CHAIRMAN KANEK:

Ladies and gentlemen, it
appears to me that our four witnesses are seated, so I would ask that all of you also be seated.

I now ask the -- all of the witnesses to stand and be sworn in.

(Four witnesses sworn in.)

CHAIRMAN KANEK:

Thank you all.

As you all know, we can read the agenda. This is entitled -- this panel is entitled, Best Practices and Emerging Trends: The Community Corrections Field's Response to the Prison Elimination Act.

Since the enactment of the Act, many community corrections professionals have worked to identify, and so on. We've heard a lot of that in the last panel, so I will go directly to indication -- to an introduction, I'm sorry, of our panels. The first is Anadora Moss. Andy Moss is president of the Moss Group and NIC PREA/Moss Group Project Director, and a valuable resource for
this Commission.

   Antonio Booker, Director,
Adult Residential Services, Johnson
County Department of Corrections (New
Century, Kansas).

   Jacqueline Kotkin -- Kotkin,
I'm sorry.  Field Service Executive,
Probation and Parole, Vermont
Department of Corrections (Waterbury,
Vermont.)

   And Eugenie Powers,
Director, Probation and Parole,
Louisiana Department of Public Safety
and Corrections in Baton Rouge.

   I thank you all. I'll start
with Ms. Moss.

   MS. MOSS:
Thank you, Mr. Chairman.

   The later it is in the day it goes, the
shorter testimony it might need to be,
but I look forward to being with you
this afternoon. I am going to read
parts of my testimony because I'm so
full. And some of you know my history.

   I think my books is going to be from
scandal to national policy, but I'm
honored to have the opportunity to
speak with you today.

For much of my career I've
been involved in addressing the issues
of sexual violence and abuse in
correctional settings. First in my
role in Georgia -- Georgia Department
of Corrections where in the early 90s I
was asked by the Commission to be the
Commissioner's representative on-site
at the women's prison in Georgia. My
role is to oversee the department's
response of allegations of widespread
sexual assaults of female prisoners by
correctional staff, which emerged
during the Cason v. Seckinger lawsuit.

The investigation of these
allegations culminated in the
indictment of 17 staff members, the
relocation of women's prison, and a
commitment to massive reform. During
the lawsuit, issues are raised on how
court orders policies and lessons
learned would impact the area of
community corrections, specifically women under community supervision.

This was the beginning of the theme, I've heard repeatedly in my work, related to sexual violence and abuse, what about the community corrections?

It was 1992.

Since my early experience in Georgia, I've had the opportunity as a program manager for the National Institute of Corrections, and now as a consultant to remain involved in the emerging practice and national dialogue as it pertains to that question, what about community corrections.

By now experience should tell us sexual violence and abuse is not a prison and jail problem only, just as it is not a women's issue only.

With any population under the law, I believe the first step is simply naming the issue, that is acknowledging the sexual violence and abuse exist within that particular correctional setting. Naming -- naming
in prisons and jails has not been easy; however, in community corrections,
naming sexual violence as a correctional management priority requiring a systemic set of strategies is more difficult. It has been well over a decade since major lawsuits in women's prison emerged to name the issue as a correctional management priority.

       Human Rights Watch play a key role in naming staff sexual misconduct and male rape as national issues of concern in its landmark reports. Stop Prisoner Rape established in 1980 by male survivors of prisoner rape has a long history of naming sexual violence in prisons and jails. But they face community with key and recognizing the importance of the issue, and they were key to the legislation. Advocates like Bob Dumond (phonetic) and T.J. Parsell has written and spoken powerfully about the traumas facing the nation in prisons. And in
my own experience, many correction
professionals have admirably responded
to the naming of sexual violence and
abuse in prisons and jails.

In community corrections,
similar naming of sexual violence and
abuse has not been as apparent, perhaps
partly because it is challenging to
neat -- to neatly approach the
community corrections field as a
collective group. As you heard today,
community corrections representative
diversity of settings, and there is
very little language within the law to
explicitly address community
corrections.

