NPRE	CSTANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS			
(J	une 2009)	(February 2011)		(May 2012)					
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD				
Not included in	chart	Not included in	chart	§ 115.5 Genera	al Definitions.				
				For purposes of this part, the term—					
				Agency means the unit of a State, local, corporate, or nonprofit authority, or of the Department of Justice, with direct responsibility for the operation of any facility that confines inmates, detainees, or residents, including the implementation of policy as set by the governing, corporate, or nonprofit authority.					
				Agency head means the principal official of an agency.					
				Community confinement facility means a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including residential re-entry centers), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre- trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours.					
				Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the agency.					
				Detainee means	s any person detained in a loc	kup, regardless of adjudication status.			
				Direct staff supervision means that security staff are in the same room with, and within reasonable					

NPREC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS		
(June 2009)	(F	ebruary 2011)	(	(May 2012)			
NUMBER STANDARD	NUMBER	STANDARD	NUMBER	STANDARD			
			hearing distance of, the resident or inmate.				
			Exigent circums immediate action  Facility means a	on in order to combat a threat of a place, institution, building (o	orary and unforeseen circumstances that require to the security or institutional order of a facility.  For part thereof), set of buildings, structure, or area (whether b) that is used by an agency for the confinement of		
			Full compliance except for de mi periods of comp  Gender noncony societal gender in Inmate means at Intersex means	inimis violations, or discrete a pliance.  forming means a person whos expectations.  ny person incarcerated or deta a person whose sexual or representations of male or female. Ir	naterial requirements of each standard and temporary violations during otherwise sustained e appearance or manner does not conform to traditional		

NPREC	STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS			
(Ju	ine 2009)	(Feb	oruary 2011)		(May 2012)				
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD				
				Jail means a confinement facility of a Federal, State, or local law enforcement agency whose primary use is to hold persons pending adjudication of criminal charges, persons committed to confinement after adjudication of criminal charges for sentences of one year or less, or persons adjudicated guilty who are awaiting transfer to a correctional facility.  Juvenile means any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.					
				Juvenile facility means a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system.  Law enforcement staff means employees responsible for the supervision and control of detainees in lockups.					
				Lockup means a facility that contains holding cells, cell blocks, or other secure enclosures that are: (1) Under the control of a law enforcement, court, or custodial officer; and (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.					
				experience, is professional pr	permitted by law to evaluate an actice. A "qualified medical p	onal who, by virtue of education, credentials, and and care for patients within the scope of his or her practitioner" refers to such a professional who has also or treating sexual abuse victims.			
						ealth professional who, by virtue of education, credentials, te and care for patients within the scope of his or her			

NPREC	C STANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS		
( <b>J</b>	une 2009)	( <b>F</b>	ebruary 2011)		(May 2012)			
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD			
				1 .	<u> </u>	alth practitioner" refers to such a professional who has ing for treating sexual abuse victims.		
				Pat-down search means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband.				
				<i>Prison</i> means an institution under Federal or State jurisdiction whose primary use is for the confinement of individuals convicted of a serious crime, usually in excess of one year in length, or a felony.				
				Resident means any person confined or detained in a juvenile facility or in a community confinement facility.				
				residents may b supervision. A correctional obj	e restricted or subject to contr facility that allows residents a	ity in which the movements and activities of individual rol through the use of physical barriers or intensive staff access to the community to achieve treatment or ational or employment programs, typically will not be		
				• • • • • • • • • • • • • • • • • • • •	1 1 1 1	ponsible for the supervision and control of inmates, ational areas, dining areas, and other program areas of the		
				Staff means em	ployees.			
				*	eans a search that requires a peinspection of the person's brea	erson to remove or arrange some or all clothing so as to asts, buttocks, or genitalia.		

NPRE	C STANDARD	DOJ DR.	AFT STANDARD	DOJ FIN	NAL STANDARD	ANALYSIS			
(J	une 2009)	(February 2011)		(May 2012)					
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD				
				<i>Transgender</i> means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.					
				Substantiated allegation means an allegation that was investigated and determined to have occurred.					
				Unfounded allegation means an allegation that was investigated and determined not to have occurred.					
				Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.					
				Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.					
					means any person under the letained in a prison or jail.	age of 18 who is under adult court supervision and			
				Youthful detaine detained in a loc	• •	e age of 18 who is under adult court supervision and			
				§ 115.6 Definition	ons related to sexual abuse.				
				For purposes of this part, the term—					
				Sexual abuse inc (1) Sexual abuse		esident by another inmate, detainee, or resident; and			

	CSTANDARD	DOJ DRAFT STANDARD			NAL STANDARD	ANALYSIS			
	ıne 2009)	(February 2011)			May 2012)				
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD				
				(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.					
				Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats					
				of violence, or is	unable to consent or refuse:				
				(1) Contact betw slight;	een the penis and the vulva	or the penis and the anus, including penetration, however			
				(2) Contact betw	een the mouth and the penis				
						of another person, however slight, by a hand, finger,			
				object, or other in		ectly or through the clothing, of the genitalia, anus, groin,			
					th, or the buttocks of another	person, excluding contact incidental to			
						lent by a staff member, contractor, or volunteer includes asent of the inmate, detainee, or resident:			
				· · · ·	_	or the penis and the anus, including penetration, however			
					een the mouth and the penis	, vulva, or anus;			
						part where the staff member, contractor, or volunteer has			
					se, arouse, or gratify sexual of				
				(4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the					
					arouse, or gratify sexual design				
				(5) Any other int	tentional contact, either direc	etly or through the clothing, of or with the genitalia, anus, t is unrelated to official duties or where the staff member,			

NPRE	C STANDARD	DOJ DRAFT STANDARD		DOJ FIN	NAL STANDARD	ANALYSIS			
( <b>J</b>	une 2009)	(February 2011)		(1	May 2012)				
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD				
						se, arouse, or gratify sexual desire;			
						member, contractor, or volunteer to engage in the activities			
				_	agraphs (1)-(5) of this section				
						r, or volunteer of his or her uncovered genitalia, buttocks,			
					presence of an inmate, detained				
				(8) Voyeurism by a staff member, contractor, or volunteer.					
				Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of					
						easons unrelated to official duties, such as peering at an			
				inmate who is us	sing a toilet in his or her cell	to perform bodily functions; requiring an inmate to expose			
						king images of all or part of an inmate's naked body or of			
				an inmate perfor	ming bodily functions.				
				Sexual harassme	ent includes—				
						s, requests for sexual favors, or verbal comments, gestures,			
					-	I nature by one inmate, detainee, or resident directed			
				toward another;		a sayual natura to an inmata, datainaa, ar rasidant hu a			
						a sexual nature to an inmate, detainee, or resident by a ling demeaning references to gender, sexually suggestive			
				· ·		ing, or obscene language or gestures.			
				or derogatory co	minents about body of clothi	ing, or obsecute language of gestures.			

NPREC STANDARD		DOJ DRAFT STANDARD		DOJ FI	INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
Pr	evention Planning	Pr	evention Planning	Pre	evention Planning	Prevention Planning
PP-1	Zero tolerance of sexual	115.11	Zero tolerance of sexual	115.11	Zero tolerance of sexual	
	abuse		abuse; Prison RAPE		abuse and sexual	
	The agency has a written		<b>Elimination Act (PREA)</b>		harassment; PREA	
	policy mandating zero		Coordinator		coordinator.	
	tolerance toward all forms of		(a) An agency shall have a		(a) An agency shall have a	
	sexual abuse and enforces		written policy mandating zero		written policy mandating zero	
	that policy by ensuring all of		tolerance toward all forms of		tolerance toward all forms of	
	its facilities comply with the		sexual abuse and sexual		sexual abuse and sexual	
	PREA standards. The agency employs or designates a		harassment and outlining the		harassment and outlining the	
	PREA coordinator to		agency's approach to		agency's approach to	
	develop, implement, and		preventing, detecting, and		preventing, detecting, and	
	oversee agency efforts to		responding to such conduct.		responding to such conduct.	
	comply with the PREA		(b) An agency shall employ or designate an upper-level,		(b) An agency shall employ or designate an upper-level,	
	standards.		agency-wide PREA		agency-wide PREA	
			coordinator to develop,		coordinator with sufficient	
			implement, and oversee		time and authority to develop,	
			agency efforts to comply with		implement, and oversee	
			the PREA standards in all of		agency efforts to comply with	
			its facilities.		the PREA standards in all of	
			(c) The PREA coordinator		its facilities.	
			shall be a full-time position in		(c) Where an agency operates	
			all agencies that operate		more than one facility, each	
			facilities whose total rated		facility shall designate a	
			capacity exceeds 1000		PREA compliance manager	
			inmates, but may be		with sufficient time and	
			designated as a part-time		authority to coordinate the	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	STANDARD	IVUNIDER	position in agencies whose total rated capacity does not exceed 1000 inmates.  (d) An agency whose facilities have a total rated capacity exceeding 1000 inmates shall also designate a PREA coordinator for each facility, who may be full-time or part-time.	IVOIVIDER	facility's efforts to comply with the PREA standards.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
PP-2	Contracting with other	115.12	Contracting with other	115.12	Contracting with other	
	entities for the		entities for the		entities for the	
	confinement of inmates		confinement of inmates		confinement of inmates.	
	If public correctional		(a) A public agency that		(a) A public agency that	
	agencies contract for the		contracts for the confinement		contracts for the confinement	
	confinement of their inmates,		of its inmates with private		of its inmates with private	
	they do so only with private		agencies or other entities,		agencies or other entities,	
	agencies or other entities,		including other government		including other government	
	including other government		agencies, shall include in any		agencies, shall include in any	
	agencies, committed to		new		new contract	
	eliminating sexual abuse in		contracts or contract renewals		or contract renewal the	
	their facilities, as evidenced		the entity's obligation to adopt		entity's obligation to adopt	
	by their adoption of and		and comply with the PREA standards.		and comply with the PREA standards.	
	compliance with the PREA standards. Any new contracts		(b) Any new contracts or			
	or contract renewals include		contract renewals shall provide		(b) Any new contract or contract renewal shall	
	the entity's obligation to		for agency contract monitoring		provide for agency contract	
	adopt and comply with the		to ensure that the contractor is		monitoring to ensure that the	
	PREA standards and specify		complying with PREA		contractor is complying with	
	that the public agency will		standards.		the PREA standards.	
	monitor the entity's com-				11011500000000	
	pliance with these standards					
	as part of its monitoring of					
	the entity's performance					

NPF	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
PP-3	Inmate supervision	115.13	Supervision and	115.13	Supervision and	
	Security staff provides the		Monitoring		monitoring.	
	inmate supervision necessary		(a) For each facility, the		(a) The agency shall ensure	
	to protect inmates from		agency shall determine the		that each facility it operates	
	sexual abuse. The upper		adequate levels of staffing,		shall develop, document, and	
	management officials		and, where applicable, video		make its best efforts to	
	responsible for reviewing		monitoring, to protect inmates		comply on a regular basis	
	critical incidents must		against sexual abuse. In		with a staffing plan that	
	examine areas in the facility		calculating such levels,		provides for adequate levels	
	where sexual abuse has		agencies shall take into		of staffing, and, where	
	occurred to assess whether		consideration the physical		applicable, video monitoring,	
	physical barriers may have		layout of each facility, the		to protect inmates against	
	enabled the abuse, the		composition of the inmate		sexual abuse. In calculating	
	adequacy of staffing levels in		population, and any other		adequate staffing levels and	
	those areas during different		relevant factors.		determining the need for	
	shifts, and the need for		(b) The facility shall also		video monitoring, facilities	
	monitoring technology to		establish a plan for how to		shall take into consideration:	
	supplement security staff		conduct staffing and, where		(1) Generally accepted	
	supervision (DC-1). When		applicable, video monitoring,		detention and correctional	
	problems or needs are		in circumstances where the		practices; (2) Any judicial	
	identified, the agency takes		levels established in paragraph		findings of inadequacy;	
	corrective action (DC-3).		(a) of this section are not		(3) Any findings of	
			attained.		inadequacy from Federal	
			(c) Each year, the facility shall		investigative agencies;	
			assess, and determine whether		(4) Any findings of	
			adjustments are needed to:		inadequacy from internal or	
			(1) The staffing levels		external oversight bodies;	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			established pursuant to		(5) All components of the	
			paragraph (a) of this section;		facility's physical plant	
			(2) Prevailing staffing		(including "blind-spots" or	
			patterns; and		areas where	
			(3) The agency's deployment		staff or inmates may be	
			of video monitoring systems		isolated);	
			and other technologies.		(6) The composition of the	
			(d) Each prison facility, and		inmate population;	
			each jail facility whose rated		(7) The number and	
			capacity exceeds 500 inmates,		placement of supervisory	
			shall implement a policy and		staff;	
			practice of having		(8) Institution programs	
			intermediate-level or higher-		occurring on a particular	
			level supervisors conduct and		shift;	
			document unannounced rounds		(9) Any applicable State or	
			to identify and deter staff		local laws, regulations, or	
			sexual abuse and sexual		standards;	
			harassment. Such policy and		(10) The prevalence of	
			practice shall be implemented		substantiated and	
			for night shifts as well as day		unsubstantiated incidents of	
			shifts.		sexual abuse; and	
					(11) Any other relevant	
					factors.	
					(b) In circumstances where	
					the staffing plan is not	
					complied with, the facility	
					shall document and justify all	
					deviations from the plan.	
					(c) Whenever necessary, but	

NPREC	CSTANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
(Ju	ıne 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					no less frequently than once	
					each year, for each facility	
					the agency operates, in	
					consultation with the PREA	
					coordinator required by §	
					115.11, the agency shall	
					assess, determine, and	
					document whether	
					adjustments are needed to:	
					(1) The staffing plan	
					established pursuant to	
					paragraph (a) of this section;	
					(2) The facility's deployment	
					of video monitoring systems	
					and other monitoring	
					technologies; and	
					(3) The resources the facility	
					has available to commit to	
					ensure adherence to the	
					staffing plan.	
					(d) Each agency operating a	
					facility shall implement a	
					policy and practice of having	
					intermediate-level or higher-	
					level supervisors conduct and	
					document unannounced	
					rounds to identify and deter	
					staff sexual abuse and sexual	
					harassment. Such policy and	

NPF	REC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.	

NPR	EC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
				115.14	Youthful inmates.	
					(a) A youthful inmate shall	
					not be placed in a housing	
					unit in which the youthful	
					inmate will have sight, sound,	
					or physical contact with any	
					adult inmate through use of a	
					shared dayroom or other	
					common space, shower area,	
					or sleeping quarters.	
					(b) In areas outside of	
					housing units, agencies shall	
					either:	
					(1) maintain sight and sound	
					separation between youthful	
					inmates and adult inmates, or	
					(2) provide direct staff	
					supervision when youthful	
					inmates and adult inmates	
					have sight, sound, or physical	
					contact.	
					(c) Agencies shall make best	
					efforts to avoid placing	
					youthful inmates in isolation	
					to comply with this provision.	
					Absent exigent	
					circumstances, agencies shall	
					not deny youthful inmates	
					daily large-muscle exercise	

NPI	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER		NUMBER	STANDARD	NUMBER	STANDARD	
NUMBER	SIANDARD	NUMBER	STANDARD	NUMBER	and any legally required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
PP-4	Limits to cross-gender	115.14	Limits to cross-gender	115.15	Limits to cross-gender	
	viewing and searches		viewing and searches		viewing and searches.	
	Except in the case of		(a) The facility shall not		(a) The facility shall not	
	emergency, the facility		conduct cross-gender strip		conduct cross-gender strip	
	prohibits cross-gender strip		searches or visual body cavity		searches or cross-gender	
	and visual body cavity		searches except in case of		visual body cavity searches	
	searches. Except in the case		emergency or when performed		(meaning a search of the anal	
	of emergency or other		by medical practitioners.		or genital opening) except in	
	extraordinary or unforeseen		(b) The facility shall document		exigent circumstances or	
	circumstances, the facility		all such cross-gender searches.		when performed by medical	
	restricts nonmedical staff		(c) The facility shall		practitioners.	
	from viewing inmates of the		implement policies and		(b) As of [INSERT DATE 3	
	opposite gender who are nude		procedures that enable inmates		YEARS PLUS 60 DAYS	
	or performing bodily		to shower, perform bodily		AFTER DATE OF	
	functions and similarly		functions, and change clothing		PUBLICATION IN THE	
	restricts cross-gender pat-		without nonmedical staff of		FEDERAL REGISTER], or	
	down searches. Medical		the opposite gender viewing		[INSERT DATE 5 YEARS	
	practitioners conduct		their breasts, buttocks, or		PLUS 60	
	examinations of transgender		genitalia, except in the case of		DAYS AFTER DATE OF	
	individuals to determine their		emergency, by accident, or		PUBLICATION IN THE	
	genital status only in private		when such viewing is		FEDERAL REGISTER] for a	
	settings and only when an		incidental to routine cell		facility whose rated capacity	
	individual's genital status is		checks.		does not exceed 50 inmates,	
	unknown.		(d) The facility shall not		the facility shall not permit	
			examine a transgender inmate		cross-gender pat- down	
			to determine the inmate's		searches of female inmates,	
			genital status unless the		absent exigent circumstances.	
			inmate's genital status is		Facilities shall not restrict	
			unknown. Such examination		female inmates' access to	

NPREC	CSTANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
( <b>J</b> 1	une 2009)	(I	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			shall be conducted in private		regularly available	
			by a medical practitioner.		programming or other out-of-	
			(e) Following classification,		cell opportunities in order to	
			the agency shall implement		comply with this provision.	
			procedures to exempt from		(c) The facility shall	
			nonemergency cross-gender		document all cross-gender	
			pat-down searches those		strip searches and cross-	
			inmates who have suffered		gender visual body cavity	
			documented prior cross-gender		searches, and shall document	
			sexual abuse while		all cross-gender pat-down	
			incarcerated.		searches of female inmates.	
			(f) The agency shall train		(d) The facility shall	
			security staff in how to		implement policies and	
			conduct cross-gender pat-		procedures that enable	
			down searches, and searches		inmates to shower, perform	
			of transgender inmates, in a		bodily functions, and change	
			professional and respectful		clothing without nonmedical	
			manner, and in the least		staff of the opposite gender	
			intrusive manner possible,		viewing their breasts,	
			consistent with security needs.		buttocks, or genitalia, except	
					in exigent circumstances or	
					when such viewing is	
					incidental to routine cell	
					checks. Such policies and	
					procedures shall require staff	
					of the opposite gender to	
					announce their presence	
					when entering an inmate	
					housing unit.	

