

1 CHAIRMAN KANEB:
2 So would you -- would you
3 all please rise and raise your right
4 hands?
5 (Four witnesses sworn.)
6 CHAIRMAN KANEB:
7 Thank you. Be seated.
8 This panel is entitled, as
9 you see, Sexual Violence and Community
10 Corrections: The Special
11 Considerations of Community-based
12 Settings.
13 I'm pleased to welcome our
14 next four panelists, Carrie Abner,
15 Thomas Beauclair, Denise Robinson, and
16 Barbara Broderick.
17 The area of justice --
18 statistics show that sexual assaults
19 occur not only in institutions but also
20 in community corrections. The field of
21 community corrections recognizes the
22 ability of PREA in striving to comply
23 with the requirements. Many
24 corrections involve a multi-direct
25 dimensional approach supervising

1 offenders. The very sort -- creates
2 challenges for officials when they're
3 addressing sexual assault. Authorities
4 are in the process of identifying
5 barriers and developing strategies to
6 address these complexities of PREA when
7 apply for community corrections.

8 And I will just say that as
9 we learn more and more about what PREA
10 must be, an action, we do very much
11 appreciate the complexity of applying
12 it in a community corrections setting.
13 That's not to deter us, and please be
14 assure of that.

15 The panelist will discuss
16 unique concerns faced by community
17 correction professionals as they deal
18 with the tension of sexual violence of
19 response victims in their case.

20 Our first panelist is Carrie
21 Abner. She is a research associate
22 from the American Probation & Parole
23 Association. Ms. Abner directs
24 projects related to correctional
25 response to sexual assault in

1 correctional settings.

2 Our second is Thomas
3 Beauclair, who is the deputy director
4 of the National Institute of
5 Corrections. And I see has funded
6 several projects intended to initiate
7 PREA within community corrections.

8 Our third panelist is Denise
9 Robinson, who is the president of Alvis
10 House and past-president, International
11 Community Corrections Association. She
12 is also commissioner -- or commissioner
13 on her accreditation for corrections.
14 Ms. Robinson has experience in
15 operating halfway houses accreditation
16 and speaking on international affairs.

17 And fourth, is Barbara
18 Broderick, who is the director of Adult
19 Probation of Maricopa County, which is
20 the sixth largest probation department
21 in the United States.

22 I believe that is the
23 Phoenix area, is it not?

24 MS. BRODERICK:

25 Yes.

1 CHAIRMAN KANEB:

2 With over 1200 employees.
3 Ms. Broderick has experience in working
4 with urban and rural tribal corrections
5 and expertise on probation, parole, and
6 pretrial services.

7 Thank you.

8 MS. ABNER:

9 Mr. Chairman and members of
10 the Commission, first of all, I'd like
11 to thank you on behalf of APPA, the
12 American Probation & Parole
13 Association, for the opportunity to
14 testify before you today.

15 I'd like to begin with a
16 brief overview of communication
17 correction, which is a diverse field
18 that oversee nearly 70 percent of the
19 adult population and nearly 700,000
20 juveniles nationwide. The terms
21 "probation" and "parole" in community
22 corrections are often used
23 interchangeably; however, the field is
24 much broader, much more diverse than
25 just probation and parole.

1 Beyond probation and parole,
2 community corrections includes pretrial
3 services, residential treatment
4 programs, halfway houses, work release,
5 court diversionary programs, home
6 detention, secure detention, and
7 community service programs.
8 Community corrections agencies exist
9 with federal, state, county, and
10 municipal levels, and can be housed in
11 either the judicial or executive
12 branches. In addition to public
13 agencies, many private company and
14 nonprofit organizations provide
15 critical community corrections programs
16 and services. Common among all these
17 agencies, however, are the goals of
18 achieving offender accountability,
19 behavior change, and cost effectiveness
20 with the ultimate goal of improving
21 public safety.

22 Given the nature of the
23 community corrections field, there are
24 certain challenges to the
25 implementation of PREA. Perhaps one of

1 the biggest of these challenges lies in
2 the name itself, the Prison Rape
3 Elimination Act. Unfortunately, since
4 its passage, PREA has been widely
5 misunderstood as being relevant only to
6 our nation's prison, with many of us in
7 the community corrections field
8 wondering, what does PREA have to do
9 with me? Efforts to dispel -- or
10 having a positive impact, nevertheless
11 many unanswered questions remain.
12 For instance, while some programs like
13 residential facilities clearly fall
14 under PREA, its breach over probation
15 and parole function is less obvious.
16 Community correction agencies and staff
17 need clear guidance on their
18 responsibilities under PREA.

19 APPA commend the Commission
20 for its inclusion for community
21 corrections experts in the standards
22 development process. Once developed,
23 these standards will set the foundation
24 for efforts to educate community
25 corrections agencies and staff on the

1 important role they can and must play
2 in addressing corrections of sexual
3 assault. In the meantime, however,
4 APPA recognizes the need to continue
5 raising awareness about PREA within the
6 field, and developing the buy in so
7 crucial to its incorporation in the
8 policy and practice.

9 In the development of the
10 law, Congress found that prison rape
11 endangers the public's safety by making
12 brutalized inmates more likely to
13 commit crimes when they are released,
14 as 600,000 adult inmates are each year
15 given the majority of probationers and
16 parolees can sometime in custody, the
17 community corrections field has an
18 obvious role in safeguarding
19 communities.

20 To fulfill this role,
21 however, community corrections agencies
22 need clear policy and protocols for
23 detecting, reporting, investigating,
24 and responding to incidents of sexual
25 assault. Given the vast diversity of

1 the field, policies and procedures must
2 be customized to each individual
3 agency. No single model policy or
4 protocol will be appropriate for all
5 settings. Identifying the variety of
6 vulnerability for sexual assault, as
7 well as methods for preventing and
8 responding to incidents that are
9 appropriate to the range of community
10 corrections, agencies, and programs
11 will be a daunting but necessary task.

12 In addition, training on
13 PREA is greatly needed for community
14 corrections staff. Caseloads are
15 already large, and workloads continue
16 to expand as both the number of adults
17 and juveniles under community
18 supervision, and supervision
19 requirements, have increased over the
20 past two decades. In an environment
21 where staff are being asked to do more
22 with less, there may be some reluctance
23 to taking on additional
24 responsibilities. Nevertheless, the
25 community corrections field recognizes

1 that supervision strategies must
2 address the range of factors that
3 affect the behavior of an offender,
4 including sexual assault victimization
5 and perpetration. It is critical,
6 therefore, that training underscores
7 the importance of recognizing and
8 responding to incidents of sexual
9 assault for the effective supervision
10 of an offender in the community.

