

1 Thank you very much.

2 CHAIRMAN WALTON: Thank you, Dr. Bidwell.

3 Mr. Gibson.

4 MR. GIBSON: Thank you, Mr. Chairman. I've Steve  
5 Gibson. I really feel privileged to be here. I'm going to  
6 take a little different approach to this. I will follow my  
7 testimony. The severity of the problem obviously varies in  
8 jurisdiction; I'll go through some of the reasons why, and  
9 you've heard some of those.

10 Just a little bit on my background. I've been  
11 fortunate, I guess, that I started in 1974 as a line staff  
12 in a Maine secure facility; I've been a counselor, a parole  
13 officer, I worked with Child Protective Services, I've been  
14 the superintendent of that facility which I was fired from  
15 for not watering the superintendent's lawn, and now I am a  
16 bureaucrat.

17 I think a lot of things have been talked about,  
18 and rather than just -- we talked about leadership  
19 attitudes, policy procedures, facility design operation,  
20 training programs for staff, offenders, recruitment,  
21 staffing ratios, facility design, I think they're all  
22 connected. I'd just like to go a little farther on some of  
23 these things as suggestions in relationship to what's  
24 already been said.

25 As far as zero tolerance, of course, that should

1 be the case. I heard people talk about firing people. I  
2 think you need to go to another step and that's criminal  
3 prosecution. What I've seen in the past in some places is  
4 that due to embarrassment or they thought it might become  
5 public, people were allowed to resign and walk off to other  
6 states and recommit offenses, so, I think it's very  
7 important, whether it's child pornography, staff abuse or  
8 whatever, there needs to be zero tolerance in relationship  
9 to criminal prosecution.

10           As far as the grievance procedure we heard a lot  
11 about that. It does need to go directly to the  
12 superintendent, director. There are ways to do that. You  
13 have sealed documents. We go as far as to mark those with  
14 seals. They do go to line staff but those are sealed  
15 immediately; there are other people in their presence. And  
16 beyond the superintendent, as somebody mentioned before, it  
17 needs to go to another level. In our state we can go to the  
18 Governor. You can go to my level. You can go beyond that  
19 on an appeal process with time lines.

20           As far as recruitment, obviously we need to do  
21 background checks, but beyond that, I think we need to  
22 implement behavioral-based screening assessment tools for  
23 hiring practices; there are many of those out there, I'm not  
24 going to promote any one or the other.

25           As far as orientation and training, I think it's

1 important that staff and youth are involved in some of the  
2 same orientation so that you're not just taking staff and so  
3 everybody knows, whether it's zero tolerance, how you get to  
4 who, when, whatever. Also, I think it's very important that  
5 you do have outside statutes mandatory reporting. We do in  
6 our state. You do internal investigations, but again for  
7 your own benefit and the benefit of the kids it's important,  
8 I think, and to put it in law that outside, whether it's  
9 alleged or not or allowed, mandated to come into your  
10 facility and interview the kids.

11           It's not in my testimony, but I just briefly, and  
12 I forgot it, I think I would suggest this Commission go  
13 beyond the facilities. You can get to the point of  
14 facilities where you have checks and balances, training,  
15 facility design, staff ratios or whatever. In the past,  
16 what I saw in the '70s and '80s, we had some people that  
17 because facilities became so structured that they would  
18 groom those kids when they left. You need to look at  
19 parole. You need to look at your procedures with your staff  
20 in the facilities and their relationships and how they  
21 report to administrative staff. Again, it's not to curtail  
22 positive adult/youth relationships, but you need to be very  
23 careful. You can stop things in the institution, and if  
24 people are prone to do what they do, they have ways to  
25 follow outside the institution, whether that be through

1 parole or not. So, I think that's very important that I  
2 haven't seen in any of the written documentation.

3           Finally, and it might sound -- I think there are  
4 three things -- we talk about staff ratios, we talk about  
5 size of facilities, again, whether it's 200 beds, 500 beds  
6 or 50 beds, it depends on how many are in those beds and  
7 what your staff ratio is, and that's not just nighttime,  
8 that's programming for the camera thing, there are also  
9 things with round verification that are probably even more  
10 important than those cameras with every individual room.  
11 There has to be line of sight, there has to be computerize,  
12 and they're not that expensive.