	EC STANDARD June 2009)	DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER STANDARD	NUMBER	STANDARD	
				(e) The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.  (f) The agency shall train security staff in how to conduct cross-gender patdown searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(1	February 2011)	(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
PP-5	Accommodating inmates	115.15	Accommodating inmates	115.16	Inmates with disabilities	
	with special needs		with special needs		and inmates who are	
	The agency ensures that		(a) The agency shall ensure		limited English	
	inmates who are limited		that inmates who are limited		proficient.	
	English proficient (LEP),		English proficient, deaf, or		(a) The agency shall take	
	deaf, or disabled are able to		disabled are able to report		appropriate steps to ensure	
	report sexual abuse to staff		sexual abuse and sexual		that inmates with disabilities	
	directly, through interpretive		harassment to staff directly or		(including, for example,	
	technology, or through non-		through other established		inmates who are deaf or hard	
	inmate interpreters.		reporting mechanisms, such as		of hearing, those who are	
	Accommodations are made to		abuse hotlines, without relying		blind or have low vision, or	
	convey all written information about sexual		on inmate interpreters, absent		those who have intellectual,	
	abuse policies, including how		exigent circumstances. (b) The agency shall make		psychiatric, or speech	
	to report sexual abuse,		accommodations to convey		disabilities), have an equal	
	verbally to inmates who have		verbally all written		opportunity to participate in	
	limited reading skills or who		information about sexual		or benefit from all aspects of the agency's efforts to	
	are visually impaired.		abuse policies, including how		prevent, detect, and respond	
			to report sexual abuse and		to sexual abuse and sexual	
			sexual harassment, to inmates		harassment. Such steps shall	
			who have limited reading		include, when necessary to	
			skills or who are visually		ensure effective	
			impaired.		communication with inmates	
					who are deaf or hard of	
					hearing, providing access to	
					interpreters who can interpret	
					effectively, accurately, and	
					impartially, both receptively	

NPR	EC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					and expressively, using any	
					necessary specialized	
					vocabulary. In addition, the	
					agency shall ensure that	
					written materials are provided	
					in formats or through	
					methods that ensure effective	
					communication with inmates	
					with disabilities, including	
					inmates who have intellectual	
					disabilities, limited reading	
					skills, or who are blind or	
					have low vision. An agency	
					is not required to take actions	
					that it can demonstrate would	
					result in a fundamental	
					alteration in the nature of a	
					service, program, or activity,	
					or in undue financial and	
					administrative burdens, as	
					those terms are used in	
					regulations promulgated	
					under title II of the	
					Americans With Disabilities	
					Act, 28 CFR 35.164.	
					(b) The agency shall take	
					reasonable steps to ensure	
					meaningful access to all	
					aspects of the agency's	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					efforts to prevent, detect, and	
					respond to sexual abuse and	
					sexual harassment to inmates	
					who are limited English	
					proficient, including steps to	
					provide interpreters who can	
					interpret effectively,	
					accurately, and impartially,	
					both receptively and	
					expressively, using any	
					necessary specialized	
					vocabulary.	
					(c) The agency shall not rely	
					on inmate interpreters, inmate	
					readers, or other types of	
					inmate assistants except in	
					limited circumstances where	
					an extended delay in	
					obtaining an effective	
					interpreter could compromise	
					the inmate's safety, the	
					performance of first-response	
					duties under § 115.64, or the	
					investigation of the inmate's	
					allegations.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
PP-6	Hiring and promotion	115.16	Hiring and promotion	115.17	Hiring and promotion	
	decisions		decisions		decisions.	
	The agency does not hire or		(a) The agency shall not hire		(a) The agency shall not hire	
	promote anyone who has		or promote anyone who has		or promote anyone who may	
	engaged in sexual abuse in an		engaged in sexual abuse in an		have contact with inmates,	
	institutional setting or who		institutional setting; who has		and shall not enlist the	
	has engaged in sexual activity		been convicted of engaging in		services of any contractor	
	in the community facilitated		sexual activity in the		who may have contact with	
	by force, the threat of force,		community facilitated by		inmates, who—	
	or coercion. Consistent with		force, the threat of force, or		(1) Has engaged in sexual	
	Federal, State, and local law,		coercion; or who has been		abuse in a prison, jail, lockup,	
	the agency makes its best		civilly or administratively		community confinement	
	effort to contact all prior		adjudicated to have engaged in		facility, juvenile facility, or	
	institutional employers for		such activity.		other institution (as defined	
	information on substantiated		(b) Before hiring new		in 42 U.S.C. 1997);	
	allegations of sexual abuse;		employees, the agency shall:		(2) Has been convicted of	
	must run criminal		(1) Perform a criminal		engaging or attempting to	
	background checks for all		background check; and		engage in sexual activity in	
	applicants and employees		(2) Consistent with Federal,		the community facilitated by	
	being considered for		State, and local law, make its		force, overt or implied threats	
	promotion; and must examine		best effort to contact all prior		of force, or coercion, or if the	
	and carefully weigh any		institutional employers for		victim did not consent or was	
	history of criminal activity at		information on substantiated		unable to consent or refuse;	
	work or in the community,		allegations of sexual abuse.		or	
	including convictions for		(c) The agency shall either		(3) Has been civilly or	
	domestic violence, stalking,		conduct criminal background		administratively adjudicated	
	and sex offenses. The agency		checks of current employees at		to have engaged in the	
	also asks all applicants and		least every five years or have		activity described in	
	employees directly about		in place a system for otherwise		paragraph (a)(2) of this	

NPF	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	previous misconduct during		capturing such information for		section.	
	interviews and reviews.		current employees.		(b) The agency shall consider	
			(d) The agency shall ask all		any incidents of sexual	
			applicants and employees		harassment in determining	
			directly about previous		whether to hire or promote	
			misconduct in written		anyone, or to enlist the	
			applications for hiring or		services of any contractor,	
			promotions, in interviews for		who may have contact with	
			hiring or promotions, and in		inmates.	
			any interviews or written self-		(c) Before hiring new	
			evaluations conducted as part		employees who may have	
			of reviews of current		contact with inmates, the	
			employees.		agency shall: (1) Perform a	
			(e) Material omissions, or the		criminal background records	
			provision of materially false		check; and	
			information, shall be grounds		(2) Consistent with Federal,	
			for termination.		State, and local law, make its	
			(f) Unless prohibited by law,		best efforts to contact all	
			the agency shall provide		prior institutional employers	
			information on substantiated		for information on	
			allegations of sexual abuse		substantiated allegations of	
			involving a former employee		sexual abuse or any	
			upon receiving a request from		resignation during a pending	
			an institutional employer for		investigation of an allegation	
			whom such employee has		of sexual abuse.	
			applied to work.		(d) The agency shall also	
					perform a criminal	
					background records check	
					before enlisting the services	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)			NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER STANDARD		
NUNIDER	SIANDARD	NUMBER	STANDARD	NUMBER	of any contractor who may	
					have contact with inmates.	
					(e) The agency shall either	
					conduct criminal background	
					records checks at least every	
					five years of current	
					employees and contractors	
					who may have contact with	
					inmates or have in place a	
					system for otherwise	
					capturing such information	
					for current employees.	
					(f) The agency shall ask all	
					applicants and employees	
					who may have contact with	
					inmates directly about	
					previous misconduct	
					described in paragraph (a) of	
					this section in written	
					applications or interviews for	
					hiring or promotions and in	
					any interviews or written	
					self- evaluations conducted as	
					part of reviews of current	
					employees. The agency shall	
					also impose upon employees	
					a continuing affirmative duty	
					to disclose any such	
					misconduct.	

	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					(g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.  (h) Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.	

NPF	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
NUMBER PP-7					,	
			system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.		updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.	

NPREC STANDARD		DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
R	esponse Planning	Re	esponsive Planning	Res	sponsive Planning	Responsive Planning
RP-1	Evidence protocol and	115.21	Evidence protocol and	115.21	Evidence protocol and	
	forensic medical exams		forensic medical exams		forensic medical	
	The agency follows a		(a) To the extent the agency is		examinations.	
	uniform evidence protocol		responsible for investigating		(a) To the extent the agency	
	that maximizes the potential		allegations of sexual abuse,		is responsible for	
	for obtaining usable physical		the agency shall follow a		investigating allegations of	
	evidence for administrative		uniform evidence protocol that		sexual abuse, the agency shall	
	proceedings and criminal		maximizes the potential for		follow a uniform evidence	
	prosecutions. The protocol		obtaining usable physical		protocol that maximizes the	
	must be adapted from or		evidence for administrative		potential for obtaining usable	
	otherwise based on the 2004		proceedings and criminal		physical evidence for	
	U.S. Department of Justice's		prosecutions.		administrative proceedings	
	Office on Violence Against		(b) The protocol shall be		and criminal prosecutions.	
	Women publication "A		adapted from or otherwise		(b) The protocol shall be	
	National Protocol for Sexual		based on the 2004 U.S.		developmentally appropriate	
	Assault Medical Forensic		Department of Justice's Office		for youth where applicable,	
	Examinations,		on Violence Against Women		and, as appropriate, shall be	
	Adults/Adolescents,"		publication, "A National		adapted from or otherwise	
	subsequent updated editions,		Protocol for Sexual Assault		based on the most recent	
	or similarly comprehensive		Medical Forensic		edition of the U.S.	
	and authoritative protocols		Examinations,		Department of Justice's	
	developed after 2004. As part		Adults/Adolescents,"		Office on Violence Against	
	of the agency's evidence		subsequent updated editions,		Women publication, "A	
	collection protocol, all		or similarly comprehensive		National Protocol for Sexual	
	victims of inmate-on-inmate		and authoritative protocols		Assault Medical Forensic	
	sexually abusive penetration		developed after 2010.		Examinations,	
	or staff-on-inmate sexually		(c) The agency shall offer all		Adults/Adolescents," or	
	abusive penetration are		victims of sexual abuse access			

NPREC S'	TANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
(June	e 2009)	(I	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
provid	ded access to forensic		to forensic medical exams		similarly comprehensive and	
medica	cal exams performed by		performed by qualified		authoritative protocols	
qualifi	fied forensic medical		medical practitioners, whether		developed after 2011.	
examin	iners. Forensic medical		onsite or at an outside facility,		(c) The agency shall offer all	
	s are provided free of		without financial cost, where		victims of sexual abuse	
charge	e to the victim. The		evidentiary or medically		access to forensic medical	
facility	y makes available a		appropriate.		examinations, whether on-site	
victim	n advocate to		(d) The agency shall make		or at an outside facility,	
accom	npany the victim		available to the victim a		without financial cost, where	
throug	gh the forensic medical		qualified staff member or a		evidentiarily or medically	
exam p	process.		victim advocate from a		appropriate. Such	
			community-based organization		examinations shall be	
			that provides services to sexual		performed by Sexual Assault	
			abuse victims.		Forensic Examiners (SAFEs)	
			(e) As requested by the		or Sexual Assault Nurse	
			victim, the qualified staff		Examiners (SANEs) where	
			member or victim advocate		possible. If SAFEs or	
			shall accompany and support		SANEs cannot be made	
			the victim through the forensic		available, the examination	
			medical exam process and the		can be performed by other	
			investigatory process and shall		qualified medical	
			provide emotional support,		practitioners. The agency	
			crisis intervention,		shall document its efforts to	
			information, and referrals.		provide SAFEs or SANEs.	
			(f) To the extent the agency		(d) The agency shall attempt	
			itself is not responsible for		to make available to the	
			investigating allegations of		victim a victim advocate	
			sexual abuse, the agency shall		from a rape crisis center. If a	
			inform the investigating entity		rape crisis center is not	

NPREC	CSTANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
(Jı	ane 2009)	(I	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			of these policies.		available to provide victim	
			(g) The requirements of		advocate services, the agency	
			paragraphs (a) through (f) of		shall make available to	
			this section shall also apply to:		provide these services a	
			(1) Any State entity outside of		qualified staff member from a	
			the agency that is responsible		community-based	
			for investigating allegations of		organization, or a qualified	
			sexual abuse in institutional		agency staff member.	
			settings; and		Agencies shall document	
			(2) Any Department of Justice		efforts to secure services	
			component that is responsible		from rape crisis centers. For	
			for investigating allegations of		the purpose of this standard, a	
			sexual abuse in institutional		rape crisis center refers to an	
			settings.		entity that provides	
			(h) For the purposes of this		intervention and related	
			standard, a qualified staff		assistance, such as the	
			member shall be an individual		services	
			who is employed by a facility		specified in 42 U.S.C.	
			and has received education		14043g(b)(2)(C), to victims	
			concerning sexual assault and		of sexual assault of all ages.	
			forensic examination issues in		The agency may utilize a rape	
			general.		crisis center that is part of a	
					governmental unit as long as	
					the center is not part of	
					the criminal justice system	
					(such as a law enforcement	
					agency) and offers a	
					comparable level of	
					confidentiality as a	

NPREC STANDARD		DOJ DRAFT STANDARD			NAL STANDARD	ANALYSIS
(June 2009)		(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					nongovernmental entity that	
					provides similar victim	
					services.	
					(e) As requested by the	
					victim, the victim advocate,	
					qualified agency staff	
					member, or qualified	
					community-based	
					organization staff member	
					shall accompany and support	
					the victim through the	
					forensic medical examination	
					process and investigatory	
					interviews and shall provide	
					emotional support, crisis intervention, information, and	
					referrals.	
					(f) To the extent the agency	
					itself is not responsible for	
					investigating allegations of	
					sexual abuse, the agency shall	
					request that the investigating	
					agency follow the	
					requirements of paragraphs	
					(a) through (e) of this section.	
					(g) The requirements of	
					paragraphs (a) through (f) of	
					this section shall also apply	
					to:	

	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					(1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails. (h) For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
RP-2	Agreements with outside	115.22	Agreements with outside			
	public entities and		public entities and			
	community service		community service			
	providers		providers			
	The agency maintains or		(a) The agency shall maintain			
	attempts to enter into		or attempt to enter into			
	memoranda of understanding		memoranda of understanding			
	(MOUs) or other agreements		or other agreements with an			
	with an outside public entity		outside public entity or office			
	or office that is able to		that is able to receive and			
	receive and immediately		immediately forward inmate			
	forward inmate reports of		reports of sexual abuse and			
	sexual abuse to facility heads		sexual harassment to agency			
	(RE-1). The agency also		officials pursuant to § 115.51,			
	maintains or attempts to enter		unless the agency enables			
	into MOUs or other		inmates to make such reports			
	agreements with community		to an internal entity that is			
	service providers that are able		operationally independent			
	to: (1) provide inmates with		from the agency's chain of			
	confidential emotional		command, such as an inspector			
	support services related to		general or ombudsperson who			
	sexual abuse and (2) help		reports directly to the agency			
	victims of sexual abuse		head.			
	during their transition from		(b) The agency also shall			
	incarceration to the		maintain or attempt to enter			
	community (RE-3, MM-3).		into memoranda of			
	The agency maintains copies		understanding or other			
	of agreements or		agreements with community			

NPI	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	documentation showing attempts to enter into agreements.		service providers that are able to provide inmates with confidential emotional support services related to sexual abuse.  (c) The agency shall maintain copies of agreements or documentation showing attempts to enter into agreements.			