The very name of the act has
been a major barrier to gaining
response from community corrections
practitioners. In fact, with PREA, the
questions just won't go away, what
about community corrections? Even so,
there has been considerable response by
leaders within the community
corrections field not only to PREA, but
the area of staff sexual misconduct predating PREA.

Professional organizations have stepped up with resolutions prohibiting staff sexual misconduct and community corrections. And you're hearing from individuals today who are some of the champions of the work in community corrections.

In preparing for today, I reviewed the last eight years of work done by the National Institute of Corrections in the community corrections area, so there is more good news. Because in 2000, the National Institution of Corrections acknowledged the importance of developing strategies to assist the community corrections field in the area of staff sexual misconduct. Since that time, resources for community corrections have included technical assistance, training, and information dissemination. These efforts have continued under PREA.

Through the Moss Group's
work, which began in 2003, we continue to work closely with Commissioner Smith under the NIC initiative that she is project manager for at American University Washington College of Law. We continue to work to build resources to support best practices and promising practices specific to community corrections and working with professional organizations. Susan McCampbell's earlier work through NIC also should be noted for its contribution. I provided an overview of NIC's activities to the Commission in my written testimony.

Through these strategies over the last eight years, I believe a foundation for building best practices under PREA is solid. New York is underway. I think one of the -- there is, in addition to the work that Carrie Abner talked about with BJS and grants, I know that Commissioner Smith is also working on a handbook for community corrections. And we are funded to
provide a relearning program that will be available to the field, specifically to all staff's role as first responders. So there is emerging work as well.

Now, there are gaps. And after doing many technical assistance out in the field, it's easy to recognize some of these gaps. And we provided a list of those to you as well. But most notably, we've noticed that there is a lot of confusion about safe communities part of the act. Many folks think -- think that that is directly related to sex offenders. And we have done the safe communities part of the act. If we are addressing the management of sexual offenders, ignoring the concerns or not, recognizing the concern of -- of really trying to treat people who have been victimized and also to create no more victims.

I want to speak a little bit more specifically to best practice.
And I think for the Commission to note best practice, I added one as I was sitting here today.

We have several PREA coordinators here from across the country who has made it a point to come to listen to the commission hearing. There may be more, but I'm very aware that Idaho is here, Oregon is here, Louisiana is here, and the director of Women's Services from New Mexico is here. So there are many systems that are really working hard on PREA in community corrections.

Particularly important is the leadership. It's important to have leadership in any area of correction. But specifically because the law is so ambivalent, or the feeling about the law in community corrections create a lot of ambivalence. It's very important to have leaders such as Barbara Broderick, who is speaking up and really trying to specifically address not only PREA but the
responsibilities to eliminate sexual
violence.

We talked about policies and
importance of clarity with policies.
In our work, we provide a policy -- a
policy guide to address PREA. We're
working with many jurisdictions around
the country. I think though that the
federal standards will be a tremendous
help as we continue to refine policy,
because people still want to understand
what the parameters are of PREA. We
feel like the best practice is to
really employ multiple strategies
systemically, because eliminating
sexual violence and fulfilling the
intent of PREA cannot be done by a
single person, a single training
program that can't be mandated from the
top down with no further involvement
from the leadership.

NIC's systemic approach to
employ multiple strategies is an anchor
in a well-known model. The components
of the systemic approach are well
documented and articulated in the position they have produced by the workers of statewide directors of probation and parole attached to my written testimony.

In partnering with groups, such as faith-based organizations, sexual assault experts, counseling professionals, and law enforcement, the community corrections universe must wrap these partnerships around mission of reentry and, therefore, the concerns for all clients and offenders suffering from victimization. And I think that looking at a systemic approach and thinking of community corrections, that collaboration is even more important.

Sexual violence is destructive, disruptive, and counter to evidence based practices rallied in reduction of risk and rescinding principles of the core of the community corrections.

In closing, the message I would hope to leave with you today is
this: Prisoner sexual violence

significantly impacts community

corrections. There are experts, tools

for the field, federal resources, and

many proactive leaders in community

corrections. There's an absence of

research prevalence in community --

community settings has not been

addressed, and there remains much work

to be done.

