

1 CHAIRMAN KANEB:

2 Good morning. I am John
3 Kaneb, vice president of the National
4 Prison Rape Elimination. I am chairing
5 today's hearing in the absence of
6 Federal Judge Reggie Walton, our
7 chairman, who was required to go to
8 Washington because of a potential
9 injury to his wife in an auto accident.
10 He is unclear actually what injury may
11 have occurred, but he has had to leave.
12 And I am, of course, a substitute.

13 Judge Walton is a federal
14 judge, esteemed federal judge, and used
15 to conducting in all kinds of judicial
16 proceedings. I have never been to law
17 school let alone be put on the bench.
18 And I'm going to do the best I can for
19 you, with the able help of our general
20 counsel, Margaret Chiara to my left.
21 So if I do something a little strange,
22 please bear with me. Just a bit about
23 the Commission.

24 The National Prison Rape
25 Elimination Commission was established

1 by Congress, and it is charged with a
2 simple but very, very difficult to
3 execute purpose. And that is to
4 determine the prevalence of sexual
5 abuse in prisons of the United States
6 and to develop standards, that is,
7 mandatory behavior, as to how things
8 are to be done. And what we mean by
9 that in this context, is to develop
10 standards that will prevent, detect,
11 prosecute or punish, and remediate
12 sexual abuse that does occur.

13 The standards that we
14 develop will be mandatory requirements
15 of all federal detention systems, from
16 high security to temporary lockups.
17 They will deal with how to prevent
18 prison sexual abuse. It is hoped and
19 expected that these standards will
20 become the models by which state,
21 county, municipal systems also prevent
22 sexual abuse. And that will be
23 accomplished by good example,
24 persuasion, and financial incentives.

25 I'd like to begin by, first

1 of all, thanking two eminent jurists.
2 Chief Judge Helen Ginger Berrigan and
3 Judge Ivan L.R. Lemelle for providing
4 this courthouse -- this elegant
5 courtroom for our proceeding. I also
6 thank -- I didn't do that. I'm going
7 to continue, and let's see what
8 happens.

9 I also want to thank the
10 clerk of the court, Loretta White and
11 her staff for making these two days
12 possible, and I know they're going to
13 work smoothly. And I want to thank all
14 the above for saving the Commission
15 money. If this elegant facility were
16 not available, we would have to rent
17 something, and that would cost the U.S.
18 Government money that is now not going
19 to cost.

20 The Commission is made up of
21 eight citizens. I'm going to leave
22 introductions to the Commissioners that
23 are here be done by themselves. And I
24 will now introduce Senior Staff.
25 Richard Hoffman is our executive

1 director; Jenny Trovillion, our chief
2 of staff; and to my left, as I said,
3 Margaret Chiara, our general counsel.

4 We have with us today three
5 distinguished guests. They are
6 Louisiana Attorney General, Charles
7 Foti; New Orleans City Council, James
8 Carter, who is also chair of the
9 Criminal Justice Committee of New
10 Orleans Government; and Major Marty
11 Dufrene, Corrections Department Head of
12 Lafourche Parish Sheriff's Office.

13 I will begin with Attorney
14 General Foti.

15 MR. FOTI:

16 Thank you very much for
17 having me here today on behalf of our
18 governor, our legislature, and the
19 people of the State of Louisiana. We
20 welcome you to our city and our state.
21 I appreciate the -- the time and energy
22 that this Commission has put into the
23 elimination and prevention of prison
24 rapes.

25 In another life I was

1 sheriff in the City of New Orleans for
2 the last 30 years. And during that
3 time, we listened to what you had come
4 up with. We have seen these actions
5 happen. It is a very stringent duty
6 that people who run jails, prisons,
7 lockups, have care, custody, control of
8 inmates. And the elimination of prison
9 rapes is vital to the rehabilitation
10 effort to running a safe and secure
11 prison and returning those people back
12 to society better able to participate
13 in legal activities.

