

Public Comment Report

Prison/Jail

DC-1: Data collection

Name of Comment	Standard Components	Source
Concern/Disagreement	Checklist	Advocate
11958: •Data collected in this checklist should not be used to profile potential abusers based on their gender identity, race, diagnoses, etc.		
Concern/Disagreement	Checklist	Advocate
12114: •Data collected in this checklist should not be used to profile potential abusers based on their gender identity, race, diagnoses of mental illness, etc.		
Concern/Disagreement	Checklist	Corrections Professional
11459: Compliance Checklist 42: This checklist needs to be revised to focus solely on PHYSICAL sexual abuse, not sexual harassment. To require this volume of data for all allegations is cumbersome, labor intensive and would impose substantial costs on the agency. This checklist and the required information should be limited to only sustained allegations of physical sexual abuse.		
Concern/Disagreement	Checklist	Corrections Professional
12782: The additional checklists, particularly checklist #42, enumerate vastly more detailed and encumbering data requirements. Also, the new requirements would require full details to all cases reported, not just substantiated cases. This is problematic as data integrity would become a higher issue. Currently, extensive reviews of the substantiated cases can be done via manual review but cannot be done for all reported cases should this become the new standard for reporting information.		
Concern/Disagreement	All	Corrections Professional
12784: For the Department to meet the new data requirements major programming would have to ensue which would be extremely taxing on departmental personnel and finances.		
Concern/Disagreement	Checklist	Corrections Professional
12897: It may be illegal, for example, for the agency to ask the sexual orientation of victims and/or alleged staff perpetrator if they have a history of mental illness or drug/alcohol abuse.		
Concern/Disagreement	All	Corrections Professional
12900: Certain types of data may require separate databases to ensure confidentiality of inmate records. For example, data such as mental illness diagnosis, mental disability, medical testing and treatment would need to be kept separate per our agency policy to ensure confidentiality of mental health and medical records. There would be additional cost to maintain these separate records.		
Concern/Disagreement	All	Corrections Professional
13191: Most agencies have an insufficient number of staff and resources to satisfy this requirement.		
Concern/Disagreement	Standard Statement	Corrections Professional
13297: Comments: The meaning of the term "validated" in the first sentence above is unclear.		
Concern/Disagreement	All	Corrections Professional
13486: DC-1: Data collection. The increased data indicated in the standards requires additional requirements and time with no increase in resources.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
13508: The information that the standards mandate be collected, tracked and stored using a standardized instrument. This instrument is yet to be developed. There are also concerns about the potential costs of such an instrument.		
Concern/Disagreement	Checklist	Corrections Professional
13533: The types of data required to be collected if the alleged perpetrator is a staff member is excessive and not collectible. The following elements should be eliminated because of their actual and potential protected status established under Federal and State law and rule. Medical history information must be kept in separate employee files and is limited in access based on a supervisors need to know: Seeking this information as a result of an allegation will involve resistance, challenges and increased costs, both in time and money for the agency.		
<ul style="list-style-type: none"> • Sexual orientation • History of alcoholism or drug use 		
Concern/Disagreement	Checklist	Corrections Professional
13580: Sexual orientation is not asked pursuant to investigations as the question can put the victim or perpetrator on the defensive and destroy the rapport with the investigator. However, if the information is known, or becomes known through other means, it can be documented.		
Concern/Disagreement	Checklist	Corrections Professional
13582: The questions regarding sexual orientation, history of substance abuse and the history of mental illness are not asked of staff persons as this could violate this person's rights under the Equal Employment Opportunity Act. There is also an issue regarding the seeking of information such as mental health or medical information, as each may violate the person's rights under HIPPA. However, if such information is volunteered during the investigation it could be documented.		
Concern/Disagreement	All	Corrections Professional
13798: While collection of data can inform interventions to reduce the incidence of prison rape, it presents challenges in terms of standardized definitions, inclusion of defensible information, and protection of the identity and characteristics of individual victims and perpetrators of sexual abuse.		
Concern/Disagreement	All	Corrections Professional
13863: While this information would be extremely helpful for monitoring PREA incidents, it is stated that a universal instrument has yet to be developed. Unless or until that occurs this data collection section is impractical and cumbersome at best. Positions will have to be created and processes put in place and these tasks are not funded.		
Concern/Disagreement	All	Corrections Professional
13865: While this information would be extremely helpful for monitoring PREA incidents, it is stated that a universal instrument has yet to be developed. Unless or until that occurs this data collection section is impractical and cumbersome at best.		
Concern/Disagreement	Checklist	Corrections Professional
13953: Some of the information requested in the checklist appears to abridge the employee's right to privacy that could possibly expose the CDCR to discrimination litigation.		