In my opinion, your role is

pivotal in raising awareness and

expectations for best practices and

moving the field for community

corrections forward in addressing

prison sexual violence. The standards,

the commitment of professional

organizations, and the role of federal

agencies must all find common ground

and commitment to an effort with

community correction officials are the

opportunities to present, to

acknowledged and address sexual

violence in corrections under the

Prison Rape Elimination Act will be
considerably -- considerably diminished.

    Thank you. I look forward to the discussion.

CHAIRMAN KANEV:

    Thank you, Ms. Moss. You are testifying or have testified in respect to community corrections. But with a number of references, if I may say, upstream into confinement facilities, 'cause it is a continuum.

MS. MOSS:

    Yes.

CHAIRMAN KANEV:

    So if I can go all the way to take this matter a little further back downstream to a non-confinement community corrections situation, let's say a halfway house or parole. This strikes me -- and you and Brenda Smith and a lot of other people, I guess, know this. But the opportunity for inmate on inmate problems is probably minimal, but we -- we seem to have somewhat of a hole in our potential for
enforcement against really bad behavior
by parole supervisors or, I guess as we
heard this morning in this rather lurid
and spectacular case in New Hampshire,
someone in charge at least during
certain hours of the day of a -- of a
halfway house.

Would you please, and you're
willing to help us out, make sure you
focus us on whatever we can do, whether
it's standards, recommendations, or a
combination thereof of plugging some of
these holes. I realize that's a very
narrow aspect of what you talked about,
but I ask you to do that.

MS. MOSS:

Well, I think that it's --
there's sort of two issues here in
terms of what does PREA cover, which
we've heard a lot of discussion today
in terms of community corrections, and
then the issue of the outcome. Are we
trying to eliminate sexual violence in
community -- in correctional settings?
And in the particular case in New
Hampshire, I know that our group worked there before the incident, so I'm pretty familiar with that -- with that case.

And I think that -- the reason I wanted to focus on naming the issue in my testimony is that I think it's -- it's still very difficult for people to -- for community corrections' personnel, not all, but many to recognize how far out sexual violence and sexual misconduct really does go. And so I think that -- to me, I think clearly I'm comfortable that the setting you're talking about is residential, you know, is covered under the law.

I appreciate what Barbara Broderick was saying in terms of we need help in terms of after it moves out of that area, and particularly reporting mechanisms.

I'm not sure I'm responding to your question, but I think that The -- the gray area that would be
really helpful for the Commission to address is -- is how are we going to work with probation and parole officers. And remember, we're talking about not only adult but juvenile in knowing how to respond to the reporting aspect of it.

CHAIRMAN KANEB:

I won't take more time because really what my -- what the question is a request. And that's exactly what I was requesting, that you work with our staff to make sure we focus on that particular area of what I'm calling a way downstream part of community corrections.

MS. MOSS:

I think that's a really critical area.

CHAIRMAN KANEB:

Thank you.

Other questions for Ms. Moss?

COMMISSIONER FELLNER:

I don't know if it's a
question, Andy, for you now or maybe
for all the panelist. But I was
thinking of how in the last session we
were talking about how PREA applied to
community corrections. And I think it
will be helpful to this Commission if
we also have the benefit of your
insights into what does custodial
sexual abuse, the impact it has on
reentry. So this is slightly different
than whether PREA applies to you. But
you have -- you know, Congress has
spoken to a levy to address the
corns of the public that this is a
serious matter of individuals in
communities. And I was thinking, of
course, that probation -- or parole,
especially post-incarceration, you
probably have a lot of wisdom about
that because you work directly with
individuals.

So whether it's a question
to -- and whether it's in this session
or maybe our staff talked to you but we
should mind your experience with some
of that information for our report if not for our standards as well. I just wanted to get that on the table.

MS. MOSS:

I would like to respond quickly to that. And I know that my colleagues have a lot of experience with that as well.