14 What happens when you have a
15 rape in prison? And in, generally
16 speaking, the weakest suffers. People
17 that don't fit in have certain
18 characteristics that the other groups
19 may not think is desirable. You
20 suffer -- not only does the individual
21 suffer potential long-term social,
22 medical, and psychological
23 disadvantages, but his or her ability
24 to become rehabilitated is -- is
25 severely -- the policy of this

1 Commission is to eliminate prison
2 rapes. To identify eliminate is to
3 have a zero tolerance on a national
4 level and the protection of our
5 constitutional rights, not only of each
6 and every citizen but to aid better the
7 constitutional rights of the inmate is
8 paramount to success. If this is not
9 done, you will see a constant
10 deterioration in our prison systems.

11 I'm happy that you are
12 looking at both the medical and
13 psychological advantages that should be
14 used most on the identification, the
15 training, the care, and the aftercare
16 to help these people recover from this
17 very devastating social act.

18 Sometimes we think it --
19 that prison rapes is just in prison.
20 But if you look in today's society, if
21 you look at the sexual predators that
22 are out there that are on the Internet
23 that are preying on the children, and
24 you see the response that the general
25 community has against this type of

1 activity, we should have a similar type
2 of response to the sexual predators --
3 predators that are in prison. And not
4 only do we have a problem with inmate
5 on inmate rape or harassment, but we
6 have some problems in staff having the
7 same type of problems in dealing -- we
8 have a problem with the same type of
9 problems with the staff sometimes in
10 either sexual harassment or so-called
11 sexual -- consensual sex where the --
12 unfortunately, the other person has no
13 right and no ability to have consensual
14 sex.

15 I think, as I've read
16 through the materials, both as sheriff
17 and A.G., that we have programs out
18 there that are eliminating, or helping
19 to eliminate, and identifying the
20 problems, meeting the problems, and
21 being able to be replicated in various
22 jurisdictions across the state. San
23 Francisco had one for a number of
24 years. The sheriff's office has a
25 very, very good program. Alabama has a

1 couple of programs.

2 We are here to say that we
3 fully support your endeavors in this
4 instance, and we will do everything in
5 our power to see that not only the
6 National Attorney General Association,
7 the National Sheriff's Association, and
8 the National Chief of Police and the
9 ACA work with you and work with various
10 jurisdictions to come up with a good
11 set of models rules and regulations
12 that would be applied not only on a
13 national level but on a state and local
14 level. I think that the idea of
15 financial -- finances to help them with
16 training, help them with
17 identification, and help them to have
18 the resources to meet this problem, it
19 will go a long way to helping you
20 eliminate this type of -- this type of
21 problem.

22 For the audience, this is
23 not a new problem. If you go back to
24 1826, when it first was published,
25 where the Boston Disciplinary Society

1 said that these problems were existing
2 in jails and prisons at that time, and
3 still doing it now. It wasn't until
4 2003 that Congress really took -- after
5 much pressure, and have to look at this
6 and establish this Commission. And we
7 are happy to work with you for the zero
8 tolerance of prison rapes and for the
9 rehabilitation, not only of those who
10 have suffered because of rapes, but for
11 the rehabilitation of all the inmates
12 that are going into our prisons and
13 lockups in our country.

14 I'll be happy to answer any
15 questions you have.

16 CHAIRMAN KANEB:

17 Well, thank you General
18 Foti. Speaking for myself, I am most
19 heartened to learn of, first of all,
20 your experience and, more importantly,
21 your knowledge and, most importantly,
22 your commitment to help eliminate this
23 scourge. It reminds me that one of our
24 co-sponsors of this legislation,
25 Senator Jeff Sessions of Alabama, was,

1 in fact, as you know, Attorney General
2 of the state. And at our first
3 Washington hearing, he said very
4 plainly, look, I -- I was the chief law
5 enforcement officer of the State of
6 Alabama, but -- I understand that this
7 work needs to be done and that nobody
8 should be sentenced to time in prison
9 plus torture. And he -- he's one of
10 our great supporters. And obviously,
11 you come right along with the same
12 experience and -- and I'm so pleased to
13 hear of your support.

14 And you're, obviously, quite
15 right. The -- the myth that inmate on
16 inmate sex in prison is -- is largely
17 consensual is just nothing more than a
18 myth in our view. And thank you for
19 acknowledging that. The last I'll say
20 is that, as a native of Boston, I did
21 not realize that our city first
22 recorded this rape problem in 1826.
23 You've added to my historical knowledge
24 on the matter, so thank you very much.