13           But I think treatment, this might sound insincere,  
14 but what we always try to say is that treatment is public  
15 safety, and programming in a facility, programming should be  
16 16 hours a day every waking hour. Kids should not have idle  
17 time. Of course, our programming should be appropriate; the  
18 staff should be trained. But the more time you have to be  
19 locked up, lay around, hang out, and that's not just sexual  
20 assault, suicide prevention, all types of assault, I think  
21 all these things are connected. I think that's very  
22 important.

23           And finally, we've said a little bit, you need to  
24 be open to the public, and I just don't mean -- I mean the  
25 media, I mean parents. In our facilities we have

1 seven-day-a-week visitation. The kids and the staff both  
2 know that at any time any day, whether it's the press,  
3 whether it's a parent, they can walk through those doors and  
4 have openness to those facilities. The facility that I ran  
5 was built in 1883; it's still there, it was part of the  
6 Congressional land entitlement to build these institutions,  
7 operate them, the state reform schools. When I went back  
8 there in '91 -- and it sits almost on Main Street, a small  
9 town of about 12,000 people, because they always put these  
10 places way out in the rural areas where out-of-sight  
11 out-of-mind, nobody really wanted them. But all the years  
12 it was there it was like, to the people in the community, it  
13 was like this dark place. They liked it, it was the largest  
14 employer in that community of 10,000 people, but nobody  
15 really knew what went on in there unless there was rumors,  
16 unless there was people had been fired, I mean, everybody  
17 had worked there at one time or another, their relative,  
18 through those hundred years. I think the most important  
19 thing that you can do, again, is open that facility to  
20 everyone, and when the kids, and not just the staff, when  
21 the kids know at any time when they're awake that people are  
22 walking through that facility, they are going to feel safer,  
23 the staff are going to know that it's going to be easier to  
24 report such things as have been talked about today. All  
25 these other things, facility design, training, yes, they're

1 all very important, but again, finally, jurisdictions, it's  
2 a good question, but you have to take in mind who runs those  
3 jurisdictions. In this country about a third are under  
4 public health, about a third are under corrections, I've  
5 been under three, three in 30 years, I've been under public  
6 health, I've been under corrections, I've been under  
7 institutions. We kind of hyperventilate with that stuff and  
8 we just kind of go in circles.

9           The other thing is, again, third are public  
10 health, third are corrections, third are stand-alone. I  
11 believe West Virginia is under the Department of Military  
12 Affairs. The other thing is age. The age of jurisdiction  
13 goes all the way from 16 to 25, and not to get into the  
14 debate about whether you're in the adult system or not, but  
15 every state is different, including what they have. Some  
16 states don't have probation, some states do. Some states  
17 don't have parole, some states do. There are so many  
18 complicating factors as to jurisdiction, age, laws, and I'll  
19 just give you one example. In Montana, which sometimes I  
20 think we're very conservative, we have four different ways  
21 to transfer kids. We have direct transfer, we have extended  
22 jurisdiction, we have criminally convicted youth, and we  
23 have something called 208. And in Montana, less than a  
24 million people, there are probably about over 4,000 in adult  
25 prisons, pretty high; juvenile system right now, male,

1 female, as of yesterday I believe we had 115 kids. But as  
2 of yesterday there were two people in our prison system  
3 under the age of 18, with all those ways to do that, so,  
4 again, jurisdictions are extremely different.

5           Again, I really thank you, I appreciate being  
6 here, and I look forward to any questions you may have.

7           CHAIRMAN WALTON: Thank you, Mr. Gibson.

8           Ms. Becker.

9           MS. BECKER: Good afternoon. It's an honor and a  
10 privilege to testify this afternoon about some of the work  
11 that we do in our Special Litigation Section in the Civil  
12 Rights Division at the Department of Justice.

13           The Department's authority to investigate and  
14 initiate civil lawsuits relating to conditions of care for  
15 juveniles, both those confining adult facilities and  
16 juvenile correction facilities, stems from two statutes:  
17 The Civil Rights of Institutionalized Persons Act of 1980,  
18 which we call CRIPA, and the Violent Crime Control and Law  
19 Enforcement Act of 1994, which we call Section 14141 in  
20 reference to its statutory cites. These statutes give the  
21 department broad authority to investigate more than just  
22 sexual abuse and rape in juvenile facilities, but it also  
23 covers other types of abuse: physical abuse, lack of medical  
24 care, lack of mental health facilities, education, things of  
25 that nature, and it also covers other types of facilities,