized training for collaborating across disciplines. This is another aspect of the standards that we would encourage the Commission to keep intact. The importance of each member of this team having integral knowledge of all the other positions will lead to further understanding of sexual violence and further protection of victims of sexual violence.		

**Public Comment Report**  
**Prison/Jail**  
**RP-1: Coordinated response team**

Type of Comment	Standard Components	Source
Support/Agreement	All	SINA

10482: •Thought this is an area we can improve upon – Julie and I have talked about this and we think we would do this.  
 •Also need to add mental health

Support/Agreement	All	SINA
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11220: Not sure if I would change the standard – when you are dealing with other places that do not have the resources that we have – it allows them to develop a team and practice, not doing it all the time, so when it happens they know what to do.

Unintended Consequence	All	Corrections Professional
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11498: “The agency uses a coordinated, multidisciplinary response team to respond to incidents of sexual abuse to ensure victims receive the medical and support services they need and that investigators are able to obtain usable evidence to substantiate allegations and hold perpetrators accountable.” P. 22

Impact:  
 It is unclear if this will require simultaneous response by all team members, which would result in delay in investigation and treatment. It is also unclear if the victim is to receive crisis intervention counseling before undergoing and after undergoing the forensic medical exam. This requirement could result in the requirement that mental health staff be available 24/7, another unfunded mandate.

Unintended Consequence	All	SINA
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11221: •Having a hard time keeping teams together (other kinds of teams) and keeping interest. Not sure why...  
 •People lose interest.



# Public Comment Report

Prison/Jail

RP-2: Evidence protocol

Text of Comment	Standard Components	Source
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.	All	Advocate
13590: We urge that evidence collection, to the extent possible, be conducted outside the facility (e.g., obtaining DNA from staff) and where not feasible, that staff from outside be brought in to gather the evidence (e.g., to obtain fingerprints from a staff bathroom). The Standards recognize that this is appropriate in other areas (see RP-8 which requires that this be done for forensic medical examinations of victims) and so, to best maintain the integrity of physical evidence, the Standards should contain this recommendation with respect to the collection of all physical evidence.	All	Advocate
13031: We question the authority of PREA and the auditor to conduct these audits and have access to records of independent contractors and outside entities.	Checklist	Corrections Professional
13144: This is a duplication of service provided by a more specialized group, i.e., law enforcement. Why would regional jails be required to duplicate?	All	Corrections Professional
13057: This standard will require training for specific individuals at each of our facilities.	All	Corrections Professional
13485: this is not a function of Military corrections. Auditing proper forensic exam procedures and examiners acting within their scope is a function of hospital quality assurance.	Checklist	Government
13689: The forensic evidence-gathering contemplated by this standard may require additional, specialized training, and possibly additional staffing depending on the way any new job duties are assigned.	All	Labor Union
11336: This "Standard" assumes that the facility head can dictate the actions of the medical examiner. The "Discussion" readily admits that medical examiners have to follow their own "professional standards and guidelines".	All	Professional Organization
12494: The essence of standards should be to require agencies to establish and follow written directives regarding identification, preservation and collection of evidence, including directives that provide that another agency performs the data collection. Any standard language that mandate an agency head perform a function are off track.	All	Professional Organization
12495: The Commission has also missed an important opportunity to provide information and establish standards regarding administrative and criminal investigations. This is a very delicate and needed discussion, as often what starts out as an administrative investigation, can quickly uncover potential criminal activity.	All	Professional Organization

**Public Comment Report**  
**Prison/Jail**  
**RP-2: Evidence protocol**

Type of Comment	Standard Components	Source
Current Practice	All	Corrections Professional

12741: Minnesota DOC uses the SANE services at all area hospitals and trained medical staff completes the forensic exam. DOC currently has an evidence collection process and check list in place for sexual assault victims.

Current Practice	Checklist	Corrections Professional
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12742: CC-12(e) -The sexual assault kit contains a Patient Information and Sexual Assault History form.  
 CC-12(f) – No, the forensic medical exam is completed in the emergency room at the local hospital.  
 CC-12(g) - Bureau of Criminal Apprehension (BCA) provides the sexual assault evidence kits and all kits are standardized.  
 CC-12(h) – The specified protocol is unknown at this time.  
 CC-12(i) – The sexual assault evidence kit contains specific instructions on how to obtain evidence from the victim; how to preserve such evidence; and how to properly label and seal the evidence kit.  
 CC-12(j) – DOC Policy 500.600 addresses medical follow-up care protocol. A notable difference in Minnesota DOC procedure and the proposed standard is the 5-7 day time frame recommended for forensic exams. Our policy states 72 hours, which has been the suggested national standard for many years.

Current Practice	All	Corrections Professional
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13266: C. Response Planning  
 RP-2: Evidence protocol: Concur with Chris that this section and recommend that the wording be changed to reflect that the Inspector General, not the agency head, is responsible for the investigators of sexual abuse in facilities and for criminal prosecutions.

Also, in the Discussion part under Response Planning, it refers to the 2004 DOJ publication "A National Protocol for Sexual Assault Medical Forensic Examinations" as the "gold standard" of sexual assault evidence protocols by both law enforcement and forensic medical examiner communities. It furthers states that the "agency head" should review the national protocol and adapt its protocol as appropriate. I have not reviewed the DOJ manual in awhile but I feel fairly confident that OIG's protocol is closely aligned with it. That is something we probably need to do before we are audited.

Current Practice	All	SINA
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10807: -Montgomery County has a victim services office, crisis center, which has been in here. Had team that was going to come in, not sure if they are still coming or not. They have come in before. They can provide referrals. They have interviewed alleged victims here and regular meetings. They are a county agency, even though no MOU we afford them the courtesy of coming in, the problem was they wanted to wander about and they have not had training.

Observation	All	Corrections Professional
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13655: Evidence protocols are currently being reviewed and developed. This standard will require outside training for individuals at each of our institutions, which will have a funding impact.

Question	All	Corrections Professional
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13521: The national protocol (A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents) relates to sexual assault kits and medical facilities and leaves out any guidance for processing crime scenes and evidence collection outside of the medical facilities. Is the commission considering a standard of practice for processing crime scenes and evidence collection in the facilities/programs?

Question	All	SINA
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10586: When there is an allegation, last year there were 13-14, they typically happen in a cell and we cordon off the cell. If this would happen in a rec area, do we cordon off the whole area and not allow 180 inmates to recreate?

**Public Comment Report**  
 Prison/Jail  
 RP-2: Evidence protocol

Category of Comment	Standard Components	Source
Question	All	SINA
10587: If we were to do a cost benefit analysis, thinking we don't want to stop people's recreation but we lose some of the evidence, will we be faulted?		
Question	All	SINA
10588: Are we always required to call them and bring in investigations for every allegation? If we receive allegations from family, advocates, etc.?		
Suggestion	Checklist	Advocate
13390: •Forensic examiners are not required to tailor their questioning so that it is appropriate for youth. •Amend Checklist 12(e): "During forensic medical exams, do examiners obtain medical forensic histories by asking victims age-appropriate questions about the following? ..."		
Suggestion	All	Advocate
13591: This Standard should also require staff to comply with forensic investigative requests, e.g. DNA sampling, locker searches, and examinations of genitalia. This is critical. In New York State, a young woman prisoner in disciplinary segregation committed suicide shortly before her release date and was found on autopsy to have semen in her vaginal area. An investigation was conducted that merely requested voluntary DNA samples from prison staff who had access to her cell, and not all staff consented to the request. A match for the semen was never found and no staff person was ever charged. Clearly, the investigative entity should have had authority to mandate DNA samples from all staff, in order to be able to conduct a complete investigation into the incident.		
Suggestion	Checklist	Corrections Professional
13598: RP-2: Compliance Checklist 12, (d-h): If a facility uses a Sex Assault Nurse Examiner (SANE) program or an outside medical facility for the forensic exams they don't have any control over the staff qualifications, hospital documentation requirements, procedures or equipment used in the exam. Recommend allowing these items to be optional or able to be marked Not Applicable if the exams are done outside a facility.		
Suggestion	All	Corrections Professional
13246: RP-2: Evidence Protocol, Pg 23: The TDCJ-OIG consist of sworn State of Texas peace officers who answer to the TDCJ Board of Criminal Justice. Recommend the following change to wording : The agency head, or Inspector General as appropriate, is responsible.....  The same change should be made for Discussion of this topic also.		
Support/Agreement	All	Professional Organization
12496: The Commission is on-track recommending the national protocols adapted to local needs.		

**Public Comment Report**  
 Prison/Jail  
 RP-3: Sexual abuse findings from forensic autopsies

<b>Topic of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	All	Corrections Professional
11499: Since not all autopsy reports include a description of the condition of the inmate's genitals and anus, this will require the agreement and cooperation of every medical examiner's office. The Department has no authority to compel the forensic pathologists to conduct this examination. Without the ability to compel this examination, criminal investigators may be unable to include these findings in their reports.		
Concern/Disagreement	All	Corrections Professional
12887: The proposed Sexual Abuse Findings from Forensic Autopsies (RP-3) standard would be problematic, if not impossible for our Agency to comply with, as our coroner(s) only look for cause of death.		
Concern/Disagreement	All	Corrections Professional
13330: The MA DOC has no control over how the medical examiner conducts a forensic Autopsy. The medical examiner's duties are governed by statute, M.G.L. c. 38 Section 2, ff and M.G.L. c. 38 Section 4, Autopsy reports are not public records. M.G.L. c. 38 Section 2. The medical examiner may not make finding regarding sexual activity. In addition, the medical examiner may not release the finding to the facility head.		
Concern/Disagreement	All	Corrections Professional
13727: In our opinion, it is generally not possible to infer post mortem if sexual activity was consensual or forced. Consequently there will likely be a need for a zero tolerance policy for all sexual activity. This is the current NJDOC position.		
Concern/Disagreement	All	Corrections Professional
13729: When an inmate death occurs, if there is any question as to cause of death, an autopsy is requested. The marker in which the autopsy is conducted falls under the purview of the medical examiner. I do not believe that we can dictate that a check for sexual activity be performed in every case. We can certainly request this, but the examiner is bound by their own established and approved protocols.		
Concern/Disagreement	All	Corrections Professional
13760: Since not all autopsy reports include a description of the condition of the inmate's genitals and anus, this will require the agreement and cooperation of every medical examiner's office. The Department has no authority to compel the forensic pathologists to conduct this examination. Without the ability to compel this examination, criminal investigators may be unable to include these findings in their reports.		
Concern/Disagreement	All	Corrections Professional
13801: While facility heads may request medical examiners address whether or not sexual activity occurred prior to the unnatural death of an inmate, and discuss the rationale for this request under PREA, they are not always able to direct whether this topic will be addressed in an autopsy report.		
Concern/Disagreement	All	Corrections Professional
13918: This standard is neither feasible nor reasonable as it imposes an obligation on a medical examiner that the facility head does not have the authority to enforce.		