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Name of Comment	Standard Components	Source
Concern/Disagreement	All	Professional Organization
10688: Also, issues of data storage and training: there is going to be quite a bit on training required and that is going to be a big cost to us.		
Concern/Disagreement	All	Professional Organization
12534: the Commission points out that the incident-based reporting system has yet to be developed, thereby imposing future unknown costs for jails. Additionally, the terms used in the proposed standard are undefined: "validated", "uniform", "standardized instrument", "set of definitions."		
Concern/Disagreement	All	SINA
10447: Pretty intense regarding the database system. We don't have anything at present to gather the information together. We have about 70% of the information but don't have personal information or staff abuse issues.		
Concern/Disagreement	Checklist	SINA
10449: •Review employees disciplinary record if there is an investigation •Arbitration would require that past histories of allegations are removed from the file. We make assignments based on this but the staff member is still here. This will not show up in background checks. •Prior incidents in other facilities are not shared between institutions unless it's self reported. •Information from forensic exam is not reported to our staff by state law. •Reason for the perpetrators actions – no perp would admit to the incident •Special favors promised to the inmate for participant is not clear – only reported by the inmate. I would not put this in as an item in the database.		
Concern/Disagreement	Checklist	SINA
10461: The necessity of the database information is not essential and I have concerns with this information in the database or the confidentially to getting this information.		
Concern/Disagreement	All	SINA
10620: We have some pretrial that can be bailed at any time, what if someone makes an allegation and then is bailed and we can't find them?		
Concern/Disagreement	All	SINA
10823: -Data collection process—We don't do all of this now. We are working on it, but this would force us to change what we are doing. We would have to set up a database and a standard template. Then delve into the investigation. We would have to sequence and track. We would have to implement and train. Train to prepare us to respond to each and every standard or we would not be able to do this.		
Concern/Disagreement	All	SINA
10824: -Not all of these things are that important like custody level or gang affiliation. We are so focused on taking immediate action – that we may not necessarily look at all of this. I can see the tie-in for gambling. Weight of individuals – I can see importance of this, but not the focus of things. -I can see the importance in terms of this being a good evaluation tool when you delve into prevention issue and analyze your cases. But then the question becomes how much of this are you really going to use? In report writing I may include some of this and others do not. Not a standard practice to collect some of these things.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	All	SINA
10825: -This information IS available in other places; it's just not in one central location. It appears from this that it needs to be in one area and we would need to develop a template to collect and record the data. Separate from the report. Even sexual orientation, I am not an expert, unless then tell us – or physical or mental disability – we are not all privileged to this info. We know their custody level by where they are housed, but not as part of the investigation.		
Concern/Disagreement	Checklist	SINA
10912: gang affiliation there are laws against that cannot say, in the state of OR, that someone is in a gang... •Diagnosis of mental illness... •Medical stuff – we have it, boils down to HIPPAA... sexual orientation... Cannot ask		
Concern/Disagreement	Checklist	SINA
10913: staff: •Cannot ask about staff sexual orientation. •History of mental illness, relationship status,		
Concern/Disagreement	All	SINA
11046: It seems like here in Texas we report everything that we've heard. Other states don't. So, my question would be is there going to be a national standard of what's reportable and what's not.		
Concern/Disagreement	Checklist	SINA
11111: Asking about drug use, alcohol problems. Personal stuff – the unions would have a problem with that.		
Concern/Disagreement	Checklist	SINA
11235: •Think it is excessive... •We could obtain all of this info... any list this long, and this was probably compiled by a sociologist, does not have a clue what is involved in collecting all of this. Could I assign an investigator to go back through and collect all of this? Sure. Do we collect all of this when we are trying to determine if an inmate has been victimized? No. All of this info is available somewhere, but it may not be collected in the course of an investigation that the deputies do... you would take all of this data out and duplicate it somewhere else – seems cumbersome		
Concern/Disagreement	Checklist	SINA
11237: •Like height and weight.... Like HIV testing – that is delicate.		
Concern/Disagreement	Checklist	SINA
11238: •Knowing sexual orientation of a staff member is delicate. ...Would it be obvious in the course of an investigation? No. But it might be available somewhere else.		
Concern/Disagreement	All	SINA
12254: Some of this we do ask but we don't ask about sexual orientation of staff? We don't have the authority to ask this question and what matter does it make? Is this ok under EEO, HIPPA and other standards? These are not questions that we feel comfortable asking. This would put us in legal jeopardy		
Concern/Disagreement	Checklist	SINA
13956: The staff sexual orientation and the inmate records would not be able to be done with the federal regulations regarding staff sexual orientation.		

