



## **Standards and Report Development**

The Prison Rape Elimination Act of 2003 (PREA) created the bipartisan National Prison Rape Elimination Commission, directing the Commission to develop national zero-tolerance standards for the prevention of and response to sexual violence in all confinement settings including lock-ups, small and large jails, state and federal prisons, juvenile facilities, immigration detention facilities, and community corrections facilities. (Note: Use of the term “prison rape” refers to rape and other sexual coercion and violence in all correctional settings, not just in prisons.)

These standards, as directed by statute, should relate to the following subject areas: training, prisoner classification and assignment, investigation and resolution of complaints, preservation of evidence, medical and mental health care for victims, measures to prevent and control the spread of HIV/AIDS, investigation of staff misconduct, the creation of an incident reporting system, data collection and other matters.

Additionally, the Commission is statutorily charged with preparing a final report to Congress to accompany its recommended standards.

### ***Preparation of Recommended Standards and Final Report***

The Commission is working through a broad and transparent process to research and evaluate best practices and to draft standards with the help of leading experts and diverse organizations in the criminal justice community. Additionally, the Commission elicited public response and written comments to its draft standards through a public comment period. This process, along with the Commission’s other research and information gathering, will also inform the Commission’s final report to Congress.

Beginning in early 2007, expert committees were established to guide the development of draft standards in the areas outlined above, with separate committees for juvenile standards and immigration detention standards. Committee members include leaders in corrections, prisoner representatives and advocates, scholars, law enforcement representatives, and others committed to the goals of PREA. The committees are as follows:

- Classification and Technology
- Confidential Reporting and Data Collection
- Investigations and Staff Sexual Misconduct
- Medical and Mental Health
- Training
- Juvenile Facilities
- Immigration Detention Facilities
- Community Corrections Facilities

In the multi-phased process, initial standards were developed in each of the subject areas and sent to the expert committee members for their comments. During a round of individual conversations and group meetings, committee members discussed the standards, identifying any significant disagreements and recommending resolutions of those disagreements. Staff members redrafted the standards based on the committee feedback and resubmitted them to the expert committee members for further review and input. A second round of expert committee meetings took place in the fall of 2007. Commission staff then updated the standards drafts based on those meetings, and provided complete drafts to the Commissioners who provided additional feedback for incorporation into the standards. Staff prepared another revision of the draft standards, which the Commissioners approved.

The draft standards for jail, prisons, and immigration detainees were available for public comment from May 5 through July 7, 2008; draft standards for juvenile, community corrections, and lock-up facilities were available through August 15, 2008. Over the course of the two sixty-day public comment periods, the Commission received hundreds of comments from prison and jail administrators, staff, inmates, advocates, academics, survivors and their families, and many others, all providing their ideas and suggestions for improving and strengthening the draft standards.

Also during the public comment period, the Commission conducted a Standards Implementation Needs Assessment (SINA) project. The Commission created the SINA process to provide feedback on the draft standards through a series of “case studies” at particular facilities. Over forty facilities from around the country applied to participate in the SINA process; the Commission selected eleven sites that reflected ranges in capacity, populations, and geographic settings and that included jails, prisons, men’s facilities, women’s facilities, community corrections facilities, and juvenile facilities. Each site visit took place over one and a half days, and included a facility tour and five structured interviews: one with the Warden or Superintendent; and the others with small groups discussing general issues, training, medical/mental health, and investigations. With the exception of the meeting with the Warden or Superintendent, interviews involved a variety of staff with experience relevant to the particular interview topic. When possible, we also spoke with inmates detained in the facilities.

All public comments and information from the SINA process have been systematically reviewed by staff and by each individual Commissioner. In response to the significant additional input received during the public comment period, the recommended standards that accompany the Commission’s final report will be significantly and substantively changed from the draft version of the standards released during public comment.

Ultimately, the Commission will submit these recommended standards as part of its final report to the Attorney General’s office, the Department of Health and Human Services, and Congress. In addition to the standards, the final report will contain recommendations about how to prevent and respond to prison rape and make prevention a top priority in every correctional facility and system in the nation. The Commission will provide its final report and recommended standards to Congress in the spring of 2009.