# Public Comment Report

Prison/Jail

## RP-3: Sexual abuse findings from forensic autopsies

Line of Comment	Standard Components	Source
11835: It is not clear what deaths are being excluded from this definition. If the cause of death is not known, then the cause is "suspect." Suspected unnatural causes would include drug overdoses and cases where a homicide may have been committed to appear as a suicide. If this is the case, the definition appears to exclude deaths of suspected natural causes. The type of deaths that fit this category and why they would be excluded from the medical examiner's assessment of sexual activity is not clear.	All	Government
12497: This proposed standard should be deleted. The recommendation should be part of investigative checklist which the Commission should provide as resources to agencies. The standard is clearly over-reaching.	All	Professional Organization
10908: I do not think they automatically, if the investigation determines it is a suicide and the family does not want an autopsy I am not sure if we would do it or not... •Unnatural cause of death – not sure why you would not do an autopsy •Not sure they will automatically be with a man. Might be problematic	All	SINA
11208: that is tough one – unless there is some hint the ME is not going to do swabs – we cannot tell them to do swabs. We have a great working relationship with the, but we do not have authority over them.	All	SINA
13267: RP-3: Sexual abuse findings from forensic autopsies OIG obtains the medical examiner's findings regarding forensic autopsies performed on an inmate who died of known or suspected unnatural causes while in custody. If the medical examiner finds that sexual activity may have occurred immediately prior to death, the Office of the Inspector General ensures that the death and possible sexual abuse are immediately investigated.	All	Corrections Professional
13658: Autopsies conducted on inmates who die in our custody of unnatural causes are performed by county coroners. It is unknown whether or not those coroners check for sexual activity during an autopsy.	All	Corrections Professional
13738: We do not have the ability to dictate other agencies' activities or responsibilities. However, we do have the ability to "request" that other agencies include certain types of evidence findings in their reports.	All	Corrections Professional
13739: RP3 – we have no control over the county process in this area. If there is some type of sexual abuse, there is no control over this in the state. The county coroner has this function and they already do this as a part of their function. They may not conduct for sexual abuse. If there are specious circumstances, they will address it but we don't have control.	All	SINA

# Public Comment Report

## Prison/Jail

### RP-3: Sexual abuse findings from forensic autopsies

Type of Comment	Standard Components	Source
Current Practice	All	SINA
12251: We don't have any part of this and the medical standards are handled by OIG. This happens in Dallas or Houston in the DPS labs from our OIG. The rape kit is done by OIG and they could answer this better. The warden cannot order a rape kit without OIG ordering the kit. We have no control over this process.		
Observation	All	Corrections Professional
12743: The medical examiners in the jurisdictions of Minnesota DOC facilities have agreed to conduct a sexual assault examination and collect samples from autopsied DOC offenders. However, this practice seems unwarranted if the cause of death is not questionable.		
Observation	All	Corrections Professional
13909: Agreements with outside agencies to help inmates leaving the system aren't necessary as our agency already makes referrals.		
Observation	All	SINA
11210: •Every time? Not helpful. I am big on gathering evidence that is appropriate given the circumstances.		
Observation	All	SINA
11211: It would be helpful. If the inmate who died had been a victim and inmates had been saying it and they were not too credible – what they would have found would corroborate what was being said and it would be huge. You have to evaluate every seen and circumstance – the team here is so professional and on top of it		
Question	Checklist	Corrections Professional
13565: It is unclear if medical examiners routinely check for evidence of sexual assault during autopsy or if a Memorandum of Understanding is in place at all locations where these examinations will occur.		
Question	All	SINA
13997: I have not seen a sexual examination unless there was probable cause to do one... How would we use this information?		
Suggestion	Discussion	Advocate
11920: •The Discussion under this Standard implies that the party investigating the death of an inmate may reach only two conclusions about forensic evidence regarding sexual activity: that no sexual activity occurred or that sexual abuse occurred... The discussion should at least acknowledge that forensic evidence of sexual activity prior to death does not necessarily indicate sexual abuse.		
Suggestion	All	Corrections Professional
13146: Allow facilities to continue to use the services of the state coroner.		
Suggestion	All	Corrections Professional
13180: RP-3: Sexual abuse findings from forensic autopsies: Recommend rewording so standard reads: Following any forensic autopsy performed on an inmate who died under suspicious circumstances while in custody, the facility head must obtain the medical examiner's finding. If the medical examiner finds evidence of sexual activity immediately prior to death, the facility head ensures that the death and possible sexual abuse are investigated immediately.		

**Public Comment Report**  
**Prison/Jail**  
**RP-3: Sexual abuse findings from forensic autopsies**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>

13181: RP-3, Compliance Checklist 13, (a): Reword checklist item to read:  
 Following any forensic autopsy performed on an inmate who died of suspicious circumstances while in custody, does the facility head obtain the medical examiner's finding regarding any evidence that the deceased engaged in sexual activity, other than Self stimulated activity, immediately prior to death?

<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
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13249: RP-3: Sexual abuse findings from forensic autopsies, Pg 23-24, the facility head, or the Inspector General, as appropriate, ensures.....

The same changes need to be made in the discussion also.

<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
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13253: Compliance Checklist 13, pg.55 (a): needs to reflect, does the facility head or Office of the Inspector General, as appropriate obtain the medical examiner's findings.

Compliance Checklist 13, pg. 55 (b): needs to reflect, does the facility head or Office of the Inspector General, as appropriate, initiate an investigation into the death and possible sexual abuse immediately.

In Texas, the Office of the Inspector General gets the forensic autopsy reports as a part of our criminal investigation. Any additional investigation required is done by the Office of the Inspector General, which operates with Independent Oversight of TDCJ.

<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
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13802: Would the commission consider rewording Compliance Checklist 13 (b) to read: "...does the facility head request the medical examiner's report include a specific comment regarding any evidence that the deceased engaged in sexual activity, other than self-stimulated activity, immediately prior to death?"

<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
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13851: This is a blanket standard that should exclude inmates that have expired of known causes that are unrelated to interpersonal violence, (e.g., cancer, vehicle accident). These types of deaths should not require a coroner's finding of whether the person had recently engaged in sexual activity unless that is part of the coroner's standard protocol.

<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
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13852: Also the definition of forensic medical examiner needs to be clarified.

<b>Suggestion</b>	<b>Standard Statement</b>	<b>Individual</b>
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10322: RP - 3: What about a person who has died of natural causes while in custody? It is noted that medical examiners findings are needed if there is evidence of sexual activity prior to death. I think there should be medical examiners findings if there is evidence of sexual activity after death. Some people rape the dead. They are a danger to the rest of the prison population.

<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
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10329: •Suggest they spend a little more time understanding the authority levels and who can tell whom to do what. It is one thing to ask it other to tell...  
 I sure how well it would go over to be told by a federal agency...  
 ...e would say because of this PREA standard and they would say what is PREA and where do they get off telling us to do our job?

**Public Comment Report**

Prison/Jail

RP-3: Sexual abuse findings from forensic autopsies

Type of Comment	Standard Components	Source
Unintended Consequence	All	Corrections Professional

13439: A change in State law would be necessary to impose this requirement and may also have fiscal implications.

Unintended Consequence	All	Professional Organization
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11337: This "Standard" implies the ability of a local Sheriff to compel the state forensics examiner to modify his/her autopsy protocol to accommodate this standard. That is beyond the scope of authority of the Sheriff.

Unintended Consequence	All	SINA
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11212: •I think anytime you do anything carte blanche it is – if you say you will always do this or never do that – it leaves you wide open for issues.



**Public Comment Report**  
Prison/Jail

RP-4: Reporting to other confinement facilities

Text of Comment	Standard Components	Source
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.	All	Advocate
13532: Perhaps the most glaring example of an insufficient Checklist is RP-4, which requires that a complaint received at one facility concerning abuse at another facility be forwarded to the facility where the abuse is alleged to have occurred. Yet the Checklist does not ask whether this is the practice, or how regularly it is the practice; rather, it simply asks if the Agency knows how to contact the other facility (i.e., how to use a phone book).	Checklist	Advocate
11425: RP-4, Compliance Checklist 14 (a): This standard is insulting by suggesting that a facility head is not competent to determine how to contact other agencies. It should be eliminated.	Checklist	Corrections Professional
13186: RP-4, Compliance Checklist 14: This standard seems unnecessary or at best one that will always be checked Yes because the law enforcement agencies, due to the nature of the job, know how to contact each other.	Checklist	Corrections Professional
1352: due to the fact that Nevada has cooperative agreements with other states to house inmates, this outreach would have to be inclusive of all those states. This would be burdensome especially if the other state is not able to comply with the standards.	All	Corrections Professional
13691: This standard might create an added strain on resources and staff time if corrections staff are going to be required to investigate alleged abuse at different facilities or even within different agencies.	All	Labor Union
11338: The "Standard" to investigate an allegation of sexual abuse at another agency creates significant jurisdictional and logistical issues, especially if the alleged abuse occurred in another state or geographical region.	All	Professional Organization
11339: This "Standard" places the burden of investigation on the agency which receives the report of alleged abuse. This has the potential of creating untenable compliance issues and generate significant interagency discord.	All	Professional Organization
10970: : RP4 is impossible because it is difficult to go beyond informing other agencies of an allegation but we can't investigate another authority. We can request a formal investigation.	All	SINA
10949: It states that if an offender makes an allegation on your facility of a sexual assault at another facility that that facility will call the facility head where the alleged abuse did occur. And that the facility that receives the report will conduct the investigation. That's not reasonable, the way that we work... it would be impossible for this unit over here to complete an investigation on an inmate that's 4, 500 miles away. It's easier for the unit he's involved in to do the investigation.	All	SINA