But to me, it's -- it's really so superficial to think that we can be successful in reentry if we're working with people who have been traumatized and we're not addressing the trauma, and we're not even understanding that they are traumatized. And so I think that we -- we have so much interest in reentry now, and that's an area that we're trying to build capacity. But if we don't recognize the trauma -- and I've had the opportunity this week to be with the juvenile system here, the Office of Abuse Development. And I have walked through their facilities this week and spoken to their probation
and parole officers. And when you walk
through and also speak to those young
men, particularly, and recognize their
histories -- I've been in this work a
long time as you have, Commissioner.
But whenever I think we're not making
progress or that it's discouraging
walking through and talking to those
young men and knowing their histories,
we have to start addressing the trauma
before we can expect successful
reentry.

COMMISSIONER FELLNER:
Thank you.

CHAIRMAN KANEIB:
Other questions of Ms. Moss?

Thank you.

Mr. Booker.

MR. BOOKER:
Thank you, Commissioner.

First, I'd like to thank the Commission
for allowing me to come and speak
today. I feel real honored the fact
that, considered my department, I was
one of the department that have some
initiative with the PREA initiative.

For one thing, I have to say is that our introduction, the staff sexual misconduct, did not come from the PREA initiative. I basically would like to say that probably came from our policy of just doing what we felt was right.

when we look at headlines from my department of the same probation officer who have preyed on probationers sentenced to prison, I think that shows that our department took the initiative of doing what was right when we found that one of our own was preying upon our clients that we're supposed to be serving.

Just to kind of give you a little history of how we became part of the PREA initiative but -- not only of this initiative, but the fact that one of our own -- our own clients came to us to say that one of our probation officers had -- had sexual misconduct with her. And this was after she had been placed in incarceration, come back
to community corrections to be supervised again, and felt comfortable enough to tell one of our own staff that one of our staff had had sexual improprieties with her. That just goes to show that with our department, we have to build that trust with our clients for them to be able to report that. One thing that I see as far as community corrections is involved, is that we are seeing a change in our population of who we're serving. And those individuals are coming from incarcerated settings.

To kind of give you an overview of that complexity of what we're talking about earlier about community corrections programs. Our department not only has community corrections program for adults, but we also serve juveniles as well. Our program operates a 70-bed juvenile detention center that serves as a last resort for juveniles which would other be placed -- which with other places
would provide another structure for 
juveniles. In addition to detention, 
we provide community field services for 
juveniles offenders. Our intensive 
supervision program provides probation 
services for higher risk offenders as 
ordered by the court. We have a case 
management unit that provides 
supervision and case management 
services for juveniles. And most of 
these juveniles are currently under the 
custody of our Kansas Juvenile Justice 
Authority, and many of theme have 
recently been released from Kansas 
Juvenile Justice Authority facilities. 
Our adult division operates 
a community-based residential center, 
which I'm director of, that provides a 
structure environment for both male and 
female adult offenders when the court 
orders this as a condition of 
probation. Our residential center has 
a capacity of 449 beds, which includes 
a 40-bed therapeutic community 
treatment facility which is a six-month
substance abuse treatment facility for those with high risk drug offense. Also, we have a work release program that provides the ability to serve custody time while continuing to work in the community. Our residential facility provides in-house services, including substance abuse treatment, mental health counseling, and educational programs. And all these services are geared toward providing offenders many tools to successfully complete their supervision.

But as I -- through the years that I have been with this department and my 20 years of being in community corrections, as I said, I see this change in population to where now we're also serving individuals that have not only had an opportunity to be on probation, but now have in incarcerated settings and then given opportunity to transition through our programs. So I see us definitely being a first-line personnel to be able to
identify some of those things that we have addressed here, and some of the testimony I've heard.

Kind of in closing, because I know I want to try to cut my opening remark short 'cause I am very interested in hearing some of the questions you may have of us. One of the things that I can say is that part of our initiative could not have been taken advantage of if it wasn't for the things that NIC has put in place.