NPR	EC STANDARD	DOJ DRAFT STANDARD			NAL STANDARD	ANALYSIS
(June 2009)		(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
		115.23	Policies to ensure	115.22	Policies to ensure	
			investigation of allegations		referrals of allegations	
			(a) The agency shall have in		for investigations.	
			place a policy to ensure that		(a) The agency shall ensure	
			allegations of sexual abuse or		that an administrative or	
			sexual harassment are investigated by an agency with		criminal investigation is	
			the legal authority to conduct		completed for all allegations	
			criminal		of sexual abuse and sexual	
			investigations, unless the		harassment.	
			allegation does not involve		(b) The agency shall have in	
			potentially criminal behavior,		place a policy to ensure that	
			and shall publish such policy		allegations of sexual abuse or	
			on its website.		sexual harassment are	
			(b) If a separate entity is		referred for investigation to	
			responsible for conducting criminal investigations, such		an agency with the legal	
			website publication shall		authority to conduct criminal	
			describe the responsibilities of		investigations, unless the	
			both the agency and the		allegation does not involve	
			investigating entity.		potentially criminal behavior.	
			(c) Any State entity		The agency shall publish	
			responsible for conducting		such policy on its website or,	
			criminal or administrative		if it does not have one, make	
			investigations		the policy available through	
			of sexual abuse in institutional		other means. The agency	
			settings shall have in place a policy governing the conduct		shall document all such	
			of such investigations.		referrals.	

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			(d) Any Department of Justice component responsible for conducting criminal or administrative investigations of sexual abuse in institutional settings shall have in place a policy governing the conduct of such investigations.		(c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.  (d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.  (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
RP-3	Agreements with outside					
	law enforcement agencies					
	If an agency does not have					
	the legal authority to conduct					
	criminal investigations or has					
	elected to permit an outside					
	agency to conduct criminal or					
	administrative investigations					
	of staff or inmates, the					
	agency maintains or attempts					
	to enter into a written MOU					
	or other agreement specific to					
	investigations of sexual abuse					
	with the law enforcement					
	agency responsible for					
	conducting investigations. If					
	the agency confines inmates					
	under the age of 18 or other					
	inmates who fall under State					
	and local vulnerable persons					
	statutes, the agency maintains					
	or attempts to enter into an					
	MOU with the designated					
	State or local services agency					
	with the jurisdiction and					
	authority to conduct					
	investigations related to the					
	sexual abuse of vulnerable					
	persons within confinement					

NPR	REC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	facilities. When the agency already has an existing agreement or long-standing policy covering responsibilities for all criminal investigations, including sexual abuse investigations, it does not need to enter into a new agreement. The agency maintains a copy of the agreement or documentation showing attempts to enter					
RP-4	into an agreement.  Agreements with the prosecuting authority The agency maintains or attempts to enter into a written MOU or other agreement with the authority responsible for prosecuting violations of criminal law. The agency maintains a copy of the agreement or documentation showing attempts to enter into an agreement.					

NPR	NPREC STANDARD		DOJ DRAFT STANDARD		INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	ining and Education	Tra	ining and Education	Trai	ning and Education	Training and Education
TR-1	Employee training	115.31	Employee training	115.31	Employee training.	
	The agency trains all		(a) The agency shall train all		(a) The agency shall train all	
	employees to be able to fulfill		employees who may have		employees who may have	
	their responsibilities under		contact with inmates on:		contact with inmates on: (1)	
	agency sexual abuse		(1) Its zero-tolerance policy		Its zero-tolerance policy for	
	prevention, detection, and		for sexual abuse and sexual		sexual abuse and sexual	
	response policies and		harassment;		harassment;	
	procedures; the PREA		(2) How to fulfill their		(2) How to fulfill their	
	standards; and relevant		responsibilities under agency		responsibilities under agency	
	Federal, State, and local law.		sexual abuse prevention,		sexual abuse and sexual	
	The agency trains all		detection,		harassment prevention,	
	employees to communicate		reporting, and response		detection, reporting, and	
	effectively and professionally		policies and procedures;		response policies and	
	with all inmates.		(3) Inmates' right to be free		procedures;	
	Additionally, the agency		from sexual abuse and sexual		(3) Inmates' right to be free	
	trains all employees on an		harassment;		from sexual abuse and sexual	
	inmate's right to be free from		(4) The right of inmates and		harassment;	
	sexual abuse, the right of		employees to be free from		(4) The right of inmates and	
	inmates and employees to be		retaliation for reporting sexual		employees to be free from	
	free from retaliation for		abuse;		retaliation for reporting	
	reporting sexual abuse, the		(5) The dynamics of sexual		sexual abuse and sexual	
	dynamics of sexual abuse in		abuse in confinement;		harassment;	
	confinement, and the		(6) The common reactions of		(5) The dynamics of sexual	
	common reactions of sexual		sexual abuse victims;		abuse and sexual harassment	
	abuse victims. Current		(7) How to detect and respond		in confinement; (6) The	
	employees are educated as		to signs of threatened and		common reactions of sexual	
	soon as possible following		actual sexual abuse;		abuse and sexual harassment	
	the agency's adoption of the		(8) How to avoid inappropriate		victims;	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(1	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	PREA standards, and the		relationships with inmates; and		(7) How to detect and	
	agency provides periodic		(9) How to communicate		respond to signs of threatened	
	refresher information to all		effectively and professionally		and actual sexual abuse; (8)	
	employees to ensure that they		with inmates, including		How to avoid inappropriate	
	know the agency's most		lesbian, gay, bisexual,		relationships with inmates;	
	current sexual abuse policies		transgender, or intersex		(9) How to communicate	
	and procedures. The agency		inmates.		effectively and professionally	
	maintains written		(b) Such training shall be		with inmates, including	
	documentation showing		tailored to the gender of the		lesbian, gay, bisexual,	
	employee signatures		inmates at the employee's		transgender, intersex, or	
	verifying that employees		facility.		gender nonconforming	
	understand the training they		(c) All current employees who		inmates; and	
	have received.		have not received such training		(10) How to comply with	
			shall be trained within one		relevant laws related to	
			year of the effective date of the		mandatory reporting of	
			PREA standards, and the		sexual abuse to outside	
			agency shall provide annual		authorities.	
			refresher information to all		(b) Such training shall be	
			employees to ensure that they		tailored to the gender of the	
			know the agency's current		inmates at the employee's	
			sexual abuse policies and		facility. The employee shall	
			procedures.		receive additional training if	
			(d) The agency shall		the employee is reassigned	
			document, via employee		from a facility that houses	
			signature or electronic		only male inmates to a	
			verification that employees		facility that houses only	
			understand the training they		female inmates, or vice versa.	
			have received.		(c) All current employees	
					who have not received such	

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					training shall be trained	
					within one year of the	
					effective date of the PREA	
					standards, and the agency	
					shall provide each employee	
					with refresher training every	
					two years to ensure that all	
					employees know the agency's	
					current sexual abuse and	
					sexual harassment policies	
					and procedures. In years in	
					which an employee	
					does not receive refresher	
					training, the agency shall	
					provide refresher information	
					on current sexual abuse and	
					sexual harassment policies.	
					(d) The agency shall	
					document, through employee	
					signature or electronic	
					verification, that employees	
					understand the training they	
					have received.	

NPR	REC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	INAL STANDARD	ANALYSIS
	(June 2009)	(1	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
TR-2	Volunteer and contractor	115.32	Volunteer and contractor	115.32	Volunteer and contractor	
	training		training		training.	
	The agency ensures that all		(a) The agency shall ensure		(a) The agency shall ensure	
	volunteers and contractors		that all volunteers and		that all volunteers and	
	who have contact with		contractors who have contact		contractors who have contact	
	inmates have been trained on		with inmates have been trained		with inmates have been	
	their responsibilities under		on their responsibilities under		trained on their	
	the agency's sexual abuse		the agency's sexual abuse		responsibilities under the	
	prevention, detection, and re-		prevention, detection, and		agency's sexual abuse and	
	sponse policies and		response policies and		sexual harassment	
	procedures; the PREA		procedures.		prevention, detection, and	
	standards; and relevant		(b) The level and type of		response policies and	
	Federal, State, and local law.		training provided to volunteers		procedures.	
	The level and type of training		and contractors shall be based		(b) The level and type of	
	provided to volunteers and		on the services they provide		training provided to	
	contractors is based on the		and level of contact they have		volunteers and contractors	
	services they provide and		with inmates, but all		shall be based on the services	
	level of contact they have		volunteers and contractors		they provide and level of	
	with inmates, but all		who have contact with inmates		contact they have with	
	volunteers and contractors		shall be notified of the		inmates, but all volunteers	
	who have contact with		agency's zero-tolerance policy		and contractors who have	
	inmates must be notified of		regarding sexual abuse and		contact with inmates shall be	
	the agency's zero-tolerance		sexual harassment and		notified of the agency's zero-	
	policy regarding sexual		informed how to report sexual		tolerance policy regarding	
	abuse. Volunteers must also		abuse.		sexual abuse and sexual	
	be trained in how to report		(c) The agency shall maintain		harassment and informed	
	sexual abuse. The agency		documentation confirming that		how to report such incidents.	
	maintains written		volunteers and contractors		(c) The agency shall maintain	
	documentation showing		understand the training they		documentation confirming	

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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	volunteer and contractor signatures verifying that they understand the training they have received.		have received.		that volunteers and contractors understand the training they have received.	

NPF	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(I	(February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
TR-3	Inmate education	115.33	Inmate education	115.33	Inmate education.	
	During the intake process,		(a) During the intake process,		(a) During the intake process,	
	staff informs inmates of the		staff shall inform inmates of		inmates shall receive	
	agency's zero-tolerance		the agency's zero-tolerance		information explaining the	
	policy regarding sexual abuse		policy regarding sexual abuse		agency's zero-tolerance	
	and how to report incidents or		and sexual harassment and		policy regarding sexual abuse	
	suspicions of sexual abuse.		how to report incidents or		and sexual harassment and	
	Within a reasonably brief		suspicions of sexual abuse or		how to report incidents or	
	period of time following the		sexual harassment.		suspicions of sexual abuse or	
	intake process, the agency		(b) Within 30 days of intake,		sexual harassment.	
	provides comprehensive		the agency shall provide		(b) Within 30 days of intake,	
	education to inmates		comprehensive education to		the agency shall provide	
	regarding their right to be		inmates either in person or via		comprehensive education to	
	free from sexual abuse and to		video regarding their rights to		inmates either in person or	
	be free from retaliation for		be free from sexual abuse and		through video regarding their	
	reporting abuse, the dynamics		sexual harassment and to be		rights to be free from sexual	
	of sexual abuse in		free from retaliation for		abuse and sexual harassment	
	confinement, the common		reporting such abuse or		and to be free from retaliation	
	reactions of sexual abuse		harassment, and regarding		for reporting such incidents,	
	victims, and agency sexual		agency sexual abuse response		and regarding agency policies	
	abuse response policies and		policies and procedures.		and procedures for	
	procedures. Current inmates		(c) Current inmates who have		responding to such incidents.	
	are educated as soon as		not received such education		(c) Current inmates who have	
	possible following the		shall be educated within one		not received such education	
	agency's adoption of the		year of the effective date of the		shall be educated within one	
	PREA standards, and the		PREA standards, and the		year of the effective date of	
	agency provides periodic		agency shall provide refresher		the PREA standards, and	
	refresher information to all		information to all inmates at		shall receive education upon	
	inmates to ensure that they		least annually and whenever		transfer to a different facility	

NPREC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)	DOJ FINAL STANDARD (May 2012)	ANALYSIS
NUMBER STANDARD	NUMBER STANDARD	NUMBER STANDARD	
know the agency's most current sexual abuse policies and procedures. The agency provides inmate education in formats accessible to all inmates, including those who are LEP, deaf, visually impaired, or otherwise disabled as well as inmates who have limited reading skills. The agency maintains written documentation of inmate participation in these education sessions.	an inmate is transferred to a different facility, to ensure the they know the agency's current sexual abuse policies and procedures.  (d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills.  (e) The agency shall maintain documentation of inmate participation in these education sessions.  (f) In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visib to inmates through posters, inmate handbooks, or other written formats.	to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.  (d) The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.  (e) The agency shall maintain documentation of inmate participation in these education sessions.  (f) In addition to providing such education, the agency shall ensure that key information is continuously	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ F	INAL STANDARD	ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
TR-4	Specialized training:	115.34	Specialized training:	115.34	Specialized training:	
	Investigations		Investigations		Investigations.	
	In addition to the general		(a) In addition to the general		(a) In addition to the general	
	training provided to all		training provided to all		training provided to all	
	employees (TR-1), the		employees pursuant to §		employees pursuant to §	
	agency ensures that agency		115.31, the agency shall		115.31, the agency shall	
	investigators conducting		ensure that, to the extent the		ensure that, to the extent the	
	sexual abuse investigations		agency itself conducts sexual		agency itself conducts sexual	
	have received comprehensive		abuse investigations, its		abuse investigations, its	
	and up-to-date training in		investigators have received		investigators have received	
	conducting such		training in conducting such		training in conducting such	
	investigations in confinement		investigations in confinement		investigations in confinement	
	settings. Specialized training		settings.		settings.	
	must include techniques for		(b) Specialized training shall		(b) Specialized training shall	
	interviewing sexual abuse		include techniques for		include techniques for	
	victims, proper use of		interviewing sexual abuse		interviewing sexual abuse	
	Miranda- and Garrity-type		victims, proper use of <i>Miranda</i>		victims, proper use of	
	warnings, sexual abuse		and Garrity warnings, sexual		Miranda and Garrity	
	evidence collection in		abuse evidence collection in		warnings, sexual abuse	
	confinement settings, and the		confinement settings, and the		evidence collection in	
	criteria and evidence required		criteria and evidence required		confinement settings, and the	
	to substantiate a case for		to substantiate a case for		criteria and evidence required	
	administrative action or		administrative action or		to substantiate a case for	
	prosecution referral. The		prosecution referral.		administrative action or	
	agency maintains written		(c) The agency shall maintain		prosecution referral.	
	documentation that		documentation that agency		(c) The agency shall maintain	
	investigators have completed		investigators have completed		documentation that agency	
	the required specialized		the required specialized		investigators have completed	
	training in conducting sexual		training in conducting sexual		the required specialized	

NPREC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
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abuse investigations.		abuse investigations.  (d) Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.		training in conducting sexual abuse investigations.  (d) Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.	

