

1 administrative records and surveys addressing
2 prevalence will assist the classification process.
3 A systemic, valid, and reliable classification
4 process addressing sexual violence will eliminate
5 or at least reduce the bias of who we believe to be
6 predatory individuals and victims of sexual
7 violence.

8 Not having accurate data should not have or
9 keep us from doing the work. Correctional agencies
10 must assess the effectiveness of their current
11 classification system to address all forms of
12 violence. Sexual violence then must be added to
13 the list of questions driving development of
14 instrumentation and classification systems that are
15 responsive to this important issue.

16 It is important not to make the mistakes often
17 made in other reforms. Addressing differences
18 among special populations, gender and age, are
19 critical. Thank you.

20 THE CHAIRMAN: Thank you, Director.
21 Sheriff Garvey?

22 MR. GARVEY: Thank you, Mr. Chairman, and

1 I also welcome the opportunity to be here today.
2 Being last, the end of kind of a long day, I feel
3 like the leader who bats ninth and plays right
4 field. But having said that, I still enjoy being
5 here.

6 I have been a sheriff for 22 years. Prior to
7 that, I was a school teacher for 25 years. So, you
8 might ask, do they not have a retirement plan in
9 Massachusetts. I am also a member of the Standards
10 Committee of the American Correctional Association,
11 and honored to serve as the chairman of the
12 commission on accreditation for corrections.

13 And if I may, this afternoon, I would like to
14 explain somewhat about how the commission on
15 accreditation operates. First of all, the
16 commission is made up of some 26 commissioners from
17 a variety of fields. We have lawyers, doctors,
18 people from the private sector, county
19 commissioners, state correctional commissioners,
20 people from probation, parole and so forth that sit
21 on the commission.

22 Now, accreditation and the application for

1 accreditation is voluntary. And I want you to all
2 make sure that we remember that, that the
3 accreditation process is a voluntary process, that
4 an agency chooses to participate in. After the
5 agency -- and I would be remiss if I did not say
6 that this is a plus as far as I'm concerned in
7 terms of the commitment of the administration of
8 that agency to participate in the professional
9 growth of the agency by applying and practicing
10 those standards that are promulgated by the
11 American Correctional Association.

12 Following the application, the agency goes
13 through a self-evaluation comparing their
14 procedures, their operations, their policies and
15 procedures with those that are prescribed by the
16 American Correctional Association. An important
17 part of accreditation is the audit or the
18 visitation by auditors from the American
19 Correctional Association to check the compliance of
20 the agency. As we all know, standards written on
21 paper are very, very good; however, if those
22 standards are not practiced for the best

1 effectiveness for the institution, they are
2 meaningless.

3 Of the standards that are prescribed by the
4 association, 100 percent of the mandatory
5 standards, as well as 90 percent or above of the
6 nonmandatory standards must be accomplished in
7 order to receive accreditation. The accreditation
8 score comes in two columns, one for those mandatory
9 standards and those nonmandatory standards that
10 must receive a score of 90 percent or above.

11 After the visitation by the visiting
12 committee, the agency appears before the
13 commission. A panel of commissioners hold a
14 hearing and discuss the report of the auditors.
15 If, in fact, that is satisfactory, we hope that the
16 institution would receive accreditation. However,
17 the score alone is not as important, probably, as
18 the measure of the conditions of confinement. And
19 a lot has been said today, and I will not repeat
20 it, but the conditions of confinement are basically
21 based on how an individual is treated, what the
22 atmosphere or what the climate in the institution

1 is, what are the incidents that are occurring in
2 the institution.

3 Let me give you an example. If, in fact, you
4 have a disproportionate number of sexual assaults
5 in an institution, however, you may have passed all
6 of the standards, you may still not be accredited
7 if, in fact, there's a disproportionate number of
8 any type of assault. So, rather than to single out
9 a sexual assault, but any type of violence, or if,
10 in fact, there are conditions that are questionable
11 in terms of what is the level of confinement for
12 inmates, then obviously you may not.

13 The important thing that I mention to you in
14 terms of the noncompliant standards, the agency is
15 going to be asked to present a plan of action. A
16 plan of action is simply a plan for the agency to
17 tell you how you are going to meet compliance with
18 that particular standard.

19 For the purposes of explanation, my agency can
20 not pass the standard on population. That is
21 probably common of many, many agencies. The
22 commission would ask me how am I going to address

1 overcrowding in my agency. My answer to that is
2 that I am going to lobby the Massachusetts state
3 legislature to provide me funds to increase the bed
4 capacity or the population of my facility.