25 I'll ask the panelist, whom

1 I have failed to introduced to you --
2 my first mistake. Starting with Brenda
3 Smith here -- I'm sorry, Cindy
4 Struckman-Johnson, on the far left.
5 And I'll introduce them after we
6 finish.

7 COMMISSIONER STRUCKMAN-JOHNSON:

8 Good morning. My name is
9 Cindy Struckman-Johnson. I'm a
10 professor of psychology at the
11 University of South Dakota. I'm glad
12 to be here. We had a snowstorm that
13 way, too. And it's wonderful seeing
14 plain ground here. I -- I'm chosen
15 for commission, appointed by Congress,
16 on the basis of having done a fair
17 amount of research on the prevalence
18 and the dynamics of sexual assaults in
19 prisons.

20 COMMISSIONER SMITH:

21 Good morning. My name is
22 Brenda Smith. I'm a professor at
23 American University Washington College
24 of Law. I'm also the project director
25 for the NSC project on addressing

1 prison rape. I'm glad to be here this
2 morning.

3 COMMISSIONER PURYEAR:

4 I'm Gust Puryear, the
5 General Counsel of Corrections
6 Corporation of America. And I'm also
7 very glad to be here. I appreciate
8 your hospitality in the city.

9 CHAIRMAN KANEB:

10 Jim.

11 COMMISSIONER AIKEN:

12 Good morning, my name is
13 James Aiken. I'm currently president
14 of James Aiken & Associates, a
15 correctional consulting firm, and I
16 have been in the profession for,
17 approximately, 35 years.

18 COMMISSIONER FELLNER:

19 Good morning. I'm Jamie
20 Fellner. I'm with the U.S. Program of
21 Human Rights Watch, which has been
22 working on various human rights abuses
23 in the United States for many years
24 now, including prison rape.

25 COMMISSIONER NOLAN:

1 I'm Pat Nolan, vice
2 President of Prison Fellowship,
3 administrator of prisoners and their
4 families. Prior to this, I was a
5 member of the legislature in California
6 for 15 years, and then a prisoner (sic)
7 in a federal prison for two years. I'm
8 glad to be here, too.

9 CHAIRMAN KANEB:

10 And as I said, I'm John
11 Kaneb. I'm in private business in
12 Boston, so.

13 As to my colleagues, are
14 there -- are there questions of -- of
15 General Foti here?

16 Yes, Brenda.

17 COMMISSIONER SMITH:

18 Attorney General Foti,
19 given, you know, your role as the
20 chief, I guess, law enforcement officer
21 for the state in some ways. I wonder
22 if I can get you to talk a little bit
23 about the prospects for prosecution of
24 these kinds of cases. Because
25 certainly, one of the things that we've

1 heard in all of our hearings, is that
2 it is often difficult to prosecute
3 cases of inmate on inmate sexual
4 violence as well as staff on inmate
5 sexual violence.

6 MR. FOTI:

7 I think one of the key
8 is -- is dealing with the deputies and
9 guards or the correctional officials to
10 identify and treat as the prime site,
11 to develop and get adequate statements
12 of it to -- to treat as any other rape,
13 where you bring it down, you save the
14 clothing, you do the test necessary.
15 And if you treat it in that way and
16 present it to the prosecution in that
17 way, the way you have identified your
18 problem or cause, then you -- you have
19 gone a long way to going forward. And
20 then, once you have one success, there
21 is always a difficulty, because, when
22 you look at the people that may be
23 testifying, and who may give a
24 statement at one time and not testify
25 at a later time. So as you develop

1 that, the idea that you will prosecute
2 to the full extent of the law, it will
3 become easier and easier. But I think
4 that the -- it is the training,
5 initially, of men and women in the
6 correctional system that are able to
7 take adequate statements, understand
8 the gravity of the situation, are able
9 to talk to the person and get the true
10 facts of what happened, to preserve the
11 evidence and to treat -- and treat
12 the -- where it occurred. In most
13 instances, if you look at some of it,
14 it occurs in a cell or in the dormitory
15 or in a common area. And show that the
16 institutional staff takes it as a
17 serious matter, that they have zero
18 tolerance. I guess you go back to some
19 ways people say it. This is my house,
20 and you're not going to do this in
21 my -- in my house.