One thing that we've done because of the situation that we had in our county, and not because of the PREA initiative, was we want to do what's right. We could have stopped at that first individual that came to us and said, I had a problem with one of your officers, but we didn't stop there. We interviewed every client that that officer had under his supervision to see if there were any more allegations or any more incidents that we need to address.
One thing that made this very complex is that we had a satellite office in another state so that individuals that were victimized were victimized at another state. So we had the partnership with another state to make sure that that investigation was done thoroughly. We need to make sure that we partnership with that other state, because the State of Kansas at that time did not have community corrections staff as part of their statute to convict them or to have prosecution.

I'll be happy to say that because of some of the initiatives that we took, the State of Kansas now has included community corrections and court services personnel in those statutes to where if those things happen, as far as staff sexual misconduct, they can be prosecuted by the court of law.

With our situation, the State of Missouri did prosecute the
individual. And a lot of that came
about -- of our -- of us initiating
that conversation with those
individuals, and then piggybacking on
that was to go out and find the
training that we needed to make sure we
were covering all of our basis, and
then also partnership with individuals
like the center -- Center of Innovative
Public Policy, Susan McCampbell. We had
training come in for preventing and
addressing staff sexual misconduct. I
am now a trainer for NIC on that. I'm
then also training with Brenda Smith
and her team on investigating staff
sexual misconduct has given us
definitely a lot of tools to put in
place that we've incorporated into our
department.

So with that, I am very
anxious to hear whatever questions or
maybe guidance I could possibly give to
my testimony. Thank you.

CHAIRMAN KANEB:

Thank you, Mr. Booker.
Questions from Commissioner Smith.

COMMISSIONER SMITH:

One of the things that it sounds like, in listening to both this panel and the last panel, that if you sort of think about this issue, and I think that Commissioner Kaneb talked about it, is a continuum. And you talked about it eloquently sort of people moving up and down that line and coming back and forth.

One of the things that I'm quite concerned about, and we talked about it in last panel, is around reporting, okay? So I can imagine a situation where -- I guess what I'm trying to figure out is, I can imagine a situation where somebody reports something to you, right, this person who came back. And then you get that information. And after you get it, it sounds like you reported it up to the prison. Well -- no, in this situation it was involving you. But I guess I'm
concerned about where that information
goes, and if there -- if you have
policies in place or protocols for what
happens, for example, when you get that
information and it's not in your
agency. Where do those reports go?
You know, what does the prison do with
it in terms of their full data
collection? Is all of that information
about what -- what happened? Does that
go into what they report? I mean, do
you have any information about that?
Because that's one of the things that I
keep struggling about, the reporting in
the community corrections role.

MR. BOOKER:

That's the gap. That's
where the gap lies. I think that we
know that we have a moral obligation.
And then as officers of the court, we
have an obligation to report
misconduct, be it staff with
offenders or offenders on offenders. I
think that gap, so to speak, is --
because now we are becoming those first
responders. We need to be training our
staff on who to report that to.
They're very clear on who to report to
if it's a staff on client situation.

COMMISSIONER SMITH:
In your agency?

MR. BOOKER:
In our agency. But I
believe in the State of Kansas,
especially when they took the
initiative to include us in their
statute. That's a big step for us.
They know that if we have a situation,
that we will report it. I think it
even goes to the fact that a lot of the
folks within the community corrections
agencies, there are a lot of different
entities of who you report to and those
types of things.
The big thing with the State
of Kansas is that they are big
supporters of community corrections in
the State of Kansas. And because of
that support, we have a good
relationship when we had NIC come in
and do the training on addressing preventing staff sexual misconduct. We had the director of community corrections from the Department of Kansas come down and sit in on that training. We had individuals from Lansing Penitentiary come in and sit down in training. So they are knowledgeable of not only PREA but the fact that -- what community corrections are doing as well.

So I think one of the things that we can do is piggyback on those education opportunities that we've been given, and take that even farther to say that we are getting those individuals out. And if we're trained -- training our staff on how to ask questions, how to ask about their experiences that they had while they were incarcerated, we can quickly close that gap.