**Public Comment Report**  
**Prison/Jail**  
**RP-4: Reporting to other confinement facilities**

Type of Comment	Standard Components	Source
Concern/Disagreement	All	SINA
11497: If it does mean that the other facility where the assault took place has to do the investigation then that's not feasible because the victim will be here. We can get with them and get information because he may know who the offender is, where the housing location is, or there may be staff that can give pertinent information to that investigation, but wherever the offender is, is where the investigation needs to be initiated and completed.		
Current Practice	All	SINA
12356: We need to work on this and we make contact with other facilities if someone makes a report of abuse in another location. We need some checks and balances and place and we don't know if the referral is being follow-up. We need to make sure that it is handled appropriately.		
Observation	All	Corrections Professional
12744: The proposed standard is unnecessary, but acceptable. Procedures are already in place to investigate sexual abuse allegations and to share information with other facilities.		
Observation	All	Corrections Professional
13184: This standard is aimed at the facility where the inmate reports the sexual abuse. This facility can only report the allegation to the appropriate agency that has jurisdiction over where the abuse occurred.		
Suggestion	All	Academic
13299: This standard should include some reasonable time limit.		
Suggestion	All	Corrections Professional
10858: Facility head required to know how to contact confinement/agencies in his or her state. What about federal and OOS inmates incoming to the facility? It might be better to require that a sending confinement facility to include with the transfer documents contact information. Thus, regardless of where the incident occurred, follow-up or contact information would be available, accurate, and up-to-date.		
Suggestion	Standard Statement	Corrections Professional
11728: Does this place the facility liable? What if the facility you report to does nothing? Or reports information covered by HIPPA?		
Suggest: When a facility receives an allegation from an inmate that he/she has been sexually abused while incarcerated at any other confinement facility (locally or nationally), the facility head notifies the head of the facility where the alleged abuse occurred. Any facility that receives a report of sexual abuse from another facility or agency is required to investigate the allegation. The inmate shall be notified, in writing, about this notification.		
Suggestion	All	Corrections Professional
12408: This is not feasible when the alleged victim is already gone and at a new unit. We recommend that the unit who the offender reported it to complete the investigation and forward it to the unit where the assault was alleged. The facility where it was alleged should count it on their numbers and assist with any part of the investigation they can.		
Suggestion	Standard Statement	Corrections Professional
13183: RP-4: Reporting to other confinement facilities: Recommend rewording this standard to read: When an allegation "is reported" the an inmate has been sexually abused while incarcerated at another facility, the facility head "will report and coordinate with the agency having jurisdiction".		

# Public Comment Report

Prison/Jail

RP-4: Reporting to other confinement facilities

Type of Comment	Standard Components	Source
Suggestion	All	SINA
10613: If we could have access to where they've been in the past. We have a detainee from Brazil who served in CA for a long time, and it seems like she had a bad experience there, so if we could see her record and know if something happened or if she has mental health issues, we'd be able to help her better. We get records for other inmates, but not so much for ICE detainees.		
Suggestion	All	SINA
11501: We got several of them from the previous year that arrived here and six years ago they got assaulted at Stiles but it actually affected our numbers... The data should be that the actual assault happened at stiles... It should go in their numbers.		
Suggestion	Checklist	SINA
12358: The checklist should be in greater detail of what should happen once the contact is made for follow-up.		

**Public Comment Report**  
 Prison/Jail  
 RP-5: Agreements with outside agencies

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	Checklist	Advocate
13592: We are concerned that the questions in the Checklist address only what is stated in the MOUs. The Checklist should not only address whether the MOU is in place but should also ask whether actions take place at the facility that are consistent with the MOUs. For example, rather than just asking whether the MOU "specifies how community service providers are to gain entry to the correctional facility" it should ask whether "community service providers have attempted to gain entry to the correctional facility," whether "they gained entry consistent with the MOU" and "if not, in what proportion of the cases were they denied entry?"		
Concern/Disagreement	All	Corrections Professional
11637: However, the list of agencies available to provide these additional and possibly onerous services on a long-term but volunteer basis may be a very short list. How many outside agencies would accept this burden without an expansion of their resources? ...It may prove difficult to execute an MOU requiring the acceptance of new duties without any history or any real-world understanding of the manpower and other costs required. It may prove difficult to execute the MOU without any additional funding attached. This is most particularly true where the outside agency's budget is dependent upon substantial local funding.		
Concern/Disagreement	All	Corrections Professional
11642: This requirement that a government official/office not affiliated with the corrections agency agree to receive reports and act on them is a large hurdle. This is particularly true where the agency undertaking this task is to provide assurances that the reporting inmate will be protected from harm.		
Concern/Disagreement	All	Corrections Professional
12634: RP - 5: Agreements with Outside Agencies: In order to comply with this standard there would need to be possible revisions to existing memorandum of agreements that are in place for services such as Department of Labor and Training and the pre employment classes that are offered in Women's or CCRI as just two examples. This may involve revisions of existing contract for services.		
Concern/Disagreement	All	Corrections Professional
12754: The proposed standard would impose substantial additional costs compared to the costs presently expended by state prison authorities.		
Concern/Disagreement	All	Corrections Professional
13032: Very few jurisdictions have a formal written referral system and documentation in place for any other crimes between the correctional facility and the prosecuting authority. There is simply no reason to create such a memorandum for this unique classification of cases when the current referral systems are generally working. Additionally, the requirement of a reduction of such agreements to writing for many states will cause additional expense and administrative issues, such as addressing data practices, costs and workflows and other aspects that are currently being handled without such memorandum.		

# Public Comment Report

Prison/Jail

## RP-5: Agreements with outside agencies

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

13109: The Department does not have MOUs with outside community resources. However, we understand that there could be problems with funding services due to the fact that the vast majority of not-for-profits providing advocacy and support services for cases of sexual abuse receive federal funding that prohibits services being provided to inmates.

We are also concerned that the ability of inmates to use outside services could hinder the agency's requirement to investigate cases of sexual abuse.

Concern/Disagreement	All	Corrections Professional
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13187: RP-5: Agreements with outside agencies: This could present an undue burden on agencies to try to get Memorandums Of Understanding (MOU) with outside agencies for victim advocacy. A number of the victims advocates receive Victims Of Crime Act (VOCA) funding. VOCA precludes these agencies from assisting inmates.

Concern/Disagreement	All	Corrections Professional
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13332: RP-5 Agreements with outside agencies

It is unclear what "outside government agencies" are referred to and how these outside agencies would "respond to inmate reports of sexual abuse" within MA DOC facilities.

Concern/Disagreement	All	Corrections Professional
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13322: Implementing MOU's at both city and county levels, in addition to the medical MOU's, is going to take a significant amount of time and resources, which will include training, networking, etc. Expecting full compliance of this area once the standards are published is an unrealistic requirement.

Concern/Disagreement	All	Government
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11836: Many correctional systems provide excellent response and emotional support to victims of sexual abuse through their psychology services and health services departments and other appropriate staff. Correctional systems that have well-qualified in-house staff to provide these services do not need to develop such agreements.

Concern/Disagreement	All	Government
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11837: In addition, a memoranda of understanding would only be appropriate if there were no costs to the Federal government. For services from paid community advocates, the Federal government would have to retain such services in a procurement action. Further, the language presumes that state and local governments have the authority to enter into such agreements, which may not be the case.

Concern/Disagreement	Checklist	Government
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11894: Compliance Checklist 15

This checklist details the requirements of agreements with outside agencies. Most of the broad requirements are standard in memoranda of understanding, however, operational details, such as how and when community service providers are able to gain entry into a facility, the level of security supervision, and safety precautions that community service providers should take when working with inmates, are issues that should be addressed in other ways.

**Public Comment Report**  
**Prison/Jail**  
**RP-5: Agreements with outside agencies**

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

11340: The development and maintenance of MOU's with "outside government agencies" as well as "community agencies or advocates" will require the services of a skilled staff person designated for compliance.

2. There is limited capability for "facility heads" to require other governmental officials to participate in any MOU. Elected officials may view the MOU's as a way of shifting responsibility should there be a negative outcome and therefore refuse to participate.

Concern/Disagreement	All	Professional Organization
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12498: The standard as written is unnecessarily narrow. NSA endorses development of agreements with other government agencies and community-based organizations to provide a range of services in jails, so the standard language should be inclusive, not limiting.

Concern/Disagreement	All	SINA
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11037: It would be a challenge, being that we have 400 and some odd units out there and that we would have to make sure that we have some ability to get those advocates plus having them, well, they would have to be trained on what our rules are in the facilities and things like that. And then we also have to be careful, just our basic security problems that we have, and they'd be considered volunteers. And I really do feel that even though Texas Tech and UTMV are contracted to the state of Texas, they certainly don't answer to the Warden, they don't answer to any security personnel, they don't get the paycheck with TDCJ on it, they are outside.

Current Practice	Checklist	Corrections Professional
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11709: While there are MOU's developed with outside law enforcement agencies, and training has occurred on many levels, there is no current MOU with an outside agency for confidential support services for inmates.

There has been discussions with several agencies, but no agreement or contract for two major reasons: 1) The knowledge of the agencies in handling sexual abuse cases is limited and not extensive enough to manage this population, 2) The long-term cost of this service has not been addressed due to severe budget constraints within the State and the agency.

Current Practice	All	Corrections Professional
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12680: Due to the rural nature of Wyoming and its emphasis on the honoring of verbal agreements between agencies, it may not be necessary to have MOU's with all outside agencies.

Current Practice	All	Corrections Professional
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12994: Due to the small size of our department but the large concentrated population of inmates at one site we have the ability to have our staff respond to our incidents. The only outside agency we have come in is the SANE nurses. Though we have no MOU's we have cross trained each other.

Current Practice	All	Corrections Professional
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13830: Currently the Mississippi Department of Corrections does not partner with outside agencies to meet the requirements of standards RE-1, RE-2, and MM-4.

Current Practice	All	SINA
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11036: We have victim's representatives here. We have four. We have the chaplain, the other three work in our classification department

Current Practice	All	SINA
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12288: •Don't know now – used to be with the other hospital. I do not know. We do not contact anyone.

•CDCR – there is an MOU with local rape crisis centers to have an advocate at the hospital. Contacted by investigator.

