



## **Standards Development Process**

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 abuse in all confinement settings including lockups, 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 and detention settings, not just in prisons.)

These standards, as directed by statute, relate to training, inmate classification, reporting of incidents, investigation and resolution of complaints, preservation of evidence, medical and mental health care for victims, and data collection.

In preparing draft standards, the Commission engaged in a thorough and transparent process to evaluate the causes of sexual abuse in confinement and the best strategies for preventing abuse and improving response efforts. Beginning in early 2007, we established expert committees comprising diverse stakeholders from the justice, health care, research, and advocacy communities to guide the development of the draft standards. Expert committees were created in the subject areas of Classification and Technology, Reporting, Confidentiality, Data Collection, Investigations, Medical and Mental Health Care, Evidence Collection, and Training. Separate expert committees were also convened to discuss the particular issues relevant to facilities with custody of juveniles or immigration detainees, individuals detained in lockups, and individuals in community corrections. Members of those expert committees are listed below.

### ***Process and Timing***

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 an initial round of individual conversations and group meetings, committee members discussed the standards, identifying any significant disagreements and recommending resolutions to 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. Although the Commissioners were kept informed of the process and had the option of participating in the expert committee meetings, this was their first official review of the standards drafts as a whole.

After the Commissioners reviewed the draft standards, they provided feedback to staff for incorporation into the standards and directed staff regarding any additional information-gathering they deemed necessary (additional meetings with and review by experts and other stakeholders, additional research, etc.). Staff conducted the information-gathering and then prepared another revision of the draft standards. The Commission reviewed the standards again, and released the draft standards for adult prisons and jails, and supplemental standards for facilities that house immigration detainees for public comment beginning May 5, 2008.

These draft standards are available for public comment through Monday, July 7, 2008. Draft versions of the Commission's standards for juvenile, community corrections, and lockup facilities are forthcoming, and will be available for public comment beginning in June 2008.

At the conclusion of the public comment periods, the Commission will review the feedback and determine how best to incorporate it into the final standards.

***Impact of Standards***

Ultimately, the Commission will submit these recommended standards as part of its final report to Congress, the President, the Attorney General, the Department of Health and Human Services, and the governors and corrections directors of the states. 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 confinement facility and system in the nation.

Within a year of receiving the Commission's report, the Attorney General is required by the statute to consider the Commission's recommended standards and to promulgate national standards for the detection, prevention, reduction, and punishment of prison rape. Those standards will apply to the Federal Bureau of Prisons immediately upon adoption. 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.

Additionally, the statute directs that any organizations that accredit Federal, State, local, or private prisons, jails, or other penal facilities must 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.

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|----------------------|---|
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| David Balagia        | Major, Travis County Sheriff's Office   |
| Joe Baumann          | Corrections Officer; CRC Chapter President, California Rehabilitation Center;<br>California Correctional Peace Officers Association |
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| Theodis Beck         | Secretary, North Carolina Department of Correction  |
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