### ***Impact of the Commission’s Recommended Standards and Report***

Within a year of receiving the Commission’s report, the Attorney General is required by the PREA statute to consider the Commission’s recommended standards and to promulgate national standards for the detection, prevention, reduction, and punishment of prison rape. Those final

standards issued by the Attorney General will apply to the federal Bureau of Prisons immediately upon issuance. States will receive notification of the new standards from the Attorney General, and will have a year to adopt and comply with them or risk losing five percent of any federal grant funds provided for prison purposes. In the legislation, “prison” is defined broadly as any facility run by “a Federal, State, or local government, whether administered by such government or by a private organization on behalf of such government,” including local jails, police lockups, and any juvenile facility.

Additionally, the statute directs that any organizations that accredit Federal, State, local, or private prisons, jails, or other penal facilities adopt accreditation standards for the detection, prevention, reduction, and punishment of prison rape that are consistent with the national standards.

### ***Expert Committee Members***

The Commission would like to thank the following expert committee members who provided invaluable advice and feedback during the standards development process. Organizational affiliations are provided for identification purposes only; expert committee members did not necessarily represent the organization with which they are affiliated, and these standards do not reflect the official views of any of the organizations referenced here. This list reflects organizational affiliation at the time of participation and may not represent current positions.

Please note that the draft standards were finalized and prepared by the members of the Commission. The draft standards were not endorsed or approved by the expert committee members, and do not necessarily represent the views of each expert committee member or his/her organizational affiliation.

Carrie Abner	Research Associate, American Probation and Parole Association
Aaron Aldrich	Chief Inspector, Rhode Island Department of Corrections
James Austin	President, JFA Institute
Roy F. Austin, Jr.	Partner, McDermott, Will & Emery
Chris Baker	Lieutenant, Corrections Supervisor/Jail Administrator, Van Buren County Sheriff, Michigan
David Balagia	Major, Travis County Sheriff's Office, Texas
Joe Baumann	Corrections Officer, California Rehabilitation Center Chapter President, California Correctional Peace Officers Association
Jeffrey Beard, Ph.D.	Secretary, Pennsylvania Department of Corrections
Theodis Beck	Secretary, North Carolina Department of Correction
Art Beeler	Warden, Federal Correctional Complex, Federal Bureau of Prisons
Andrea Black	Coordinator, Detention Watch Network
Charma Blount	Sexual Assault Nurse Examiner, Texas Department of Criminal Justice
Tim Brennan, Ph.D.	Principal, Northpointe Institute for Public Management, Inc
Lorie Brisbin	Program Coordinator, Prisons Division, Idaho Department of Corrections