**Public Comment Report**  
**Prison/Jail**  
**RP-5: Agreements with outside agencies**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Observation	All	Corrections Professional
11500: The purpose of the MOU or agreement is not provided. The later seems to re-iterate the incorporation of the victim advocacy component.		
Observation	All	Corrections Professional
12745: Various research supports that most victim service agencies receive federal funding. Federal funding prohibits the use of federal dollars to offer "rehabilitative services to offenders [or support services] to incarcerated individuals." Subsequently, local victim services may be prohibited from providing direct services to offenders until they are released from incarceration.		
Observation	All	Corrections Professional
13147: Local jails cannot force MOUs with outside agencies.		
Observation	All	SINA
10305: Where you have an MOU you can also have a formal contract. More and more places are contracting out their medical, nursing, other elements of what they do – makes it more consistent.		
Observation	All	SINA
10805: They can talk with their lawyer or public defender office. Various different ways. That may take this to too high a level. •Otherwise it would be education of public official, but you cannot enforce it. How far outside do you want to go and there is no enforcement piece. Inmates usually smart enough to keep copies of their complaints. Person on the other end may say they did not get it.		
Question	All	Corrections Professional
11639: Also, as a practical matter, what does "act on them [reports]" mean in an exemplary situation? What powers would be given to that outside agency in the MOU? What could the corrections agency cede to an outside agency to allow adequate follow up on inmate reports and protection of the reporting inmate?		
Question	All	SINA
11225: •Who will fund and staff it?		
Suggestion	All	Advocate
11688: Regions that do not have a sexual assault response team (SART) or a rape crisis center that will work with inmates, for example, should be encouraged to improve their services.		
Suggestion	Checklist	Advocate
11748: SPR urges the NPREC to clarify item (g) of compliance checklist 15 (for standard RP-5), which appears to limit the ability of community service providers, such as rape crisis counselors, to abide by their professional standards with regard to client confidentiality. If prison and jail agency rules do not allow outside counselors to maintain confidentiality in their interactions with inmates, such agency rules should be changed. Outside mental health counselors must not be expected to lower their professional standards in order to work in a prison or jail.		

**Public Comment Report**  
**Prison/Jail**  
**RP-5: Agreements with outside agencies**

Type of Comment	Standard Components	Source
Suggestion	Checklist	Advocate

11971: RP-5, Checklist 15 (g): This item on checklist 15 should clearly mandate that outside mental health professionals who provide services to inmates maintain the same client privilege and right to confidentiality as they do in the community. It is particularly important that victims have access to outside mental health professionals and victim advocates who have special training in the dynamics and impact of sexual violence. These professionals must have the same absolute confidentiality with the victims with whom they work in the detention facility as they do in the community. Confidentiality is essential to effective therapy and unencumbered support of the victim in the emotional and psychological aftermath of sexual violence.

Suggestion	Checklist	Advocate
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12048: •We urge the NPREC to clarify this item, which appears to limit the ability of community service providers, such as rape crisis counselors, to abide by their professional standards with regard to client confidentiality. If prison and jail agency rules do not allow outside counselors to maintain confidentiality in their interactions with inmates, these rules should be changed. Outside mental health counselors must not be expected to lower their professional standards in order to work in a prison or jail.

Suggestion	Checklist	Advocate
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12595: The checklist for this standard needs to include two additional items. First, it is important to have an element of cross training included with it the same that is included with the MOU sections for law enforcement and prosecution. Second, the checklist needs to include specific information about the definitions and limitations of confidentiality. It is essential for each agency to be clear about confidentiality.

Suggestion	Checklist	Advocate
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13393: Checklist 15(g) requires that agreements with outside agencies specify laws granting privilege and confidentiality, but not laws limiting privilege, such as mandatory child abuse or neglect reporting laws.

Amend Checklist 15(g): "Do all agreements specify any laws, rules, and/or regulations relevant to the service being provided, including laws granting privilege and agency rules governing confidentiality for disclosures about sexual abuse made to community service providers, as well as laws limiting privilege, such as mandatory child abuse or neglect reporting laws?"

Suggestion	All	Corrections Professional
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10739: Current mutual aid agreements can be amended and/or modified, if necessary, to include verbage in lieu of a stand alone agreement specifically related to sexual abuse.

Suggestion	All	Corrections Professional
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11644: Commission consider the possibility of reimbursement to whatever agency agrees to provide such services. As long as there are several means of accommodating inmate reports, that should be sufficient to meet the intent of this standard.

Suggestion	Standard Statement	Corrections Professional
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11730: Remove the word government

Suggestion	All	Corrections Professional
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11989: RP-5,6,7, and 8: Agreements with outside agencies - The standard indicates that the agency maintains memoranda of understanding (MOU) or other agreements with outside government agencies that can receive and respond to inmate reports of sexual abuse. The standard assumes that these outside agencies are willing to respond to inmate reports of sexual abuse and partner in a MOU. It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU's .



**Public Comment Report**  
**Prison/Jail**  
**RP-5: Agreements with outside agencies**

<b>Name of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
12140: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
12830: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
13190: RP-7, Compliance Checklist 17: Recommend omitting or RP-5, RP-6, RP-7 Compliance Checklists 15-17: These checklists are so similar that perhaps one checklist could be developed that is general and encompassing enough to be used for any outside agency involved in an inmate sexual abuse report.		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
13288: Providing referrals or contact information when needed for agencies would be more appropriate than MOUs.		
<b>Suggestion</b>	<b>All</b>	<b>Government</b>
13379: Should be N/A for military facilities due to the existing regulations that already describe the functions of these entities within the military system.		
<b>Suggestion</b>	<b>All</b>	<b>Individual</b>
10326: Again, I cannot stress enough how important it will be for those who are community service providers, advocates, SART, mental health providers, etc to have training on the prison culture. it is very important that persons going into a prison setting understand the culture they will be entering.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10804: need a definition of the government person. Once ACA gets its hands on this they will broaden it even more and make it more difficult for us.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10809: -One option would be to take it all out of corrections hands and let and external SART team do everything.		
<b>Suggestion</b>	<b>All</b>	<b>SINA</b>
10810: -Maybe consider a national 1-800 number would help out all facilities. They could give them info about options for reporting. If there is a number, all facilities could meet this standard.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
11746: In particular, SPR believes it is of utmost importance to maintain the requirement in standard RP-5 that corrections agencies sign memoranda of understanding (MOUs) with community agencies and advocates.		

**Public Comment Report**  
**Prison/Jail**  
**RP-5: Agreements with outside agencies**

Type of Comment	Standard Components	Source
Support/Agreement	All	Advocate
11970: RP-5: This standard is strong. It is just as important to follow the community Sexual Assault Response Team (SART) model when responding to an incident of sexual abuse, assault or rape in a detention facility as it is to follow the SART model with victims in the community. Collaboration between a detention facility and a community SART response is not only possible but can also be very successful. I speak from experience as a member of a coordinated, community SART response in San Diego County that responds to all sexual assaults reported in our local men's prison.		
Support/Agreement	All	Advocate
12047: •We highly support and recommend maintaining the requirement in standard RP-5 that corrections agencies sign memoranda of understanding (MOUs) with community agencies and advocates.		
Support/Agreement	All	Advocate
12193: RP-5: It is essential that corrections agencies have Memoranda of Understanding (“MOUs”) with outside agencies, particularly with community groups who can provide services to sexual assault victims. In an environment of distrust, outside resources are imperative. This is an excellent standard.		
Support/Agreement	All	Advocate
12594: RP-5: Agreements with Outside Agencies The standard for having a MOU with outside agencies is an extremely important one. We would like to encourage the Commission to maintain this requirement as part of the standards.		
Support/Agreement	All	Corrections Professional
11635: I support the Commission's suggestion that provision o f these services be made dependent upon the goodwill o f other agencies.		
Support/Agreement	All	SINA
10906: We are more generous that this standard – regardless of where the report comes from we will investigate it thoroughly.		
Support/Agreement	All	SINA
11226: you might get flooded in the beginning - but rarely are the calls I get take a tremendous amount of my time		
Unintended Consequence	All	Corrections Professional
12753: Further, to require the Department to send these reports to outside agencies and providers creates redundancies that will increase response times, require victims to revisit their emotional trauma for multiple investigators, and create unneeded expense.		
Unintended Consequence	All	Corrections Professional
13440: Attempts at demanding formal MOU's, agreements and contracts where cooperation already exists without such a document, may, in some cases, actually impede relationships rather than offer the locality discretion when building partnerships, communication and collaboration.		
Unintended Consequence	All	SINA
10803: Once word gets out that someone received a response. Word gets out like wildfire and they will attempt to use the resource for everything. See potential for abuse of the system and filtering for abuse – God forbid they miss an abuse and don’t take action.		

**Public Comment Report**  
Prison/Jail

RP-6: Memoranda of understanding with outside law enforcement agencies

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	Checklist	Advocate
13593: Again, similar to our comments on Standard RP-5, the Checklist asks nine questions about what the MOU "states" or "explains" but only one question (j) asks about what it requires and none address whether the facility's actions are consistent with the MOUs. For example, rather than simply asking whether the MOU states the protocol for informing victims of the progress and outcome of the investigation, the Checklist should ask "are victims informed of the progress and outcome of the investigation?"		
Concern/Disagreement	All	Corrections Professional
11365: Mandating the use of MOUs is outside the scope of PREA. The standards should establish compliance criteria, and allow correctional agencies to determine the best way to achieve compliance. The standards, as currently written, dictate the manner in which agencies achieve compliance. All checklists mandating MOUs should be eliminated.		
Concern/Disagreement	All	Corrections Professional
11485: Also, proposed Standard RP-7 states "... the Agency should be taking steps to ensure that any incident that may constitute a criminal offense is criminally investigated and prosecuted." Neither in this standard nor in RP-6 is there a mandated referral for prosecution. However, the ultimate decision as to prosecution rests with an independent, and in New York an independently elected District Attorney and experience has been that decisions as to prosecution are made irrespective of the wishes or intent of corrections officials.		
Concern/Disagreement	All	Corrections Professional
11731: RP-6: recommend for deletion. Police are required by law to protect. This includes those persons incarcerated. To request an MOU should be unnecessary....not to mention that the MOU would probably have to be re-addressed everytime someone is promoted, move from one station to another, etc.		
Concern/Disagreement	All	Corrections Professional
11735: No need for this standard.....prosecuting attorneys should already be prosecuting these cases just as they would similar cases that occur outside of the correctional environment. An MOU just seems unnecessary for duties that should already be occurring.		
Concern/Disagreement	All	Corrections Professional
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.		