22 COMMISSIONER SMITH:

23 Thank you.

24 MR. FOTI:

25 And we will be happy to work

1 with you to develop training programs.
2 And we'll be happy to have Louisiana
3 serve as a model to attempt to
4 eliminate this -- we give you the our
5 pledge of cooperation, not only from
6 myself, but from my state.

7 CHAIRMAN KANEB:

8 General Foti, thank you so
9 much for coming. Thank you for the
10 content of what you said. And we will
11 take this up with your office. Thank
12 you.

13 MR. FOTI:

14 Thank you.

15 CHAIRMAN KANEB:

16 Councilman Carter, please.

17 MR. CARTER:

18 Thank you. Good morning.

19 On behalf of the Criminal Justice
20 Committee of the New Orleans City
21 Council and the full council, I would
22 like to welcome the National Prison
23 Rape Elimination Commission hearing
24 here in New Orleans. Thank you for
25 extending this honor on us. And before

1 I go any further, I want to make sure
2 that you spend a lot of money in the
3 French Quarter. It's the part of my
4 district.

5 I'd also like to, before I
6 proceed, recognize Norris Henderson of
7 Safe Streets/Strong Communities, who's
8 in the audience, who has done a great
9 advocate of this type of zero tolerance
10 policy. So thank you very much,
11 Norris, for being here.

12 Most citizens prefer not to
13 think of our prisons or about what
14 happens in them. Correctional
15 institutions are a part of our civic
16 infrastructure. But because they are
17 not visible parts of our cities
18 generally, for the most part, we choose
19 to pretend that they are not there. If
20 you ask 100 people on the streets to
21 list the elements of their community's
22 civic infrastructure, it will be
23 hardpressed to find anybody mention
24 local jails or prisons. However, in
25 many of our communities, prisons have

1 become dominant institutions, and in
2 some sense, the dominate institution.
3 But as I mean in certain small and
4 localized areas in our neighborhoods,
5 there is more money spent on
6 incarcerating individuals than spent on
7 civic infrastructure or other very
8 needed items in our community.

9 In 2000, more than two
10 million people are incarcerated in the
11 United States, and more prisoners
12 return to their communities. And most
13 prisoners return to their communities.
14 In fact, every year thousands of
15 inmates return to their neighborhoods.

16 In effect, in many of our
17 cities there is a continuous migration
18 pattern between our neighborhoods and
19 our correctional institutions. Why is
20 this significant? Because it means
21 that what happens in our correctional
22 institutions is extremely important,
23 not only for the individuals who we
24 incarcerate, but also for the health of
25 our social infrastructure and our

1 entire society.

2 Incarcerated individuals
3 have the right to be protected from
4 sexual assaults, and their communities
5 have the right to expect ex-offenders
6 to return to them without the added
7 burden of experiencing sexual violence
8 while incarcerated.

9 For this reason, the Prison
10 Rape Elimination Act of 2003 and the
11 work of this Commission, established by
12 Congress to study federal, state, and
13 local government policy and practices
14 related to sexual assaults in
15 corrections and detention facilities,
16 is critical to our social and civic
17 structures. Research undertaken and
18 sponsored by the National Institute of
19 Justice in response to the National
20 Prison Rape Elimination Act will be of
21 mention to our understanding of this
22 issue. Only sound research will
23 provide us with empirical data we need
24 to enable us to change prison culture,
25 the policies to reduce sexual violence

1 in prisons.

2 In the Commission's zero
3 tolerance standard, sets the only
4 appropriate goal regarding sexual
5 violence in correctional detention
6 facilities.

7 You all are a doing very
8 important work. And as a citizen and
9 as a civic leader, I would like to
10 thank you. And again, thank you for
11 coming down to New Orleans and having
12 this most organized event. Thank you
13 very much.