NPR	EC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
TR-5	Specialized training:	115.35	Specialized training:	115.35	Specialized training:	
	Medical and mental		Medical and mental health		Medical and mental	
	health care		care		health care.	
	The agency ensures that all		(a) The agency shall ensure		(a) The agency shall ensure	
	full- and part-time medical		that all full- and part-time		that all full- and part-time	
	and mental health care		medical and mental health care		medical and mental health	
	practitioners working in its		practitioners who work		care practitioners who work	
	facilities have been trained in		regularly in its facilities have		regularly in its facilities have	
	how to detect and assess		been trained in:		been trained in:	
	signs of sexual abuse and that		(1) How to detect and assess		(1) How to detect and assess	
	all medical practitioners are		signs of sexual abuse;		signs of sexual abuse and	
	trained in how to preserve		(2) How to preserve physical		sexual harassment; (2) How	
	physical evidence of sexual		evidence of sexual abuse;		to preserve physical evidence	
	abuse. All medical and		(3) How to respond effectively		of sexual abuse;	
	mental health care		and professionally to victims		(3) How to respond	
	practitioners must be trained		of sexual abuse; and		effectively and professionally	
	in how to respond effectively		(4) How and to whom to report		to victims of sexual abuse	
	and professionally to victims		allegations or suspicions of		and sexual harassment; and	
	of sexual abuse and how and		sexual abuse.		(4) How and to whom to	
	to whom to report allegations		(b) If medical staff employed		report allegations or	
	or suspicions of sexual abuse.		by the agency conduct forensic		suspicions of sexual abuse	
	The agency maintains		examinations, such medical		and sexual harassment.	
	documentation that medical		staff shall receive the		(b) If medical staff employed	
	and mental health		appropriate training to conduct		by the agency conduct	
	practitioners have received		such examinations.		forensic examinations, such	
	this specialized training.		(c) The agency shall maintain		medical staff shall receive the	
			documentation that medical		appropriate training to	
			and mental health practitioners		conduct such examinations.	
			have received the training		(c) The agency shall maintain	

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			referenced in this standard either from the agency or elsewhere.		documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.  (d) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the practitioner's status at the agency.	
Screening for R	isk and Abusiveness	Screening fo	or Risk of Sexual Abuse and Abusiveness	Screening fo	r Risk of Sexual Abuse and Abusiveness	Screening for Risk of Sexual Abuse and Abusiveness

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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
SC-1	Screening for risk of	115.41	Screening for risk of	115.41	Screening for risk of	
	victimization and		victimization and		victimization and	
	abusiveness		abusiveness		abusiveness.	
	All inmates are screened		(a) All inmates shall be		(a) All inmates shall be	
	during intake, during the		screened during the intake		assessed during an intake	
	initial classification process,		process and during the initial		screening and upon transfer	
	and at all subsequent		classification process to assess		to another facility for their	
	classification reviews to		their risk of being sexually		risk of being sexually abused	
	assess their risk of being		abused by other inmates or		by other inmates or sexually	
	sexually abused by other		sexually abusive toward other		abusive toward other inmates.	
	inmates or sexually abusive		inmates.		(b) Intake screening shall	
	toward other inmates.		(b) Such screening shall be		ordinarily take place within	
	Employees must conduct this		conducted using an objective		72 hours of arrival at the	
	screening using a written		screening instrument, blank		facility.	
	screening instrument tailored		copies of which shall be made		(c) Such assessments shall be	
	to the gender of the		available to the public upon		conducted using an objective	
	population being screened.		request.		screening instrument.	
	Although additional factors		(c) The initial classification		(d) The intake screening shall	
	may be considered,		process shall consider, at a		consider, at a minimum, the	
	particularly to account for		minimum, the following		following criteria to assess	
	emerging research and the		criteria to screen inmates for		inmates for risk of sexual	
	agency's own data analysis,		risk of sexual victimization:		victimization:	
	screening instruments must		(1) Whether the inmate has a		(1) Whether the inmate has a	
	contain the criteria described		mental, physical, or		mental, physical, or	
	below. All screening		developmental disability;		developmental disability; (2)	
	instruments must be made		(2) The age of the inmate,		The age of the inmate;	
	available to the public upon		including whether the inmate		(3) The physical build of the	
	request.		is a juvenile;		inmate;	
	• At a minimum, employees		(3) The physical build of the		(4) Whether the inmate has	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
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	use the following criteria to		inmate;		previously been incarcerated;	
	screen male inmates for risk		(4) Whether the inmate has		(5) Whether the inmate's	
	of victimization: mental or		previously been incarcerated;		criminal history is	
	physical disability, young		(5) Whether the inmate's		exclusively nonviolent;	
	age, slight build, first		criminal history is exclusively		(6) Whether the inmate has	
	incarceration in prison or jail,		nonviolent;		prior convictions for sex	
	nonviolent history, prior		(6) Whether the inmate has		offenses against an adult or	
	convictions for sex offenses		prior convictions for sex		child; (7) Whether the inmate	
	against an adult or child,		offenses against an adult or		is or is perceived to be gay,	
	sexual orientation of gay or		child;		lesbian, bisexual,	
	bisexual, gender		(7) Whether the inmate is gay,		transgender,	
	nonconformance (e.g.,		lesbian, bisexual, transgender,		intersex, or gender	
	transgender or intersex		or intersex;		nonconforming;	
	identity), prior sexual		(8) Whether the inmate has		(8) Whether the inmate has	
	victimization, and the		previously experienced sexual		previously experienced	
	inmate's own perception of		victimization;		sexual victimization;	
	vulnerability.		(9) The inmate's own		(9) The inmate's own	
	• At a minimum, employees		perception of vulnerability;		perception of vulnerability;	
	use the following criteria to		and		and	
	screen male inmates for risk		(10) Whether the inmate is		(10) Whether the inmate is	
	of being sexually abusive:		detained solely on civil		detained solely for civil	
	prior acts of sexual abuse and		immigration charges.		immigration purposes.	
	prior convictions for violent		(d) The initial classification		(e) The initial screening shall	
	offenses.		process shall consider prior		consider prior acts of sexual	
	• At a minimum, employees		acts of sexual abuse, prior		abuse, prior convictions for	
	use the following criteria to		convictions for violent		violent offenses, and history	
	screen female inmates for		offenses, and history of prior		of prior institutional violence	
	risk of sexual victimization:		institutional violence or sexual		or sexual abuse, as known to	
	prior sexual victimization and		abuse, as known to the agency,		the agency, in assessing	

	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
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	the inmate's own perception of vulnerability.  • At a minimum, employees use the following criteria to screen female inmates for risk of being sexually abusive: prior acts of sexual abuse.	NUMBER	in screening inmates for risk of being sexually abusive.  (e) An agency shall conduct such initial classification within 30 days of the inmate's confinement.  (f) Inmates shall be rescreened when warranted due to a referral, request, or incident of sexual victimization. Inmates may not be disciplined for refusing to answer particular questions or for not disclosing complete information.  (g) The agency shall implement appropriate controls on the dissemination of responses to screening questions within the facility in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.	NUMBER	inmates for risk of being sexually abusive.  (f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.  (g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.  (h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.  (i) The agency shall	

	C STANDARD	DOJ DRAFT STANDARD			NAL STANDARD	ANALYSIS
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					implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.	

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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
SC-2	Use of screening	115.42	Use of screening	115.42	Use of screening	
	information		information		information.	
	Employees use information		(a) The agency shall use		(a) The agency shall use	
	from the risk screening (SC-		information from the risk		information from the risk	
	1) to inform housing, bed,		screening to inform housing,		screening required by §	
	work, education, and program		bed, work, education, and		115.41 to inform housing,	
	assignments with the goal of		program assignments with the		bed, work, education, and	
	keeping separate those		goal of keeping separate those		program assignments with the	
	inmates at high risk of being sexually victimized from		inmates at high risk of being sexually victimized from those		goal of keeping separate	
	those at high risk of being		at high risk of being sexually		those inmates at high risk of	
	sexually abusive. The facility		abusive.		being sexually victimized	
	makes individualized		(b) The agency shall make		from those at high risk of	
	determinations about how to		individualized determinations		being sexually abusive.	
	ensure the safety of each		about how to ensure the safety		(b) The agency shall make	
	inmate. Lesbian, gay,		of each inmate.		individualized determinations	
	bisexual, transgender, or		(c) In deciding whether to		about how to ensure the	
	other gender-nonconforming		assign a transgender or		safety of each inmate.	
	inmates are not placed in		intersex inmate to a facility for		(c) In deciding whether to	
	particular facilities, units, or		male or female inmates, and in		` '	
	wings solely on the basis of		making other housing and		assign a transgender or	
	their sexual orientation,		programming assignments, the		intersex inmate to a facility	
	genital status, or gender		agency shall consider on a		for male or female inmates,	
	identity. Inmates at high risk for sexual victimization may		case-by-case basis whether a placement would ensure the		and in making other housing	
	be placed in segregated		inmate's health and safety, and		and programming	
	housing only as a last resort		whether the placement would		assignments, the agency shall	
	and then only until an		present management or		consider on a case-by-case	
	alternative means of		security problems.		basis whether a placement	

	NPREC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
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NUM	BER STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
NUM	,			NUMBER	would ensure the inmate's health and safety, and whether the placement would present management or security problems.  (d) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.  (e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.  (f) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.  (g) The agency shall not	
					separately from other inmates.	

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					inmates in dedicated	
					facilities, units, or wings	
					solely on the basis of such	
					identification or status, unless	
					such placement is in a	
					dedicated facility, unit, or	
					wing established in	
					connection with a consent	
					decree, legal settlement, or	
					legal judgment for the	
					purpose of protecting such	
					inmates.	
		115.43	Protective custody	115.43	Protective custody.	
			(a) Inmates at high risk for		(a) Inmates at high risk for	
			sexual victimization may be		sexual victimization shall not	
			placed in involuntary		be placed in involuntary	
			segregated housing only after an assessment of all available		segregated housing unless an assessment of all available	
			alternatives has been made,		alternatives has been made,	
			and then only until an		and a determination has been	
			alternative means of separation		made that there is no	
			from likely abusers can be		available alternative means of	
			arranged.		separation from likely	
			(b) Inmates placed in		abusers. If a facility cannot	
			segregated housing for this		conduct such an assessment	
			purpose shall have access to		immediately, the facility may	
			programs, education, and work		hold the inmate in	

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			opportunities to the extent		involuntary segregated	
			possible.		housing for less than 24 hours	
			(c) The agency shall not		while completing the	
			ordinarily assign such an		assessment.	
			inmate to segregated housing		(b) Inmates placed in	
			involuntarily for a period		segregated housing for this	
			exceeding 90 days.		purpose shall have access to	
			(d) If an extension is		programs, privileges,	
			necessary, the agency shall		education, and work	
			clearly document:		opportunities to the extent	
			(1) The basis for the agency's		possible. If the facility	
			concern for the inmate's		restricts access to programs,	
			safety; and		privileges, education, or work	
			(2) The reason why no		opportunities, the facility	
			alternative means of separation		shall document:	
			can be arranged.		(1) The opportunities that	
			(e) Every 90 days, the agency		have been limited; (2) The	
			shall afford each such inmate a		duration of the limitation; and	
			review to determine whether		(3) The reasons for such	
			there is a continuing need for		limitations.	
			separation from the general		(c) The facility shall assign	
			population.		such inmates to involuntary	
					segregated housing only until	
					an alternative means of	
					separation from likely	
					abusers can be arranged, and	
					such an assignment shall not	
					ordinarily exceed a period of	
					30 days.	

NPREC STANDARD		DOJ DI	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
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					(d) If an involuntary	
					segregated housing	
					assignment is made pursuant	
					to paragraph (a) of this	
					section, the facility shall	
					clearly document:	
					(1) The basis for the facility's	
					concern for the inmate's	
					safety; and	
					(2) The reason why no	
					alternative means of	
					separation can be arranged.	
					(e) Every 30 days, the facility	
					shall afford each such inmate	
					a review to determine	
					whether there is a continuing	
					need for separation from the	
					general population.	
	Reporting		Reporting		Reporting	Reporting

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(1	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
RE-1	Inmate reporting	115.51	Inmate reporting	115.51	Inmate reporting.	
	The facility provides multiple		(a) The agency shall provide		(a) The agency shall provide	
	internal ways for inmates to		multiple internal ways for		multiple internal ways for	
	report easily, privately, and		inmates to privately report		inmates to privately report	
	securely sexual abuse,		sexual abuse and sexual		sexual abuse and sexual	
	retaliation by other inmates		harassment, retaliation by		harassment, retaliation by	
	or staff for reporting sexual		other inmates or staff for		other inmates or staff for	
	abuse, and staff neglect or		reporting sexual abuse and		reporting sexual abuse and	
	violation of responsibilities		sexual harassment, and staff		sexual harassment, and staff	
	that may have contributed to		neglect or violation of		neglect or violation of	
	an incident of sexual abuse.		responsibilities that may have		responsibilities that may have	
	The facility also provides at		contributed to an incident of		contributed to such incidents.	
	least one way for inmates to		sexual abuse.		(b) The agency shall also	
	report the abuse to an outside		(b) Pursuant to § 115.22, the		provide at least one way for	
	public entity or office not		agency shall also make its best		inmates to report abuse or	
	affiliated with the agency that		efforts to provide at least one		harassment to a public or	
	has agreed to receive reports		way for inmates to report		private entity or office that is	
	and forward them to the		abuse or harassment to an		not part of the agency, and	
	facility head (RP-2), except		outside governmental entity		that is able to receive and	
	when an inmate requests		that is not affiliated with the		immediately forward inmate	
	confidentiality. Staff accepts		agency or that is operationally		reports of sexual abuse and	
	reports made verbally, in		independent from agency		sexual harassment to agency	
	writing, anonymously, and		leadership, such as an		officials, allowing the inmate	
	from third parties and		inspector general or		to remain anonymous upon	
	immediately puts into writing		ombudsperson, and that is able		request. Inmates detained	
	any verbal reports.		to receive and immediately		solely for civil immigration	
			forward inmate reports of		purposes shall be provided	
			sexual abuse and sexual		information on how to	
			harassment to agency officials.		contact relevant consular	

NPREC STANDA (June 2009)	ARD DO	DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER STAND	OARD NUMBE	R STANDARD	NUMBER	STANDARD	
		(c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports. (d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.		officials and relevant officials at the Department of Homeland Security.  (c) Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.  (d) The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.	

NPR	REC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	<b>(I</b>	(February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
RE-2	Exhaustion of	115.52	Exhaustion of	115.52	Exhaustion of	
	administrative remedies		administrative remedies		administrative remedies.	
	Under agency policy, an		(a)(1) The agency shall		(a) An agency shall be	
	inmate has exhausted his or		provide an inmate a minimum		exempt from this standard if	
	her administrative remedies		of 20 days following the		it does not have	
	with regard to a claim of		occurrence of an alleged		administrative procedures to	
	sexual abuse either (1) when		incident of sexual abuse to file		address inmate grievances	
	the agency makes a final		a grievance regarding such		regarding sexual abuse.	
	decision on the merits of the		incident.		(b)(1) The agency shall not	
	report of abuse (regardless of		(2) The agency shall grant an		impose a time limit on when	
	whether the report was made		extension of no less than 90		an inmate may submit a	
	by the inmate, made by a		days from the deadline for		grievance regarding an	
	third party, or forwarded		filing such a grievance when		allegation of sexual abuse.	
	from an outside official or		the inmate provides		(2) The agency may apply	
	office) or (2) when 90 days		documentation, such as from a		otherwise-applicable time	
	have passed since the report		medical or mental health		limits to any portion of a	
	was made, whichever occurs		provider or counselor, that		grievance that does not allege	
	sooner. A report of sexual		filing a grievance within the		an incident of sexual abuse.	
	abuse triggers the 90-day		normal time limit was or		(3) The agency shall not	
	exhaustion period regardless		would likely be impractical,		require an inmate to use any	
	of the length of time that has		whether due to physical or		informal grievance process,	
	passed between the abuse and		psychological trauma arising		or to otherwise attempt to	
	the report. An inmate seeking		out of an incident of sexual		resolve with staff, an alleged	
	immediate protection from		abuse, the inmate having been		incident of sexual abuse.	
	imminent sexual abuse will		held for periods of time		(4) Nothing in this section	
	be deemed to have exhausted		outside of the facility, or other		shall restrict the agency's	
	his or her administrative		circumstances indicating		ability to defend against an	
	remedies 48 hours after		impracticality. Such an		inmate lawsuit on the ground	
	notifying any agency staff		extension shall be afforded		that the applicable statute of	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	member of his or her need for		retroactively to an inmate		limitations has expired.	
	protection.		whose grievance is filed		(c) The agency shall ensure	
			subsequent to the normal filing		that—	
			deadline.		(1) An inmate who alleges	
			(b)(1) The agency shall issue a		sexual abuse may submit a	
			final agency decision on the		grievance without submitting	
			merits of a grievance alleging		it to a staff member who is	
			sexual abuse within 90 days of		the subject of the complaint,	
			the initial filing of the		and	
			grievance.		(2) Such grievance is not	
			(2) Computation of the 90-day		referred to a staff member	
			time period shall not include		who is the subject of the	
			time consumed by inmates in		complaint. (d)(1) The agency	
			appealing any adverse ruling.		shall issue a final agency	
			(3) An agency may claim an		decision on the merits of any	
			extension of time to respond,		portion of a	
			of up to 70 days, if the normal		grievance alleging sexual	
			time period for response is		abuse within 90 days of the	
			insufficient to make an		initial filing of the grievance.	
			appropriate decision.		(2) Computation of the 90-	
			(4) The agency shall notify		day time period shall not	
			the inmate in writing of any		include time consumed by	
			such extension and provide a		inmates in preparing any	
			date by which a decision will		administrative appeal.	
			be made.		(3) The agency may claim an	
			I(1) Whenever an agency is		extension of time to respond,	
			notified of an allegation that		of up to 70 days, if the	
			an inmate has been sexually		normal time period for	
			abused, other than by		response is insufficient to	

NPR	EC STANDARD		RAFT STANDARD		NAL STANDARD	ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			notification from another		make an appropriate decision.	
			inmate, it shall consider such		The agency shall notify the	
			notification as a		inmate in writing of any such	
			grievance or request for		extension and provide a date	
			informal resolution submitted		by which a decision will be	
			on behalf of the alleged inmate		made. (4) At any level of the	
			victim for purposes of		administrative process,	
			initiating the agency		including the final level, if	
			administrative remedy process.		the inmate does	
			(2) The agency shall inform		not receive a response within	
			the alleged victim that a		the time allotted for reply,	
			grievance or request for		including any properly	
			informal resolution has been		noticed extension, the inmate	
			submitted on his or her behalf		may consider the absence of a	
			and shall process it under the		response to be a denial at that	
			agency's normal procedures		level.	
			unless the alleged victim		(e)(1) Third parties, including	
			expressly requests that it not		fellow inmates, staff	
			be processed. The agency shall		members, family members,	
			document any such request.		attorneys, and outside	
			(3) The agency may require		advocates, shall be permitted	
			the alleged victim to		to assist inmates in filing	
			personally pursue any		requests for administrative	
			subsequent steps in the		remedies relating to	
			administrative remedy process.		allegations of sexual abuse,	
			(4) The agency shall also		and shall also be permitted to	
			establish procedures to allow		file such requests on behalf of	
			the parent or legal guardian of		inmates.	
			a juvenile to file a grievance		(2) If a third party files such a	