# Public Comment Report

## Prison/Jail

### RP-6: Memoranda of understanding with outside law enforcement agencies

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
12635: Based upon current state statute and the Powers of the Director, there may be limits as to the capacity and capability to require officials outside of a DOC to be part of any MOU as well. There would be a need to train law enforcement (example: state police) in conducting a sexual abuse investigation in a confined setting. Relevant standards on this subject matter from DOJ may also be relevant as well.		
Concern/Disagreement	All	Corrections Professional
12889: MOU's with other agencies is of concern. Several of the MOU's suggested may be difficult to establish, if not unethical or illegal. This would be the case with an MOU with the prosecuting authority.		
Concern/Disagreement	All	Corrections Professional
13289: While we agree that clear mutual expectations and regular communications with outside investigators and prosecuting attorneys is needed, we disagree with the requirements of MOUs. The presence of MOUs does not guarantee that protocols are functional and operational.		
Concern/Disagreement	All	Corrections Professional
13471: Very few jurisdictions have a formal written referral system and documentation in place for any other crimes between the correctional facility and the prosecuting authority. There is simply no reason to create such a memorandum for this unique classification of cases when the current referral systems are generally working.		
Concern/Disagreement	All	Corrections Professional
13522: Implementing MOU's at both city and county levels, in addition to the medical MOU's, is going to take a significant amount of time and resources, which will include training, networking, etc. Expecting full compliance of this area once the standards are published is an unrealistic requirement.		
Concern/Disagreement	All	Corrections Professional
13730: Both standards call for MODs with entities that are already bound by law to perform the tasks of investigating, charging and prosecuting in the event of sexual abuse. A separate MOD with these agencies seems redundant and unnecessary. It also is impossible to mandate.		
Concern/Disagreement	All	Corrections Professional
13739: The Commission suggests that formal memorandums of understanding (MOU's) be established with outside agencies that will receive and respond to reports of sexual abuse. While a list of providers/agencies may be gathered; written, formal agreements may be more difficult to establish and maintain.		
Concern/Disagreement	Discussion	Government
11838: While the discussion focuses on access within the facility, because of the heavy workloads prosecuting offices are experiencing, many law enforcement agencies may be reticent to establish agreements that stipulate the type of cases they must accept.		
Concern/Disagreement	All	Professional Organization
11340: The development and maintenance of MOU's with "outside government agencies" as well as "community agencies or advocates" will require the services of a skilled staff person designated for compliance. 2. There is limited capability for "facility heads" to require other governmental officials to participate in any MOU. Elected officials may view the MOU's as a way of shifting responsibility should there be a negative outcome and therefore refuse to participate.		

**Public Comment Report**  
Prison/Jail

RP-6: Memoranda of understanding with outside law enforcement agencies

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Concern/Disagreement	All	Professional Organization
12499: There is no need for four standards to address interagency and community cooperation.		
Concern/Disagreement	All	SINA
13992: The MOU with a county prosecutor's office or sheriffs department would be a nightmare. We could do this but it would not be worth anything. This could only happen if you have a great relationship. We have had a MOU in the past but they have no power. This is not possible in this community.		
Current Practice	All	Corrections Professional
12746: Currently, OSI has the authority to conduct criminal investigations in matters involving offender suspects and administrative investigations in matter involving staff suspects. OSI does not investigate criminal matters involving staff; the agency refers the to the jurisdictional law enforcement agency. No MOU exists for this agreement and no problems have arisen or been identified to date.		
Current Practice	All	Corrections Professional
13663: Our agency conducts our own investigations. However, if deemed appropriate, the agency could request the assistance of the Nevada Division of Investigations.		
Current Practice	All	SINA
10358: If something serious happens, we are lucky that we will have the police SAC team come in and this is what they do for a living. They will do their thing, give a report and we are done.		
Current Practice	All	SINA
10452: •We do a preliminary screen before we call the sexual assault unit. This is not a formal written agreement with the organization. •They will take a referral or consult on the phone to decide if they will come in to check it out.		
Observation	All	Corrections Professional
13149: Outside law enforcement agency in the local area has jurisdiction.		
Observation	All	Corrections Professional
13910: Additionally, written agreements with law enforcement agencies 10 investigate or prosecute are not necessary. RP- 6 and 7.		
Observation	All	SINA
10305: Where you have an MOU you can also have a formal contract. More and more places are contracting out their medical, nursing, other elements of what they do – makes it more consistent.		
Question	All	Corrections Professional
12913: Why does an agency need to establish an MOU with an agency that has a legal responsibility to respond to calls for service/assistance?		

# Public Comment Report

## Prison/Jail

### RP-6: Memoranda of understanding with outside law enforcement agencies

Type of Comment	Standard Components	Source
Question	All	Individual
10323: RP - 6: Are inmates allowed to request confidential reporting? Can inmate receive medical/mental care without there being legal action against the alleged perpetrator? Can evidence be collected, and stored for future prosecution?		
Suggestion	Discussion	Advocate
13351: •The MOU Statement does not mention an agreement with the agency responsible for child abuse investigations. •Add this sentence, which comes from the parallel Juvenile Standard, to the Statement: "The agency also maintains a written MOU with any designated state or local services agency that has the authority to conduct investigations related to the sexual abuse of children within confinement facilities." •Add these sentences, which (with slight alterations) come from the parallel Juvenile Standard, to the Discussion: "Additionally, agencies will need to establish similar MOUs with the designated state or local services agency that has the authority and jurisdiction to initiate its own separate investigation into any allegation of sexual abuse of a youth in a facility. The MOU should outline the requirements and protocol for		
Suggestion	All	Corrections Professional
11989: RP-5,6,7, and 8: Agreements with outside agencies - The standard indicates that the agency maintains memoranda of understanding (MOU) or other agreements with outside government agencies that can receive and respond to inmate reports of sexual abuse. The standard assumes that these outside agencies are willing to respond to inmate reports of sexual abuse and partner in a MOU. It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU's .		
Suggestion	All	Corrections Professional
12140: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .		
Suggestion	All	Corrections Professional
12551: Recommend the commission follow RP-6 and continue to focus on those agencies that do not have these services available to them. The standard should read, "If an agency does not have the legal authority to prosecute violations of criminal law, every effort will be made to develop and maintain an MOD or agreement with the authority responsible for prosecuting violations of criminal law"		
Suggestion	All	Corrections Professional
12830: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .		
Suggestion	Checklist	Corrections Professional
13190: RP-7, Compliance Checklist 17: Recommend omitting or RP-5, RP-6, RP-7 Compliance Checklists 15-17: These checklists are so similar that perhaps one checklist could be developed that is general and encompassing enough to be used for any outside agency involved in an inmate sexual abuse report.		
Suggestion	All	SINA
10809: -One option would be to take it all out of corrections hands and let an external SART team do everything.		
Support/Agreement	All	Corrections Professional
13853: This is attainable.		

**Public Comment Report**

Prison/Jail

RP-6: Memoranda of understanding with outside law enforcement agencies

Type of Comment	Standard Components	Source
Intended Consequence	All	Corrections Professional

13440: Attempts at demanding formal MOU's, agreements and contracts where cooperation already exists without such a document, may, in some cases, actually impede relationships rather than offer the locality discretion when building partnerships, communication and collaboration.

# Public Comment Report

Prison/Jail

RP-7: Memorandum of understanding with prosecuting authority

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	All	Corrections Professional
10740: RP-7 Not needed		
Concern/Disagreement	All	Corrections Professional
11365: Mandating the use of MOUs is outside the scope of PREA. The standards should establish compliance criteria, and allow correctional agencies to determine the best way to achieve compliance. The standards, as currently written, dictate the manner in which agencies achieve compliance. All checklists mandating MOUs should be eliminated.		
Concern/Disagreement	All	Corrections Professional
11485: Also, proposed Standard RP-7 states "... the Agency should be taking steps to ensure that any incident that may constitute a criminal offense is criminally investigated and prosecuted." Neither in this standard nor in RP-6 is there a mandated referral for prosecution. Moreover, the ultimate decision as to prosecution rests with an independent, and in New York an independently elected District Attorney and our experience has been that decisions as to prosecution are made irrespective of the wishes or intent of corrections officials.		
Concern/Disagreement	All	Corrections Professional
12050: 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
12889: MOU's with other agencies is of concern. Several of the MOU's suggested may be difficult to establish, if not unethical or illegal. This would be the case with an MOU with the prosecuting authority.		
Concern/Disagreement	All	Corrections Professional
13289: While we agree that clear mutual expectations and regular communications with outside investigators and prosecuting attorneys is needed, we disagree with the requirements of MOUs. The presence of MOUs does not guarantee that protocols are functional and operational.		
Concern/Disagreement	All	Corrections Professional
13441: Specifically with respect to RP-7, this proposed standard would require the Department to enter into agreements with 34 District Attorneys, each of whom faces re-election every four years.		
Concern/Disagreement	All	Corrections Professional
13441: Very few jurisdictions have a formal written referral system and documentation in place for any other cases between the correctional facility and the prosecuting authority. There is simply no reason to create such a memorandum for this unique classification of cases when the current referral systems are generally working.		