14 CHAIRMAN KANEB:

15 Thank you Councilman Carter.

16 I will ask to defer
17 questions for the moment. We'll go on
18 to Major Dufrene, and then questions --
19 any of the panelist, okay?

20 Major Dufrene.

21 MAJOR DUFRENE:

22 Thank you. I'm Major Marty
23 Dufrene, Corrections Department Head of
24 the Lafourche Parish Sheriff's Office.
25 I've been asked by the National

1 Sheriff's Association and Fred Wilson,
2 who is the division director of
3 operations and support, and NSA
4 president, Lafourche Parish sheriff,
5 Greg Webber, my sheriff, to convey the
6 appreciation and the support of the
7 PREA Commission. And as Attorney
8 General Foti said, they are committed
9 to you and will help in any way
10 possible.

11 Thank you for inviting me to
12 represent a voice for a small facility
13 responsible to house offenders. Part
14 of what I was asked to talk about today
15 was the relationship of the mental and
16 medical help that is available to
17 inmates. And, of course, if a sexual
18 assault were to occur in -- in prison,
19 then this would be needed after the
20 fact. My comments today will be
21 directed towards that ever increasing
22 medical and mental healthcare needs to
23 offenders in the difficult and small
24 facilities in providing those needs.
25 The parish county government is usually

1 responsible for providing financial
2 resources to contract medical and
3 mental help professionals to attend to
4 offenders incarcerated within their
5 jurisdiction. However, budgetary
6 restraints and lack of space often
7 restrict comprehensive healthcare from
8 on-site availability, and offenders
9 must be transported to healthcare
10 facilities nearby. This is the case in
11 Lafourche Parish Detention Center and
12 other small jails. We're without the
13 resources to expand or rebuild to meet
14 the needs of offenders coming in with
15 pre-existing medical and mental health
16 problems.

17 More often than not,
18 incarceration may only exacerbate the
19 condition of offenders with medical or
20 mental health problems, and in
21 particular, offenders with mental
22 health issues, which I'll term MHI
23 offenders. Jail staff and medics must
24 be vigilant when medication distributes
25 to ensure the offender ingest

1 medication and they're not hoarding,
2 trading or destroying them.

3 MHI offenders often exhibit
4 a wide variety of behavior. An
5 individual may be extremely violent or
6 they may be apathetic. In these cases,
7 an MHI offender must be isolated to
8 prevent them from harming themselves or
9 others. Other offenders may target
10 them as an easy mark to exploit
11 commissary items from them or inflict
12 physical harm, including sexual
13 assault.

14 Frequently, MHI offenders
15 are arrested for a crime which may be
16 attributed to their mental health
17 issues and they become stuck in the
18 system. While incarcerated, they are
19 unable to receive the treatment they
20 need and tend to acquire additional
21 charges resulting from their violent
22 behavior. MHI offenders are often --
23 are unable to satisfy their court
24 obligations due to mental incompetence,
25 and unable to enter a mental health

1 facility due to criminal charges and
2 the availability of bed space, thus
3 creating a merry-go-round of obscure
4 options or opportunities to exit the
5 criminal justice system and into mental
6 healthcare.

7 A case in point was a
8 30-year-old female we had arrested for
9 a hit-and-run. After a couple of days
10 of incarceration, there was -- no one
11 in the jail was aware she had a mental
12 health problem until the female
13 escalated from compliant behavior to
14 extreme rage and combativeness. She
15 struck and scratched a correctional
16 officers while they tried to subdue
17 her. She was transported to the local
18 hospital's mental health section and
19 was placed on medication, which helped
20 her. At some point she stopped taking
21 the medication and began disrobing and
22 crawling around her cell on all fours.
23 At times, she was discovered nude lying
24 in a fetal position under her bunk.

25 This type of behavior makes

1 her disposable to verbal, mental, or
2 sexual abuse from other offenders.
3 Employees sat with her and tried to
4 coax her to eat her food and take
5 medicine. Repeated overnight visits to
6 the hospital did not help. Medical --
7 her condition deteriorated and she was
8 transported to the regional -- Facility
9 Regional Medical Center for emergency
10 observation. The hospital kept her,
11 provided her nutrition intravenously.