COMMISSIONER SMITH:

And so what you're saying is that if you got a complaint in -- under
probation, you feel confident that, at
least in Kansas, you could report that
information back to the prison and
something would happen with it?

MR. BOOKER:

Yes, ma'am.

COMMISSIONER SMITH:

Or penitentiary?

MR. BOOKER:

Yes, ma'am.

COMMISSIONER SMITH:

Okay.

CHAIRMAN KANE:

Any other questions from
our -- from our commissioners?

Commissioner Fellner.

COMMISSIONER FELLNER:

In your written testimony
you address juvenile field services.
And I wonder if you could say a little
more because that's something we
haven't talked about thus far, which is
children within a community corrections
framework. And you have this line,
it's lost -- PREA has lost it's
translation and purpose when it comes to the juvenile justice system.

That was a very powerful sentence and I wonder if you could, you know, pack it a bit for us.

MR. BOOKER:

Well, the unique situation we have with our county is that, as a community corrections program, we did offer community corrections program to juveniles. I guess because we -- we did that job so well, our county asked us to be in charge of our juvenile detention center, which is a different animal when it comes to corrections and community corrections.

When I made that statement in my testimony, a number of juvenile detention center directors that I talked to only believe that the PREA initiative dealt with the detention setting.

In our situation, because we offer so many services in the field, I think we have to make a better effort
in -- in forming juvenile services that
part of PREA is the fact that not only
does it occur in -- it could occur in
juvenile detention settings, but
because of the time we have -- we have
with the clients in a juvenile
detention supervision program is just
as prevalent as it is with an adult.

I think because sometimes we
have a lot of safeguards for the
protection of children in juveniles
that we feel we don't have obligation
if there's a report. We have entities
that we can go to and they take the
ball and run with it, to deal with
those investigations. I think we need
to have a more parallel investigation,
because we understand our business. We
understand the unique situations that
we have in a -- a criminal justice
situation to where I think that
translation is lost because PREA has
that emphasis on detention when it
comes to juveniles as oppose to the
field service.
COMMISSIONER FELLNER:

Thank you.

CHAIRMAN KANE:

Other questions of Mr. Booker?

Ms. Kotkin, please.

MS. KOTKIN:

Thank you for the opportunity to address the Commission.

My testimony today is based on my experience as a probation and parole officer, staff trainer, regional director, and most recently, state director of probation and parole. I'm from Vermont.

Vermont is a small integrated state, which means that we have everything from low risk probation to jails. We don't really have jails. We call them jails. Prison, parole, furlough, intermediate sanctions. It's one stop shopping. So my lens is through a system that at least should be able to communicate internally. We should be able to be elaborately in
which we can develop communication patterns. And I was very interested in listening to the panel earlier talking about the different ways probation and parole is set up nationally.

I'm from one of those 30 states that has had a statewide probation and parole system. I'm one of those states that is part of a statewide department of corrections under the executive branch.

In addition, I am a founding member of our Vermont's PREA implementation team. And that's -- that's an important factor. I was asked to be on the team because PREA has implications for probation and parole in Vermont. In addition, I'm -- as a member of NIC's sponsored executive for statewide probation and parole network, I work with colleagues from around the country to discuss the implications of PREA on community corrections.

Community corrections
practitioners schooled in the explicit requirements of PREA are exploring its less direct implications on what I call nonresidential corrections programs. We as a group of statewide directors of probation and parole read PREA carefully and saw our 24/7 facilities, whether halfway houses to release centers, clearly fit into the explicit aspect of the law. What we were looking for is what our role was in the nonresidential arena.

At the May 2006 meeting of Executive of Statewide Probation and Parole Network, state directors examined how probation and parole could support PREA. And I was interested in what Antonio Booker said earlier. Our perspective was, let's do what we feel is right as oppose to what the law was telling us what we had to do. And our discussion was surround, even if PREA didn't exist, what are the practices we want to put into place to assure that offenders are safe? We look at PREA as
an opportunity as oppose to a set of requirements, recognizing the persons on parole and probation may have been previously detained or may face future incarceration. State directors may be unanimous requested. NIC can be in a work group to draft a model policy direction.