**Public Comment Report**  
Prison/Jail

RP-7: Memorandum of understanding with prosecuting authority

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13513: While this standard is broadly written, the checklist is very specific and requires a memorandum of understanding (MOU) with the prosecutor that is extensive. While our agency has, in my opinion a very good relationship with our local State Attorneys office, the requirements of this standard may be overly burdensome.		
Concern/Disagreement	All	Corrections Professional
13522: Implementing MOU's at both city and county levels, in addition to the medical MOU's, is going to take a significant amount of time and resources, which will include training, networking, etc. Expecting full compliance of this area once the standards are published is an unrealistic requirement.		
Concern/Disagreement	All	Corrections Professional
13730: Both standards call for MODs with entities that are already bound by law to perform the tasks of investigating, charging and prosecuting in the event of sexual abuse. A separate MOD with these agencies seems redundant and unnecessary. It also is impossible to mandate.		
Concern/Disagreement	All	Corrections Professional
13739: The Commission suggests that formal memorandums of understanding (MOU's) be established with outside agencies that will receive and respond to reports of sexual abuse. While a list of providers/agencies may be gathered; written, formal agreements may be more difficult to establish and maintain.		
Concern/Disagreement	All	Corrections Professional
13919: This standard is unreasonable and unnecessary. Given legislative mandates and requirements imposed on law enforcement agencies and prosecuting authorities, there is no need for the MOUs required by this standard. Also, this standard is not feasible as it imposes an obligation on separate law enforcement agencies and prosecuting authorities that the agency head does not have the authority to enforce.		
Concern/Disagreement	All	Government
11839: Because prosecution decisions are made on a case-by-case basis by locality, it is doubtful that any state or Federal prosecutor would reduce their prosecutorial discretion into an MOU. In addition, for large correctional systems with institutions in multiple jurisdictions, it would be time consuming to negotiate the many MOUs this standard would require.		
Concern/Disagreement	All	Professional Organization
11340: The development and maintenance of MOU's with "outside government agencies" as well as "community agencies or advocates" will require the services of a skilled staff person designated for compliance. 2. There is limited capability for "facility heads" to require other governmental officials to participate in any MOU. Elected officials may view the MOU's as a way of shifting responsibility should there be a negative outcome and therefore refuse to participate.		
Concern/Disagreement	All	Professional Organization
12499: There is no need for four standards to address interagency and community cooperation.		
Concern/Disagreement	All	SINA
12502: The MOU with a county prosecutor's office or sheriffs department would be a nightmare. We could do it but it would not be worth anything. This could only happen if you have a great relationship. We have had a MOU in the past but they have no power. This is not possible in this community.		

# Public Comment Report

## Prison/Jail

### RP-7: Memorandum of understanding with prosecuting authority

Type of Comment	Standard Components	Source
Current Practice	All	Corrections Professional
12746: Currently, OSI has the authority to conduct criminal investigations in matters involving offender suspects and administrative investigations in matter involving staff suspects. OSI does not investigate criminal matters involving staff; the agency refers the to the jurisdictional law enforcement agency. No MOU exists for this agreement and no problems have arisen or been identified to date.		
Current Practice	All	Corrections Professional
12755: The Department does not have supervisory authority or control over the State Attorneys and cannot dictate which cases they prosecute. Further, the Department has no authority to control the actions or decisions of third parties, such as state attorneys or forensic medical examiners.		
Current Practice	All	Corrections Professional
13664: The Nevada Attorney General's Office is the prosecuting authority for any criminal violation occurring within our department. No MOU is necessary; however, the agency could request one.		
Current Practice	All	SINA
10910: DA is supportive – we have charged assaults and they respond and are supportive.		
Observation	All	Corrections Professional
13151: Local prosecuting authority has jurisdiction.		
Observation	All	Corrections Professional
13910: Additionally, written agreements with law enforcement agencies 10 investigate or prosecute are not necessary. RP- 6 and 7.		
Observation	All	SINA
10305: Where you have an MOU you can also have a formal contract. More and more places are contracting out their medical, nursing, other elements of what they do – makes it more consistent.		
Question	All	Corrections Professional
12913: Why does an agency need to establish an MOU with an agency that has a legal responsibility to respond to calls for service/assistance?		
Question	All	Government
13380: In the discussion portion of the standard what is/ are "meritorious prosecutions?"		
Question	All	SINA
13958: if an inmate is here for 30 years, why ask the state to have a trial and spend the money when they are going to ask us to deal with this in-house, which we do anyway.		

# Public Comment Report

Prison/Jail

RP-7: Memorandum of understanding with prosecuting authority

Name of Comment	Standard Components	Source
Suggestion	All	Corrections Professional

11989: RP-5,6,7, and 8: Agreements with outside agencies - The standard indicates that the agency maintains memoranda of understanding (MOU) or other agreements with outside government agencies that can receive and respond to inmate reports of sexual abuse. The standard assumes that these outside agencies are willing to respond to inmate reports of sexual abuse and partner in a MOU. It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU's .

Suggestion	All	Corrections Professional
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12140: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .

Suggestion	All	Corrections Professional
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12830: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .

Suggestion	Checklist	Corrections Professional
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13033: we do not believe a written memorandum of understanding is either appropriate or necessary with prosecution authority and therefore correspondent to elimination of that provision in the Rules themselves we believe that Compliance Checklist 17 should also be eliminated.

Suggestion	Standard Statement	Corrections Professional
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13189: Recommend rewording this standard to read:

agency head makes every reasonable effort to maintain regular, on-going discussions with prosecutors at issues related to any allegations of criminal conduct in the agency.

Suggestion	Checklist	Corrections Professional
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13190: RP-7, Compliance Checklist 17: Recommend omitting or RP-5, RP-6, RP-7 Compliance Checklists 15-17: These checklists are so similar that perhaps one checklist could be developed that is general and encompassing enough to be used for any outside agency involved in an inmate sexual abuse report.

Suggestion	All	Corrections Professional
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13482: we do not believe a written memorandum of understanding is either appropriate or necessary with prosecution authority and therefore correspondent to elimination of that provision in the Rules themselves we believe that Compliance Checklist 17 should also be eliminated.

Suggestion	All	Corrections Professional
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13902: RP-7: the commission should consider revising the standard that requires the agency head to make every reasonable effort to develop and maintain an MOU with the authority responsible for prosecuting violations of criminal law.

Suggestion	All	Government
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13087: Recommend the commission follow RP-6 and continue to focus on those agencies that do not have these services available to them. The standard should read, "If an agency does not have the legal authority to prosecute violations of criminal every effort will be made to develop and maintain an MOD or agreement with the authority responsible for prosecuting ations of criminal law"

# Public Comment Report

Prison/Jail

RP-7: Memorandum of understanding with prosecuting authority

Type of Comment	Standard Components	Source
Suggestion	All	SINA
14050: •A lot of your efforts should be with the prosecutors. Less likely to have a trial if they already have an armed robbery and will already be in the prison for a long time. Too much money and not worth it. It would be noted in their files.		
Support/Agreement	All	Corrections Professional
13854: This is attainable.		
Unintended Consequence	All	Corrections Professional
13440: Attempts at demanding formal MOU's, agreements and contracts where cooperation already exists without such a document, may, in some cases, actually impede relationships rather than offer the locality discretion when building partnerships, communication and collaboration.		

# Public Comment Report

## Prison/Jail

### RP-8: Agreements with forensic medical examiners

Content of Comment	Standard Components	Source
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	Discussion	Corrections Professional
11625: The part of the discussion dealing with non-litigation-related inmate requests for records from independent medical examiners may be impractical under current State records laws. In some States, mandatory provision of records to an indigent inmate would hold an independent medical examiner to a higher standard than is owing to indigent members of the general public.		
Concern/Disagreement	All	Corrections Professional
12636: RP - 8: Agreements with Forensic Medical Examiners: There may not be a need for any 'agreements' in this area as there is existing statute and/or policy/protocol that medical examiners have for conducting examinations.		
Concern/Disagreement	All	Corrections Professional
12637: RP - 9: Sexual Abuse Incident Reviews: The proposed standard does not give direction to follow should it be discovered/determination of sexual abuse outside of policy review. This committee should have the power to forward a response to the agency head.		
Concern/Disagreement	All	Corrections Professional
13032: Very few jurisdictions have a formal written referral system and documentation in place for any other crimes between the correctional facility and the prosecuting authority. There is simply no reason to create such a memorandum for this unique classification of cases when the current referral systems are generally working. Additionally, the requirement of a reduction of such agreements to writing for many states will cause additional expense and administrative issues, such as addressing data practices, costs and workflows and other aspects that are currently being handled without such memorandum.		
Concern/Disagreement	All	Corrections Professional
13154: State or local medical examiner has jurisdiction. To contract with a different examiners office would be quite costly to the facility and undermines the authority of the state or local medical examiner.		
Concern/Disagreement	Checklist	Corrections Professional
13193: Some of the items on this checklist outline the equipment, protocol and procedures required by the forensic medical examiners. We cannot require private hospitals or outside agencies to have specific equipment or dictate the procedures they follow.		
Concern/Disagreement	All	Corrections Professional
13471: Very few jurisdictions have a formal written referral system and documentation in place for any other crimes between the correctional facility and the prosecuting authority. There is simply no reason to create such a memorandum for this unique classification of cases when the current referral systems are generally working.		
Concern/Disagreement	All	Corrections Professional
13475: the resource drain and cost associated with such an endeavor is an unfunded mandate. We are not afforded in a way to accommodate this.		

**Public Comment Report**  
**Prison/Jail**  
**RP-8: Agreements with forensic medical examiners**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Concern/Disagreement</b>	<b>All</b>	<b>Corrections Professional</b>
13911: This standard would require additional expenditures for medical care when our state already expends large amounts for medical and mental health services. Additionally, our agency prohibits inmates from having copies of their medical records for security reasons. (Inmates have the right to inspect their records and make notes.)		
<b>Concern/Disagreement</b>	<b>All</b>	<b>Corrections Professional</b>
13920: This standard is unreasonable and unnecessary. There is no need for the written agreement or contract with outside health providers required by this standard. The ethical and professional requirements imposed on the medical personnel employed at a facility are enough to ensure the avoidance of conflicts or appearance of conflicts. Also, compliance with this standard will impose on facilities substantial additional costs.		
<b>Concern/Disagreement</b>	<b>All</b>	<b>Labor Union</b>
13694: The report specifies this work as best performed by a third party due to conflict of interest concerns. Council 75 is confident that any perceived conflict of interest concerns are not well-founded and that these duties can be performed within the bargaining unit, though the forensic medical exams contemplated by this standard may require additional, specialized training, and possibly additional staffing depending on the way any new job duties are assigned.		
<b>Concern/Disagreement</b>	<b>All</b>	<b>Professional Organization</b>
12499: There is no need for four standards to address interagency and community cooperation.		
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
12746: Currently, OSI has the authority to conduct criminal investigations in matters involving offender suspects and administrative investigations in matter involving staff suspects. OSI does not investigate criminal matters involving staff; the agency refers the to the jurisdictional law enforcement agency. No MOU exists for this agreement and no problems have arisen or been identified to date.		
<b>Current Practice</b>	<b>All</b>	<b>Corrections Professional</b>
12783: Area hospitals close to the correctional facilities are contracted to provide forensic exam when indicated. DOC policy indicates, "if reported within 72 hours". Offenders are offered mental health services at the time of reporting and also follow-up ongoing services. The issue would be after-hours coverage when mental health staff is not on duty. We currently have departmental mental health on-call coverage for emergency incidents. However, they are not mandated to report.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11180: We don't do any forensic testing here.		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11213: we send them out – they specifically stay out of that... Would prefer to send them out – transparent thing we like to do		
<b>Current Practice</b>	<b>All</b>	<b>SINA</b>
11610: Yes, there is an agreement with the hospital.		