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Type of Comment	Standard Components	Source
Concern/Disagreement	Checklist	SINA
13989: C – sexual orientation, history of drug use, HIV status and others are not possible.		
Concern/Disagreement	Checklist	SINA
13990: This information is not really helpful for scattered incidents.		
Concern/Disagreement	Checklist	SINA
14081: This seems like a lot of information to report a sexual assault. We know who to report this stuff to and make sure that the victim gets help. I don't need this info.		
Concern/Disagreement	Checklist	SINA
14111: Too much detail. This is a statisticians dream and a practitioner's nightmare. Some things we don't do and some things we don't need to do... A lot of stuff here appears to be daunting but in fact we are doing it already. This will be hard to implement but it can be done. The standard doesn't say what the checklists do. They are a completely different level of specificity.		
Concern/Disagreement	Checklist	SINA
14113: I think that you need something to show accountability just like ACA check lists. This is doable but this is tedious. This standard is twice as thick as the ACA standards which 637 areas. Is it necessary to have so much detail? This is asking for a lot of numbers that would be interesting for research purposes but not practical for our practice. We want to expedite the process.		
Current Practice	All	Corrections Professional
10795: ASCA already provides Performance Based Measures Standards that include sexual behavior, which many States/jurisdictions are already employing. It would be beneficial if the standards were similar/the same to eliminate duplication of effort and differing definitions.		
Current Practice	All	Corrections Professional
12573: The Connecticut DOC keeps a PREA database with limited authorized users. This database is updated by the agencies Security Division explains each case. The Security Division has an investigator assigned to investigate PREA cases. This investigator is also responsible monitoring and housing inmates accordingly that fit the profile of a Predator or Victim.		
Current Practice	Checklist	SINA
10448: We have some of the information but would not ask sexual orientation. Some is medical but we wouldn't generally ask. <ul style="list-style-type: none"> •Previous sexual abuse we would not know unless reported •Gang affiliation is a SID information •Contraband history we only know from here •Staff <ul style="list-style-type: none"> oSexual orientation oAlcohol abuse history or mental illness is confidential oRelationship status we may know only self reported oPrior allegations, employment may be found in some cases 		
Current Practice	Checklist	SINA
14450: We recently updated the database to begin to track the incidents that were essential to track. Date, location, type. Many of these items I would not include in the database. Our software does not track this – we used an excel spreadsheet but if someone spelled something wrong, it may not show up.		

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Type of Comment	Standard Components	Source
Current Practice	All	SINA
10911: If in one area, no – lot is in our management system.		
Current Practice	All	SINA
11042: when they have a report on a facility that there's been a sexual abuse incident it's recorded to what we call the Emergency Action Center which is based in Huntsville. And they said they call it in, they give it an incident number. And what happens once they send in their preliminary report to the Emergency Action Center that information is forwarded to us in the Safe Prisons management office and we enter it into a database. So we have a database with every sexual assault abuse that's occurred in Texas. I believe we started that database back in 2004.		
Current Practice	All	SINA
11089: We don't ask about sexual orientation for inmates or staff. •History of alcohol or drug. Unless it is reported. •History of mental illness is taken care of at the screen process. If they became mentally unstable, we may be informed for staff or inmates.		
Current Practice	Checklist	SINA
11110: •Do not think we ask about sexual orientation of the individual. Not sure they would answer it or not.		
Current Practice	Checklist	SINA
11473: •Things about height and weight an sexual orientation, history of mental illness, marital status, gang affiliation, contraband, - not collected •Not a challenge if they have to implement these standards •Most of this already located in the central files of the individual – easy to get this info		
Current Practice	All	SINA
12252: We do a lot of this stuff and many are basic and are included in the intake interview. We ask about sexual orientation and previous mental health info are included in the intake interview and are in the file prior to and incident. These questions are asked every time the inmate is moved and is placed in the travel card. Prior homosexual history is also asked.		
Current Practice	All	SINA
12256: In our system if you have a prior history of abuse and on the employees get an arrest screening on their birthday and the employee will be disciplined. Mental health information and other information are not asked. Prior history of allegations may be accessible from other facilities if it is in their file. Some of this is word of mouth but some of the information may not be proven. There is not a database other than OIG that keeps track of this information. Some of this we keep in adhoc reports and we are presently modifying our database to reflect some of this information. This is what we know from our side but we don't know what OIG collects in their database... This information will not be accessible in one place however. They are collected by different locations and are not computerized for all to see at this point.		
Current Practice	Checklist	SINA
13991: I would find no use for it but I would call Brad to explain it to us. He explains what the data means.		
Current Practice	Checklist	SINA
14079: We have this but it is not collected at one site. Most of this is in the classification file.		
Current Practice	All	SINA
14106: The state collects the number of assaults but this could include a number of things. Physical or verbal assaults. There is a stat sheet the monitors the faculty and we have an annual evaluation – our numbers are low.		