11 Frontline community
12 corrections staff are in a unique
13 position to detect sexual assault
14 victimization and perpetration in
15 correctional environment through
16 conversations with offenders,
17 information received from family,
18 friends, employers, and external
19 agencies, as well as direct
20 observations of offender activities.
21 Line staff are the eyes and ears of
22 community corrections and are,
23 therefore, likely to be first
24 responders in these settings.

25 Training for line staff

1 should provide instructions on
2 recognizing the red flags of sexual
3 assault, conducting interviews on
4 sexual assault victimization, reporting
5 incidents, preserving evidence,
6 requesting investigations, maintaining
7 confidentiality, referring victims and
8 perpetrators to appropriate --
9 appropriate treatment and services, and
10 developing appropriate supervision
11 strategy for victims and perpetrators
12 alike.

13 Equally important, line
14 staff and supervisors can play an
15 important role from preventing sexual
16 assaults from occurring, and should be
17 trained accordingly. Line staff are
18 the conduit of information to
19 offenders, and should inform each
20 offender of their rights to be
21 protected against sexual assault by
22 other offenders as well as by agency
23 staff, volunteers, and contractors
24 while under correctional supervisors.

25 Staff in residential

1 facilities should be trained in utilize
2 classification systems to identify
3 offenders who may be vulnerable to
4 sexual assault as well as possible
5 perpetrators, and make appropriate
6 housing decisions. Moreover, as a
7 result of a decade long effort to
8 address staff sexual misconduct, many
9 agencies provides staff training on
10 maintaining appropriate boundaries in
11 relationship with offenders under
12 supervision. Training on staff sexual
13 misconduct should continue to be
14 provided to community corrections
15 professionals to enhance adherence to
16 principles of PREA.

17 Information sharing on
18 sexual assault is also critical to
19 response efforts, but must be
20 approached carefully to ensure that
21 victims receive appropriate treatment
22 and offenders are held accountable.
23 Community corrections agencies must be
24 able to share information on sexual
25 assault incidents with a variety of

1 organizations, including institutional
2 facilities, treatment providers, and
3 medical and mental health services.
4 Clear guidance on how such information
5 should be shared, however, among and
6 within agencies is needed to protect
7 the privacy of victims and prevent
8 further trauma.

9 Another challenge for the
10 community corrections field is ensuring
11 compliance across all agencies.
12 Community corrections agencies need
13 guidance on how contracts -- contract
14 and memorandums of understanding,
15 without that partner and service
16 providers, how would you incorporate
17 and address PREA? Despite the many
18 challenges that exist, efforts are
19 underway to assist the community
20 corrections field incorporating the
21 principles of PREA in the policy and
22 practice. And APPA is pleased to be
23 engaged in these initiatives.

24 Through a cooperative
25 agreement with the Bureau of Justice

1 assistance, APPA in partnership with
2 the International Community Corrections
3 Association and the Pretrial Justice
4 Institute is developing a handbook for
5 frontline community corrections staff
6 and supervisors on preventing and
7 responding to sexual assault. APPA is
8 also collaborating with the National
9 Institute of Corrections, the monitors,
10 and the Washington College of Law in
11 the development of the handbook and in
12 broader efforts to raise awareness
13 about PREA within the community
14 corrections field. A more
15 comprehensive description of our
16 efforts in this -- on this issue is
17 included among written testimony for
18 your review.

19 Again, on behalf of APPA, I
20 would like to extend our appreciation
21 for the opportunity to testify today.
22 Thank you very much. And I'll be happy
23 to answer any questions that you may
24 have.

25 CHAIRMAN KANEB:

1 Thank you, Ms. Abner. I
2 think it would be useful to, certainly
3 people in the audience and at least
4 speaking for this Commission, or for
5 me, if you could give some examples of
6 community corrections activities. I
7 mean, it's a -- people's not converse
8 with the correction system to one, you
9 know, whether it's their main job or
10 their academic interest. Community
11 corrections is basically two words that
12 seem to mean a broad array of
13 activities. So without going through
14 all of them, just examples of what --
15 what sort of institutions might be
16 here.

17 MS. ABNER:

18 Sure. I think among the
19 most well-known functions are probation
20 and parole, which is certainly the
21 supervision of an offender, either as
22 an alternative to prison incarceration
23 or following one's incarceration where
24 this offender works with probation or
25 parole officer who supervises them.

1 Other examples include secure community
2 based facilities where an offender is
3 in a secured facility where he -- he or
4 she remains, but it is in the community
5 closer -- in the community in which
6 that individual resides.

7 CHAIRMAN KANEB:

8 Excuse me. Obviously, in
9 the first case the -- the clients, if
10 you will, are not confined?

11 MS. ABNER:

12 Correct.

13 CHAIRMAN KANEB:

14 But in the second case they
15 are?

16 MS. ABNER:

17 They can be. Exactly. And
18 we also heard examples this morning
19 regarding a halfway house where
20 offenders reside in a facility but have
21 privileges to leave that facility for
22 certain periods of time. Community
23 corrections also includes pretrial
24 services, so before an individual
25 goes before the court, is detained.

1 And that defendant may be in a jail
2 setting or -- or in some sort of lockup
3 setting. That is also considered
4 community corrections. So it really
5 begins from --

6 CHAIRMAN KANEB:

7 So you do consider jails to
8 be --

9 MS. ABNER:

10 When a defendant is under
11 pretrial service supervision, that is
12 considered community -- or part of the
13 realm of community corrections,
14 correct.

15 CHAIRMAN KANEB:

16 Even though he or she may be
17 confined in a county jail?

18 MS. ABNER:

19 Correct.

20 CHAIRMAN KANEB:

21 Good. Thank you. Are there
22 questions of Ms. Abner?

23 Yes, Commissioner Smith.

24 COMMISSIONER SMITH:

25 You know, Ms. Abner, one of

1 the things that I think the Commission
2 has, you know, sort of struggled with,
3 and that you alluded to, is -- is sort
4 of how we should address community
5 corrections. Because, of course, when
6 you're talking about the act, the act
7 is really talking about what -- or
8 seems to be talking about primarily sex
9 that occurs in custodial settings. And
10 so we appreciate you laying out all the
11 various custodial settings that
12 community corrections manages.