12 My staff and I worked with
13 the District Attorney's Office, the
14 judge, and the Regional Mental Health
15 System to place her in a facility that
16 is best suited to attend her needs. We
17 were able to locate three potential
18 placements. I called a facility to
19 obtain a timeline to transfer, when I
20 was informed that she was 171st on the
21 waiting list. Already in disbelief, I
22 was then informed that this facility
23 only had 16 beds. So you can imagine
24 how long of a time we're waiting here.
25 The other potential placements were

1 much the same. The demand for mental
2 healthcare and bed space far exceeds
3 the available supply, especially since
4 Hurricane Katrina and Rita.

5 Although we take preventive
6 measures to avert prison sexual assault
7 by installing cameras, physically
8 making rounds, and training
9 correctional officers, we recognize
10 sexual assaults may still occur. Most
11 offenders may be able to defend
12 themselves from sexual assault, or at
13 least report an incident, if it were to
14 occur. However, we need a more
15 concerted effort to help those who may
16 not be able to defend themselves or may
17 not be able to be -- or not competent
18 enough to report an incident of abuse.

19 The mental health system
20 must be drastically overhauled to meet
21 the needs of the civilian population as
22 well as the offender population.
23 Correctional facilities will continue
24 to be an entry point for offenders with
25 mental health issues; therefore,

1 correctional facilities must receive
2 assistance and funding to provide
3 adequate holding areas, mental health
4 services, and appropriate training for
5 jail staff.

6 Thank you.

7 CHAIRMAN KANEB:

8 Thank you, Major Dufrene.

9 The panel, questions?

10 CHAIRMAN KANEB:

11 Yes, Jamie.

12 COMMISSIONER FELLNER:

13 I have a question both for
14 Councilman Carter and for Mr. Dufrene.

15 Louisiana has an extremely
16 high rate of incarceration nationwide,
17 and that includes many who are low
18 level offenders, not violent offenders,
19 and many people who are in prison, in
20 the criminal justice system, primarily
21 because of their mental health needs,
22 as you have so eloquently noted.

23 And I'm wondering as we
24 wrestle with what can be done from
25 inside the prison walls to reduce

1 prison rape, whether you think maybe
2 the first step has to be to try and
3 limit the number of people who are
4 going into prison in the first place.
5 And whether -- maybe we need to be
6 thinking about, is the first step
7 forward in reducing prison rape is
8 reducing the number of people behind
9 bars and making sure that prisons are
10 only used for those who truly do pose a
11 threat to community safety that cannot
12 be handled any way other than through
13 incarceration.

14 I'd be interested in your
15 thoughts.

16 MR. CARTER:

17 That's a great question. A
18 great question. Thank you for asking.

19 In January of this year, the
20 City Council of New Orleans, through
21 our Criminal Justice Committee, engaged
22 in best practices research with the
23 various institute for justice out of
24 New York. And out of that assessment,
25 we have come to certain conclusions

1 about our rate of incarceration, over
2 incarceration, and so on. And out of
3 that report came four basic
4 recommendations. One is alternative
5 incarceration to provide these areas
6 alternatives of incarceration. Two, to
7 deal with early assessment programs
8 with regard to the -- the case
9 assessments that we have to also deal
10 with our pretrial detention
11 alternatives as well as more equitable
12 sentencing practices. So we are in the
13 process right now executing those
14 recommendations to reduce the amount of
15 individuals who are incarcerated.

16 We -- about two or three
17 months ago, we had a planning retreat
18 in conjunction with Baptist Community
19 Ministries, which -- which are -- which
20 is helping to implement these
21 recommendations. And ultimately, what
22 we hope is that we -- we reform our
23 system and reform a paradigm, and the
24 mentality down here to only focus on
25 those individuals who need to be

1 incarcerated, to execute various laws,
2 from a municipal perspective, as well
3 as provide those services needed not to
4 over incarcerate and criminalize
5 otherwise decent citizens.

6 So that's actually part of
7 the full thrust of the council right
8 now along with various activist
9 throughout our criminal justice system.
10 And it's something that we're very
11 proud of right now, as we speak. So
12 this is something -- I'm glad you asked
13 that question. We're working very hard
14 on that end.