NPREC	CSTANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
( <b>J</b> 1	une 2009)	(I	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			regarding allegations of sexual		request on behalf of an	
			abuse, including appeals, on		inmate, the facility may	
			behalf of such juvenile.		require as a condition of	
			(d)(1) An agency shall		processing the request that	
			establish procedures for the		the alleged victim agree to	
			filing of an emergency		have the request filed on his	
			grievance where an inmate is		or her behalf, and may also	
			subject to a substantial risk of		require the alleged victim to	
			imminent sexual abuse.		personally pursue any	
			(2) After receiving such an		subsequent steps	
			emergency grievance, the		in the administrative remedy	
			agency shall immediately		process.	
			forward it		(3) If the inmate declines to	
			to a level of review at which		have the request processed on	
			corrective action may be		his or her behalf, the agency	
			taken, provide an initial		shall document the inmate's	
			response within		decision.	
			48 hours, and a final agency		(f)(1) The agency shall	
			decision within five calendar		establish procedures for the	
			days.		filing of an emergency	
			(3) The agency may opt not to		grievance alleging that an	
			take such actions if it		inmate is subject to a	
			determines that no emergency		substantial risk of imminent	
			exists,		sexual abuse.	
			in which case it may either:		(2) After receiving an	
			(5) Process the grievance		emergency grievance alleging	
			as a normal grievance;		an inmate is subject to a	
			or		substantial risk of imminent	
			(ii) Return the grievance to		sexual abuse, the agency shall	

NPR	NPREC STANDARD		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD	ANALYSIS
(June 2009)		(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			the inmate, and require the		immediately forward the	
			inmate to follow the agency's		grievance (or any portion	
			normal grievance procedures.		thereof that alleges the	
			(4) The agency shall provide a		substantial risk of imminent	
			written explanation of why the		sexual abuse) to a level of	
			grievance does not qualify as		review at which immediate	
			an emergency.		corrective action may be	
			(5) An agency may discipline		taken, shall provide an initial	
			an inmate for intentionally		response within 48 hours, and	
			filing an emergency grievance		shall issue a final agency	
			where no emergency exists.		decision within 5 calendar	
					days. The initial response	
					and final agency decision	
					shall document the agency's	
					determination whether the	
					inmate is in substantial risk of	
					imminent sexual abuse and	
					the action taken in response	
					to the emergency grievance.	
					(g) The agency may	
					discipline an inmate for filing	
					a grievance related to alleged	
					sexual abuse only where the	
					agency demonstrates that the	
					inmate filed the grievance in	
					bad faith.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(I	(February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
RE-3	Inmate access to outside	115.53	Inmate access to outside	115.53	Inmate access to outside	
	confidential support		confidential support		confidential support	
	services		services		services.	
	In addition to providing on-		(a) In addition to providing		(a) The facility shall provide	
	site mental health care		onsite mental health care		inmates with access to	
	services, the facility provides		services, the facility shall		outside victim advocates for	
	inmates with access to		provide inmates with access to		emotional support services	
	outside victim advocates for		outside victim advocates for		related to sexual abuse by	
	emotional support services		emotional support services		giving inmates mailing	
	related to sexual abuse. The		related to sexual abuse by		addresses and telephone	
	facility provides such access		giving inmates mailing		numbers, including toll-free	
	by giving inmates the current		addresses and telephone		hotline numbers where	
	mailing addresses and		numbers, including toll-free		available, of local, State, or	
	telephone numbers, including		hotline numbers where		national victim advocacy or	
	toll-free hotline numbers, of		available, of local, State, or		rape crisis organizations, and,	
	local, State, and/or national		national victim advocacy or		for persons detained solely	
	victim advocacy or rape crisis		rape crisis organizations, and		for civil immigration	
	organizations and enabling		by enabling reasonable		purposes, immigrant services	
	reasonable communication		communication between		agencies. The facility shall	
	between inmates and these		inmates and these		enable reasonable	
	organizations. The facility		organizations, as confidential		communication between	
	ensures that communications		as possible, consistent with		inmates and these	
	with such advocates are		agency security needs.		organizations and agencies,	
	private, confidential, and		(b) The facility shall inform		in as confidential a manner as	
	privileged, to the extent		inmates, prior to giving them		possible.	
	allowable by Federal, State,		access, of the extent to which		(b) The facility shall inform	
	and local law. The facility		such communications will be		inmates, prior to giving them	
	informs inmates, prior to		monitored.		access, of the extent to which	
	giving them access, of the				such communications will be	

NPRE	NPREC STANDARD		DOJ DRAFT STANDARD		NAL STANDARD	ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	extent to which such				monitored and the extent to	
	communications will be				which reports of abuse will	
	private, confidential, and/or				be forwarded to authorities in	
	privileged.				accordance with mandatory	
					reporting laws.	
					(c) The agency shall maintain	
					or attempt to enter into	
					memoranda of understanding	
					or other agreements with	
					community service providers	
					that are able to provide	
					inmates with confidential	
					emotional support services	
					related to sexual abuse. The	
					agency shall maintain copies	
					of agreements or	
					documentation showing	
					attempts to enter into such	
					agreements.	

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
RE-4	Third-party reporting The facility receives and investigates all third-party reports of sexual abuse (IN-1). At the conclusion of the investigation, the facility notifies in writing the third-party individual who reported the abuse and the inmate named in the third-party report of the outcome of the investigation. The facility distributes publicly information on how to report sexual abuse on behalf of an inmate.	115.54	Third-party reporting The facility shall establish a method to receive third-party reports of sexual abuse and shall distribute publicly information on how to report sexual abuse on behalf of an inmate.	115.54	Third-party reporting. The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.	
(	Official Response	Official Response Following an Inmate Report		Official Response Following an Inmate Report		Official Response Following an Inmate Report

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
OR-1	Staff and facility head	115.61	Staff and agency reporting	115.61	Staff and agency	
	reporting duties		duties		reporting duties.	
	All staff members are		(a) The agency shall require all		(a) The agency shall require	
	required to report		staff to report immediately and		all staff to report immediately	
	immediately and according to		according to agency policy any		and according to agency	
	agency policy any knowl-		knowledge, suspicion, or		policy any knowledge,	
	edge, suspicion, or		information regarding an		suspicion, or information	
	information they receive		incident of sexual abuse that		regarding an incident of	
	regarding an incident of		occurred in an institutional		sexual abuse or sexual	
	sexual abuse that occurred in		setting; retaliation against		harassment that occurred in a	
	an institutional setting;		inmates or staff who reported		facility, whether or not it is	
	retaliation against inmates or		abuse; and any staff neglect or		part of the agency; retaliation	
	staff who reported abuse; and		violation of responsibilities		against inmates or staff who	
	any staff neglect or violation		that may have contributed to		reported such an incident;	
	of responsibilities that may		an incident of sexual abuse or		and any staff neglect or	
	have contributed to an		retaliation.		violation of responsibilities	
	incident of sexual abuse or		(b) Apart from reporting to		that may have contributed to	
	retaliation. Apart from		designated supervisors or		an incident or retaliation.	
	reporting to designated		officials, staff shall not reveal		(b) Apart from reporting to	
	supervisors or officials, staff		any information related to a		designated supervisors or	
	must not reveal any		sexual abuse report to anyone		officials, staff shall not reveal	
	information related to a		other than those who need to		any information related to a	
	sexual abuse report to anyone		know, as specified in agency		sexual abuse report to anyone	
	other than those who need to		policy, to make treatment,		other than to the extent	
	know, as specified in agency		investigation, and other		necessary, as specified in	
	policy, to make treatment,		security and management		agency policy, to make	
	investigation, and other		decisions.		treatment, investigation, and	
	security and management		(c) Unless otherwise precluded		other security and	
	decisions. Unless otherwise		by Federal, State, or local law,		management decisions.	

NPR	EC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	precluded by Federal, State,		medical and mental health		(c) Unless otherwise	
	or local law, medical and		practitioners shall be required		precluded by Federal, State,	
	mental health practitioners		to report sexual abuse pursuant		or local law, medical and	
	are required to report sexual		to paragraph (a) of this section		mental health practitioners	
	abuse and must inform		and to inform inmates of the		shall be required to report	
	inmates of their duty to report		practitioner's duty to report at		sexual abuse pursuant to	
	at the initiation of services. If		the initiation of services.		paragraph (a) of this section	
	the victim is under the age of		(d) If the victim is under the		and to inform inmates of the	
	18 or considered a vulnerable		age of 18 or considered a		practitioner's duty to report,	
	adult under a State or local		vulnerable adult under a State		and the limitations of	
	vulnerable persons statute,		or local vulnerable persons		confidentiality, at the	
	the facility head must report		statute, the agency shall report		initiation of services.	
	the allegation to the		the allegation to the designated		(d) If the alleged victim is	
	designated State or local		State or local services agency		under the age of 18 or	
	services agency under		under applicable mandatory		considered a vulnerable adult	
	applicable mandatory		reporting laws.		under a State or local	
	reporting laws.		(e) The facility shall report all		vulnerable persons statute,	
			allegations of sexual abuse,		the agency shall report the	
			including third-party and		allegation to the designated	
			anonymous reports, to the		State or local services agency	
			facility's designated		under applicable mandatory	
			investigators.		reporting laws.	
					(e) The facility shall report all	
					allegations of sexual abuse	
					and sexual harassment,	
					including third-party and	
					anonymous reports, to the	
					facility's designated	
					investigators.	

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
				115.62	Agency protection duties. When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.	

NPF	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
OR-2	Reporting to other confinement facilities When the facility receives an allegation that an inmate was sexually abused while confined at another facility, the head of the facility where the report was made notifies in writing the head of the facility where the alleged abuse occurred. The head of the facility where the alleged abuse occurred ensures the allegation is investigated.	115.62	Reporting to other confinement facilities  (a) Within 14 days of receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify in writing the head of the facility or appropriate central office of the agency where the alleged abuse occurred.  (b) The facility head or central office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.	115.63	Reporting to other confinement facilities.  (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.  (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.  (c) The agency shall document that it has provided such notification.  (d) The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.	

NPR	REC STANDARD	DOJ DRAFT STANDARD			NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
OR-3	Staff first responder	115.63	Staff first responder	115.64	Staff first responder	
	duties Upon learning that an inmate was sexually abused within a time period that still allows		duties  (a) Upon learning that an inmate was sexually abused within a time period that still		duties.  (a) Upon learning of an allegation that an inmate was sexually abused, the first	
	for the collection of physical evidence, the first security staff member to respond to the report is required to (1) separate the alleged victim and abuser; (2) seal and preserve any crime scene(s); and (3) instruct the victim not to take any actions that could destroy physical evidence, including washing, brushing his or her teeth, changing his or her clothes, urinating, defecating, smoking, drinking, or eating. If the first staff responder is a non-security staff member, he or she is required to instruct the victim not to take any actions that could destroy physical evidence and then notify		allows for the collection of physical evidence, the first security staff member to respond to the report shall be required to: (1) Separate the alleged victim and abuser; (2) Seal and preserve any crime scene; and (3) Request the victim not to take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (b) If the first staff responder is not a security staff member, the responder shall be required to request the victim not to take any actions that could		security staff member to respond to the report shall be required to: (1) Separate the alleged victim and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating,	
	security staff.		destroy physical evidence, and then notify security staff.		defecating, smoking, drinking, or eating; and	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FINAL STANDARD		ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					(4) If the abuse occurred	
					within a time period that still	
					allows for the collection of	
					physical evidence, ensure that	
					the alleged abuser does not	
					take any actions that could	
					destroy physical evidence,	
					including, as appropriate,	
					washing, brushing teeth,	
					changing clothes, urinating,	
					defecating, smoking,	
					drinking, or eating.	
					(b) If the first staff responder	
					is not a security staff	
					member, the responder shall	
					be required to request that the	
					alleged victim not take any	
					actions that could destroy	
					physical evidence, and then	
					notify security staff.	
		445.4				
OR-4	Coordinated response	115.64	Coordinated response	115.65	Coordinated response.	
	All actions taken in response		The facility shall coordinate		The facility shall develop a	
	to an incident of sexual abuse are coordinated among staff		actions taken in response to an incident of sexual abuse,		written institutional plan to coordinate actions taken in	
	first responders, medical and		among staff first responders,		response to an incident of	

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mental investig leadersl coordin that vic necessa ongoing health, and that to obtai substan	health practitioners, gators, and facility hip. The facility's nated response ensures etims receive all ary immediate and g medical, mental and support services at investigators are able in usable evidence to attack allegations and expetrators table.		medical and mental health practitioners, investigators, and facility leadership.		sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.	
				115.66	Preservation of ability to protect inmates from contact with abusers.  (a) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
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					outcome of an investigation or of a determination of whether and to what extent discipline is warranted. (b) Nothing in this standard shall restrict the entering into or renewal of agreements that govern: (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or (2) Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.	

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OR-5	Agency protection	115.65	Agency protection against	115.67	Agency protection	
	against retaliation		retaliation		against retaliation.	
	The agency protects all		(a) The agency shall protect all		(a) The agency shall establish	
	inmates and staff who report		inmates and staff who report		a policy to protect all inmates	
	sexual abuse or cooperate		sexual abuse or sexual		and staff who report sexual	
	with sexual abuse		harassment or cooperate with		abuse or sexual harassment or	
	investigations from		sexual abuse or sexual		cooperate with sexual abuse	
	retaliation by other inmates		harassment investigations from		or sexual harassment	
	or staff. The agency employs		retaliation by other inmates or		investigations from	
	multiple protection measures,		staff.		retaliation by other inmates	
	including housing changes or		(b) The agency shall employ		or staff, and shall designate	
	transfers for inmate victims		multiple protection measures,		which staff members or	
	or abusers, removal of		including housing changes or		departments are charged with	
	alleged staff or inmate		transfers for inmate victims or		monitoring retaliation.	
	abusers from contact with		abusers, removal of alleged		(b) The agency shall employ	
	victims, and emotional		staff or inmate abusers from		multiple protection measures,	
	support services for inmates		contact with victims, and		such as housing changes or	
	or staff who fear retaliation		emotional support services for		transfers for inmate victims	
	for reporting sexual abuse or		inmates or staff who fear		or abusers, removal of	
	cooperating with		retaliation for reporting sexual		alleged staff or inmate	
	investigations. The agency		abuse or sexual harassment or		abusers from contact with	
	monitors the conduct and/or		for cooperating with		victims, and emotional	
	treatment of inmates or staff		investigations.		support services for inmates	
	who have reported sexual		(c) The agency shall monitor		or staff who fear retaliation	
	abuse or cooperated with		the conduct and treatment of		for reporting sexual abuse or	
	investigations, including any		inmates or staff who have		sexual harassment or for	
	inmate disciplinary reports,		reported sexual abuse or		cooperating with	
	housing, or program changes,		cooperated with investigations,		investigations.	
	for at least 90 days following		including any inmate		(c) For at least 90 days	

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	their report or cooperation to		disciplinary		following a report of sexual	
	see if there are changes that		reports, housing, or program		abuse, the agency shall	
	may suggest possible		changes, for at least 90 days		monitor the conduct and	
	retaliation by inmates or staff.		following their report or		treatment of inmates or staff	
	The agency discusses any		cooperation, to see if there are		who reported the sexual	
	changes with the appropriate		changes that may suggest		abuse and of inmates who	
	inmate or staff member as		possible retaliation by inmates		were reported to have	
	part of its efforts to determine		or staff, and shall act promptly		suffered sexual abuse to see if	
	if retaliation is taking place		to remedy any such retaliation.		there are changes that may	
	and, when confirmed,		The agency shall continue		suggest possible retaliation	
	immediately takes steps to		such monitoring beyond 90		by inmates or staff, and shall	
	protect the inmate or staff		days if the initial monitoring		act promptly to remedy any	
	member.		indicates a continuing need.		such retaliation. Items the	
			(d) The agency shall not enter		agency should monitor	
			into or renew any collective		include any inmate	
			bargaining agreement or other		disciplinary reports, housing,	
			agreement that limits the		or program changes, or	
			agency's ability to remove		negative performance	
			alleged staff abusers from		reviews or reassignments of	
			contact with victims pending		staff. The agency shall	
			an investigation.		continue such monitoring	
					beyond 90 days if the initial	
					monitoring indicates a	
					continuing need.	
					(d) In the case of inmates,	
					such monitoring shall also	
					include periodic status	
					checks. (e) If any other	
					individual who cooperates	

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					with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation. (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.	
		115.66	Post allegation protective custody Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.	115.68	Post-allegation protective custody.  Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.43.	