13 I guess one of the things
14 that was in your testimony that I
15 wanted you to expand on, and just to
16 get some sense about whether it would
17 be helpful, is getting a sense -- like
18 how do we get a sense -- how would you
19 suggest that we get a sense of the
20 prevalence of sexual violence in
21 community corrections settings when it
22 doesn't appear that you're going to be
23 a part of the BJS survey?

24 MS. ABNER:

25 That's a wonderful question.

1 And it's -- you know, I think there are
2 so many challenges in getting the sense
3 of the prevalence of these types of
4 incidents, wherever they may occur.
5 And certainly, that applies to
6 community corrections as well. You
7 know, I think that, certainly, agencies
8 are beginning -- community corrections
9 agencies are starting to look at this
10 issue a little bit more closely and --
11 and reflecting internally about their
12 own practices within themselves. And I
13 think there probably will be some
14 analysis of thoughts about how -- how
15 much -- or to what degree this is a
16 problem within their own agencies.

17 I'm not sure if that answers
18 your question. But it's a very
19 difficult -- it -- it is -- would be a
20 very difficult task to engage an
21 estimate of the prevalence within
22 community correction just as it is
23 within correctional facilities as well,
24 particularly since community
25 corrections agencies won't be as

1 engaged in BJS efforts as -- as much as
2 some of the institutional facilities.

3 COMMISSIONER SMITH:

4 One other question is just
5 that -- I mean, in terms of
6 recordkeeping. Is it your sense that
7 there are formal recordkeeping
8 mechanisms in community corrections
9 around keeping up with incidents of
10 sexual violence, or is that, again,
11 another area where you know there's
12 a -- a little bit of a lag with what's
13 happening with sort of a well defined
14 community -- other correctional
15 settings?

16 MS. ABNER:

17 I think it really depends on
18 the agency. And again, we -- we cover
19 such a broad array of organizations and
20 agencies within the community
21 corrections realm. And I think some
22 community corrections agencies are --
23 have already begun to -- to collect --
24 collect data on this type of
25 information. Other agencies have

1 not -- and to some degree it depends
2 on -- you know, some agencies provide
3 strictly a probation or parole service
4 while other agencies may provide an
5 array of services ranging from
6 custodial to more of the -- the
7 supervision of an offender in the
8 communities.

9 And so to some degree, I
10 think that depends on the types of
11 programs that an agency is involved in.
12 It -- as well as other factors. But I
13 think some agencies are starting to
14 collect data on it, others probably are
15 not.

16 CHAIRMAN KANEB:

17 Other questions of
18 Ms. Abner?

19 COMMISSIONER SMITH:

20 I have a bunch more, but.

21 CHAIRMAN KANEB:

22 Why don't we do this. Why
23 don't we go on to Mr. Beauclair, and
24 then we'll see how --

25 COMMISSIONER SMITH:

1 Yeah.

2 CHAIRMAN KANEB:

3 -- how it goes, okay?

4 Thank you. Thank you,
5 Ms. Abner.

6 MR. BEAUCLAIR:

7 Good afternoon. Mr.
8 Chairman, members of the Commission,
9 thank you for giving me the opportunity
10 to be here today.

11 Let me say first that the
12 National Institute of Corrections is
13 committed to helping in any way we can
14 with the efforts to making in regards
15 to sexual violence in prison and
16 community corrections.

17 My perspective comes from 30
18 years of experience, about half of that
19 in the probation, parole community
20 corrections system in a rural state
21 system. I'd like to try to define
22 community corrections a little bit as
23 well to provide a framework for our
24 discussion.

25 I see it as a function that

1 refers to a wide array of non-prison
2 sanctions imposed by a trial court or
3 state parole authority. Now, these
4 sanctions may be employed with
5 offenders at the pretrial diversion, or
6 preferred prosecution, post-conviction
7 or post-incarceration stages.
8 Community corrections programs are
9 usually runned by probation or parole
10 agencies, however, the actual authority
11 or structure under which they operate
12 comes in many different forms.

13 Probation and parole can be
14 a single state agency under the
15 umbrella of the state correction
16 system, or a separate agency of state
17 probation and state parole.
18 Oftentimes, felony and misdemeanor
19 cases are supervised by separate
20 systems. Community corrections
21 programs are also operated by the
22 judicial branch, in many cases, and by
23 county sheriffs.

24 One state that I'm familiar
25 with, you have a state corrections

1 system -- part of the community
2 corrections system is supervised by the
3 state, and part of it by individual
4 entities. And so as you can see,
5 it's -- it's really a mixture of a lot
6 of constructions.

7 Programs may be operated by
8 public agencies themselves or
9 contracted out to private vendors. In
10 addition to a wide range of probation
11 and parole supervision strategies,
12 programs may include halfway houses,
13 halfway back facilities, therapeutic
14 community treatment centers, jail work
15 release programs, gay reporting
16 centers, furloughs, hardship release,
17 community work centers, work camps, and
18 drug and mental health course.

19 Now, prison systems normally
20 have a similar government structure as
21 a state executive branch agency;
22 however, as you can see, community
23 correction supervision and services
24 have a wide variety of structures.
25 This possibly is the greatest barrier

1 to ponder when it comes to promoting
2 the systems standards in community
3 corrections' view. In many cases,
4 information systems cannot talk to each
5 other in multiple jurisdictions, and
6 different lines of authority may cross
7 and require some type of cooperation.

8 A significant challenge will
9 be the culture of each individual
10 agency. Historically, probation and
11 parole systems have managed offender
12 risk in the community by monitoring
13 compliance with court conditions and
14 controlling offender behavior by adding
15 additional sanctions if there's some
16 type of violation, or sending a person
17 back to prison or back to court.

18 Now, this approach creates
19 an enforced mentality and a perception
20 that the authority figure -- figure,
21 their only function is one of, I
22 gotcha. Now, there has been a number
23 of changes to this in the last few
24 years. It's been an increasing
25 interesting proven risk reduction

1 outcome using evidence based
2 interventions.

