

1 MR. CHAIRMAN: Thank you very much.

2 Ms. Dennehy.

3 MS. DENNEHY: Thank you for the
4 opportunity to speak here today before the
5 commission. The passage of PREA and the creation
6 of this commission has moved to the topic of
7 prisoner sexual violence to the forefront of
8 correctional administrators' agendas and that's
9 precisely where it belongs.

10 Once fully operationalized, the law will
11 impact every single aspect of correctional
12 administration. I'd like to, as other colleagues
13 have, acknowledge the support of the organization,
14 many of whom are present here today, like the
15 American Correctional Association, the Association
16 of State Correctional Administrators, the National
17 Institute of Corrections, and most recently the
18 Moss Group.

19 Each of those groups has demonstrated a strong
20 commitment to helping folks like me out in the
21 field provide leadership and support to the
22 corrections professionals in the field as we move

1 forward on full implementation.

2 And as Commissioner Horn noted this morning,
3 the impact of prisoner sexual violence is
4 devastating. It's devastating for the victim, for
5 the survivors and for society at large.

6 Understanding dynamics of victim reporting in
7 the free community, in the free community, helps us
8 to understand the merely impossible task of
9 reporting sexual crimes while incarcerated. And I
10 think that's an important starting point because it
11 begins with accounting as Richard Stalder pointed
12 out. In order to have accurate accounting, we have
13 to have accurate disclosure.

14 Inmates, obviously, may be reluctant to report
15 sexual assault because they were in shame.
16 Offenders may fear that they may not be adequately
17 protected or stamp labeled a snitched requiring
18 placement in protective custody.

19 The impact of prison sexual violence is
20 compounded by the actual conditions that exist in
21 prisons, lack of immediate family support, often
22 times joint confinement with the perpetrator and,

1 as studies bear out, the likelihood of repeat
2 assault.

3 Prison sexual assault can exacerbate already
4 existing conditions such as mental illness, drug
5 abuse and the spread of communicable disease.
6 These conditions in and of themselves are already
7 disproportionately impacting the incarcerated
8 population.

9 Correctional administrators are challenged to
10 think of new ways to provide support to these
11 prisoner victims of sexual violence. We need to
12 establish protocols to facilitate access to family
13 support during these difficult times.

14 Sexual violence, obviously, can have an impact
15 on the management of a facility. Correctional
16 administrators, I assure you, after 30 years in
17 this field, correctional administrators work very
18 hard to encourage and to sustain cultures that have
19 zero tolerance for sexual violence because any
20 unaddressed incident of sexual violence adversely
21 impacts the safety and security and the orderly
22 running of the facility.

1 Fear of sexual assault can lead an inmate to
2 seek protection from others, potentially creating
3 and leading to other incidents of misconduct. As a
4 director staff, to me, represent the single best
5 tool we as correctional administrators have to
6 maintain safe and secure humane facilities, so
7 let's start there.

8 As Director Lappin said this morning, the
9 staff are the key. All staff have to play a role
10 in establishing zero tolerance for prisoner rape.
11 As such, we need to seriously develop standards and
12 make a physical investment in establishing
13 processes for the selection, hiring and training
14 that identify the best candidate for working in
15 this field.

16 Having run or states training academy, for
17 years, especially in recruit training academies, we
18 have managed to encourage this us versus them

20 boundary between staff on inmate, and I assure you
21 the need for those proper boundaries is imperative.
22 As professionals, we have to establish clear

1 boundaries and not become overly familiar with
2 those in our charge. But as such, staff sometimes
3 don't want to be seen as overly identifying with
4 inmates or being seen as easy marks.

5 Although staff need to establish boundaries by
6 not seeing inmates as truly human, we can miss
7 opportunities to see and engage shifts in the
8 inmate behavior. Any experienced, well-trained
9 officer will tell you if they can identify emerging
10 indicators or subtle behavioral changes, the
11 officer's quick intervention can reduce the
12 likelihood of an inmate hurting himself or others.

13 It's a very difficult line for staff to walk.
14 The need for appropriate boundaries is clear, yet
15 the consequences of dehumanizing those in our
16 charge can be catastrophic. Solid policy and
17 procedure and interaction and communications are at
18 the core of good security programs. It's all about
19 using your head. It's not about using your brain.
20 Staff must give the appropriate temperament and the
21 necessary skills and a full understanding as to
22 what works in a correctional facility to be

1 effective. Improved training, especially in the
2 area of preservice training, is needed with a
3 particular emphasis on environmental safety and
4 surveillance because the two in combination can
5 create a proactive protection system for the entire
6 population.

7 Staff attitudes and communication skills may
8 impact that reluctance for offenders to disclose.
9 And, again, it starts with we need to create
10 environments where inmates fully disclose incidents
11 of sexual violence.