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Type of Comment	Standard Components	Source
Current Practice	All	SINA
14107: There is not an incident based data reporting system. There is not a statewide collection process and we are 5 years away from doing this. Each facility is keeping written logs based on their own procedures. We don't have the system now and the data is collected manually. We don't have the capability to collect a lot of the information requested here.		
Observation	Checklist	Corrections Professional
13240: this checklist suggests collecting information that may not be available, may be unknown or may be confidential under state law. Some information (diagnosis of mental illness, any physical or mental disability, sexual orientation, testing & treatment) requires a signed release by the inmate/staff. If the inmate/staff refuses to sign the release this information will not be part of the data collected.		
Observation	All	Corrections Professional
13693: In order to meet this standard, specific data collection instruments would need to be reviewed and evaluated to ensure that it would be compatible with the current operating system.		
Observation	Checklist	Corrections Professional
13825: The checklist is the same for prisons and jail, why even have two columns, there is only one missing from the jail list.		
Observation	All	Corrections Professional
13854: NOTE: ASCA currently has a national database that collects information directly from the prisons in each state. It would be possible to work with them to add these data points to a system that is already in existence and already been trained nationally.		
Observation	All	Labor Union
13725: All staff will likely need to become familiar with new standardized methods for reporting data related to sexual abuse, and staff should be heavily involved in database design, development, deployment, and maintenance.		
Observation	All	SINA
11519: That's not a standards issue, that's an internal issue.		
Observation	Checklist	SINA
14003: History of sexual abuse or misconduct for staff. Allegations against a staff member are hard to hold a standard. A history of allegations cannot be used. The questions becomes why haven't you fired them?		
Question	All	Corrections Professional
10794: DC-1: Will there be standardized data collection protocols developed prior to implementation of these standards? Standard definitions and counting rules?		
Question	Checklist	Corrections Professional
12924: Compliance checklist 26: (d) Does the agency review the classification 60 and 90 days? Comment - This is getting too restrictive and again where is the flexibility in this?		

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Type of Comment	Standard Components	Source
Question	Checklist	Government
13494: (b) alludes to removal of unique identifiers. Current Compliance Checklist 42 question (c), fifth bullet reflects "Position held within the agency." Is that not a unique identifier?		
Question	All	SINA
10826: It would also be helpful to know the purpose of this effort. Why are we collecting all of this? Why is it needed? What is the essential objective here in terms of the standard? What do you want us to do with this info?		
Question	Checklist	SINA
14080: The key thing here is alleged. For a staff member this must be proven. Alcohol or sexual orientation we would not know this... We don't know the sexual orientation of staff because there are people here who blend. I'm not sure about some of this stuff even if it was proven. We would not gather this information. What does this information show even if it is proven? What does sexual orientation show even if it is proven?		
Question	All	SINA
14112: Are we to go by the standard or the checklists?		
Suggestion	All	Academic
13329: Some uniformity in data collection should be developed through the standards.		
Suggestion	All	Academic
13331: suggest that data collection also count programs and other prevention efforts as well as individual cases of assault.		
Suggestion	All	Advocate
11779: For effective transparency and monitoring, outside advocacy groups should have easy access to this information, with identifying information redacted to protect the safety and privacy of any individuals named.		
Suggestion	Discussion	Advocate
11957: •The Discussion of this Standard should specify that confidential medical information, such as HIV test results, <i>should not</i> be included in the data collection process. However, certain non-confidential information, such as gender, age, race, and whether follow-up care was necessary, should be recorded. The names and any other identifying information should be stripped out of annual reporting.		
Suggestion	All	Advocate
12113: •This standard should also mandate recording information on the survivor, such as gender status, age, race, whether follow-up care necessary, etc. The names and any other identifying information should be stripped out of annual reporting.		
Suggestion	All	Advocate
13559: As drafted, the Standards require that substantial information be collected, then aggregated, and then made public. But unless clear guidance is given on how this to be accomplished, the data ultimately released will not be useful. Data should be sorted to reflect the sex, status (prisoner or staff), and facility of the accused perpetrator; as well as the sex, status and facility of the alleged victim. In each of these categories the data should be sorted to reflect the numbers found substantiated, unsubstantiated, or unfounded; the numbers referred for administrative action; the numbers by type of sanctions imposed and the numbers where no sanctions were imposed; the numbers referred for criminal prosecution, and the results of the prosecutions. Further, the Agency should disclose when there have been repeated complaints against the same staff member and the actions taken (or not taken) by the Agency so that the public can assess whether the Department is		

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Type of Comment	Standard Components	Source
Suggestion	All	Corrections Professional

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

Suggestion	All	Corrections Professional
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11604: The PREA Commission should examine the lesson learned locally in regards to collecting performance-based measures developed by the Association of State Correctional Administrators (ASCA) and the outcome measures developed by the American Correctional Association. For any data collection to be meaningful, there must be established a common understanding of the data being collected, common definitions of the terminology utilized, and protection against the data being subjected to individual understanding, interpretation, and methodology.