3 Many agencies have moved to
4 a more multidimensional approach
5 managing offender risk. They've
6 adopted strategies, such as proper risk
7 and needs assessment, case management,
8 and targeted interventions gives
9 employee motivational in reviewing
10 techniques, and building offender
11 engagement and interest in motivation
12 for positive change. These same
13 agencies are also finding that this
14 dual role of monitoring, control, and
15 intervention treatment can blur their
16 responsibilities. That makes both
17 staff and offenders vulnerable. And
18 what can really help there is, of
19 course, proper training.

20 Community corrections
21 workers general work autonomously and
22 have large caseloads, as already have
23 been alluded to. And much of their
24 work allows significant discretion and
25 is done outside normal office

1 parameters and away from supervisors
2 and peers. Once again, by the very
3 nature of their work, staff and
4 offenders can be put in difficult
5 situations.

6 In conclusion, to
7 effectively address the role of
8 community corrections in responding to
9 PREA, some important conditions should
10 be met. Reasonable caseload sizes,
11 appropriate training, ability to
12 provide proper investigations, adequate
13 supervision of staff of all levels, a
14 zero tolerance policy for sexual
15 misconduct, written policy and
16 procedure for all public and private
17 staff that have contact with offenders,
18 offender orientation handbook, a good
19 culture which promotes professionalism,
20 integrity, and proactive approach to
21 the prevention of sexual misconduct,
22 and the detention and proper sanction
23 of offender and staff sexual
24 misconduct.

25 With that, I conclude my

1 remarks. Thank you.

2 CHAIRMAN KANEB:

3 Thank you, Mr. Beauclair.

4 Are there questions of Mr. Beauclair?

5 In respect to complying with
6 PREA, and having this Commission be
7 able to halfway intelligently draw
8 standards, do you -- would you offer an
9 opinion as to whether or not situations
10 that are not custodial, that is parole
11 officer, client, halfway house,
12 residence, whether those should be
13 activities we should really address at
14 all?

15 MR. BEAUCLAIR:

16 Mr. Chairman, my opinion is
17 that -- and as I understand the law,
18 it's currently written that only the
19 24/7 detention-type facilities would
20 come under PREA. That's how I
21 understand it.

22 CHAIRMAN KANEB:

23 So the activities that --
24 and may be the useful activities, that
25 this broad spectrum of -- of entities

1 performed really are outside of PREA,
2 as you understand it?

3 MR. BEAUCLAIR:

4 Yes.

5 CHAIRMAN KANEB:

6 All right. Thank you.

7 That's all I have for now.

8 I just think with two more
9 witnesses on this panel, we'll just
10 continue with testimony. And then with
11 time remaining, we -- we can have open
12 seating.

13 COMMISSIONER SMITH:

14 I just want to make one
15 comment, which I think is probably a
16 quandary when you're talking about
17 community corrections. I mean,
18 certainly PREA covers what we're
19 talking about in terms of custodial.
20 But I guess the question that I ask
21 of Deputy Director Beauclair, it is
22 your understanding, however, that under
23 many states' statutes, probation and
24 parole officers who are involved in
25 sexual interactions with staff would be

1 eligible for prosecution, right?

2 MR. BEAUCLAIR:

3 Of course.

4 COMMISSIONER SMITH:

5 And that they would also
6 certainly -- they would also certainly
7 be prohibited by policy in these
8 agencies?

9 MR. BEAUCLAIR:

10 Yes.

11 COMMISSIONER SMITH:

12 But it seems that there was
13 a gap when you were putting the
14 legislation together in terms of
15 covering those kinds of interactions?

16 MR. BEAUCLAIR:

17 That's correct.

18 COMMISSIONER SMITH:

19 Okay.

20 CHAIRMAN KANEB:

21 Ms. Robinson.

22 MS. ROBINSON:

23 Mr. Chairman, members of the
24 Commission. I appreciate the
25 opportunity to provide testimony today

1 reflecting the experiences of community
2 corrections for practitioners with
3 regard to PREA.

4 First and foremost,
5 community corrections practitioners
6 believe and support, by both policy and
7 practice, that any sexual conduct
8 between clients, entrusted to our care,
9 and any staff in our programs is always
10 unacceptable. Compliance with PREA is
11 a moral obligation, not just a legal
12 one.

13 The passage of PREA in 2003
14 helped corrections professionals to
15 become increasingly aware of the issue
16 of sexual assault in institutional
17 settings. There have been very few
18 efforts, until recently, to educate the
19 community corrections field about PREA
20 and study its implications in community
21 correction settings.

22 Community corrections
23 programs have challenges that are
24 unique to our settings. Our clients
25 are not under the direct supervision of

1 staff at all times. Client absences
2 from the facilities are approved for
3 verified programs, such as seeking
4 employment, strengthening family ties,
5 religious activities, educational,
6 recreational, and counseling.

7 Clients are constantly
8 monitored while in the community, so
9 program staff are aware of their
10 location. But we would be remiss if we
11 did not note that our staff and/or
12 clients have opportunities to engage
13 with one another outside of the
14 watchful eyes of staff in the facility.
15 For that reason, it is imperative.
16 There are culture, policies, and
17 practices emphasized, beyond any doubt,
18 that there is no such thing as a
19 consensual relationship between staff
20 and clients.

21 To address the need to
22 strengthen this culture and provide
23 useful tools that can be applied to a
24 variety of community corrections
25 settings, a group of practitioners is

1 working together to develop a how to
2 guide. And Carrie Abner addressed that
3 already, so I'm going to skip over a
4 lot of that.

5 I just want to say though
6 that once that guidebook is -- is
7 published, it will be electronically
8 accessible through the APPA, the ICCA,
9 and the PSRC websites.

10 Many of the best practices
11 being implemented throughout community
12 corrections, such as gender responsive,
13 classification and treatment,
14 motivational interviewing, case
15 management, all contribute to effective
16 prevention and response to sexual
17 misconduct, even though not directly
18 responding to PREA. We are working to
19 build an existing positive element and
20 best practices of our programs and
21 services.

22 On a more personal note, I'd
23 like to talk to you a little about
24 Alvis House, and it's the agency that I
25 run. I have 13 locations ranging in

1 size from 100 beds to 30 beds. We
2 believe that staff sexual misconduct is
3 one of the most serious forms of
4 employee misconduct. Alvis House does
5 not tolerate any form of discrimination
6 and/or sexual harassment towards
7 clients or staff. Violators of our
8 policies are subject to disciplinary
9 action up to and including termination
10 of employment, as well as applicable
11 civil and legal and criminal penalties.