**Public Comment Report**  
Prison/Jail

RP-8: Agreements with forensic medical examiners

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Current Practice	All	SINA
14037: The hospital we contract with in the community has a sexual assault team – the have SANE nurses... Collection of evidence, utilizing a SANE nurse, getting a sexual assault advocate in to talk with the person, chain of command... our role would be to get them to the hospital and to make sure that they get care upon return and on the mental health list.		
Observation	All	SINA
10305: Where you have an MOU you can also have a formal contract. More and more places are contracting out their medical, nursing, other elements of what they do – makes it more consistent.		
Question	All	Corrections Professional
12913: Why does an agency need to establish an MOU with an agency that has a legal responsibility to respond to calls for service/assistance?		
Suggestion	All	Advocate
12049: •The Standards should set a timeframe by when survivors should be seen by a doctor.		
Suggestion	All	Advocate
12050: •The Standards should specify that prisoners would not be charged for receiving copies of the records.		
Suggestion	All	Advocate
12051: •We highly recommend maintaining the requirement in standard RP-8 that prisons and jails enter into formal agreements with qualified, independent medical examiners who can perform forensic exams of sexual abuse victims. The best practice is for the full forensic exam to be conducted outside of the prison or jail. When that is not feasible, facilities should still retain outside contractors to perform these examinations on-site, rather than have them performed by facility medical staff.		
Suggestion	All	Corrections Professional
10775: RP-8: The Commission should consider eliminating the MOU requirement for forensic examiners and only require a procedure for how medical examinations will be conducted for victims of sexual abuse. Not aware of too many hospitals that provide a written agreement, but they all treat the inmates.		
Suggestion	All	Corrections Professional
11989: RP-5,6,7, and 8: Agreements with outside agencies - The standard indicates that the agency maintains memoranda of understanding (MOU) or other agreements with outside government agencies that can receive and respond to inmate reports of sexual abuse. The standard assumes that these outside agencies are willing to respond to inmate reports of sexual abuse and partner in a MOU. It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU's .		
Suggestion	All	Corrections Professional
12140: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .		

**Public Comment Report**  
**Prison/Jail**  
**RP-8: Agreements with forensic medical examiners**

<b>Type of Comment</b>	<b>Standard Components</b>	<b>Source</b>
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
12552: Recommend the commission again follow RP-6 and continue to focus on those agencies that do not have these services available to them. The standard should read, "If an agency does not have access to a qualified, independent forensic medical examiner, the agency head will maintain a written agreement or contract with a qualified, independent forensic medical examiner who can perform forensic medical exams of sexual abuse victims,		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
12830: It is recommended that the standard be rewritten to indicate that the agency has attempted to obtain these MOU' s .		
<b>Suggestion</b>	<b>All</b>	<b>Corrections Professional</b>
12981: Need definition of forensic medical examiners.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
13192: RP-8, Compliance Checklist 18: Recommend rewording this checklist to say MOU or Contract.		
<b>Suggestion</b>	<b>Standard Statement</b>	<b>Corrections Professional</b>
13442: with respect to RP-8, the standard should be revised to recognize that the use of outside hospitals for examinations of victims alleging recent sexually abusive penetration is sufficient.		
<b>Suggestion</b>	<b>Checklist</b>	<b>Corrections Professional</b>
13443: Compliance Checklist 18 should be rewritten to recognize the sufficiency of such a policy even without an MOU, otherwise, this standard might seem to require that we have written agreements or contracts with every hospital emergency department that we could conceivably use, and we would need to dictate the qualifications of their providers.		
<b>Suggestion</b>	<b>All</b>	<b>Government</b>
13089: Recommend the commission again follow RP-6 and continue to focus on those agencies that do not have these services available to them. The standard should read, "If an agency does not have access to a qualified, independent forensic medical examiner, the agency head will maintain a written agreement or contract with a qualified, independent forensic medical examiner who can perform forensic medical exams of sexual abuse victims.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
11747: SPR also believes it essential to maintain the requirement in standard RP-8 that prisons and jails enter into formal agreements with qualified, independent medical examiners who can perform forensic exams of sexual abuse victims.		
<b>Support/Agreement</b>	<b>All</b>	<b>Advocate</b>
11969: RP-8: This standard is strong. It is very important to maintain the requirement that facilities contract with specially trained SART forensic nurses who have a great deal of training, ongoing experience and substantial expertise that is maintained by performing exams repeatedly in a variety of circumstances.		



# Public Comment Report

Prison/Jail

## RP-8: Agreements with forensic medical examiners

Type of Comment	Standard Components	Source
Support/Agreement	All	Advocate
<p>12596: This standard, which addresses the procurement of an agreement with an outside forensic medical examiner to provide forensic sexual assault examinations, is an essential requirement that needs to be preserved in these standards. The examiner needs to be an independent, qualified medical professional. Ideally this person would provide services at an outside facility. However, if it is unable to happen at an outside facility due to safety reasons, then the contracted medical professional should be brought into the agency to provide the forensic examinations.</p>		
Support/Agreement	All	Corrections Professional
<p>13294: From my experience in corrections this is the most important part of the program.</p>		
Unintended Consequence	All	Corrections Professional
<p>13440: Attempts at demanding formal MOU's, agreements and contracts where cooperation already exists without such a document, may, in some cases, actually impede relationships rather than offer the locality discretion when building partnerships, communication and collaboration.</p>		

**Public Comment Report**  
**Prison/Jail**  
**RP-9: Sexual abuse incident reviews**

<b>Topic of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Concern/Disagreement	All	Advocate
12188: While PREA standards comply with international standards by setting forth in detail the requirements of every investigation, they fall short of international standards by failing to incorporate a provision requiring a timely response to inquiries regarding ongoing investigations. To meet international obligations, language should be incorporated requiring prompt investigation of all allegations and that investigative authorities respond to any inquiries into ongoing investigations in a timely manner.		
Concern/Disagreement	All	Advocate
13595: 1)At the outset, this Standard does not make clear what complaints must be reviewed. In the Standard, it mandates review of all complaints except those deemed unfounded. In the Discussion, it describes a review of all credible reports, regardless of whether the incident was substantiated. This needs to be clarified and the terms need to be defined. In the Discussion of IN-1, it describes an unsubstantiated complaint as one where there is reasonable suspicion that the activity complained of occurred but not sufficient proof to meet the preponderance of the evidence standard. It should also be made explicit that the term "unfounded" is to be applied in only extremely limited instances... We suggest that the term "unfounded" be defined to apply to a complaint only when there is proof beyond a reasonable doubt that the reported incident did not occur, so that understandable mistakes in reporting are not used to dismiss the complaint out-of-hand.		
Concern/Disagreement	Discussion	Advocate
13596: 2)The Discussion talks about the need to review of all credible complaints, including those that were deemed unsubstantiated, but excluding those that were labeled unfounded. Since there is a potential for Agencies to mis-categorize the results of their investigations, Agencies should have to review all complaints, regardless of the outcome of the investigation.		
Concern/Disagreement	Checklist	Corrections Professional
11572: (a) (b) According to this point, the standing review committee must include the chief of on-site investigations, different than the investigator who serves as a member of the coordinated response team. It is unrealistic and infeasible to expect facilities to hire two investigators to meet the requirements of these two standards.		
Concern/Disagreement	All	Corrections Professional
11979: Another example of unnecessary specificity in the standards is the requirement identifying participants necessary to conduct postincident reviews of PREA events. The North Carolina Department of Correction argues that it knows best who should conduct a PREA post incident review and at the same time achieve the overall goal of this standard.		
Concern/Disagreement	Checklist	Corrections Professional
11990: RP-9: Sexual abuse incident reviews - The agency argues that only substantiated cases should be reviewed. It is recommended that the Commission allow the agency to identify who conducts these reviews. The agency should not be bound to the members indicated in checklist 19.		
Concern/Disagreement	All	Corrections Professional
12786: A standing review committee standard is unnecessary and the expected outcome is unclear. Procedures on a smaller scale currently exist to review substantiated or unsubstantiated incidents at the conclusion of an investigation. An expanded review committee would require additional work and resources and involvement of staff whose connection with any incident might be only tangential.		

**Public Comment Report**  
**Prison/Jail**  
 RP-9: Sexual abuse incident reviews

<b>Content of Comment</b>	<b>Standard Components</b>	<b>Source</b>
Concern/Disagreement	Checklist	Corrections Professional
12798: the checklist asks whether policies are amended as necessary to address any shortcomings that might need changing. These requirements amount to a full blown, time-consuming, reinvestigation of the crime and the response to it each time a "credible report of sexual abuse is made." While the process is admirable in theory, it is not feasible to expect an inquiry of that type with that designated staff each time.		
Concern/Disagreement	All	Corrections Professional
12996: We also do not feel it is necessary to request multiple reviews.		
Concern/Disagreement	All	Corrections Professional
13034: we believe it is unnecessary, duplicative and potentially harmful if this requirement is included in the last sentence of the discussion of that standard... We do not believe the standard should require an additional interview.		
Concern/Disagreement	All	Corrections Professional
13156: Standard does not take into consideration smaller facilities, i.e., staff time, etc.		
Concern/Disagreement	Checklist	Corrections Professional
13197: RP-9, Compliance Checklist 19, (a): The required membership defined in the bullet points may be impossible to get together for a standing review committee. If there are a number of incidents to review this may present an undue burden on the agency to try to conduct this review.		
Concern/Disagreement	All	Corrections Professional
13444: This standard is too narrowly drafted. The proposed standard mandates methodology and fails to recognize the differences between the various states and localities.		
Concern/Disagreement	Checklist	Corrections Professional
13941: Some concerns were presented by reviewers. One of these concerns was the issue of confidentiality of inmate information and staff information.		
Concern/Disagreement	All	Labor Union
13696: This standard may require additional specialized training for staff in identification and troubleshooting of sexual assaults.		
Concern/Disagreement	Discussion	SINA
11505: We think that this is too vague. Unit level staff cannot change agency policy. We agree on the concept of sexual assault incident reviews; however, the wording of the line makes it appear that we can change policy when we can't and our recommendation is to reword that line... I would just change the wording where if that particular facility has the capability to change facility policy then they should, but to say agency policy.		
Current Practice	All	Corrections Professional
13256: Compliance Checklist 19: Sexual Abuse Incident Reviews: The Office of the Inspector General Investigator assigned to the unit is responsible for the on-site investigation and reports the findings of the investigation directly to his/her chain of command, but does ensure the agency has all information needed to ensure the safety of the victim. The Inspector General, or his designee coordinates investigations with the appropriate management positions. As a division with independent oversight of TDCJ, the Inspector General, or his designee is responsible for the review and assessment of the integrity of all investigations, not a review committee.		