NPF	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	Investigations	Investigations		Investigations		Investigations
IN-1	Duty to investigate The facility investigates all allegations of sexual abuse, including third-party and anonymous reports, and notifies victims and/or other complainants in writing of investigation outcomes and any disciplinary or criminal sanctions, regardless of the source of the allegation. All investigations are carried through to completion, regardless of whether the alleged abuser or victim remains at the facility.					

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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
IN-2	Criminal and	115.71	Criminal and	115.71	Criminal and	
	administrative agency		administrative agency		administrative agency	
	investigations		investigations		investigations.	
	Agency investigations into		(a) When the agency conducts		(a) When the agency	
	allegations of sexual abuse		its own investigations into		conducts its own	
	are prompt, thorough,		allegations of sexual abuse, it		investigations into allegations	
	objective, and		shall do so promptly,		of sexual abuse and sexual	
	conducted by investigators		thoroughly, and objectively,		harassment, it shall do so	
	who have received special		using investigators who have		promptly, thoroughly, and	
	training in sexual abuse		received special training in		objectively for all allegations,	
	investigations (TR-4). When		sexual abuse investigations		including third-party and	
	outside agencies investigate		pursuant to § 115.34, and shall		anonymous reports.	
	sexual abuse, the facility has		investigate all allegations of		(b) Where sexual abuse is	
	a duty to keep abreast of the		sexual abuse, including third-		alleged, the agency shall use	
	investigation and cooperate		party and anonymous reports.		investigators who have	
	with outside investigators		(b) Investigators shall gather		received special training in	
	(RP-3). Investigations include		and preserve direct and		sexual abuse investigations	
	the following elements:		circumstantial evidence,		pursuant to § 115.34.	
	Investigations are initiated		including any available		(c) Investigators shall gather	
	and completed within the		physical and DNA evidence		and preserve direct and	
	timeframes established by the		and any available electronic		circumstantial evidence,	
	highest- ranking facility		monitoring data; shall		including any available	
	official, and the highest-		interview alleged victims,		physical and DNA evidence	
	ranking official approves the		suspected perpetrators, and		and any available electronic	
	final investigative report.		witnesses; and shall review		monitoring data; shall	
	• Investigators gather direct		prior complaints and reports of		interview alleged victims,	
	and circumstantial evidence,		sexual abuse involving the		suspected perpetrators, and	
	including physical and DNA		suspected perpetrator.		witnesses; and shall review	
	evidence when available;		(c) When the quality of		prior complaints and reports	

NPR	REC STANDARD	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	interview alleged victims,		evidence appears to support		of sexual abuse involving the	
	suspected perpetrators, and		criminal prosecution, the		suspected perpetrator.	
	witnesses; and review prior		agency shall conduct		(d) When the quality of	
	complaints and reports of		compelled interviews only		evidence appears to support	
	sexual abuse involving the		after consulting with		criminal prosecution, the	
	suspected perpetrator.		prosecutors as to whether		agency shall conduct	
	When the quality of		compelled interviews may be		compelled interviews only	
	evidence appears to support		an obstacle for subsequent		after consulting with	
	criminal prosecution,		criminal prosecution.		prosecutors as to whether	
	prosecutors are contacted to		(d) The credibility of a victim,		compelled interviews may be	
	determine whether compelled		suspect, or witness shall be		an obstacle for subsequent	
	interviews may be an		assessed on an individual basis		criminal prosecution.	
	obstacle for subsequent		and shall not be determined by		(e) The credibility of an	
	criminal prosecution.		the person's status as inmate		alleged victim, suspect, or	
	<ul> <li>Investigative findings are</li> </ul>		or staff.		witness shall be assessed on	
	based on an analysis of the		(e) Administrative		an individual basis and shall	
	evidence gathered and a		investigations:		not be determined by the	
	determination of its probative		(1) Shall include an effort to		person's status as inmate or	
	value.		determine whether staff		staff. No agency shall	
	• The credibility of a victim,		actions or failures to act		require an inmate who alleges	
	suspect, or witness is		facilitated the abuse; and		sexual abuse to submit to a	
	assessed on an individual		(2) Shall be documented in		polygraph examination or	
	basis and is not determined		written reports that include a		other truth-telling device as a	
	by the person's status as		description of the physical and		condition for proceeding with	
	inmate or staff.		testimonial evidence, the		the investigation of such an	
	• Investigations include an		reasoning behind credibility		allegation.	
	effort to determine whether		assessments, and investigative		(f) Administrative	
	staff negligence or collusion		findings.		investigations:	
	enabled the abuse to occur.		(f) Criminal investigations		(1) Shall include an effort to	

NPREC STANDARD		DOJ DRAFT STANDARD		NAL STANDARD	ANALYSIS
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• Administrative		shall be documented in a		determine whether staff	
investigations are		written report that contains a		actions or failures to act	
documented in written report	ts	thorough description of		contributed to the abuse; and	
that include a description of		physical, testimonial, and		(2) Shall be documented in	
the physical and testimonial		documentary evidence and		written reports that include a	
evidence and the reasoning		attaches copies of all		description of the physical	
behind credibility		documentary evidence where		and testimonial evidence, the	
assessments.		feasible.		reasoning behind credibility	
Criminal investigations are		(g) Substantiated allegations of		assessments, and	
documented in a written		conduct that appears to be		investigative facts and	
report that contains a		criminal shall be referred for		findings.	
thorough description of		prosecution.		(g) Criminal investigations	
physical, testimonial, and		(h) The agency shall retain		shall be documented in a	
documentary evidence and		such investigative records for		written report that contains a	
provides a proposed list of		as long as the alleged abuser is		thorough description of	
exhibits.		incarcerated or employed by		physical, testimonial, and	
• Substantiated allegations of	f	the agency, plus five years.		documentary evidence and	
conduct that appears to be		(i) The departure of the alleged		attaches copies of all	
criminal are referred for		abuser or victim from the		documentary evidence where	
prosecution.		employment or control of the		feasible.	
		facility or agency shall not		(h) Substantiated allegations	
		provide a basis for terminating		of conduct that appears to be	
		an investigation.		criminal shall be referred for	
		(j) Any State entity or		prosecution.	
		Department of Justice		(i) The agency shall retain all	
		component that conducts such		written reports referenced in	
		investigations shall do so		paragraphs (f) and (g) of this	
		pursuant to the above		section for as long as the	
		requirements.		alleged abuser is incarcerated	

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			(k) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.		or employed by the agency, plus five years.  (j) The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.  (k) Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.  (l) When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.	

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IN-3	Evidence standard for	115.72	<b>Evidentiary standard for</b>	115.72	Evidentiary standard for	
	administrative		administrative		administrative	
	investigations		investigations		investigations.	
	Allegations of sexual abuse		The agency shall impose no		The agency shall impose no	
	are substantiated if supported		standard higher than a		standard higher than a	
	by a preponderance of the		preponderance of the evidence		preponderance of the	
	evidence.		in determining whether		evidence in determining	
			allegations of sexual abuse are substantiated.		whether allegations of sexual abuse or sexual harassment	
			substantiated.		are substantiated.	
		115.72	December 4. Terror 4.	115.72		
		115.73	Reporting to Inmates	115.73	Reporting to inmates.	
			(a) Following an investigation		(a) Following an	
			into an inmate's allegation that		investigation into an inmate's	
			he or she suffered sexual abuse		allegation that he or she	
			in an agency facility, the		suffered sexual abuse in an	
			agency shall inform the inmate		agency facility, the agency	
			as to whether the allegation		shall inform the inmate as to	
			has been determined to be		whether the allegation has been determined to be	
			substantiated, unsubstantiated, or unfounded.			
					substantiated, unsubstantiated, or	
			(b) If the agency did not		unsubstantiated, or unfounded.	
			conduct the investigation, it			
			shall request the relevant information from the		(b) If the agency did not conduct the investigation, it	
			investigative agency in order		shall request the relevant	
			to inform the inmate.		information from the	
			(c) Following an inmate's		investigative agency in order	
			allegation that a staff member		to inform the inmate.	

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			has committed sexual abuse,		(c) Following an inmate's	
			the agency shall subsequently		allegation that a staff member	
			inform the inmate whenever:		has committed sexual abuse	
			(1) The staff member is no		against the inmate, the	
			longer posted within the		agency shall subsequently	
			inmate's unit;		inform the inmate (unless the	
			(2) The staff member is no		agency has determined that	
			longer employed at the		the allegation is unfounded)	
			facility;		whenever:	
			(3) The agency learns that the		(1) The staff member is no	
			staff member has been indicted		longer posted within the	
			on a charge related to sexual		inmate's unit;	
			abuse within the facility; or		(2) The staff member is no	
			(4) The agency learns that the		longer employed at the	
			staff member has been		facility;	
			convicted on a charge related		(3) The agency learns that the	
			to sexual abuse within the		staff member has been	
			facility.		indicted on a charge related	
			This requirement shall not		to sexual abuse within the	
			apply to allegations that have		facility; or	
			been determined to be		(4) The agency learns that the	
			unfounded.		staff member has been	
					convicted on a charge related	
					to sexual abuse within the	
					facility.	
					(d) Following an inmate's	
					allegation that he or she has	
					been sexually abused by	
					another inmate, the agency	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ F	NAL STANDARD (May 2012)	ANALYSIS
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					shall subsequently inform the alleged victim whenever:  (1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or  (2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.  (e) All such notifications or attempted notifications shall be documented.  (f) An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.	
Discipline			Discipline		Discipline	Discipline
DI-1	Disciplinary sanctions for staff Staff is subject to disciplinary sanctions up to and including termination when staff has violated agency sexual abuse	115.76	Disciplinary sanctions for staff  (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse	115.76	Disciplinary sanctions for staff.  (a) Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.	

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	policies. The presumptive		or sexual harassment policies.		(b) Termination shall be the	
	disciplinary sanction for staff		(b) Termination shall be the		presumptive disciplinary	
	members who have engaged		presumptive disciplinary		sanction for staff who have	
	in sexually abusive contact or		sanction for staff who have		engaged in sexual abuse.	
	penetration is termination.		engaged in sexual touching.		(c) Disciplinary sanctions for	
	This presumption does not		(c) Sanctions shall be		violations of agency policies	
	limit agency discretion to		commensurate with the nature		relating to sexual abuse or	
	impose termination for other		and circumstances of the acts		sexual harassment (other than	
	sexual abuse policy		committed, the staff member's		actually engaging in sexual	
	violations. All terminations		disciplinary history, and the		abuse) shall be commensurate	
	for violations of agency		sanctions imposed for		with the nature and	
	sexual abuse policies are to		comparable offenses by other		circumstances of the acts	
	be reported to law		staff with similar histories.		committed, the staff	
	enforcement agencies and		(d) All terminations for		member's disciplinary	
	any relevant licensing bodies.		violations of agency sexual		history, and the sanctions	
			abuse or sexual harassment		imposed for comparable	
			policies, or resignations by		offenses by other staff with	
			staff who would have been		similar histories.	
			terminated if not for their		(d) All terminations for	
			resignation, shall be reported		violations of agency sexual	
			to law enforcement agencies,		abuse or sexual harassment	
			unless the activity was clearly		policies, or resignations by	
			not criminal, and to any		staff who would have been	
			relevant licensing bodies.		terminated if not for their	
					resignation, shall be reported	
					to law enforcement agencies,	
					unless the activity was clearly	
					not criminal, and to any	
					relevant licensing bodies.	

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				115.77	Corrective action for contractors and volunteers.  (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.  (b) The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.	

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DI-2	Disciplinary sanctions for	115.77	Disciplinary sanctions for	115.78	Disciplinary sanctions for	
	inmates		inmates		inmates.	
	Inmates are subject to		(a) Inmates shall be subject to		(a) Inmates shall be subject to	
	disciplinary sanctions		disciplinary sanctions pursuant		disciplinary sanctions	
	pursuant to a formal		to a formal disciplinary		pursuant to a formal	
	disciplinary process		process following an		disciplinary process	
	following an administrative		administrative finding that the		following an administrative	
	ruling that the inmate		inmate engaged in inmate-on-		finding that the inmate	
	engaged in inmate-on-inmate		inmate sexual abuse or		engaged in inmate-on-inmate	
	sexual abuse or following a		following a criminal finding of		sexual abuse or following a	
	criminal finding of guilt for		guilt for inmate-on-inmate		criminal finding of guilt for	
	inmate-on-inmate sexual		sexual abuse.		inmate-on-inmate sexual	
	abuse. Sanctions are		(b) Sanctions shall be		abuse.	
	commensurate with the		commensurate with the nature		(b) Sanctions shall be	
	nature and circumstances of		and circumstances of the abuse		commensurate with the	
	the abuse committed, the		committed, the inmate's		nature and circumstances of	
	inmate's disciplinary history,		disciplinary history, and the		the abuse committed, the	
	and the sanctions meted out		sanctions imposed for		inmate's disciplinary history,	
	for comparable offenses by		comparable offenses by other		and the sanctions imposed for	
	other inmates with similar		inmates with similar histories.		comparable offenses by other	
	histories. The disciplinary		(c) The disciplinary process		inmates with similar	
	process must consider		shall consider whether an		histories.	
	whether an inmate's mental		inmate's mental disabilities or		(c) The disciplinary process	
	disabilities or mental illness		mental illness contributed to		shall consider whether an	
	contributed to his or her		his or her behavior when		inmate's mental disabilities	
	behavior when determining		determining what type of		or mental illness contributed to his or her behavior when	
	what type of sanction, if any, should be imposed. Possible		sanction, if any, should be imposed.		determining what type of	
	sanctions also include		(d) If the facility offers			
	interventions designed to		therapy, counseling, or other		sanction, if any, should be imposed.	
					imposed.	90
Created by the	Preferenaldaessaf Prison Rapuseus develon My Presentation, DC 20	e at the Washingto	address and correct underlying		(d) If the facility offers	
	useususvey ingvi; wasnington, DC 20 ; emhotenationviortheralauselu; wwv				(a) If the facility offers	
May 2012	such as requiring the	y. w.c.i.amencan.ec	abuse, the facility shall		therapy, counseling, or other	
11111, 2012	offending inmate to		consider whether to require the		Tr. 7 , 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	participate in therapy,		offending inmate to participate		interventions designed to	
	counseling, or other		in such interventions as a			

NPR	NPREC STANDARD		DOJ DRAFT STANDARD		INAL STANDARD	ANALYSIS
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Medio	cal and Mental Health	Med	ical and Mental Care	Medio	cal and Mental Care	Medical and Mental Care
MM-1	Medical and mental	115.81	Medical and mental health	115.81	Medical and mental	
	health screenings—		screenings; history of		health screenings; history	
	history of sexual abuse		sexual abuse		of sexual abuse.	
	Qualified medical or mental		(a) All prisons shall ask		(a) If the screening pursuant	
	health practitioners ask		inmates about prior sexual		to § 115.41 indicates that a	
	inmates about prior sexual		victimization and abusiveness		prison inmate has	
	victimization and abusiveness		during intake or classification		experienced prior sexual	
	during medical and mental		screenings.		victimization, whether it	
	health reception and intake		(b) If a prison inmate discloses		occurred in an institutional	
	screenings. If an inmate		prior sexual victimization or		setting or in the community,	
	discloses prior sexual		abusiveness, whether it		staff shall ensure that the	
	victimization or abusiveness,		occurred in an institutional		inmate is offered a follow-up	
	whether it occurred in an		setting or in the community,		meeting with a medical or	
	institutional setting or in the		staff shall ensure that the		mental health practitioner	
	community, during a medical		inmate is		within 14 days of the intake	
	or mental health reception or		offered a follow-up reception		screening.	
	intake screening, the		with a medical or mental		(b) If the screening pursuant	
	practitioner provides the		health practitioner within 14		to § 115.41 indicates that a	
	appropriate referral for		days of the intake screening.		prison inmate has previously	
	treatment, based on his or her		(c) All jails shall ask inmates		perpetrated sexual abuse,	
	professional judgment. Any		about prior sexual		whether it occurred in an	
	information related to sexual		victimization during the intake		institutional setting or in the	
	victimization or abusiveness		process or classification		community, staff shall ensure	
	that occurred in an institu-		screenings.		that the inmate is offered a	
	tional setting must be strictly		(d) If a jail inmate discloses		follow-up meeting with a	
	limited to medical and mental		prior sexual victimization,		mental health practitioner	
	health practitioners and other		whether it occurred in an		within 14 days of the intake	

NPREC STANDARD		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD	ANALYSIS
(June 2009)	`	February 2011)		(May 2012)	
NUMBER STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
staff, as required by age		institutional setting or in the		screening.	
policy and Federal, State		community, staff shall ensure		(c) If the screening pursuant	
local law, to inform trea	itment	that the inmate is offered a		to § 115.41 indicates that a	
plans and security and		follow-up reception with a		jail inmate has experienced	
management decisions,		medical or mental health		prior sexual victimization,	
including housing, bed,		practitioner within 14 days of		whether it occurred in an	
education, and program		the intake screening.		institutional setting or in the	
assignments. Medical ar		(e) Any information related to		community, staff shall ensure	
mental health practition		sexual victimization or		that the inmate is offered a	
must obtain informed co		abusiveness that occurred in an		follow-up meeting with a	
from inmates before rep		institutional setting shall be		medical or mental health	
information about prior		strictly limited to medical and		practitioner within 14 days of	
sexual victimization tha		mental health practitioners and		the intake screening.	
not occur in an institution	onal	other		(d) Any information related	
setting, unless the inmat	te is	staff, as required by agency		to sexual victimization or	
under the age of 18.		policy and Federal, State, or		abusiveness that occurred in	
		local law, to inform treatment		an institutional setting shall	
		plans and security and		be strictly limited to medical	
		management decisions,		and mental health	
		including housing, bed, work,		practitioners and other staff,	
		education, and program		as necessary, to inform	
		assignments.		treatment plans and security	
		(f) Medical and mental health		and management decisions,	
		practitioners shall obtain		including housing, bed, work,	
		informed consent from		education, and program	
		inmates before reporting		assignments, or as otherwise	
		information about prior sexual		required by Federal, State, or	
		victimization that did not		local law.	
		occur in an institutional		(e) Medical and mental health	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			setting, unless the inmate is under the age of 18.		practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.	