12 Upon admission to Alvis
13 House, clients receive a packet of
14 information covering sexual abuse,
15 assault, prevention, and intervention.
16 The informational packet defines the
17 client's right to be safe from sexual
18 abuse and assault, and the client's
19 right to confidentiality and privacy.
20 It also contains information of the
21 investigative process, counseling for
22 victims of sexual assault, guaranteed
23 safety of the client, steps to avoid
24 further sexual assault, and a list of
25 who to contact if they are assaulted.

1 Alvis House requires each
2 client to sign a form stating that they
3 were issued this literature upon
4 entrance to our programs. If a client
5 feels that he had been subjected to
6 sexual harassment, he or she is
7 immediately -- is to immediately report
8 the matter to the program manager or
9 director. Clients are encouraged to
10 report concerns of this nature to
11 another level of supervision if they
12 don't feel comfortable.

13 In addition to being able to
14 refer clients to counseling services,
15 Alvis House is very fortunate to have a
16 clinical psychologist on staff who is
17 prepared to counsel a client as needed,
18 should a client be a victim of sexual
19 abuse or assault. Alvis House has a
20 comprehensive staff training program
21 that addresses the agency's sexual
22 abuse, assault, misconduct, prevention,
23 and intervention programs. All newly
24 hired employees receive training about
25 the program during the initial

1 orientation period and annually
2 thereafter. Alvis House also conducts
3 initial orientation and refresher
4 training on expected staff performance
5 and employees standards of action.

6 My testimony does not seek
7 to address the many issues surrounding
8 sexual misconduct in a community
9 corrections setting, nor does it offer
10 a definitive or comprehensive approach
11 to its prevention, investigation, and
12 resolution in such a setting. I hope
13 though that it will be of some
14 assistance to the Commission.

15 I did want to say one other
16 thing before I -- we moved on. And
17 that is, about two days after I was
18 asked to present here today, I had an
19 instance of sexual abuse in one of my
20 facility. And it was from -- a client
21 was in our residential facility, and he
22 came and he reported it -- reported it
23 to his manager of that program. What
24 was interesting about it was, when he
25 reported it, he didn't want any

1 confidentiality about it. He wanted to
2 make sure that others knew about it so
3 that they would be willing to report
4 something of -- if that would happen to
5 them. So I thought it was very
6 interesting around the timing of the
7 report.

8 It was probably the first
9 report we have received in probably
10 about three years. And he actually
11 helped the police and our agency catch
12 our employee in the act with him. The
13 other interesting thing is, I think it
14 brought to light how important it is
15 for community corrections programs to
16 really spend time on this issue.

17 Thank you.

18 CHAIRMAN KANEB:

19 Thank you, Ms. Robinson.

20 That -- that incident is -- is unusual
21 and may be instructive. You know, I'm
22 just speaking as thoughts are coming to
23 my head here, but. We spend a huge
24 amount of time, and I guess properly
25 so, on -- on confidentiality,

1 protecting the victim from the trauma
2 of exposure, because he or she may be a
3 victim of retaliation. He or she may
4 be highly embarrassed, further
5 traumatized by disclosure.

6 On the other hand, the guy
7 you're talking about was willing to
8 admittedly, in a much -- much less
9 threatening environment than a high
10 security prison, was going to take the
11 opposite tact. He was going to make
12 sure everybody knew about it, and as
13 you've concluded, cooperate with
14 authorities in, I don't know, some kind
15 of sting operation or whatever. I
16 think that's a forethought for all of
17 us here on the Commission as we think
18 about the matters of confidentiality
19 and who knows and who shouldn't know
20 and -- and again, I'm just speaking as
21 thoughts are coming in my head.
22 But, you know, sunshine and bright
23 lights are -- are very deterrent to
24 mischief in many -- many settings. So
25 thank you.

1 MS. ROBINSON:

2 You're welcome.

3 COMMISSIONER FELLNER:

4 Was it a male staff or
5 female staff?

6 MS. ROBINSON:

7 It's a female staff. If I
8 may though say one thing that I think
9 does relate to even the institution, is
10 the staff person that was hired was
11 hired from another state. I won't
12 mention the state. But they were hired
13 from another state that worked in the
14 state department of corrections. And
15 our process of hiring staff, there's
16 a -- a -- there's a lengthy background
17 investigation process. But when
18 someone leaves a state because they
19 violated the same kind of thing and
20 there's no -- they are allowed to
21 resign from their position, rather than
22 being terminated, then we'll never get
23 that information. And on paper and
24 through interview, it looks like a very
25 good staff person. This happened

1 within two weeks of employment, too.

2 CHAIRMAN KANEB:

3 That problem is one we have
4 heard about before. The serial
5 offender who flies beneath the radar,
6 yes. Thank you.

7 Ms. Broderick, please.

8 MS. BRODERICK:

9 Yes. I guess in the
10 interest of time I will try and go
11 through my testimony fast so that you
12 have an opportunity to ask us
13 questions.

14 I think one of the thing
15 that's most important is for those of
16 us in the community corrections field
17 is, does PREA actually apply? And the
18 reason I say that as the chief
19 probation officer in Maricopa County, I
20 do run a facility. It's only 50 beds.
21 It's for the seriously mentally ill
22 with occurring situations. But my
23 officers who are at pretrial are within
24 the jail. They are talking to
25 defendants all the time. We also have

1 bail bond agents that are a part of
2 that. So some of the questions that
3 really come to this Commission is, what
4 should PREA be for community
5 corrections? And the reason I say that
6 is when you look at the statistics, two
7 million individuals are in some type of
8 custody inside facilities. Five
9 million people are underneath community
10 corrections in the United States.
11 That's a lot of people.

12 You heard previous people
13 talk about our structure. We are very
14 similar to the struggles that you're
15 probably having with your jail
16 facilities. There are 30 states that
17 have probation and parole at a state
18 level. 11 of them are affiliated with
19 the Department of Corrections, and in
20 turn, because of that, they have
21 wonderful access to existing policies
22 to inspector generals.

23 And then there are those of
24 us, the 20 states, and I have to point
25 out that some of the most popular

1 states are designed this way, Texas,
2 California, New York, Ohio -- and I'm
3 sure I left someone out. -- Illinois.
4 I could throw in Pennsylvania or my own
5 state. Are probation entities that are
6 runned at a county level. Some of us
7 report to mayor, some of us report to
8 city council and/or board of
9 supervisors. And myself, I report to a
10 presiding judge. That system of
11 structure means it's very difficult to
12 have the ability to have consistent
13 policies.