12 Basic training must be reinforced with annual
13 inservice training and, to a certain extent, that
14 authority has been spoken about earlier, so I'll
15 skip over that in my remarks. But suffice it to
16 say that staff awareness, training and deployment,
17 how we use and assign those staff are critical to
18 preventing and responding to sexual assaults in
19 prisons.

20 Once trained, post assignments should be made
21 with an eye to physical plan vulnerabilities and
22 specialized investigators should be available on

1 each day.

2 Many of us, particularly those of us who work
3 in the northeast, are challenged by physical plants
4 that were built in the 1700s, 1800s, that were
5 defined principally as prisons and we've managed to
6 retroact them as we have worked through the last
7 two decades where we have confronted the highest
8 overcrowding situations in years.

9 The requirements of PREA underscores that many
10 of our facilities require significant design
11 enhancements to make them more safe and secure.
12 Conducting physical plant vulnerability assessments
13 is an essential first step. Assessment should be
14 done to identify architectural issues and barriers
15 which prevent surveillance, blind spots where
16 inmates may, whether they're authorized or not,
17 spend their time, especially if the area is not
18 staffed with appropriate supervisory staff.

19 As data regarding sexual violence becomes
20 available for analysis, administrators can then map
21 those hot spots in their own facilities. And this
22 data has critical implications for staffing and for

1 most assignments. Short-term immediate steps can
2 be taken to pursue low cost ventures such as
3 installing windows and adding lighting, increasing
4 safety in housing units, shower areas and other
5 particularly vulnerable sections of facilities.
6 These are critical issues to consider during the
7 design phase of any new construction.
8 Administrators should also be encouraged to pursue
9 grant funding.

10 Cameras, I'm a big believer in cameras in
11 that both staff and inmates manage to behave
12 significantly different when they know they're
13 being recorded.

14 We recently received a Burn Grant in
15 Massachusetts and we are targeting our State Prison
16 For Women, our Forensic State Hospital and our
17 Civil Commitment Facility for those sex offenders
18 now doing life, as we view those as our three

20 Overcrowding has already been spoken about
21 this morning, so I won't belabor the point. It's
22 been cited as an emergent issue as we attempt to

1 manage and address these issues. It certainly is
2 the single greatest challenge developing comparable
3 to PREA strategies, particularly when forced to
4 double bunk or utilize dorm situations. In the
5 state of Massachusetts, the bulk of our dorm beds
6 exist at higher custody levels. It's not an ideal
7 situation. And any staff member will tell you
8 short on one of one supervision, it's virtually
9 impossible to eliminate risk. Those staff do their
10 best to mitigate it.

11 Because housing assignments are of critical
12 importance, inmates who are at higher risk for
13 victimization should be placed in well-supervised
14 single cells if possible with a particular focus on
15 those that are mentally ill, developmentally
16 disabled and, as has already been addressed here,
17 transgender inmates. They should be closely
18 screened. Similarly, reliable assessment and
19 classification procedures go a long way to ensuring
20 a safe secure prison environment.

21 Finally, I'd like to spend a minute and just
22 speak about the need for assistance approach. I've

1 heard many of my colleagues today speak about the
2 complexities of the criminal justice system. After
3 30 years, I often see where corrections is asked to
4 do that which other agencies and organizations
5 haven't. And my fear is that, once again,
6 corrections will be caught holding the ball without
7 the resources, without the direction, without the
8 standards.

9 In Massachusetts we were able to receive a
10 Burn Grant and we intend to hold a state wide
11 summit. And we're negotiating the date and we
12 would like to have Senator Kennedy be the kickoff
13 speaker, as he was the primary sponsor for
14 legislation. But we are already encountering the
15 different pieces of the criminal justice process.
16 We use different language, we have different
17 priorities, we have different funding vehicles.
18 And, to a certain extent, many of our colleagues,
19 particularly as you move outside of the jails,
20 prisons are far less informed about PREA. We need
21 to recognize that these incidents of prison sexual
22 violence create a unique critical intersection of

1 other criminal justice law enforcement
2 professionals.

3 We have benefited by the work as corrections
4 administrators of ACA, ASCA and NIC. So too I
5 believe that the effective management of prison
6 sexual violence requires a full, a fuller set of
7 policy, procedure systems and programs that meet
8 the complex medical, mental health, social needs of
9 victims, because this issue intersects federal and
10 state laws, the courts, the prosecutors,
11 corrections, certainly the mental health system and
12 certainly the public health system, and not to
13 mention groups that we often leave from the table,
14 families and advocacy groups.

15 We need, I believe, a more coordinated
16 approach to address the larger picture if we want
17 successful prosecution and outcomes. As a state,
18 certainly in Massachusetts, we are moving towards
19 making sure that we are all on the same page.

20 Thank you.

21 THE CHAIRMAN: Thank you very much. Let
22 me ask Ms. Malm, what are the consequences of a