NPR	EC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(1	February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
MM-2	Access to emergency	115.82	Access to emergency	115.82	Access to emergency	
	medical and mental		medical and mental health		medical and mental	
	health services		services		health services.	
	Victims of sexual abuse have		(a) Inmate victims of sexual		(a) Inmate victims of sexual	
	timely, unimpeded access to		abuse shall receive timely,		abuse shall receive timely,	
	emergency medical treatment		unimpeded access to		unimpeded access to	
	and crisis intervention		emergency medical treatment		emergency medical treatment	
	services, the nature and scope		and crisis intervention		and crisis intervention	
	of which are determined by		services, the nature and scope		services, the nature and scope	
	medical and mental health		of which are determined by		of which are determined by	
	practitioners according to		medical and mental health		medical and mental health	
	their professional judgment.		practitioners according to their		practitioners according to	
	Treatment services must be		professional judgment.		their professional judgment.	
	provided free of charge to the		(b) Treatment services shall be		(b) If no qualified medical or	
	victim and regardless of		provided to the victim without		mental health practitioners	
	whether the victim names the		financial cost and regardless of		are on duty at the time a	
	abuser. If no qualified		whether the victim names the		report of recent abuse is	
	medical or mental health		abuser.		made, security staff first	
	practitioners are on duty at		(c) If no qualified medical or		responders shall take	
	the time a report of recent		mental health practitioners are		preliminary steps to protect	
	abuse is made, security staff		on duty at the time a report of		the victim pursuant to §	
	first responders take		recent abuse is made, security		115.62 and shall immediately	
	preliminary steps to protect		staff first responders shall take		notify the appropriate	
	the victim (OR-3) and		preliminary steps to protect the		medical and mental health	
	immediately notify the		victim pursuant to § 115.63		practitioners.	
	appropriate medical and		and shall immediately notify		(c) Inmate victims of sexual	
	mental health practitioners.		the appropriate medical and		abuse while incarcerated shall	
			mental health practitioners.		be offered timely information	
			(d) Inmate victims of sexual		about and timely access to	

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			abuse while incarcerated shall be offered timely information about and access to all pregnancy-related medical services that are lawful in the community and sexually transmitted infections prophylaxis, where appropriate.		emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.  (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.	

NPR	REC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
MM-3	Ongoing medical and	115.83	Ongoing medical and	115.83	Ongoing medical and	
	mental health care for		mental health care for		mental health care for	
	sexual abuse victims and		sexual abuse victims and		sexual abuse victims and	
	abusers		abusers		abusers.	
	The facility provides ongoing		(a) The facility shall offer		(a) The facility shall offer	
	medical and/or mental health		ongoing medical and mental		medical and mental health	
	evaluation and treatment to		health evaluation and		evaluation and, as	
	all known victims of sexual		treatment to all inmates who,		appropriate, treatment to all	
	abuse. The evaluation and		during their present term of		inmates who have been	
	treatment of sexual abuse		incarceration, have been		victimized by sexual abuse in	
	victims must include ap-		victimized by sexual abuse.		any prison, jail, lockup, or	
	propriate follow-up services,		(b) The evaluation and		juvenile facility.	
	treatment plans, and, when		treatment of sexual abuse		(b) The evaluation and	
	necessary, referrals for		victims shall include		treatment of such victims	
	continued care following		appropriate follow-up services,		shall include, as appropriate,	
	their release from custody.		treatment plans, and, when		follow-up services, treatment	
	The level of medical and		necessary, referrals for		plans, and, when necessary,	
	mental health care provided		continued care following their		referrals for continued care	
	to inmate victims must match		transfer to, or placement in,		following their transfer to, or	
	the community level of care		other facilities, or their release		placement in, other facilities,	
	generally accepted by the		from custody.		or their release from custody.	
	medical and mental health		(c) The facility shall provide		(c) The facility shall provide	
	professional communities.		inmate victims of sexual abuse		such victims with medical	
	The facility conducts a		with medical and mental		and mental health services	
	mental health evaluation of		health services consistent with		consistent with the	
	all known abusers and		the community level of care.		community level of care.	
	provides treatment, as		(d) All prisons shall conduct a		(d) Inmate victims of	
	deemed necessary by		mental health evaluation of all		sexually abusive vaginal	

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
NUMBER	qualified mental health		own inmate abusers within	NUMBER	penetration while	
	practitioners.		days of learning of such		incarcerated shall be offered	
	practitioners.		se history and offer		pregnancy tests.	
			atment when deemed		(e) If pregnancy results from	
			propriate by qualified		the conduct described in	
			ntal health practitioners.		paragraph (d) of this section,	
			Inmate victims of sexually		such victims shall receive	
		abu	sive vaginal penetration		timely and comprehensive	
		wh	le incarcerated shall be		information about and timely	
		offe	ered pregnancy tests.		access to all lawful	
			If pregnancy results, such		pregnancy-related medical	
			tims shall receive timely		services.	
			ormation about and access		(f) Inmate victims of sexual	
			ll pregnancy-related		abuse while incarcerated shall	
			dical services that are		be offered tests for sexually	
		law	ful in the community.		transmitted infections as	
					medically appropriate.	
					(g) Treatment services shall	
					be provided to the victim	
					without financial cost and	
					regardless of whether the	
					victim names the abuser or	
					cooperates with any	
					investigation arising out of	
					the incident.	
					(h) All prisons shall attempt	
					to conduct a mental health	
					evaluation of all known	
					inmate- on-inmate abusers	

NPR	NPREC STANDARD		DOJ DRAFT STANDARD		INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.	
Data (	Collection and Review	Data	Collection and Review	Data C	Collection and Review	Data Collection and Review
DC-1	Sexual abuse incident	115.86	Sexual abuse incident	115.86	Sexual abuse incident	
	reviews		reviews		reviews.	
	The facility treats all		(a) The facility shall conduct		(a) The facility shall conduct	
	instances of sexual abuse as		a sexual abuse incident review		a sexual abuse incident	
	critical incidents to be		at the conclusion of every		review at the conclusion of	
	examined by a team of upper		sexual abuse investigation,		every sexual abuse	
	management officials, with		including where the allegation		investigation, including	
	input from line supervisors,		has not been substantiated,		where the allegation has not	
	investigators, and		unless the allegation has been		been substantiated, unless the	
	medical/mental health		determined to be unfounded.		allegation has been	
	practitioners. The review		(b) The review team shall		determined to be unfounded.	
	team evaluates each incident		include upper management		(b) Such review shall	

NPREC ST	'ANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
(June 2	2009)	<b>(I</b>	February 2011)		(May 2012)	
NUMBER S	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
of sexua	al abuse to identify		officials, with input from line		ordinarily occur within 30	
any poli	cy, training, or other		supervisors, investigators, and		days of the conclusion of the	
issues re	elated to the incident		medical or mental health		investigation.	
that indi	icate a need to change		practitioners.		(c) The review team shall	
policy o	r practice to better		(c) The review team shall:		include upper-level	
prevent,	detect, and/or		(1) Consider whether the		management officials, with	
respond	to incidents of sexual		allegation or investigation		input from line supervisors,	
abuse. T	The review team also		indicates a need to change		investigators, and medical or	
consider	rs whether incidents		policy or practice to better		mental health practitioners.	
were mo	otivated by racial or		prevent, detect, or respond to		(d) The review team shall:	
	oup dynamics at the		sexual abuse;		(1) Consider whether the	
	When incidents are		(2) Consider whether the		allegation or investigation	
	ned to be motivated		incident or allegation was		indicates a need to change	
by racia	l or other group		motivated or otherwise caused		policy or practice to better	
	cs, upper management		by the perpetrator or victim's		prevent, detect, or respond to	
	s immediately notify		race, ethnicity, sexual		sexual abuse;	
C	ncy head and begin		orientation, gang affiliation, or		(2) Consider whether the	
_	teps to rectify those		other group		incident or allegation was	
	ing problems. The		dynamics at the facility;		motivated by race; ethnicity;	
	buse incident review		(3) Examine the area in the		gender identity; lesbian, gay,	
_	ace at the conclusion		facility where the incident		bisexual, transgender, or	
	sexual abuse		allegedly occurred to assess		intersex identification, status,	
	ation, unless the		whether physical barriers in		or perceived status; or gang	
	on was determined to		the area may enable abuse;		affiliation; or was motivated	
	unded. The review		(4) Assess the adequacy of		or otherwise caused by other	
_	epares a report of its		staffing levels in that area		group dynamics at the	
findings			during different shifts;		facility;	
	endations for		(5) Assess whether monitoring		(3) Examine the area in the	
improve	ement and submits it		technology should be deployed		facility where the incident	

NPR	EC STANDARD	DOJ D	PRAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(1	February 2011)	(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	to the facility head.		or augmented to supplement		allegedly occurred to assess	
			supervision by staff; and		whether physical barriers in	
			(6) Prepare a report of its		the area may enable abuse;	
			findings and any		(4) Assess the adequacy of	
			recommendations for		staffing levels in that area	
			improvement and submit such		during different shifts;	
			report to the facility head and		(5) Assess whether	
			PREA coordinator, if any.		monitoring technology	
					should be deployed or	
					augmented to supplement	
					supervision by staff; and	
					(6) Prepare a report of its	
					findings, including but not	
					necessarily limited to	
					determinations made	
					pursuant to paragraphs (d)(1)-	
					(d)(5) of this section, and any	
					recommendations for	
					improvement and submit	
					such report to the facility	
					head and PREA compliance	
					manager.	
					(e) The facility shall	
					implement the	
					recommendations for	
					improvement, or shall	
					document its reasons for not	
					doing so.	

NPR	REC STANDARD	DOJ DRAFT STANDARD		DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
DC-2	Data collection	115.87	Data collection	115.87	Data collection.	
	The agency collects accurate,		(a) The agency shall collect		(a) The agency shall collect	
	uniform data for every		accurate, uniform data for		accurate, uniform data for	
	reported incident of sexual		every allegation of sexual		every allegation of sexual	
	abuse using a standardized		abuse at facilities under its		abuse at facilities under its	
	instrument and set of		direct control using a		direct control using a	
	definitions. The agency		standardized instrument and		standardized instrument and	
	aggregates the incident-based		set of definitions.		set of definitions.	
	sexual abuse data at least		(b) The agency shall aggregate		(b) The agency shall	
	annually. The incident-based		the incident-based sexual		aggregate the incident-based	
	data collected includes, at a		abuse data at least annually.		sexual abuse data at least	
	minimum, the data necessary		(c) The incident-based data		annually.	
	to answer all questions from		collected shall include, at a		(c) The incident-based data	
	the most recent version of the		minimum, the data necessary		collected shall include, at a	
	BJS Survey on Sexual Vio-		to answer all questions from		minimum, the data necessary	
	lence. Data are obtained from		the most recent version of the		to answer all questions from	
	multiple sources, including		Survey of Sexual Violence		the most recent version of the	
	reports, investigation files,		conducted by the Department		Survey of Sexual Violence	
	and sexual abuse incident		of Justice's Bureau of Justice		conducted by the Department	
	reviews. The agency also		Statistics.		of Justice.	
	obtains incident-based and		(d) The agency shall collect		(d) The agency shall	
	aggregated data from every		data from multiple sources,		maintain, review, and collect	
	facility with which it		including reports, investigation		data as needed from all	
	contracts for the confinement		files, and sexual abuse incident		available incident-based	
	of its inmates.		reviews.		documents, including reports,	
			(e) The agency also shall		investigation files, and sexual	
			obtain incident-based and		abuse incident reviews.	
			aggregated data from every		(e) The agency also shall	
			private facility with which it		obtain incident-based and	

NPR	REC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)			(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
			contracts for the confinement		aggregated data from every	
			of its inmates.		private facility with which it	
			(f) Upon request, the agency		contracts for the confinement	
			shall provide all such data		of its inmates.	
			from the previous year to the		(f) Upon request, the agency	
			Department of Justice no later		shall provide all such data	
			than June 30.		from the previous calendar	
					year to the Department of	
					Justice no later than June 30.	
DC-3	Data review for	115.88	Data review for corrective	115.88	Data review for	
	corrective action		action		corrective action.	
	The agency reviews,		(a) The agency shall review		(a) The agency shall review	
	analyzes, and uses all sexual		data collected and aggregated		data collected and aggregated	
	abuse data, including		pursuant to § 115.87 in order		pursuant to § 115.87 in order	
	incident-based and aggre-		to assess and improve the		to assess and improve the	
	gated data, to assess and		effectiveness of its sexual		effectiveness of its sexual	
	improve the effectiveness of		abuse prevention, detection,		abuse prevention, detection,	
	its sexual abuse prevention,		and response policies,		and response policies,	
	detection, and response		practices, and training,		practices, and training,	
	policies, practices, and		including:		including by:	
	training. Using these data, the		(1) Identifying problem areas;		(1) Identifying problem areas;	
	agency identifies problem		(2) Taking corrective action on		(2) Taking corrective action	
	areas, including any racial		an ongoing basis; and		on an ongoing basis; and	
	dynamics underpinning		(3) Preparing an annual report		(3) Preparing an annual	
	patterns of sexual abuse,		of its findings and corrective		report of its findings and	
	takes corrective action on an		actions for each facility, as		corrective actions for each	
	ongoing basis, and, at least		well as the agency as a whole.		facility, as well as the agency	
	annually, prepares a report of		(b) Such report shall include a		as a whole.	
	its findings and corrective		comparison of the current		(b) Such report shall include	

NPR	REC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
NUMBER	actions for each facility as well as the agency as a whole. The annual report also includes a comparison of the current year's data and corrective actions with those from prior years and provides	NUMBER	year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.  (c) The agency's report shall	NUMBER	a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.	
	an assessment of the agency's progress in addressing sexual abuse. The agency's report is approved by the agency head, submitted to the appropriate legislative body, and made readily available to the public through its Web site or, if it does not have one, through other means. The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety		be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.  (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.		(c) The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means. (d) The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of	
	and security of a facility, but it must indicate the nature of the material redacted.				the material redacted.	