14 A lot of us do have policies
15 around staff sexual misconduct. And,
16 unfortunately, in the seven years I've
17 been, I can relate ten stories where
18 there are people who we have on who are
19 financial collectors, who are actually
20 treatment counselors, or who,
21 unfortunately, are probational officer
22 who have abused clients and have
23 sexually assaulted them. And I can
24 relay stories of how we actually have
25 to go through and try and deal with

1 that.

2 But I think for the
3 Commission, I would ask that we look
4 beyond custodial. We have five million
5 people, and in my own jurisdiction
6 there are 32,000 people under parole
7 and probation supervision. It's larger
8 than the Department of Corrections just
9 in the county itself.

10 So somehow, some type of
11 standards -- and I applaud APPA, ICCA,
12 and Pretrial Resource Center for
13 attempting to take this on with the
14 National Institute of Corrections to
15 try and bring PREA to light.

16 Unfortunately, a lot of my
17 colleagues only see this in terms of
18 detention centers and residential. And
19 yet, when you have officers going in
20 and out of jails and prisons -- and I
21 think the Broward County example is
22 probably legal visits where you have
23 probation officers and parole officers
24 interviewing clients and clients come
25 forward and, basically, tell us about

1 the sexual assault, wanting it to be
2 relayed. So I'm thinking that that
3 might have been actually what had
4 occurred at Broward. And that could
5 also be defense attorneys and/or
6 psychiatrist or psychologist that are
7 going into the jail interviewing the
8 inmates. So you have a vast array of
9 individuals that are outside the
10 facilities going inside the facilities.

11 In my jurisdiction, I am
12 urban -- and you mentioned Phoenix.
13 We're also very, very rural. And I
14 have three different tribal entities
15 with sovereign issues that I'm dealing
16 with. And some of the issues around,
17 basically, taking jurisdiction that
18 have to work with tribes is another
19 interesting arena of work to this
20 particular Commission.

21 I really thank you for the
22 opportunity to at least present some of
23 the issues around community
24 corrections. And there's a whole array
25 of things. And my written testimony

1 goes through a couple of those types of
2 things, but I do think maybe face four.
3 We need to look at the larger arena of
4 where most people wind up in terms of
5 being adjudicated under probation
6 and/or parole and/or any of the
7 diversion programs that are out there.

8 Thank you very much.

9 CHAIRMAN KANEB:

10 Thank you, Ms. Broderick.

11 Are there questions of any
12 of the panel?

13 COMMISSIONER AIKEN:

14 I have an open-ended
15 question for advice and balance.

16 There are people that are
17 leaving detention centers, leaving
18 prisons after various periods of
19 incarceration that enter your universe.
20 And -- and obviously, we know that when
21 an inmate or a person comes with
22 specific complaints that require
23 criminal prosecution, or at least
24 criminal inquiry, we know about that.
25 And we know about the confidentiality

1 aspect also, which we will discuss
2 later in the day. And I do appreciate
3 your input regarding that. But let me
4 throw something out that I -- I ask for
5 your advice and guidance on it.

6 What about a third category?
7 That third category meaning operational
8 assessment, specifically for those
9 people that have been in a confinement
10 setting prior to coming to you, and
11 asking general questions as it relates
12 to the operation, such as -- and I'll
13 give you a few examples.

14 What are the blind spots?
15 Have you been intimidated by another
16 inmate or inmates or staff members, and
17 you're not giving any names or
18 whatever? What are some of the staff
19 cultural behaviors that give you the --
20 the impression, at least, that -- that
21 sexual intimidation and aggression
22 is -- is tolerated? And I'm talking
23 about verbal, coercion, intimidation,
24 et cetera.

25 I'm not trying to create a

1 new reality, but it just seems like, to
2 me, perception is 99 percent of reality
3 in a confinement setting,
4 unfortunately. So people look at
5 certain behaviors of people, whether
6 you're going to aggressively stop this
7 particular behavior or you're just
8 turning your back, for example, of
9 assessing an individual when that
10 individual comes to your setting of
11 what happened, and in an operation
12 context in the particular correctional
13 setting. Is that beneficial, do you
14 think? What's your opinion on it. And
15 I'll open it to anyone.

16 MR. BEAUCLAIR:

17 I certainly think it's
18 beneficial. I think one of the
19 problems, however, are that what we're
20 really talking about is culture. And
21 that's just one way to -- to maybe be
22 able to deal with cultural issues. I
23 certainly think it's worth dealing.
24 But I think, really, to change the
25 system, you have to look at the whole

1 culture not just those inmates that are
2 coming in from a correctional
3 environment.

4 COMMISSIONER AIKEN:

5 Certainly I would agree with
6 you on that, the culture.

7 And the next question, I
8 guess, is, once that information is
9 gathered, where does it go, and what's
10 the product of that particular thing?
11 What's your opinion? Where would we go
12 with it if indeed that is a viable
13 option?

14 MR. BEAUCLAIR:

15 Well, I think first the
16 structure of the system would have to
17 change. You don't have the people --
18 in some cases they may be there, but in
19 very few cases you have the staff that
20 are capable of -- of doing those kinds
21 of interviews without a lot of
22 training. You know, all of the
23 resources, or most of the resources,
24 are devoted to supervision and
25 treatment. There are some very

1 progressive systems that are doing risk
2 and needs assessments with fairly
3 sophisticated tools. But then there
4 are all those other systems that have
5 no staff to be able to do anything like
6 that.

7 COMMISSIONER AIKEN:

8 And on the same token, I've
9 heard this mentioned several times,
10 even today. We have people that don't
11 trust us. And would assessment of
12 where you just came from and your
13 perception of vulnerability -- and I
14 want to get your input as it relates to
15 that vulnerability, so that I can pass
16 it on to a entity. -- is that of any
17 worth in doing, at least professional
18 trust?

19 MS. BRODERICK:

20 I think you can find out
21 with lots of probation agencies where
22 they don't have large caseloads. A
23 female or a male will get very
24 comfortable with their officer, and may
25 actually disclose later on in their

1 supervision that, in fact, while they
2 were incarcerated something did happen
3 to them. Then it becomes a question
4 that you set up for us. Where do we go
5 with that information? What does that
6 client actually want? All the
7 questions you're asking kind of before
8 us surround consenting -- basically,
9 moving forward.

