

National Prison Rape Elimination Commission

Preventing and Addressing Sexual Misconduct

Chairman Walton and Commission Members, I want to thank you for this opportunity to address the Commission concerning the impact, concerns, and issues facing Community Corrections in regards to the PREA initiative.

I am here today on behalf of the Johnson County Department of Corrections in Johnson County, Kansas, of the 10th Judicial District.

OVERVIEW

I want to briefly provide you with some information about our department so you will be more aware of our operations and the services offered to offenders in Johnson County. Our Department provides a continuum of services to both juvenile and adult offenders.

We operate a 70-bed Juvenile Detention Center that serves as a last resort for juveniles when no other placement will provide enough structure for the juveniles. In addition to detention, we provide community field services for juvenile offenders. Our Intensive Supervision Program provides probation services for higher-risk juvenile offenders as ordered by the District Court. Our Case Management Unit provides supervision and case management services to juveniles who are in the legal custody of the Kansas Juvenile Justice Authority. Many of these juveniles have been released recently from a Kansas Juvenile Justice Authority facility.

Our adult division operates a community-based residential center that provides a structured environment for both male and female adult offenders when the Court as a condition of probation orders them into the program. The Residential Center has a capacity of 449 beds, including a 40- bed Therapeutic Community (TC). The TC Program provides high-risk drug offenders with six months of intense substance abuse treatment, followed by three months of reintegration services. Our recently opened Work Release Program provides offenders the ability to serve custody time while continuing to work in the community as productive citizens.

The Residential Center provides in-house services including substance abuse treatment, mental health counseling, educational programming, and life skills training. All services are geared towards providing the offenders with as many tools as possible to successfully complete supervision. Of course, our ultimate goal is to reduce recidivism/revocation rates.

We operate an Intensive Supervision Probation Program for adult offenders that are assigned to us by the Court. In addition, we operate electronic monitoring programs for both juvenile and adult offenders to provide frequent monitoring in the community.

IMPACT AND RESPONSE

"Probation Officer who preyed on probationers sentenced to prison...."; "taking advantage of "incredibly vulnerable" victims," are examples of headlines and statements that hit close to home. They are about one of our own former Intensive Supervision Officers. These were our introductions to staff sexual misconduct. With the assistance of The Center For Innovative Public Policies, Inc. (A National Institute of Corrections Cooperative Agreement Program), 25 other corrections professionals and I attended and completed "Preventing and Addressing Staff Sexual Misconduct in Community Corrections: A Program For Agency Administrators" training, August, 2004.

This training was attended by a variety of stakeholders across the state of Kansas including administrators from community corrections programs, juvenile detention centers, the Kansas Department of Corrections, District Court Services, State Parole Services, and mental health providers. This ground-breaking initiative provided vital information and assistance in the development of policies and training for our department.

In response to the growing interest in the subject of sexual misconduct and undue familiarity within Kansas Department of Corrections facilities, Secretary of Corrections Roger Werholtz, in November 2004, submitted a public news release explaining the recent trends related to this topic and providing information regarding legislation and state policies to address the concern. He stated, **"As an agency, we must avoid even the appearance of impropriety. Corrections staff are held to a higher standard of behavior both within institutions and in the community. While working in difficult and even dangerous conditions, we expect the highest levels of conduct from corrections staff, and the expectation is most often fulfilled."**

In regards to community corrections, a major milestone was reached in 2005 when the Kansas Legislature passed a law that expanded the scope of persons prohibited from engaging in consensual sexual relations to include court services and community corrections officers. Kansas is clearly leading in the efforts to eliminate impropriety between staff and the offenders we serve.

ADDRESSING THE ISSUES

• TRAINING/EDUCATION

Although my training and topic focus has involved Staff Sexual Misconduct in Community Corrections, the overwhelming issue to address is the need for more training and education on how PREA relates to this topic. The National Institute of Corrections has done an excellent job of serving as the national clearinghouse for information, technical assistance, and training. However, in the areas of community corrections (both in field services and residential settings) and juvenile services, the translation of how PREA affects them has been lost. I have had the opportunity to train trainers in addressing and preventing staff sexual misconduct in community corrections departments across the country. Without fail in each session, I have been asked how the PREA applies to juvenile services.

Most departments are aware of PREA but still associate the Act with making the prevention of prison rape the top priority in the prison system. More emphasis is needed on the importance of this issue to community corrections and juvenile detention agencies. These agencies need to be on the front lines of addressing this priority.

• JUVENILE SERVICES

In regards to juvenile services, PREA has lost its translation and purpose when it comes to the juvenile justice system. The potential for incidents of sexual misconduct and the victimization of juvenile offenders is just as prevalent as in the adult system. Where most juvenile corrections staff are aware of PREA and our zero tolerance approach to sexual misconduct, many employees are unaware that the scope of PREA reaches farther than the confines of the detention setting.

Required higher staffing ratios in juvenile detention settings assist in developing more oversight to prevent problems/issues from occurring. Juvenile field services present a host of challenges in preventing and addressing the issue; role autonomy and higher levels of interaction are a few.

Most administrators of both juvenile detention facilities and of juvenile field services fail to see how PREA applies to field services. The need for further education/training is obvious.

A positive aspect of juvenile services is the high degree of oversight by outside agencies and reporting requirements. In the state of Kansas, juvenile staff are well trained in the mandated reporting requirements of the Kansas Department of Social and Rehabilitation Services (SRS) and the Kansas Department of Health and Environment (KDHE). These agencies serve as oversight authorities for the protection of juvenile offenders.

Where these agencies have highly structured regulations and guidelines for supervision, incarceration of youth, and reporting of misconduct, they lack the understanding of day to day juvenile corrections operations which can negatively impact the investigation process when addressing allegations. We need to realize that parallel investigations can be effective tools in ensuring investigations are done thoroughly. However, major stakeholders like SRS and KDHE should be well trained and knowledgeable of the framework of PREA.

- **ADULT SERVICES**

As with many aspects of the corrections field, the change in population we are seeing in our residential and field services programs have challenged us to seek evidence-based practices to better serve offenders. Unlike the early years of my career, we are seeing less of non-violent offenders with little or no experience in serving custody time in the institutions. Now, a large percentage of our clients have been incarcerated multiple times in state, local, and even federal institutions, before being granted probation or parole and becoming eligible to take advantage of the community supervision we provide.

Because of this change in population, it is important that we realize that our interaction with these offenders can be vital in providing a safe environment where incidents of victimization can be reported and thoroughly investigated. In efforts to better serve, we are training staff how to better communicate with offenders to gain trust and ensure that a professional relationship between staff and offender can equal success for many of them. With that communication we can become the first line of defense in the community when it comes to meeting the objectives of PREA.

Leadership in both adult and juvenile community corrections needs to recognize the importance of educating staff about PREA and providing them with training on questioning and obtaining feedback from offenders about their institutional experience(s). These types of interactions can provide opportunities to see the impact incarceration may have had, and the effects it may have on their behavior in the community. In addition, proper follow-up could lead to reports of misconduct that the offender did not feel comfortable reporting in confined settings.

More importantly, we as correctional professionals have an obligation to ensure that these reports don't fall on deaf ears and that all efforts will be made to thoroughly investigate any and all allegations. We should then obtain services for the offenders to address any negative effects stemming from inappropriate behavior as established in The Act.

Thank you again for this opportunity and I look forward to answering any further questions you may have in regards to this issue.

***"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON THIS 3RD DAY OF NOVEMBER, 2007."***

Respectfully Submitted,

Antonio L. Booker

Director of Adult Residential Center
Johnson County Department of Corrections