## **Standards for Adult Prisons and Jails**

NPF	REC STANDARD	DOJ D	RAFT STANDARD	DOJ F	INAL STANDARD	ANALYSIS
	(June 2009)	(February 2011)		(May 2012)		
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
DC-4	Data storage, publication,	115.89	Data storage, publication,	115.89	Data storage, publication,	
	and destruction		and destruction		and destruction.	
	The agency ensures that the		(a) The agency shall ensure		(a) The agency shall ensure	
	collected sexual abuse data		that data collected pursuant to		that data collected pursuant to	
	are properly stored, securely		§ 115.87 are securely retained.		§ 115.87 are securely	
	retained, and protected. The		(b) The agency shall make all		retained. (b) The agency shall	
	agency makes all aggregated		aggregated sexual abuse data,		make all aggregated sexual	
	sexual abuse data, from		from facilities under its direct		abuse data, from facilities	
	facilities under its direct		control and private facilities		under its direct control and	
	control and those with which		with which it contracts, readily		private facilities with which it	
	it contracts, readily available		available to the public at least		contracts, readily available to	
	to the public at least annually		annually through its website		the public at least annually	
	through its Web site or, if it		or, if it does not have one,		through its website or, if it	
	does not have one, through		through other means.		does not have one, through	
	other means. Before making		(c) Before making aggregated		other means.	
	aggregated sexual abuse data		sexual abuse data publicly		(c) Before making aggregated	
	publicly available, the agency		available, the agency shall		sexual abuse data publicly	
	removes all personal		remove all personal identifiers.		available, the agency shall	
	identifiers from the data. The		(d) The agency shall maintain		remove all personal	
	agency maintains sexual		sexual abuse data for at least		identifiers.	
	abuse data for at least 10		10 years after the date of its		(d) The agency shall maintain	
	years after the date of its		initial collection unless		sexual abuse data collected	
	initial collection unless		Federal, State, or local law		pursuant to § 115.87 for at	
	Federal, State, or local law		requires otherwise.		least 10 years after the date of the initial collection unless	
	allows for the disposal of official information in less					
	than 10 years.				Federal, State, or local law requires otherwise.	
	than 10 years.				requires officiwise.	
						104
Created by the	Project on Addressing Prison Rap	e at the Washingt	on College of Law			

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NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	Audits		Audits		Audits	Audits
The that incl are constant con	e public agency ensures at all of its facilities, eluding contract facilities, audited to measure empliance with the PREA endards. Audits must be enducted at least every three ears by independent and alified auditors. The public contracted agency allows auditor to enter and tour elilities, review documents, and interview staff and enates, as deemed appropriate by the auditor, to conduct emprehensive audits. The blic agency ensures that a report of the auditor's elilities and the public or entracted agency's plan for effective action (DC-3) are blished on the appropriate ency's Web site if it has a cor are otherwise made adily available to the blic.	115.93	Audits of standards  (a) An audit shall be considered independent if it is conducted by:  (1) A correctional monitoring body that is not part of the agency but that is part of, or authorized by, the relevant State or local government;  (2) An auditing entity that is within the agency but separate from its normal chain of command, such as an inspector general or ombudsperson who reports directly to the agency head or to the agency's governing board; or  (3) Other outside individuals with relevant experience.  (b) No audit may be conducted by an auditor who has received financial compensation from the agency being audited within the three years prior to the agency's retention of the auditor.  (c) The agency shall not employ, contract with, or	115.393	Audits of standards. The agency shall conduct audits pursuant to §§ 115.401–405.	

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			otherwise financially			
			compensate the auditor for			
			three years subsequent to the			
			agency's retention of the			
			auditor, with the exception of			
			contracting for subsequent			
			audits.			
			(d) All auditors shall be			
			certified by the Department of			
			Justice to conduct such audits,			
			and shall be re-certified every			
			three years.			
			(e) The Department of Justice			
			shall prescribe methods			
			governing the conduct of such			
			audits, including provisions for			
			reasonable inspections of			
			facilities, review of			
			documents, and interviews of			
			staff and inmates. The			
			Department of Justice also			
			shall prescribe the minimum			
			qualifications for auditors.			
			(f) The agency shall enable the auditor to enter and tour			
			facilities, review documents, and interview staff and			
			inmates to conduct a			
			comprehensive audit.			

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			(g) The agency shall ensure that the auditor's final report is published on the agency's website if it has one or is otherwise made readily available to the public.			
Auditing and	Corrective Action	Auditins	g and Corrective Action	Auditing	and Corrective Action	Auditing and Corrective Action
				115.401	Frequency and scope of	
				110.101	audits.	
					(a) During the three-year	

	EC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
	,					
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	period starting on [INSERT DATE ONE YEAR PLUS 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.  (b) During each one-year period starting on [INSERT DATE ONE YEAR PLUS 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.  (c) The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has	
					reason to believe that a	

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					particular facility may be	
					experiencing problems	
					relating to sexual abuse. The	
					recommendation may also	
					include referrals to resources	
					that may assist the agency	
					with PREA-related issues.	
					(d) The Department of Justice	
					shall develop and issue an	
					audit instrument that will	
					provide guidance on the	
					conduct of and contents of	
					the audit.	
					(e) The agency shall bear the	
					burden of demonstrating	
					compliance with the	
					standards. (f) The auditor	
					shall review all relevant	
					agency-wide policies,	
					procedures, reports,	
					internal and external audits,	
					and accreditations for each	
					facility type.	
					(g) The audits shall review, at	
					a minimum, a sampling of	
					relevant documents and other	
					records and information for	
					the most recent one-year	
					period.	

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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					(h) The auditor shall have	
					access to, and shall observe,	
					all areas of the audited	
					facilities. (i) The auditor shall	
					be permitted to request and	
					receive copies of any relevant	
					documents	
					(including electronically	
					stored information).	
					(j) The auditor shall retain	
					and preserve all	
					documentation (including,	
					e.g., video tapes and	
					interview notes) relied upon	
					in making audit	
					determinations. Such	
					documentation shall be	
					provided to the Department	
					of Justice upon request.	
					(k) The auditor shall	
					interview a representative	
					sample of inmates, residents,	
					and detainees, and of staff,	
					supervisors, and	
					administrators.	
					(l) The auditor shall review a	
					sampling of any available	
					videotapes and other	
					electronically available data	

NPR	EC STANDARD	DOJ DR	AFT STANDARD	DOJ F	INAL STANDARD	ANALYSIS
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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					(e.g., Watchtour) that may be relevant to the provisions being audited.  (m) The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.  (n) Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.  (o) Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.	
				115.402	Auditor qualifications.  (a) An audit shall be conducted by:  (1) A member of a correctional monitoring body that is not part of, or under the authority of, the agency	

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NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					(but may be part of, or	
					authorized by, the relevant	
					State or local government);	
					(2) A member of an auditing	
					entity such as an inspector	
					general's or ombudsperson's	
					office that is external to the	
					agency; or	
					(3) Other outside individuals	
					with relevant experience.	
					(b) All auditors shall be	
					certified by the Department	
					of Justice. The Department	
					of Justice shall develop and	
					issue procedures regarding	
					the certification process,	
					which shall include training	
					requirements.	
					(c) No audit may be	
					conducted by an auditor who has received financial	
					compensation from the	
					agency being audited (except	
					for compensation received for	
					conducting prior PREA	
					audits) within the three years	
					prior to the agency's	
					retention of the auditor.	
					(d) The agency shall not	

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					employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.	
				115.403	Audit contents and findings.  (a) Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.  (b) Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.  (c) For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standard (substantially exceeds requirement of standard);	

NPRI	EC STANDARD	DOJ DI	RAFT STANDARD	DOJ FINAL STANDARD		ANALYSIS
	(June 2009)	( <b>F</b>	ebruary 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					Meets Standard (substantial	
					compliance; complies in all	
					material ways with the	
					standard for the relevant	
					review period); Does Not	
					Meet Standard (requires	
					corrective action). The audit	
					summary shall indicate,	
					among other things, the	
					number of provisions the	
					facility has achieved at each	
					grade level.	
					(d) Audit reports shall	
					describe the methodology,	
					sampling sizes, and basis for	
					the auditor's conclusions with	
					regard to each standard	
					provision for each audited	
					facility, and shall include	
					recommendations for any	
					required corrective action.	
					(e) Auditors shall redact any	
					personally identifiable inmate	
					or staff information from	
					their reports, but shall	
					provide such information to	
					the agency upon request, and	
					may provide such	
					information to the	

	EC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					Department of Justice. (f) The agency shall ensure that the auditor's final report is published on the agency's website if it has one, or is otherwise made readily available to the public.	
				115.404	Audit corrective action plan.  (a) A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.  (b) The auditor and the agency shall jointly develop a corrective action plan to achieve compliance.  (c) The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan, such as reviewing updated policies and procedures or reinspecting portions of a facility.  (d) After the 180-day	

	EC STANDARD (June 2009)	DOJ DRAFT STANDARD (February 2011)			NAL STANDARD (May 2012)	ANALYSIS
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					corrective action period ends, the auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.  (e) If the agency does not achieve compliance with each standard, it may (at its discretion and cost) request a subsequent audit once it believes that is has achieved compliance.	
				115.405	Audit appeals.  (a) An agency may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect.  Such appeal must be lodged within 90 days of the auditor's final determination.  (b) If the Department determines that the agency has stated good cause for a re- evaluation, the agency may commission a re-audit	

NPR	EC STANDARD (June 2009)		RAFT STANDARD ebruary 2011)		NAL STANDARD (May 2012)	ANALYSIS
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					by an auditor mutually agreed upon by the Department and the agency. The agency shall bear the costs of this re-audit. (c) The findings of the reaudit shall be considered final.	
S	State Compliance	S	tate Compliance	State Compliance		State Compliance
				115.501	State determination and certification of full compliance.  (a) In determining pursuant to 42 U.S.C. 15607(c)(2) whether the State is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audits.  (b) The Gover nor's certification shall apply to all facilities in the State under the operational control of the State's executive branch, including facilities on behalf of the State's executive	

NPI	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		INAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
					branch.	
Imn	nigration Facilities:			Imm	igration Facilities:	Immigration Facilities:
Sup	plemental Standards			Supp	lemental Standards	Supplemental Standards
ID-1	Supplement to RP-2: Agreements with outside public entities and community service providers Any facility that houses immigration detainees maintains or attempts to enter into memoranda of understanding (MOUs) or other agreements with one or more local or, if not available, national organizations that provide legal advocacy and confidential emotional support services for immigrant victims of crime (RE-3, MM-3). The agency maintains copies of agreements or documentation showing attempts to enter into agreements.			Эцрр		

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
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ID-2	Supplement to TR-1, TR-					
	4, and TR-5: Employee					
	training and specialized					
	training of investigators					
	and medical and mental					
	health care					
	Any facility that holds					
	immigration detainees					
	provides special additional					
	training to employees,					
	including medical and mental					
	health practitioners and					
	investigators. This additional					
	training includes the					
	following topics: cultural					
	sensitivity toward diverse					
	understandings of acceptable					
	and unacceptable sexual					
	behavior, appropriate terms and concepts to use when					
	discussing sex and sexual					
	abuse with a culturally					
	diverse population, sensitivity					
	and awareness regarding past					
	trauma that may have been					
	experienced by immigration					
	detainees, and knowledge of					
	all existing resources for					

NPF	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
ID-3	immigration detainees both inside and outside the facility that provide treatment and counseling for trauma and legal advocacy for victims.  Supplement to TR-3:					
119-3	Inmate education Sexual abuse education (TR-3) for immigration detainees is provided at a time and in a manner that is separate from information provided about their immigration cases, in detainees' own languages and in terms that are culturally appropriate, and is conducted by a qualified individual with experience communicating about these issues with a diverse population.					

NPR	REC STANDARD	DOJ DR	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
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ID-4	Detainee handbook					
	Every detainee is provided					
	with an ICE Detainee					
	Handbook upon admission to					
	the facility, and a					
	replacement is provided					
	whenever a detainee's					
	handbook is lost or damaged.					
	The Detainee Handbook					
	contains notice of the					
	agency's zero-tolerance					
	policy toward sexual abuse					
	and contains all the agency's					
	policies related to sexual					
	abuse, including information					
	about how to report an					
	incident of sexual abuse and					
	the detainees' rights and					
	responsibilities related to					
	sexual abuse. The Detainee					
	Handbook will inform					
	immigration detainees how to					
	contact organizations in the					
	community that provide					
	sexual abuse counseling and					
	legal advocacy for detainee					
	victims of sexual abuse. The					
	Detainee Handbook will also					
	inform detainees how to					

NPI	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
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	contact the Office for Civil Rights and Civil Liberties, the Office of the Inspector General (OIG) for the Department of Homeland Security (DHS), and diplomatic or consular personnel.					
ID-5	Supplement to SC-1: Screening for risk of victimization and abusiveness The facility makes every reasonable effort to obtain institutional and criminal records of immigration detainees in its custody prior to screening for risk of victimization and abusiveness. Screening of immigration detainees is conducted by employees who are culturally competent.					

NPR	NPREC STANDARD (June 2009)		RAFT STANDARD Sebruary 2011)	DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
ID-6	Supplement to SC-2: Use of screening information Any facility that houses both inmates and immigration detainees houses all immigration detainees separately from other inmates in the facility and provides heightened protection for immigration detainees who are identified as particularly vulnerable to sexual abuse by other detainees through the screening process (SC-1). To the extent possible, immigration detainees have full access to programs, education, and work opportunities.					
ID-7	Supplement to RE-1: Inmate reporting The agency provides immigration detainees with access to telephones with free, preprogrammed numbers to ICE's Office for Civil Rights and Civil					

NPF	NPREC STANDARD		RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
	(June 2009)		(February 2011)		(May 2012)	
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	Liberties and the DHS OIG.					
	In addition, the agency must					
	provide immigration					
	detainees with a list of phone					
	numbers for diplomatic or					
	consular personnel from their					
	countries of citizenship and					
	access to telephones to					
	contact such personnel.					
ID-8	Supplement to RE-3:					
	Inmate access to outside					
	confidential support					
	services					
	All immigration detainees					
	have access to outside victim					
	advocates who have					
	experience working with					
	immigration detainees or					
	immigrant victims of crime					
	for emotional support					
	services related to sexual					
	abuse. The facility provides					
	such access by giving					
	immigration detainees the					
	current mailing addresses and					
	telephone numbers, including					
	toll-free hotline numbers, of					
	local, State, and/or national					

NPR	EC STANDARD	DOJ D	RAFT STANDARD	DOJ FI	NAL STANDARD	ANALYSIS
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	organizations that provide					
	these services and enabling					
	reasonable communication					
	between immigration					
	detainees and these					
	organizations. The facility					
	ensures that communications					
	with such advocates is					
	private, confidential, and					
	privileged to the extent					
	allowable by Federal, State,					
	and local law. The facility					
	informs immigration					
	detainees, prior to giving them access, of the extent to					
	which such communications					
	will be private, confidential,					
	and/or privileged.					
ID-9	Protection of detainee					
	victims and witnesses					
	ICE never removes from the					
	country or transfers to					
	another facility immigration					
	detainees who report sexual					
	abuse before the investigation					
	of that abuse is completed,					
	except at the detainee					
	victim's request. ICE					
	considers releasing detainees					

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
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	who are victims of or witnesses to abuse and monitoring them in the community to protect them from retaliation or further abuse during the course of the investigation.					
ID-10	Supplement to MM-3: Ongoing medical and mental health care for sexual abuse victims and abusers All immigration detainees are counseled about the immigration consequences of a positive HIV test at the time they are offered HIV testing.					
ID-11	Supplement to DC-2: Data collection The facility collects additional data whenever an immigration detainee is the victim or perpetrator of an incident of sexual abuse in custody. The additional incident-based data collected					

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indicate whether the victim and/or perpetrator was an immigration detainee, his or her status at the initiation of the investigation, and his or her status at the conclusion of the investigation.					
Immigration Family Facilities: Supplemental Standards		ation Family Facilities: plemental Standards		tion Family Facilities: Iemental Standards	Immigration Family Facilities: Supplemental Standards
IDFF-1  Screening of immigration detainees in family facilities (This standard replaces rather than supplements SC-1 and SC-2)  Family facilities develop screening criteria to identify those families and family members who may be at risk of being sexually victimized that will not lead to the separation of families. Housing, program, educational, and work assignments are made in a manner that protects families and in all cases prioritizes keeping		nemental Standards	Зирр	emental Standards	Supplemental Standards

NPF	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	families together.					
IDFF-2	Reporting of sexual abuse in family facilities The facility provides parents with the ability to report sexual abuse in a manner that is confidential from their children. The facility also provides children with the ability to report abuse by a parent confidentially to staff.					
IDFF-3	Investigations in family facilities Parents are questioned confidentially by investigators about any incident of sexual abuse, away from their children. A parent or parents are present when a child is questioned by investigators about any incident of sexual abuse, unless (1) the child has alleged abuse by the parent or					

NPR	NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		NAL STANDARD (May 2012)	ANALYSIS
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TVONIBER	(2) staff suspects abuse by the parent. The decision to exclude a parent from an interview based on staff suspicion of abuse by that parent is always made by a	NOMBER		Hember		
	qualified mental health					
	practitioner.					
IDFF-4	Access to medical and mental health care in family facilities All family members are offered mental health counseling (as required in MM-2 and MM-3) when one family member is a victim of sexual abuse in the facility. Following an incident of sexual abuse, parents and adult family members are examined confidentially by medical and mental health					
	practitioners and away from children. Following an incident of sexual abuse, a parent or parents are allowed to be present during all medical and mental health examinations of a minor					

NPREC STANDARD (June 2009)		DOJ DRAFT STANDARD (February 2011)		DOJ FINAL STANDARD (May 2012)		ANALYSIS
NUMBER	STANDARD	NUMBER	STANDARD	NUMBER	STANDARD	
	child, unless (1) that child has alleged sexual abuse by the parent or (2) staff suspects abuse by the parent. The decision to exclude a parent from an examination based on staff suspicion of abuse by that parent is always made by a qualified mental health practitioner. In the event that a child is sexually abused, a qualified mental health practitioner interviews the child to determine whether either parent was present or aware of the abuse and whether the parent or parents were threatened in connection with the abuse.					