10 And are the prosecutors
11 ready to actually take on some of the
12 things? Because even with the larger
13 organizations like mine do not have an
14 inspector general's office. I would
15 have to go to my county attorney and,
16 who in my case a district attorney, and
17 basically use their inspectors and
18 investigators to proceed in terms of
19 that piece.

20 And then probably more
21 importantly after the disclosure, do we
22 have the funds to really deal with the
23 secondary trauma that's occurred to
24 that individual? And what can we
25 actually do for that person in the

1 community? Although we're in the
2 community, I'd like to say that we're
3 all adequately funded. But the reality
4 is, we're probably the poorest of all
5 the justice organizations in terms of
6 actually providing access to services
7 for people who are struggling. So that
8 one becomes a very critical piece too.

9 But all the things that you
10 heard this morning play out when an
11 individual -- one of our client comes
12 forward, and actually there have been
13 some things that has actually occurred.
14 And then we have to try and deal with
15 how do we engage our local law
16 enforcement and/or the Department of
17 Corrections and inform them that this
18 has actually occurred, and does that
19 client want to proceed, and will
20 someone actually take it seriously.
21 And we become the third party, that you
22 heard mentioned, more times than not
23 that you'll wind up with a community
24 agent and/or treatment provider and/or
25 psychiatrist or psychologist that's

1 actually servicing the individual once
2 they're released.

3 COMMISSIONER AIKEN:

4 And I promise, Mr. Chairman,
5 this is the last question.

6 And I understand that aspect
7 of it. But let me give another
8 example, maybe.

9 You were interviewing a new
10 client that just got out of detention,
11 and has been in detention for the last
12 35, 40 days. And you ask a simple
13 question, how was it when you were
14 incarcerated? And the response is, I
15 did not take a shower for three weeks.
16 And the reason why I didn't take a
17 shower for three weeks is because every
18 one says stay out of the shower area in
19 cell block three on the second floor or
20 cell block three on the rock. And the
21 reason why is because there's a blind
22 spot, and everybody knows that I can't
23 fight anybody because I'm not a member
24 of a gang. This is the first time I've
25 been locked up. I'm next door to Mad

1 Dog, and Bush Ax lives across the hall
2 from me. And I know to stay out of
3 that shower.

4 That may be some valuable
5 information that maybe some assaults
6 have taken place, even though this
7 individual was not the victim of a
8 sexual assault. Is that worthwhile to
9 exchange that type of quote, unquote,
10 operational information?

11 MS. BRODERICK:

12 Absolutely. I would think
13 that any of my colleagues that are
14 running either a jail or a prison would
15 like to know that type of information
16 so that they could make sure the blind
17 spot, if they didn't already know about
18 it, or where the action is actually
19 occurring, so that they can proceed
20 with the ability to tighten up security
21 in those particular arenas.

22 The reality is, how does
23 that information get up to the
24 appropriate party so that it can get to
25 the appropriate department of

1 corrections and/or to the appropriate
2 level at a jail like mine, which is
3 very, very large? And those are the
4 types of things that I think a national
5 standard the Commission itself could
6 assist us with, even if it's suggesting
7 protocols to our colleagues who are
8 running jails and prisons that parole
9 agents and probation agents and
10 whatever title they may have that are
11 working in the community, might have
12 valuable information post-release.
13 And the same with pretrial.

14 COMMISSIONER AIKEN:

15 And another example. We
16 talk about resource and needing more
17 money. Well, what about the inmate
18 that says, you know, I stayed in my
19 cell the whole time I was there. I
20 didn't go to rec. I didn't get to the
21 TV room. Why? Because the officer --
22 yeah, we have officers assigned to the
23 cell block, but they stood by the gate
24 all the time. They never made rounds.
25 I mean, do we pay them more

1 money to make a round? I mean -- you
2 know, is that valuable information?

3 MS. BRODERICK:

4 Yes.

5 COMMISSIONER AIKEN:

6 Thank you, Mr. Chairman.

7 CHAIRMAN KANEB:

8 Thank you, Jim. Let me just
9 comment here, 'cause we have a moment
10 or so.

11 I would ask staff to note
12 this interchange between Commissioner
13 Aiken and -- and Ms. Broderick. Not so
14 much that it's Ms. Broderick, although
15 he chose to engage her. He himself is
16 a great -- information on this whole
17 subject.

18 COMMISSIONER AIKEN:

19 You promised not to pick on
20 me today, remember?

21 CHAIRMAN KANEB:

22 You know my word is no good.

23 Seriously, this whole matter
24 of -- of gathering and then using
25 information, that could be, you know,

1 very, very well employed by people back
2 up the line in the facilities is
3 something, frankly, that never occurred
4 to me. And I -- you know, what we can
5 mandate and what we can urge on people
6 is -- it may be two different things.
7 But I ask that we make note of that as
8 we develop standards in our report.

9 Thank you.

10 Yes, Commissioner Smith.

11 COMMISSIONER SMITH:

12 Just in terms of trying to
13 recognize some consistent themes here.
14 It sounds like when we're talking about
15 community corrections, that it sounds
16 like sort of a place in corrections
17 that is often overlooked for very
18 different reasons. So in putting PREA
19 together, we overlooked the big part of
20 people who are under supervision and
21 community corrections by only focusing,
22 or at least seems, implicitly on
23 custodial settings.

24 And so, for example, when
25 BJS has decided to do its data

1 collection, it sort of overlooked
2 community corrections again by not
3 looking at residential settings, and
4 only coming to probation and parole in
5 order to interview people who are out
6 of custody about what happened in
7 custody, and not collect the data that
8 they might even give about incidents of
9 abuse which occurred in probation and
10 parole.

11 And Ms. Broderick also, in
12 terms of listening to you, one of the
13 things I know that I'm aware of, at
14 least in Arizona and sort of going to,
15 again, another place where probation
16 and parole is left out, is often state
17 laws that I talked to Mr. Beauclair
18 about that prohibit sexual abuse of
19 people in custody, right, often exclude
20 probation and parole?

21 MS. BRODERICK:

22 That is correct.

23 COMMISSIONER SMITH:

24 Now, I know that it used to
25 be the situation in Arizona. Has that

1 changed?