Suggestion	Standard Statement	Corrections Professional
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11714: The standardized instrument should be created by the PREA group if this is going to be a requirement.

There would be nothing standard if every agency is allowed to create their own instrument.

Suggestion	All	Corrections Professional
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12852: We recommend the development of universal instrument with standardized definitions to be used at a national level to ensure uniformity and consistency.

Suggestion	Standard Statement	Corrections Professional
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13239: Recommend separating this standard into two different standards to read:

1. The agency collects validated, uniform data for every reported incident of sexual abuse using a standardized process and set of definitions.

The collection of data is really a process and not a specific instrument as the information can come in many forms and from many sources.

2. The agency aggregates the incident-based sexual abuse data on an on-going basis, using the information to identify patterns or trends to determine changes in policy and

Suggestion	All	Corrections Professional
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13769: The Commission should define "validated" so that universally defined data elements are reported as this material will be used to develop policy and operational practices regarding sexual abuse issues.

Suggestion	All	Corrections Professional
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13771: Currently, our Department does not have a data collection instrument. There should be a standardized instrument developed at the national level that all corrections agencies can utilize to track the data.

Suggestion	Checklist	Corrections Professional
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13800: Would the commission consider re-wording the data points listed in Compliance Checklist 42 (a, b, and c).

Suggestion	Checklist	Corrections Professional
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13904: Compliance Checklist 42; (c): the commission should consider removing "sexual orientation and history of alcoholism or drug use" from the checklist.

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Type of Comment	Standard Components	Source
Suggestion	Checklist	Government
12860: Compliance checklist 42. In section (e) of this checklist, victims are asked to report on the reason or motivation for the perpetrator's action. We recommend deleting this item from the list because a victim will not be able to appropriately assess the perpetrator's motivation.		
Suggestion	Checklist	Government
13490: Change question (a) to reflect correct checklist.		
Suggestion	Checklist	SINA
10390: If you ask for this to be mandated, we need clear cut ideas of exactly what you are looking for.		
Suggestion	All	SINA
10391: You will need to do a national training to make sure that everyone will be in the same place. Perhaps a database to enter what you want.		
Suggestion	All	SINA
10827: The stuff listed is not bad, but you need to make this as simple as possible. Some of it may be too much – people will go past it anyways.		
Suggestion	All	SINA
10828: We need a national database that tells us what statistics we need to collect for each case. Bring to us the forms and reportable info for each case.		
Suggestion	All	SINA
10881: I don't have a problem with tracking data for allegation, total events and specify with inmate. But I don't think that I need the file draws with prison specific data. I think that the prison needs to know the specific data on a local level.		
Suggestion	All	SINA
10882: Add within constraints of HIPPA, PLADA, COLMAN and any other state cases that apply. •If you want national data, a minimum standard should be included.		
Suggestion	Standard Statement	SINA
11236: If the standard was written to say, "the data is available to collect as long as it is safe and available to collect"		
Suggestion	All	SINA
11239: more clarity of availability of the data and less that has to be collected in the course of an investigation. And asking if the data is relevant in the course of an investigation. •Yes		
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.		
Support/Agreement	All	Advocate
12244: DC-1: Collecting data on every reported incident of sexual abuse is key to understanding the extent and prevalence of sexual abuse in a facility. It is only with that knowledge that appropriate mechanisms and systems designed to eliminate sexual abuse can be truly effective. One note of caution, however, is to make sure that the data is limited to its intended purpose – the reduction and elimination of sexual abuse – rather than being potentially misused for other purposes.		

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Type of Comment	Standard Components	Source
Report/Agreement	All	Corrections Professional
13462: Incident-based data collection as outlined in DC-1 and Compliance Checklist 42 is an excellent step.		
Unintended Consequence	Checklist	Corrections Professional
13298: Checklist IV A. #42 includes over 100 items to be maintained in an incident-based data collection system. This is excessive. The more data elements required but truly not needed leads to poor data maintenance.		
Unintended Consequence	All	Corrections Professional
13463: However, because such data will be publicly available, removal of unique identifiers may not be sufficient to protect the identity of victims and witnesses. A person familiar with the agency or the correctional facility may be able to identify the specific individuals involved based upon the details included in the data collection.		

