

1 The American Correctional Association, which
2 has been mentioned a number of times today has an
3 excellent and comprehensive set of such standards
4 and I think it certainly could be used as a
5 foundation for the creation of such oversight.

6 I thank you for this opportunity and I
7 certainly welcome your questions.

8 THE CHAIRMAN: Thank you, Mr. Secretary.
9 Director Thigpen?

10 MR. THIGPEN: I think every person that
11 has appeared before this panel today has started
12 off by saying how pleased they were to be here. I
13 am glad to be here, but I'm not pleased to be on
14 the panel. I have much preferred sitting in the
15 audience at this and some of the other hearings
16 that I've participated in and listening to some of
17 my distinguished colleagues present what I have
18 felt to be some very thought provoking ideas.

19 I have been pleased today as I listened to
20 some of the presentations to realize that NIC, I
21 think, is still dealing with many of the areas that
22 are of concern of this panel and of the profession.

1 When we talk about classification, we talk about
2 culture, we talk about gender specific training,
3 and all areas in which NIC is currently involved.

4 You're aware, I know, of many of the multiple
5 activities that under the PREA legislation NIC is
6 charged with carrying out, the training, education,
7 looking at prevention strategies, the fact we're
8 charged with purporting for the feds on the report
9 to Congress, the clearinghouse work. I'm really, I
10 guess, very pleased and looking forward, hopefully,
11 to an opportunity further down the road that we
12 will have to on the part of the federal partners to
13 again come before the commission and talk with you
14 more specifically about some of the work that is
15 being done.

16 At this point in time, we have completed about
17 64 technical assistance services to areas across
18 country. We've completed four videos that are
19 being widely used and widely distributed and we
20 continue to work in many other areas.

21 While we recognize that effectively
22 addressing sexual violence within our correctional

1 facilities requires a systemic approach involving a
2 number of components, I was asked today to speak to
3 the issue of classification. This is an area that
4 NIC has worked in for over 20 years. And I
5 encourage the commission members who are interest
6 in exploring this subject further to look at the
7 written testimony I provided and the listing of the
8 various publications that NIC has available to
9 which we can furnish you copies or they're
10 available on our website, NICIC.org. A couple of
11 them I have here, one of the first we did on
12 objective prison classification, one of the more
13 latest ones on developing gender specific
14 strategies. There are a total of about eight in
15 that series. And I think if you're really
16 interested in exploring the subject, there is a
17 vast amount of material that is available.

18 Classification systems are really the
19 infrastructure to correctional management. They
20 fulfill a wide range of correctional purposes among
21 which is preserving order in an institution,
22 sustaining prisoner discipline, assessing prisoner

1 needs, assigning prisoners to appropriate programs,
2 providing equitable treatment, protecting staff,
3 prisoner and public, allocating prison resources
4 and planning for prison management.

5 Many of the early classifications systems were
6 largely grounded and subjective criteria are
7 clinical assessments that produce arbitrary and
8 unreliable results. Beginning in the 1970s, prison
9 classification systems began to experiment with
10 objective criteria. California and the Federal
11 Bureau of Prisons developed the first objective
12 classification systems using numerical scoring that
13 sought to improve the consistency and objectivity
14 of the assessment process. This more scientific
15 approach is referred to as objective classification
16 and has been the model of classification that has
17 continued to evolve to address the goals of
18 classification for the correctional system,
19 prisons, jails and community corrections.

20 When we talk about the objective
21 classification, we're talking about a system based
22 on documented behaviors, assessments that are based

1 on multiple factors related to risk of
2 institutional violence, management problems and
3 security. Objective classification means that the
4 system is valid and reliable, that there has been
5 efforts made to really go through a process of
6 determining and making sure that it is valued for
7 the population to which it is being applied.

8 It is nonstatic, assesses the individual at
9 the initial time and continues to reassess. This
10 is necessary because a nonpredator can become
11 classified as a predator if behavior changes.
12 There needs to be a regular assessment that is
13 taking place. It is not a one-time assessment.

14 Objective classification systems need to be
15 responsive to gender differences. For example,
16 we're learning related to PREA that the focus on
17 women is more on identifying their vulnerability.
18 Most data we have related to PREA identifies the
19 issue of staff sexual misconduct for women rather
20 than offender to offender sexual violence. We
21 expect classification instruments to be different
22 for women to respond to the differences in dynamics

1 and behaviors in women facilities.

2 Regarding juvenile justice, again, this
3 analysis will be different for the boys and girls
4 and will certainly differ than what we learn from
5 adults. Classification both prisons internal and
6 external is less well-developed for juveniles than
7 for adults. The field is particularly weak in the
8 area of detention facilities and group homes.

9 Some systems are trying to develop instruments
10 that identify potential predators and victims
11 involved in sexual violence. Separate from PREA,
12 existing instruments address housing assignments
13 and overall violence. It is very difficult to
14 develop screening instruments based strickly on
15 sexual violence because of the limited data.
16 Current efforts may have to continue using a broad
17 sweep of issues to inform decisions regarding
18 classification of potential predators and victims.
19 This sweep of data includes combining other pieces
20 of information such as gang activity, physical
21 violence and incident reports.

22 Some systems are developing an additional

1 screening instrument similar to a system known in
2 this country as the Ames System. This is a
3 screening process in which an officer or a staff
4 member observes an offender and makes some initial
5 judgments or decisions affecting initial housing in
6 programs. This does not replace the need for the
7 next step, which is more in depth than records
8 based assessment, of risk and violence and
9 potential vulnerability.

10 Some of the challenges and gaps that exist out
11 there: There's a lot of validated objective
12 instruments that can guide the process of
13 classification as we address sexual violence in our
14 facilities. The lack of these valid instruments is
15 directly related to the lack of data. More time
16 and energy needs to be spent getting these
17 instruments in place, as well as developing
18 comprehensive strategies for responding to the
19 information.

20 Valid, reliable, data will increase as
21 investigations become more objective, responsive
22 and documented. Additional reviews of

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.