2 MS. BRODERICK:

3 It has not changed. And
4 there are many states like that, that
5 the oversight does not basically apply
6 to probation or parole or to bail
7 agents or to bond or anyone else that
8 may have the ability to, unfortunately,
9 commit horrible acts.

10 COMMISSIONER SMITH:

11 So if I'm a correctional
12 officer, and this goes to
13 Ms. Robinson's question, I might -- if
14 I sexually assault or have a
15 relationship with somebody in custody,
16 if I'm security staff, or what we
17 traditionally think of as people who
18 handle -- who are -- who are guards,
19 right? -- I might get criminally
20 prosecuted. But what you're saying is
21 that there's still state law, at least
22 in Arizona, where you would not be able
23 to get a criminal conviction against a
24 probation or parole officer unless it
25 was sexual assault?

1 MS. BRODERICK:

2 Correct.

3 COMMISSIONER SMITH:

4 And as I understand it, in
5 Arizona, up until very recently, if
6 there was any issue of consent, then
7 the inmate was also prosecuted; is that
8 correct.

9 MS. BRODERICK:

10 That is correct.

11 COMMISSIONER SMITH:

12 Okay.

13 MS. BRODERICK:

14 We're a unique state.

15 CHAIRMAN KANEB:

16 I missed what you said.

17 MS. BRODERICK:

18 We're a unique state.

19 COMMISSIONER SMITH:

20 And I understand that that's
21 changed, right?

22 MS. BRODERICK:

23 Yes. It has recently
24 changed.

25 COMMISSIONER SMITH:

1 But before that, Arizona,
2 Nevada, and Delaware were those three
3 states where if you were an inmate and
4 had sex with someone in custody, and it
5 seem to be consensual, that that
6 wouldn't be prosecuted, right?

7 MS. BRODERICK:

8 Correct.

9 COMMISSIONER SMITH:

10 Okay.

11 CHAIRMAN KANEB:

12 Other questions? I would
13 also ask then staff to note an apparent
14 hole that may exist here for parole
15 officers, or others in that role, in a
16 non-custodial setting. If I understand
17 correctly, they're using the authority
18 that they have over their charge to
19 extract sexual favors is not a
20 prosecutable act in many states. Okay.
21 I will leave it at that.

22 COMMISSIONER SMITH:

23 John -- I'm sorry. I forgot
24 one last thing.

25 One of the things I just

1 want to note, which we probably don't
2 have the time to explore, is that we
3 didn't have a good colloquy among all
4 of you about -- you talk a lot about
5 staff on inmate stuff. But I didn't
6 hear a lot in terms of talking about
7 inmate on inmate or offender on
8 offender interactions, and what you're
9 doing in the community corrections
10 setting to address that.

11 And I don't know if we have
12 time to even get into that, John.

13 CHAIRMAN KANEB:

14 Well, we have a few minutes.
15 So if -- if there's something that any
16 of you would like to answer in response
17 to Commissioner Smith's inquiry.

18 MS. ROBINSON:

19 Commissioner, I'd like to
20 address that only because my situation
21 is very unique from Barbara's and
22 Carrie's in dealing with probation and
23 parole. Because my -- my facilities
24 and the facilities of the International
25 Community Corrections Association are

1 residential. We're nonprofit in most
2 cases. We have community people that
3 sit on our boards. Our -- we have
4 prosecutors. We have judges. And so a
5 lot of our things -- I know I'm
6 addressing what the commissioner over
7 here said. But the other thing I
8 wanted to say is that we very -- just
9 don't see a lot of offender on offender
10 mistreatment.

11 I have -- we have one
12 program, which is offenders with mental
13 retardation, and you'll see that in
14 that program. And I'm not sure if it's
15 because we're doing some research on
16 that now, whether that's because of
17 they're processing in a way that they
18 have grown environmentally retarded,
19 we always say. But because of the
20 structure of the facilities, there are
21 usually two or three people in a room
22 and not just one-on-one, and there's
23 not individual rooms either. And
24 there's also cameras in the facility.
25 So I think that that's why we don't see

1 as much offender on offender.

2 CHAIRMAN KANEB:

3 Thank you.

4 MS. BRODERICK:

5 If I can just address this
6 fast.

7 If my colleagues are here
8 from Texas, where they have very large
9 institutions that are runned by
10 probation upwards from 500 to 600 men
11 in a facility, you would have that same
12 problem. But these are dormitory types
13 of facilities. They tend to be 45 to
14 90 days with the ability to extend, if
15 the judge so wants it. Again,
16 primarily based on the risk assessment
17 that we have, we're talking about a
18 different type of clientele. It's not
19 someone who needs the higher level risk
20 that a prison or a jail would bring.
21 So the likelihood of inmate on inmate
22 or client on client is a little
23 diminished. It does occur.

24 We're in the same situation.

25 We're in a very small facility. It is

1 private rooms with private showers, and
2 we have cameras throughout. Could it
3 occur? Yes. Has it? No. I should
4 knock on wood. I'm jinxing myself.
5 But I think you really need to go to
6 some of the larger, Ohio and Texas,
7 where they're running very large
8 correctional facilities.

9 In the community, again, the
10 nature of -- and I was just in San
11 Antonio and Houston. And my colleagues
12 would say, these are not lockdowns.
13 You can walk away. And we basically
14 say, go ahead. Walk away. We'll catch
15 you. We'll bring you in front of the
16 judge and, ultimately, then you'll wind
17 up with the Texas Department of
18 Corrections.

19 So it's a little different
20 on how we run the facilities. And I
21 think part of that is the assessment --
22 we're going to basically get the low
23 risk offenders in those facilities.

24 MS. ABNER:

25 And if I may just add. The

1 handbook that we're developing, ACCA in
2 partnership with ICCA and Pretrial
3 Justice Institute, does address
4 offender on offender assault
5 particularly as it -- in regards to
6 pretrial detention as well as general
7 tips for community corrections officers
8 supervising -- who may be supervising
9 both victims of institutional based
10 sexual assault as well as their
11 perpetrators.

12 So when you have both
13 victims and perpetrators on your same
14 community supervision caseload, there
15 are certainly issues that you need to
16 keep in mind there.

17 CHAIRMAN KANEB:

18 Thank you, all of you.
19 You're helping us build our house here.
20 And we'll take a brief unscheduled
21 break and reconvene at 3:45 for our
22 next panel.

23 (Off the record.)