15 COMMISSIONER FELLNER:

16 Thank you.

17 MAJOR DUFRENE:

18 We're pretty much in the
19 same -- going in the same direction.
20 Lafourche Parish is recognized, as well
21 as other parishes around the state,
22 have recognized the -- first of all,
23 we're overpopulated in jail -- in the
24 jails. And we're also recognizing that
25 many of the people being incarcerated

1 do not necessarily need to be there.
2 So there are some things that have been
3 done. For instance, the District
4 Attorney of Lafourche Parish has
5 started the Pretrial Intervention
6 Program, which, of course, is not brand
7 new, but it does help from
8 incarcerating those who are not
9 necessarily needing incarceration. We
10 also have partnered with -- with the
11 drug court. We also have drug court to
12 try to eliminate the number of people
13 being placed in jail for minor drug
14 charges. And we have partnered with
15 additional service providers in the
16 areas. And -- for instance, we have a
17 work release facility that -- we
18 believe in rehabilitation and
19 re-integration. We're also trying to
20 do it before they get into the system,
21 partnering with local agencies and
22 service providers.

23 So to answer your question,
24 yes, we do believe that too many people
25 are going to jail. Some for minor

1 crimes that probably could be done in a
2 more preventive measure, so. But we
3 are looking -- we're constantly looking
4 for innovative measures to try to
5 reduce the number of people placed in
6 jail.

7 CHAIRMAN KANEB:

8 I think -- yes?

9 MR. FOTI:

10 While you're looking at
11 this. One of the things that happens
12 when you say mental health -- and not
13 only in this state but states across
14 the country -- because there's no
15 adequate mental health treatment where
16 a person calls up and says a member of
17 their family is acting bizarre. And
18 the police or sheriff arrest them, and
19 they bring them to hospital. At that
20 time, unless they are homicidal or
21 suicidal at the time the resident sees
22 them, they won't accept them. So then
23 they have no alternative but to
24 incarcerate them in a local lockup.

25 So as you're looking at the

1 mental health facility and mental
2 health capability in conjunction with
3 prison rape, also look at mental health
4 facilities where people that are being
5 arrested for no other crime except they
6 can't be handled are put in jail to be
7 stabilized. And we think that would go
8 a long way to helping out what's
9 happening in our jails today.

10 CHAIRMAN KANEB:

11 Gentlemen. Thank you.
12 Thank you for your appearance. Thank
13 you for your responses. Thank you for
14 your wisdom, and thank you for your
15 commitment to helping us to move along.
16 And we'll try to help you. Thank you
17 very much.

18 MR. FOTI:

19 Thank you very much.

20 MAJOR DUFRENE:

21 Thank you.

22 CHAIRMAN KANEB:

23 I want to acknowledge the
24 attendance and presence of United
25 States attorney for Eastern District of

1 Louisiana, Jim Letten. Jim is a former
2 colleague of our general counsel,
3 Margaret Chiara. And I thank you so
4 much for coming.

5 I am going to acknowledge a
6 very gracious letter from Senator Mary
7 Landrieu. I'm not going to read it
8 into the record. It is a letter of
9 support for the Commission's work, and
10 note that the New Orleans area is in
11 particular need of -- of help in
12 preventing sexual abuse in its
13 facilities. Thank you Senator
14 Landrieu.

15 We're now going to -- I've
16 been reminded -- again, I'm -- I could
17 never make it as a flight attendant on
18 an aircraft, because I have not
19 reminded you to turn off cell phones
20 and pagers and other wireless devices,
21 so I now do so.

22 Welcome. These folks are
23 the first of our expert panels. We
24 have heard from expert panels around
25 the United States. This is the last of

1 our hearings in which an expert panel
2 is likely to be heard. We try to cover
3 a very, very broad spectrum of
4 facilities, abuse problems, et cetera.

5 The -- just for your
6 information, it began at South Bend,
7 Indiana. I might ask -- that's another
8 story for another time. Why South
9 Bend? I've been to Washington, Boston,
10 San Francisco, Detroit, Miami, Los
11 Angeles, Austin, and here today in New
12 Orleans.

13