Public Comment Report

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DC-2: Data storage, retention, protection, and destruction

Type of Comment	Standard Components	Source
Concern/Disagreement	All	Corrections Professional
12566: Finally, the Commission's recommended standards include standards for data storage, retention, protection and destruction of records related to reported sexual incidents. These are currently regulated by laws in Colorado and may create a Constitutional conflict with the 10th Amendment.		
Concern/Disagreement	All	Corrections Professional
13071: Nothing in the rationale in the Rules explain where 10 years comes from. Either by state law or local custom and practice nearly every agency has a promulgated record retention schedule.		
Concern/Disagreement	All	Corrections Professional
13074: This provision assumes that correctional facilities have a website or publish any material about the facility online. Some correctional facilities are so small or their economic resources are so limited that they simply do not have that capability... Also that paragraph fails to take into account the fact that in many jurisdictions the non-aggregate data concerning incidents of sexual abuse directed at inmates would constitute non-public data under state law about that inmate.		
Concern/Disagreement	All	Corrections Professional
13473: Nothing in the rationale in the Rules explain where 10 years comes from. Either by state law or local custom and practice nearly every agency has a promulgated record retention schedule.		
Concern/Disagreement	All	Corrections Professional
13475: This provision assumes that correctional facilities have a website or publish any material about the facility online. Some correctional facilities are so small or their economic resources are so limited that they only do not have that capability.		
Concern/Disagreement	All	Corrections Professional
13476: Also that paragraph fails to take into account the fact that in many jurisdictions the non-aggregate data concerning incidents of sexual abuse directed at inmates would constitute non-public data under state law about that inmate.		
Concern/Disagreement	All	Corrections Professional
13508: The information that the standards mandate be collected, tracked and stored using a standardized instrument. This instrument is yet to be developed. There are also concerns about the potential costs of such an instrument.		
Concern/Disagreement	All	Corrections Professional
13954: Standard number DC-2, Data Storage, Retention, Protection and Destruction, Is in need of clarification. For the COCR to retain all documents related to all PREA allegations for all 33 institutions for 10 years would be a logistical and financial hardship. Some consideration should be given to holding hardcopies for substantiated incidents and electronic spreadsheets for allegation totals so as to limit these hardships.		
Concern/Disagreement	All	Government
11868: Textual and statistical data can be kept reasonably for 10 years; however, maintaining unstructured data, such as images and scanned documents, would affect computer network storage resources and would become expensive.		

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DC-2: Data storage, retention, protection, and destruction

Text of Comment	Standard Components	Source
13234: Finally, the Commission's recommended standards include standards for data storage, retention, protection and destruction of records related to reported sexual incidents. These are currently regulated by laws in Colorado and may create a Constitutional conflict with the 10th Amendment. The Commission's recommendation imposes more restrictive standards than those adopted by the legislature.	All	Government
13727: All staff will likely need to become familiar with new standardized methods for reporting data related to sexual abuse, and staff should be heavily involved in database design, development, deployment, and maintenance.	All	Labor Union
12402: DC-2: we see no reason for requiring sexual abuse data retention for at least ten years. Moreover, we emphatically disagree with the suggestions in the discussion that penological benefits of transparency ever outweigh individual privacy interests of prisoners, especially sexual abuse victims or those wrongfully accused.	All	Prisoner
10688: Also, issues of data storage and training: there is going to be quite a bit on training required and that is going to be a big cost to us.	All	Professional Organization
11359: Most states already possess statutory requirements for the secure storage and retention of jail related information thereby making this section unnecessary. For those jails, in those states, without such statutory guidelines then the cost associated with the storage can be considerable. 3. This again mandates action that is not funded.	All	Professional Organization
12535: This proposed standard should be deleted as overreaching and unnecessary. As noted in the proposed standard language, an agency's retention of data will be guided by the state laws and the Commission's intervention is, therefore, unnecessary.	All	Professional Organization
10596: This is something we'd have to consider if your standards are in conflict with state law.	All	SINA
11046: It seems like here in Texas we report everything that we've heard. Other states don't. So, my question would be is there going to be a national standard of what's reportable and what's not.	All	SINA
12262: The problem with this is that some facilities have special populations like Mumford with inmates who are mentally ill. We want to compare the correct facilities. Allred was a facility that had a lot of allegations and there is press that our unit is allowing these things to happen. We want to make sure that the unit is doing something and that the press is aware of this as well. We need to let people know that there are allegations and the procedures are followed. We believe that we have high numbers because we have made it easy to report.	All	SINA

