administrative records and surveys addressing prevalence will assist the classification process. A systemic, valid, and reliable classification process addressing sexual violence will eliminate or at least reduce the bias of who we believe to be predatory individuals and victims of sexual violence.

Not having accurate data should not have or keep us from doing the work. Correctional agencies must assess the effectiveness of their current classification system to address all forms of violence. Sexual violence then must be added to the list of questions driving development of instrumentation and classification systems that are responsive to this important issue.

It is important not to make the mistakes often made in other reforms. Addressing differences among special populations, gender and age, are critical. Thank you.

THE CHAIRMAN: Thank you, Director. Sheriff Garvey?

MR. GARVEY: Thank you, Mr. Chairman, and

I also welcome the opportunity to be here today. Being last, the end of kind of a long day, I feel like the leader who bats ninth and plays right field. But having said that, I still enjoy being here.

I have been a sheriff for 22 years. Prior to that, I was a school teacher for 25 years. So, you might ask, do they not have a retirement plan in Massachusetts. I am also a member of the Standards Committee of the American Correctional Association, and honored to serve as the chairman of the commission on accreditation for corrections.

And if I may, this afternoon, I would like to explain somewhat about how the commission on accreditation operates. First of all, the commission is made up of some 26 commissioners from a variety of fields. We have lawyers, doctors, people from the private sector, county commissioners, state correctional commissioners, people from probation, parole and so forth that sit on the commission.

Now, accreditation and the application for

accreditation is voluntary. And I want you to all make sure that we remember that, that the accreditation process is a voluntary process, that an agency chooses to participate in. After the agency -- and I would be remiss if I did not say that this is a plus as far as I'm concerned in terms of the commitment of the administration of that agency to participate in the professional growth of the agency by applying and practicing those standards that are promulgated by the American Correctional Association.

Following the application, the agency goes through a self-evaluation comparing their procedures, their operations, their policies and procedures with those that are prescribed by the American Correctional Association. An important part of accreditation is the audit or the visitation by auditors from the American Correctional Association to check the compliance of the agency. As we all know, standards written on paper are very, very good; however, if those standards are not practiced for the best

effectiveness for the institution, they are meaningless.

Of the standards that are prescribed by the association, 100 percent of the mandatory standards, as well as 90 percent or above of the nonmandatory standards must be accomplished in order to receive accreditation. The accreditation score comes in two columns, one for those mandatory standards and those nonmandatory standards that must receive a score of 90 percent or above.

After the visitation by the visiting committee, the agency appears before the commission. A panel of commissioners hold a hearing and discuss the report of the auditors. If, in fact, that is satisfactory, we hope that the institution would receive accreditation. However, the score alone is not as important, probably, as the measure of the conditions of confinement. And a lot has been said today, and I will not repeat it, but the conditions of confinement are basically based on how an individual is treated, what the atmosphere or what the climate in the institution

is, what are the incidents that are occurring in the institution.

Let me give you an example. If, in fact, you have a disproportionate number of sexual assaults in an institution, however, you may have passed all of the standards, you may still not be accredited if, in fact, there's a disproportionate number of any type of assault. So, rather than to single out a sexual assault, but any type of violence, or if, in fact, there are conditions that are questionable in terms of what is the level of confinement for inmates, then obviously you may not.

The important thing that I mention to you in terms of the noncompliant standards, the agency is going to be asked to present a plan of action. A plan of action is simply a plan for the agency to tell you how you are going to meet compliance with that particular standard.

For the purposes of explanation, my agency can not pass the standard on population. That is probably common of many, many agencies. The commission would ask me how am I going to address

overcrowding in my agency. My answer to that is that I am going to lobby the Massachusetts state legislature to provide me funds to increase the bed capacity or the population of my facility.

Tuesday afternoon, prior to coming down here to the sunshine state, I spent the afternoon with the chairman of the House, Ways and Means Committee of the Massachusetts state legislature trying to convince him that it would be appropriate to give Hampshire County some dollars to expand their facilities so they could meet that particular standard.

If, in fact, an agency, for example, did not have competitive wages that we've mentioned a great deal today in relationship to other criminal justice professions, how am I going to address that? I am going to petition whomever is responsible for giving me a budget to increase the salary of my particular staff. So, the agency is asked to address the standard, and if they cannot meet the standard, to give me a plan of action that will, in fact, help them develop a plan to meet

that standard.

The American Correction Association mission is to improve the administration and the management of correctional agencies. The commitment to this legislation is reflected in the performance based standards found in the ACA accreditation manuals. It is clear that a continual focus on sexual assault, assaultive behavior, must occur throughout the correctional process. The standards and accreditation committees of the association have, through the establishment of prescribed standards, developed a blueprint or a game plan to reduce sexual assault behavior and to comply with the requirements of this legislation.

And I say to you in all sincerity that the commission on accreditation and the committee on standards welcomes the opportunity to work with your commission to develop standards and practices that are going to make agencies comply with this legislation. We feel that sexual assaultive information must be present at every level of the correctional process, at booking end and intake, it

is important, and that criminal histories are clearly identified.

At orientation and prior to being placed in general population each offender is provided with an orientation to the facility with a specific standard that requires that information is provided to inmates covering sexual assault and sexual abuse, including prevention and intervention, self-protection, reporting sexual abuse and assault, treatment and counseling information.

In the classification process, there is a formal classification process that really starts in admission for separating and managing inmates. The inmate classification process must ensure periodic review of inmates in segregation or isolation. Inmate management and housing are based on age, gender, legal status, custody, needs and special problems. My point being that at every level of the process these issues are addressed.

The facility must have provisions to separate inmates according to existing laws. Single occupancy cells are available for individuals who

are either sexual predators or inmates likely to be exploited by victimization. Special management inmates, the facility and administrator or designee can order immediate segregation when necessary to protect the inmate population in a special section of standards that I have provided you with in writing testimony that speak directly to sexual assault. And those standards have been promulgated since the institution of this legislation and, again, they are not perfect. They don't intend to be perfect. They are standards that are reviewed, added to, deleted and so forth, based upon our experience and the experience of professionals in the field. This is where I believe that we work together to establish standards that are going to be in the best interest of all of us.

The other area that I speak to is within the manual there is a section for statistical data and recording of incidents in an effort to track the successful provisions and objectives of this legislation. Standards manuals include a data collection report that will assist agencies in the

effectiveness of their efforts. The objective from the ACA's position is to assure that incidents of sexual assault are continually being reduced or eliminated. And that is something that we place there so that we can track the incidents, and that we would expect at reaccreditation, which occurs every three years, that you are going to see a reduction in any type of negative activity within the institution.

And, finally, none of this will work unless we have excellent training programs. And I think we are in cooperation with the National Institute of Corrections in developing standard training procedures for all staff. And staff training must occur every year. And staff training must occur prior to staff having involvement with inmates.

So, I simply want to say to you that I think the ACA has, in fact, initiated, but appears to be a plan that can be supplemented by input by this body, and we certainly welcome the opportunity to work with you. Thank you.

THE CHAIRMAN: Thank you, Sheriff. We

appreciate your testimony. I think I owe you an apology. I think I had you coming from New Hampshire. That was not a slight against Massachusetts.

MR. GARVEY: Well, I'm very close.

THE CHAIRMAN: That's just old eyes, so I apologize.

MR. GARVEY: I'm very close to New Hampshire and I'm not offended at all, Mr. Chairman. Matter of fact, I wouldn't mind moving up there on many days.

THE CHAIRMAN: Thank you.