

PRISON RAPE ELIMINATION ACT TESTIMONY

Chairman Walton and members of the National Prison Rape Elimination Commission, I am Denise M. Robinson, President and CEO of Alvis House, a community corrections agency operating residential and nonresidential reentry programs in Ohio. I am also a past president of the International Community Corrections Association and serve as a commissioner for the American Correctional Association's Commission on Accreditation for Corrections.

I appreciate the opportunity to provide testimony reflecting the experiences of community corrections practitioners with regard to the Prison Rape Elimination Act (PREA).

First and foremost, community corrections practitioners believe and support by both policy and practice that any sexual contact between clients (residents) entrusted to our care and any staff in our programs is always unacceptable. Compliance with PREA is a moral obligation, not just a legal one.

The passage of PREA in 2003 helped corrections professionals to become increasingly aware of the issue of sexual assault in institutional settings. There have been few efforts, until recently, to educate the community corrections field about PREA and study its implications in community corrections settings.

Community corrections programs have challenges that are unique to our setting. Our clients are not under the direct supervision of staff at all times. Client absences from the facility are approved for verified programming objectives. These objectives include employment, strengthening family ties, religious activities, education, recreation and counseling. Clients are constantly monitored while in the community so the program staff are aware of their location.

But we would be remiss if we did not note that our staff and our clients have opportunities to engage with one another outside of the watchful eyes of staff in the facility. For that reason, it is imperative that our culture, policies and practices emphasize, beyond any doubt, that there is no such thing as a consensual relationship between staff and clients.

To address the need to strengthen this culture and provide useful tools that can be applied to a variety of community corrections settings, a group of practitioners is working together to develop a "how to" guide for front line staff and supervisors to address sexual abuse in their daily work.

As a result of a cooperative agreement awarded by the U.S. Department of Justice/Office of Justice Programs/Bureau of Justice Assistance (BJA), the American Probation & Parole Association (APPA), International Community Corrections Association (ICCA) and Pretrial Services Resource Center (PSRC) are developing a guidebook to assist front line community corrections staff and supervisors in understanding the provisions of PREA. The guidebook will also enhance efforts to prevent and respond to incidents of sexual assault in community corrections. Carrie Abner, from whom you will also be hearing testimony, is an APPA Research Associate and the Project Director. The project's objectives also include researching and

identifying currently effective programs, policies and strategies to address sexual assault in community corrections settings.

Working group members identified the following topic areas that should be covered by such a guidebook:

- PREA overview, including a review of the law itself, its requirements and its application in the community corrections field;
- Sexual Harassment and Violence definitions, including a discussion of the full range of sexual behaviors that may occur in community corrections settings.
- Information sharing as it relates to sexual assault that covers legal considerations, policies and procedures for sharing information, mechanisms for sharing information and professional protocols.
- Training staff to recognize signs of sexual assault, including information about identifying key physical, emotional and behavioral signs that may indicate an individual may have been victimized.
- Training staff on employing effective interviewing skills that can uncover repressed experiences, such as sexual assault, and training staff how to appropriately respond when an interview brings out such experiences.
- Having reporting mechanisms in place and training staff how to report sexual assault and refer cases to the appropriate professionals.
- Establishing protocols for initiating and conducting investigations on sexual assaults that are responsive and reflective of the jurisdictions and the specific populations served by a community corrections agency.
- Establishing strategies for supervising clients who are victims and perpetrators of Sexual Assault.
- Comprehensive staff training to prevent sexual assault in community corrections

Once completed, the guidebook will be published electronically and will be accessible through the APPA, ICCA and PSRC Web sites.

Many of the best practices being implemented throughout community corrections, such as gender responsive classification/treatment, motivational interviewing, case management, all contribute to effective prevention and response to sexual misconduct, even though not directly responding to PREA. We are working to build on existing positive elements of our programs and services.

On a more personal note, I would like to talk to you about how we have approached this issue at Alvis House.