Public Comment Report

Prison/Jail

DC-2: Data storage, retention, protection, and destruction

Type of Comment	Standard Components	Source
Current Practice	All	Corrections Professional
12573: The Connecticut DOC keeps a PREA database with limited authorized users. This database is updated by the agencies Security Division explains each case. The Security Division has an investigator assigned to investigate PREA cases. This investigator is also responsible monitoring and housing inmates accordingly that fit the profile of a Predator or Victim. '		
Current Practice	All	Corrections Professional
13194: agencies are not currently required to publish data regarding suicides, homicides, or assault on staff, so why would agencies be required to publish sexual assault data?		
Current Practice	All	SINA
10595: In the personnel file, we'd keep that forever, or if they are reinstated by an arbitrator the record would be destroyed.		
Current Practice	All	SINA
11042: when they have a report on a facility that there's been a sexual abuse incident it's recorded to what we call the Emergency Action Center which is based in Huntsville. And they said they call it in, they give it an incident number. And what happens once they send in their preliminary report to the Emergency Action Center that information is forwarded to us in the Safe Prisons management office and we enter it into a database. So we have a database with every sexual assault abuse that's occurred in Texas. I believe we started that database back in 2004.		
Current Practice	Checklist	SINA
11240: •Most is public record. Inmate files and staff reports – all public record. Anyone can request it. Maybe for security reasons we have to make some stuff out... Oregon Jail info is on line by county – we post sexual assaults on-line – just not as detailed as all this info here.		
Current Practice	Checklist	SINA
11473: •Things about height and weight an sexual orientation, history of mental illness, marital status, gang affiliation, contraband, - not collected •Not a challenge if they have to implement these standards •Most of this already located in the central files of the individual – easy to get this info		
Current Practice	All	SINA
12258: [Sexual abuse data is kept for] 7 or 8 years. The unit can request a transfer and Huntsville will keep this information in their record forever. As long as the offender is incarcerated, this information cannot be shred because it is under section 4. Once the offender leaves our unit, the duplicate file that we have can be shred. Other than C, we do everything else.		
Observation	All	Corrections Professional
13770: Unless dictated otherwise by state law, sexual abuse data is to be retained for ten years after the date of initial collection.		
Question	All	Corrections Professional
11996: DC-2: Data storage, retention, protection, and destruction - This standard should be clarified to indicate what records are being addressed. Do these records include samples and evidence?		
Question	All	Corrections Professional
12151: This standard should be clarified to indicate what records are being addressed. Do these records include samples and evidence?		

Public Comment Report

Prison/Jail

DC-2: Data storage, retention, protection, and destruction

Line of Comment	Standard Components	Source
Question	All	Corrections Professional
12847: This standard should be clarified to indicate what records are being addressed. Do these records include samples and evidence?		
Question	Discussion	Labor Union
10660: Standards require that reports be kept on file for ten years on the department website; Will there be a clearinghouse for that type of information for the first year until departments can make that available on their sites?		
Question	All	SINA
11682: Is there going to be a national standard versus state? We report every allegation, even if it seems implausible. And we treat it although it happened until evidence says otherwise. So Texas might report a certain number of allegations of sexual assault, but if we count how many make it to prosecution it's far fewer. We're being told that CA and FL only report what they can prosecute. So is there a national standard of what you report, because Texas has been on the news. Can you make it so it's on a more balanced scale?		
Suggestion	All	Academic
13329: Some uniformity in data collection should be developed through the standards.		
Suggestion	All	Advocate
11779: For effective transparency and monitoring, outside advocacy groups should have easy access to this information, with identifying information redacted to protect the safety and privacy of any individuals named.		
Suggestion	All	Advocate
130: • In addition to publishing the aggregate data, ideally on a website, standard DC-2 and compliance checklist 44 should explicitly stipulate that requests for information be granted to the greatest extent possible, with the most minimal redactions necessary to protect the safety and security of the facility and individuals.		
Suggestion	Checklist	Advocate
12115: •In addition to publishing the aggregate data, ideally on a publicly accessible website, standard DC-2 and compliance checklist 44 should explicitly stipulate that requests for information be granted to the greatest extent possible, with the most minimal redactions necessary to protect the safety and security of the facility and individuals.		
Suggestion	Discussion	Advocate
12602: This is especially true for privately-run prisons, as the Freedom of Information Act (FOIA) and state public record laws often do not apply to private prison firms. The Standards should specify that private prison firms which are otherwise not required to comply with public records laws or FOIA must provide public access to aggregate and incident-based data collected pursuant to the NPREC Standards. This is necessary because most private prison companies are secretive about their internal incident-reporting data.		
Suggestion	All	Advocate
13643: We commend the Commission for requiring that all aggregate data be available to the public and for its recommendation that with respect to individualized data the "operating presumption should be that the agency will provide such information unless there is a significant countervailing interest that cannot be overcome." This requirement should be strengthened, however, to read that information will be provided unless "there is a specific significant and countervailing safety and security consideration that cannot be overcome." This change will hopefully limit restrictions on distribution of information to the public. This should be incorporated into the Standard and the Checklist for Data Collection, and not just be limited to the Discussion.		