Barbara Broderick	Director, Adult Probation, Maricopa County Pretrial and Probation, Arizona
Roger Canaff	Deputy Chief, Sex Offender Management Unit, Office of the Attorney General, New York City
Susan Paige Chasson	President, International Association of Forensic Nurses
Gwendolyn Chunn	Immediate Past President, American Correctional Association
Suanne Cunningham	National Director, Corrections/Criminal Justice Program, Heery International
Karen Dalton	Director, Correctional Services Division, Los Angeles County Sheriff's Department
Kim Day	SAFE Technical Assistance Coordinator, International Association of Forensic Nurses
Gina DeBottis	Executive Director, Texas Special Prosecution Unit
Kathleen Dennehy	Superintendent, Security Operations, Bristol County Sheriff's Office, Massachusetts
Gary Dennis	Senior Associate, The Moss Group, Inc.
Ruth Divelbiss, C.J.M.	Captain, Ford County Sheriff's Office
Mark Donatelli	Partner, Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg, and Bienvenu LLP
Sarah Draper	Director of Investigations, Office of Investigations and Compliance, Internal Investigation Unit, Georgia Department of Corrections
Richard Dudley, M.D.	Private Practice of Clinical and Forensic Psychiatry
Robert Dumond	President and Licensed Clinical Mental Health Counselor Consultants for Improved Human Services, PLLC
Earl Dunlap	Chief Executive Officer, National Partnership for Juvenile Services
Maureen Dunn	Director, Unaccompanied Children's Services, Office of Refugee Resettlement, U.S. Department of Health and Human Services
Teena Farmon	Retired Warden, Central California Women's Facility
Lisa Freeman	Staff Attorney, Legal Aid Society, Prisoners' Rights Project
Vanessa Garza	Office of Refugee Resettlement, U.S. Department of Health and Human Services
Michael Gennaco	Chief Attorney, Office of Independent Review, Los Angeles County Sheriff's Department
Karen Giannakoulis	Forensic Interviewer/Victim Advocate, U.S. Attorney's Office, Washington D.C.
Steve Gibson	Administrator, The Youth Services Division of the Montana Department of Corrections
Simon Gonsoulin	Former Director, Louisiana Office of Youth Development
Kathleen Graves	Director, Community Corrections Services, Kansas Department of Corrections
Robert L. Green	Warden, Montgomery County Correctional Facility, Montgomery County Department of Corrections and Rehabilitation
Robert Greifinger, M.D.	Correctional Health Care and Quality Management Consultant

David Guntharp Karyn Hadfield	Director, Arkansas Department of Community Correction Training Specialist, Day One: Sexual Assault and Trauma Resource Center
Dee Halley Greg Hamilton Patrick M. Hanlon Patricia Hardyman, Ph.D.	PREA Program Manager, National Institute of Corrections Sheriff, Travis County, Texas Partner, Goodwin Proctor LLP Senior Associate, Association of State Correctional Administrators
Rachel Harmon	Associate Professor of Law, University of Virginia School of Law
Michael Hennessey Andrew Jordan	Sheriff, City and County of San Francisco, California Criminal Justice Consultant; Retired Chief of Police, Bend Police Department, Oregon; Migima, LLC
Thomas Kane	Assistant Director, Information, Policy and Public Affairs Division, Federal Bureau of Prisons
Cliff Keenan Jacqueline Kotkin	Assistant Director, D.C. Pretrial Services Agency Field Services Executive, Probation and Parole, Vermont Department of Corrections
Deborah LaBelle Madie LaMarre Neal Langan	Attorney Consultant Senior Research Analyst, Office of Research and Evaluation, Federal Bureau of Prisons
Dori Lewis	Senior Supervising Attorney, Legal Aid Society, Prisoners' Rights Project
Cheryl Little Jennifer Long	Executive Director, Florida Immigrant Advocacy Center, Inc. Director, National Center for the Prosecution of Violence Against Women
Christy Lopez Margaret Love	Partner, Independent Assessment and Monitoring, LLP Attorney; Consulting Director, American Bar Association Commission on Effective Criminal Sanctions
Bobbi Luna Martha Lyman Bob Maccarone Cindy Malm	Captain, Multnomah County Sheriff's Office Director of Research, Hampden County Correctional Center Director, New York State Probation and Correctional Alternatives Consultant, Retired Jail Administrator, Rocky Mountain Corrections
Michael Marette	Assistant Director of Corrections, American Federation of State County and Municipal Employees
Jenifer Markowitz	Forensic Nurse Consultant, D.O.V.E. Program, Summa Health System
Steve Martin Susan McCampbell	Attorney/Corrections Consultant President, Center for Innovative Public Policies, Inc., McCampbell and Associates, Inc.
Ron McCuan, DMD	Captain; Public Health Analyst, U.S. Public Health Service; Department of Justice; Federal Bureau of Prisons; National Institute of Corrections
Linda McFarlane	Mental Health Program Director, Just Detention International