We believe that staff sexual misconduct is one of the most serious forms of employee misconduct. Alvis House does not tolerate any form of discrimination and/or sexual harassment, toward clients or staff.

In our policy, sexual harassment is defined as any unwanted attention of a sexual nature from someone in the workplace that creates discomfort and / or interferes with work or program performance. It can take the form of verbal abuse, such as making insulting remarks, suggestive comments, or demands. It can also be non-verbal abuse, such as leering, any subtle form of pressure for sexual activity, physical aggressiveness such as touching, pinching, and patting, and attempted rape or rape.

Violators of this policy are subject to disciplinary action, up to and including termination of employment, as well as applicable civil and criminal penalties.

Upon admission to Alvis House, clients receive a packet of information covering Sexual Abuse/Assault Prevention, and Intervention. The informational packet affirms the client's right to be safe from sexual abuse/assault and the client's right to confidentiality and privacy. It also contains information on how to seek medical help, an explanation of the investigative process, counseling programs for victims of sexual assault, guaranteed safety of the client, steps to avoid sexual assault, and a list of who to contact if they are assaulted. Alvis House requires each client to sign a form stating that they were issued this literature upon entrance into the program.

If a client feels that he or she is being subjected to sexual harassment, he/she is to immediately report the matter to the program manager/director. Clients are encouraged to report concerns of this nature to another level of supervision should they feel uncomfortable reporting them to the manager/director at their program. Following such a report, an investigation begins immediately. Individuals who are being investigated as possibly engaging in sexual misconduct harassment may be transferred or placed on leave status until an investigation has been completed.

In addition to being able to refer clients to counseling services, Alvis House is also fortunate to have a clinical psychologist on staff who is prepared to counsel a client as needed should a client become a victim of sexual abuse/assault.

Alvis House has a comprehensive staff training program addressing the agency's sexual abuse/assault/misconduct prevention and intervention program. All newly hired employees receive training about the program during the initial orientation training, and annually thereafter.

Alvis House also conducts initial orientation and annual refresher training on expected staff performance and employee standards of conduct. Our Code of Ethics states:

Alvis House employees, volunteers and student interns shall not:

- Exchange personal gifts or favors, or engage in any business or barter with Alvis House clients, their families or their friends.
- Accept any form of bribe or unlawful inducement.
- Perform duties while under the influence of intoxicants or consume intoxicants while in an Alvis House facility.
- Violate or disobey established rules, regulations or lawful orders from a supervisor.
- Discriminate against any client on the basis of race, color, religion, age, creed, sex, national origin, handicap or other individual characteristics.
- Employ corporal punishment or unnecessary physical force.
- Subject clients to any form of physical or mental abuse.
- Demean or intentionally humiliate clients.
- Bring any type of weapon(s) or item(s) declared as contraband into an Alvis House facility without proper authorization.
- Engage in critical discussions of anyone associated with Alvis House in the presence or hearing of clients.
- Divulge confidential information without proper authorization.
- Withhold information which, in so doing, threatens the security of the facility, its staff, its clients, its visitors and/or the community.
- Endanger the well-being of clients, staff and/or the community through intent or neglect.
- Inquire about, disclose or discuss details of any client's crime(s) other than as may be absolutely necessary in performing official duties.
- Engage in any kind of social contact with clients except as a part of a staff member's approved job duties and as authorized by supervisory staff.
- Socialize with a former client for a period of two years from the last day of the client's sentence or release from correctional supervision, whichever is longer.
- Fail to report any violation of a client's conditions of release, or a client's violation of Alvis House program rules.
- Engage in criminal behavior.
- Fail to report a violation of the Code of Ethics.

This testimony does not seek to address the many issues surrounding sexual misconduct in a community corrections setting, nor does it offer a definitive or comprehensive approach to its prevention, investigation, and resolution in such a setting. I hope, though, that it will be of some assistance to the Commission as it seeks to further its understanding of this issue and I thank the Commission for the opportunity to testify.

I declare that under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of November 2007.

Denise M. Robinson
 President and CEO, Alvis House