Public Comment Report

Prison/Jail

DC-2: Data storage, retention, protection, and destruction

Type of Comment	Standard Components	Source
Suggestion	All	Advocate

13645: Additional information needs to be made available to the public. Based on our experience, we remain concerned that only data that is required to be made available to the public will in fact be made available. While we understand the Commission to expect that the Agency's Checklists and Actions Plans, and the reports of the Auditor will ordinarily be made public, we are concerned that any exception will lead to abuse. Therefore, these documents should be made available to the public virtually without exception. In an extraordinary situation, where there is a genuine overriding interest in limiting the public's access, the documents should be provided, apart from redaction of the sensitive material. Thorough participation in oversight by the public is crucial to eliminating rape inside prison.

Suggestion	All	Advocate
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13646: The Checklist (Question (c)) permits the facility to deny requests by individuals or organizations for data, and asks whether the Agency keeps track of the reasons for this denial. We believe the Standards and Checklist need to provide more guidance as to legitimate reasons for such a denial, rather than leaving it solely up to the discretion of the facility. If personally identifiable information can be redacted, the document should be made available. Simply because a document references staffing or how an investigation was conducted it does not need to be kept from the public. Examples of significant countervailing interests should be given.

Suggestion	All	Advocate
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13648: Data monitoring should take note of trends in the number of sexual abuse complaints reported, and track the rate of substantiation. The rates of reporting and substantiation should be made easily available to the public. While we would hope that this would be made available routinely as part of the aggregate data, clarification that this is the Commission's intent would be useful.

Suggestion	All	Corrections Professional
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10854: This standard requires storing sexual abuse data for at least 10 years, however Checklist 26 requires consideration of lifetime history of sexual abuse and predation. If only store data for 10 years, classification data will be missing. I would not set a limit for how long it must be retained, unless have knowledge that inmate is deceased.

Suggestion	All	Corrections Professional
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13072: We suggest that the Rules be modified to provide that the records be kept consistent with that records retention schedule rather than an arbitrary period of time to comply with federal requirements.

Suggestion	Checklist	Corrections Professional
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13247: The checklist notes that it should be done for every allegation regardless of outcome; this checklist is very long and extensive for cases that are unsubstantiated or unfounded. It would be more practical to do this for substantiated cases after an investigation is complete.

Suggestion	All	Corrections Professional
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13474: Absent a stated rationale for a 10-year retention, we suggest that the Rules be modified to provide that the records be kept consistent with that records retention schedule rather than an arbitrary period of time to comply with federal requirements.

Suggestion	All	SINA
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10594: If an employee gets reinstated by an arbitrator, should we keep that record longer? Might want to write 10 years or as long as employee is still at the facility. The person who did it once might not be on the radar.

Public Comment Report
Prison/Jail

DC-2: Data storage, retention, protection, and destruction

Content of Comment	Standard Components	Source
Suggestion	All	SINA
10882: Add within constraints of HIPPA, PLADA, COLMAN and any other state cases that apply. •If you want national data, a minimum standard should be included.		
Suggestion	All	SINA
11028: Data access is not up to par yet and I need some help is putting this together. My concern is with facilities that don't have the money to implement this. Ask the facilities to find out when they can be compliant and discuss the long term plans to make that happen.		
Suggestion	All	SINA
11091: I think that data should be used in the same way by submitting a letter of request and the state would determine what is necessary and it gives us an option to say yes or no.		
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.		
Support/Agreement	Discussion	Advocate
12246: DC-2 (discussion) <i>"Collected data must be stored and maintained in a way that protects the confidentiality of victims and alleged perpetrators. However, the public may have a legitimate interest in the data collected. ...All aggregate data [without identifying information] should be published annually online and be readily available to the public. Agencies should also establish a nonburdensome process to allow researchers, academics, journalists and others access to incident-based data"</i> : This is extremely important for litigation other purposes. Among other important uses, these documents are often the only viable way to locate witnesses.		
Support/Agreement	All	Corrections Professional
13866: This is attainable and currently accomplished manually. When the universal tool is put in place, this process will be attainable.		
Support/Agreement	All	SINA
11090: TAG: Agency maintains data for 10 years. P: I don't know what our retention requirement is but I don't think that this would be a problem.		
Support/Agreement	All	SINA
12369: We have a space issue and state should be able to keep the info for 10 years.		