Jeff McInnis	PREA Coordinator, District of Columbia Department of Youth Rehabilitation Services
John Milian	Detention and Deportation Officer, Criminal Alien Program Detention and Removal Office Department of Homeland Security
Phyllis Modley	Correctional Program Specialist, Community Corrections Division, National Institute of Corrections President and CEO, SCILaw Forensics Ltd.
Jean Moltz	Correctional Health Care Consultant
James Montross	Director of Mental Health Monitoring, Liaison Texas Department of Criminal Justice
Marcia Morgan	Consultant, Migima, LLC
John Moriarty	Inspector General, Texas Department of Criminal Justice
Anadora Moss	President, The Moss Group, Inc.
Gail D. Mumford	Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative
Melissa Nolan	Executive Assistant, Policy and Public Affairs Division, Federal Bureau of Prisons
Christopher Nugent	Senior Counsel, Community Services Team, Holland and Knight LLP
Barbara Owen, Ph.D.	Professor of Criminology, California State University, Fresno
David Parrish	Colonel, Commander, Department of Detention Services Hillsborough County Sheriff's Office
T.J. Parsell	Human Rights Activist, Author of "Fish: A Memoir of a Boy in a Man's Prison"
Farah M. Parvez, M.D.	Director, Office of Correctional Public Health, New York City Department of Health and Mental Hygiene and National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention
Susan Poole	Criminal Justice Consultant; Retired Warden, California Institution for Women
Roberto Hugh Potter, Ph.D.	Centers for Disease Control and Prevention
Eugenie Powers	Director, Probation and Parole, Louisiana Department of Public Safety and Correction
Judy Preston	Deputy Chief, Civil Rights Division, U.S. Department of Justice
J. Michael Quinlan	Senior Vice President, Corrections Corporation of America
Jeffrey Renzi	Associate Director, Planning and Research, Rhode Island Department of Corrections
Denise Robinson	President and CEO, Alvis House; Past-President, International Community Corrections Association
Melissa Rothstein	East Coast Program Director, Just Detention International
David Roush	Director, National Partnership for Juvenile Services, Center for Research and Development
Elissa Rumsey	Compliance Monitoring Coordinator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Timothy Ryan	Director, Miami-Dade County Department of Corrections and Rehabilitation
Teresa Scalzo	Senior Policy Advisor, Sexual Assault Prevention and Response Office, Department of Defense
Vincent Schiraldi	Director, District of Columbia Department of Youth Rehabilitation Services
Margo Schlanger	Professor of Law, Washington University in St. Louis, School of Law
Karen Schneider	Legal Consultant
Dana Shoenberg	Senior Staff Attorney, Center for Children's Law and Policy
Linda Smith	Research Consultant
Donald Specter	Director, Prison Law Office
Mai-Linh Spencer	Deputy State Public Defender, Office of the State Public Defender
Richard Stalder	Former Secretary, Louisiana Department of Public Safety and Corrections
Lovisa Stannow	Executive Director, Just Detention International
Lara Stemple	Former Director, Just Detention International, Director, Graduate Studies, UCLA School of Law
Tom Stickrath	Director, Ohio Department of Youth Services
Victor Stone	Special Counsel, Office of Enforcement Operations, Criminal Division, U.S. Department of Justice
Robert Sudlow	Chief Probation Officer, Ulster County Probation Department
Anjali Swienton	Director of Outreach, National Clearinghouse for Science Technology and the Law, Stetson University College of Law; Attorney, Foley Hoag LLP
Robin Toone	Program Director, Just Detention International
Cynthia Totten	Director, Rhode Island Department of Corrections
Ashbel T. Wall, II	Former Warden, David Wade Correctional Center, Louisiana Department of Public Safety and Corrections
Kelly Ward	Former Warden, David Wade Correctional Center, Louisiana Department of Public Safety and Corrections
Richard White	Deputy Commissioner of Operations, New York City Department of Correction
Anne Wideman, Ph.D.	Clinical Psychologist
Reginald Wilkinson, Ph.D.	Executive Director, Ohio Business Alliance on Higher Education and the Economy; Former Director, Ohio Department of Rehabilitation and Corrections
Margaret Winter	Associate Director, National Prison Project of the American Civil Liberties Union
Jason Ziedenberg	Consultant; Former Director, Justice Policy Institute