5 Tuesday afternoon, prior to coming down here
6 to the sunshine state, I spent the afternoon with
7 the chairman of the House, Ways and Means Committee
8 of the Massachusetts state legislature trying to
9 convince him that it would be appropriate to give
10 Hampshire County some dollars to expand their
11 facilities so they could meet that particular
12 standard.

13 If, in fact, an agency, for example, did not
14 have competitive wages that we've mentioned a great
15 deal today in relationship to other criminal
16 justice professions, how am I going to address
17 that? I am going to petition whomever is
18 responsible for giving me a budget to increase the
19 salary of my particular staff. So, the agency is
20 asked to address the standard, and if they cannot
21 meet the standard, to give me a plan of action that
22 will, in fact, help them develop a plan to meet

1 that standard.

2 The American Correction Association mission is
3 to improve the administration and the management of
4 correctional agencies. The commitment to this
5 legislation is reflected in the performance based
6 standards found in the ACA accreditation manuals.
7 It is clear that a continual focus on sexual
8 assault, assaultive behavior, must occur throughout
9 the correctional process. The standards and
10 accreditation committees of the association have,
11 through the establishment of prescribed standards,
12 developed a blueprint or a game plan to reduce
13 sexual assault behavior and to comply with the
14 requirements of this legislation.

15 And I say to you in all sincerity that the
16 commission on accreditation and the committee on
17 standards welcomes the opportunity to work with
18 your commission to develop standards and practices
19 that are going to make agencies comply with this
20 legislation. We feel that sexual assaultive
21 information must be present at every level of the
22 correctional process, at booking end and intake, it

1 is important, and that criminal histories are
2 clearly identified.

3 At orientation and prior to being placed in
4 general population each offender is provided with
5 an orientation to the facility with a specific
6 standard that requires that information is provided
7 to inmates covering sexual assault and sexual
8 abuse, including prevention and intervention,
9 self-protection, reporting sexual abuse and
10 assault, treatment and counseling information.

11 In the classification process, there is a
12 formal classification process that really starts in
13 admission for separating and managing inmates. The
14 inmate classification process must ensure periodic
15 review of inmates in segregation or isolation.
16 Inmate management and housing are based on age,
17 gender, legal status, custody, needs and special
18 problems. My point being that at every level of
19 the process these issues are addressed.

20 The facility must have provisions to separate
21 inmates according to existing laws. Single
22 occupancy cells are available for individuals who

1 are either sexual predators or inmates likely to be
2 exploited by victimization. Special management
3 inmates, the facility and administrator or designee
4 can order immediate segregation when necessary to
5 protect the inmate population in a special section
6 of standards that I have provided you with in
7 writing testimony that speak directly to sexual
8 assault. And those standards have been promulgated
9 since the institution of this legislation and,
10 again, they are not perfect. They don't intend to
11 be perfect. They are standards that are reviewed,
12 added to, deleted and so forth, based upon our
13 experience and the experience of professionals in
14 the field. This is where I believe that we work
15 together to establish standards that are going to
16 be in the best interest of all of us.

17 The other area that I speak to is within the
18 manual there is a section for statistical data and
19 recording of incidents in an effort to track the
20 successful provisions and objectives of this
21 legislation. Standards manuals include a data
22 collection report that will assist agencies in the

1 effectiveness of their efforts. The objective from
2 the ACA's position is to assure that incidents of
3 sexual assault are continually being reduced or
4 eliminated. And that is something that we place
5 there so that we can track the incidents, and that
6 we would expect at reaccreditation, which occurs
7 every three years, that you are going to see a
8 reduction in any type of negative activity within
9 the institution.

10 And, finally, none of this will work unless we
11 have excellent training programs. And I think we
12 are in cooperation with the National Institute of
13 Corrections in developing standard training
14 procedures for all staff. And staff training must
15 occur every year. And staff training must occur
16 prior to staff having involvement with inmates.

17 So, I simply want to say to you that I think
18 the ACA has, in fact, initiated, but appears to be
19 a plan that can be supplemented by input by this
20 body, and we certainly welcome the opportunity to
21 work with you. Thank you.

22 THE CHAIRMAN: Thank you, Sheriff. We

1 appreciate your testimony. I think I owe you an
2 apology. I think I had you coming from New
3 Hampshire. That was not a slight against
4 Massachusetts.

5 MR. GARVEY: Well, I'm very close.

6 THE CHAIRMAN: That's just old eyes, so I
7 apologize.

8 MR. GARVEY: I'm very close to New
9 Hampshire and I'm not offended at all,
10 Mr. Chairman. Matter of fact, I wouldn't mind
11 moving up there on many days.

12 THE CHAIRMAN: Thank you.