**Public Comment Report**  
**Prison/Jail**  
**RP-9: Sexual abuse incident reviews**

Type of Comment	Standard Components	Source
Current Practice	All	Corrections Professional
13269: RP-9: Sexual abuse incident reviews: "The facility head and a standing review committee review all incidents of sexual abuse at the conclusion of the investigation, unless the report was determined to be unfounded, to assess and improve prevention and response efforts."		
TDCJ may be doing this with their admin investigations but OIG does not have a standing review committee to review all incidents of sexual abuse at the conclusion of each investigation. Each case is reviewed by individual regional OIG supervisors.		
Current Practice	All	Corrections Professional
13666: This standard is not being met; however with proper training of investigative staff and the addition of the PREA Coordinator on any review committee looking at sexual abuse investigations this standard could be achieved.		
Current Practice	All	Corrections Professional
13942: The COCA is under a federal Receiver for Health Care. This oversight and direct management of a sizeable portion of the COCA operation requires collaboration between authorities The Standards should recognize this obligation within a state entity and allow for coordinated protocols when necessary.		
Current Practice	All	Professional Organization
11341: This is already occurring in facilities around the nation so specifying the development of a committee places additional burden on small jails.		
Current Practice	Checklist	SINA
11043: there's just some difference in terminology... Well there's a review committee, you know we kind of have two different structures. We have the Unit Classification Committee that reviews all of this stuff and then we have the committee that meets once a month and reviews any really credible claims to see if staff acted appropriately and there was mental health and medical, was everything applied appropriately.		
Question	All	Corrections Professional
12788: Requesting additional clarification on "review." Interviews with all involved participants could be time consuming for the Administrative team as some accusations are as a result of offender mental health problems (e.g. delusional behaviors) or simply frivolous. Can the review be the OSI inquiry or the investigation?		
Suggestion	All	Academic
13300: Suggest that the review team include some programming staff.		
Suggestion	All	Advocate
11921: •The Discussion of this Standard should specify that to the extent possible confidential medical information, such as HIV test results, <i>should not</i> be included in the incident review process.		
Suggestion	Standard Statement	Advocate
12195: This is a very important standard.		

**Public Comment Report**  
 Prison/Jail  
 RP-9: Sexual abuse incident reviews

Line of Comment	Standard Components	Source
Suggestion	Checklist	Advocate

13536: We also do not believe that all Standards can be assessed simply by a Checklist. For example, RP-9 (the Sexual Abuse Incident Review Standard) is one of the most crucial of the Standards, since it requires that Agencies review complaints of sexual misconduct, even if not substantiated, to determine if policies and procedures were implicated and need to be revised. But the Checklist, as written, does not (and cannot) assess whether facility heads and Agency heads have reviewed all policies and procedures implicated by the alleged misconduct or whether they have come to appropriate conclusions about whether policies and procedures needed to be revised... It would be more practical for this Standard, and a limited number of others (such as the Standard of Proof Needed to Substantiate a Complaint) to call for a supplemental narrative description of the problems identified and the actions taken.

Suggestion	Standard Statement	Advocate
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13578: First, if an employee who has passed through this screening process is later discovered to be involved in sexual abuse, the screening process should be reexamined and modified; the Standard should specify this. (Alternatively this suggestion could be made part of RP-9, which requires facility reviews of incidents of abuse to determine if any policies or procedures need to be revised).

Suggestion	All	Advocate
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13597: 3)Because investigations can continue for months or even years, we believe it is imperative that once a complaint has been made, the Agency should be required to make a prompt assessment whether the staff member alleged to have engaged in sexual abuse should be removed from inmate contact or from cross-gender supervision, or whether enhanced supervision of that same staff member is needed. In making this determination, the Agency should consider the severity of the allegation and any prior complaints made. This assessment should be made on an ongoing basis throughout the investigation. (As a result, we believe that this assessment could either be required as part of the RP-9 process or could be required as a component of the Agency's duty to respond to allegations, and so we also suggest it as part of AD-1). The appropriateness of these determinations should also be considered at the completion of the investigation.

Suggestion	All	Advocate
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13598: 4)If the complaint being reviewed was of a longstanding relationship between staff and an inmate, the Review Committee should assess how such a relationship could have continued for so long and whether staff members failed to meet their duty to report and what actions should be taken in response.

Suggestion	All	Advocate
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13599: 5)If the complaint being reviewed was of inmate-inmate assault, staffing allocations should be reviewed to determine if additional staff is required or if staff were negligent in their duties in allowing such an assault to take place. In addition, a review of the classification protocols (CL-1 and CL-2) should be conducted to determine if they were incorrectly applied to the inmates involved, or need to be revised.

Suggestion	All	Advocate
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13600: 6)If the Commission does not choose to mandate the use of cameras, as we suggested above, then the Review Committee should reevaluate the adequacy of their technology (PP-7) and supervision (PP-1 and PP-3) in light of each complaint reviewed.

Suggestion	All	Advocate
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13601: 7)The Standards should set a time frame required for the review. The Committee should meet at least monthly.

**Public Comment Report**  
**Prison/Jail**  
**RP-9: Sexual abuse incident reviews**

Type of Comment	Standard Components	Source
Suggestion	All	Corrections Professional

10741: The facility head will meet with Executive Staff and review, rather than create a stand alone. Executive Staff should be familiar with the training and proof of certification requirements and will ultimately be responsible for ensuring compliance.

Suggestion	All	Corrections Professional
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12141: The agency argues that only substantiated cases should be reviewed. It is recommended that the Commission allow the agency to identify who conducts these reviews. The agency should not be bound to the members indicated in checklist 19.

Suggestion	Discussion	Corrections Professional
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12409: Page 26 Rp-9 Sexual Abuse Incident Reviews - states "Having identified problems, the facility can then make necessary changes to the policies or practices that endanger staff and inmates." This is vague; Unit level staff cannot change Agency policy. We agree in the concept of sexual assault incident reviews; however the wording of the line makes it appear that we can change policy when we cannot. Our recommendation is to re-word this line.

Suggestion	All	Corrections Professional
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12832: The agency argues that only substantiated cases should be reviewed. It is recommended that the Commission allow the agency to identify who conducts these reviews. The agency should not be bound to the members indicated in checklist 19.

Suggestion	All	Corrections Professional
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12982: I recommend that unfounded investigations get reviewed as well for compliance to standards.

Suggestion	All	Corrections Professional
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12983: Sexual abuse incident reviews, pg 26, Discussion, last sentence, "Those staff members who responded to the incident, including any and all coordinated response team members (RP-1), should be interviewed as part of the review." - Comment: I recommend may replace should and/or add something about interviews may be conducted when necessary for a proper review.

Suggestion	All	Corrections Professional
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12995: We would request that "designee" be added to the membership list.

Suggestion	All	Corrections Professional
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13035: We believe that in most circumstances a comprehensive and thorough written report, as typically required by many agencies at the present time, will be sufficient for the review committee without the additional potential problems that a second interview will generate.

Suggestion	Standard Statement	Corrections Professional
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13195: Recommended rewording so standard reads:  
 A standing review committee reviews all incidents of sexual assault within 90 days of the conclusion of the investigation, unless the report was determined to be unfounded, to assess and improve prevention and response efforts.

Suggestion	All	Corrections Professional
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13196: It is recommended that only specific types of cases like sexual assaults or staff sexual misconduct and only those determined to be substantiated or unsubstantiated be reviewed or randomly auditing a few cases each quarter.

**Public Comment Report**  
**Prison/Jail**  
**RP-9: Sexual abuse incident reviews**

Type of Comment	Standard Components	Source
Suggestion	Checklist	Corrections Professional
13198: RP-9, Compliance Checklist 19, (b): Recommend rewording to read: Does the standing review committee ensure that agency's policies and procedures were followed?		
Suggestion	Checklist	Corrections Professional
13199: RP-9, Compliance Checklist 19, (c-p): Recommend omitting all of these items or allowing items to be marked Not Applicable... Many of these items are either very vague or not enough information is available to evaluate them in an incident.		
Suggestion	All	Corrections Professional
13807: This particular standard needs some additional clarification.		
Suggestion	All	Government
12589: The standards only provide for an internal review of incidents of sexual abuse. We recommend the addition of either 1) the addition of a victim advocate or victim services provider to the internal review committee or 2) the development of an external review committee composed of experts in the field of the prevention of sexual abuse including a victim advocate/victim services provider.		
Suggestion	All	Labor Union
11800: In states that have collective bargaining agreements, the union should have a representative on the standing review committee. Since this committee will examine policies and/or practices that may be impacted by collective bargaining agreements, it is important for the committee to have someone on it that can address these issues from the union's perspective.		
Support/Agreement	All	Advocate
12194: RP-9: The wording of standard RP-9 should be slightly modified to read, " <i>The facility head and standing review committee review all incidents of sexual abuse at the conclusion of the investigation, regardless of whether or not the incident was substantiated, unless the report was determined to be unfounded</i> ".		
Support/Agreement	Standard Statement	Advocate
13594: This Standard is extremely important. It recognizes that while many complaints of sexual abuse will not be substantiated, the prison or jail is not excused from taking any action in response.		