This work resulted in a written document setting a desired direction for community corrections. The document emphasize the use of a systemic approach to correctional management in support of PREA. This language that I'm going to be using may sound very familiar to some of you. It's the same language we look at when we talk about staff sexual misconduct and keeping offenders safe within the confines of prison and jail settings. So with the report that we wrote, identify the need for leadership, commitment to zero tolerance of offender exploitation, policy protocols and legal requirements that are clear,
consistent, and support offender and
state staff safety, ongoing review of
operational practices, comprehensive
staff, volunteer, contractor, and
offender training, objective and
efficient investigator processes,
supports to victims, addressing agency
culture, mapping allegation reporting
past, and assurances that all
allegations are investigated. Again,
these are practices that we talk about
when we look at the implications for
24/7 facilities.

The document that was
written emphasize prevention
opportunities that exist for community
corrections. And some of the panelist
mentioned this in the last panel,
training staff and assessing offender
vulnerability and/or risk prior to
incarceration or re-incarceration.
Even without sophisticated assessment
instruments, we know that certain
offenders are more vulnerable to be
victimized, the young, the small, those
who are incarcerated for the first time. We know that the first 24 hours provides greater vulnerability to offenders.

We talked about, as a prevention activity, educating offenders on probation and parole regarding their right to remain safe and right to report abuse. We also encourage formal linkages between community corrections and facility staff, recognizing that in a unified system that's a lot easier. We also highlighted the challenge that community corrections and residential corrections have in establishing appropriate MOU's and other communication linkages so that the information goes two ways.

So on a national level, state directors of probation and parole continue to explore the implications of PREA linking them to a multi-strategy approach.

I'm from a very small state.
I think you'd be surprised at how few inmates we have in Vermont. Nonetheless, Vermont takes its PREA initiative very seriously. And on a state level, it too is attempting to incorporate a systemic approach. The Vermont Department of Corrections are recipients to BJA grants in both 2004 and 2007 in developing a continuum strategies. And the strategies that I'm going to describe are first being explored within our correctional facilities. The training that I'm describing is training for facility staff, but phase two of our grant activities will be to train probation and parole officers. PREA doesn't require that we do that, but our commitment to keeping offenders safe -- safer communities mean that we have to react in the community.

So we're focusing on training of PREA service training on the impact of sexual exploitation, staff sexual misconduct, addressing the
code of silence, and what we call courageous leadership where we encourage all staff to stand up and take a leadership role and keeping offenders safe.

We also have a curriculum for facility first responders, which addresses the role of facility nurses and medical staff. Our intention is to develop first responder capacities in our probation and parole offices so that the staff, when upon receiving complaints, know how to respond and how to refer offenders for services.

We developed more objective credible investigations, and have a separate investigations unit that is not part of the department, as well as a 24-hour confidential offender hotline. We also have a training curriculum now that includes the components to demystify the investigation process when our own staff are charged with staff sexual misconduct. All of these initiatives
also apply to probation and parole staff.

As part of our PREA initiative, we finally passed legislation. We were the last state in the country to criminalize staff sexual misconduct. Thanks to the force of federal law, we were able to convince our state legislature that this was important.

My belief is that Vermont considers itself above the notion that staff would behave in such a way. It's a liberal state that it values doing the right thing. But the -- the federal standards that may be looking at staff sexual misconduct, I think are very powerful. And our staff sexual misconduct law applies to probation and parole as well, as long as our officers are acting in a supervisory role.

We're beginning to look at staff culture again starting in two of our facilities and in our central office. And we received a technical
assistance grant from NIC to conduct formal staff cultural assessment establishing a baseline and identifying where staff want the culture to be.

Again, with the ability to train trainers in this initiative, our next role will be to look at the implications for probation and parole staff.

Strategies during our staff -- second grant period include training plan for probation and parole staff, and we'll address their role in responding, reporting, and preventing sexual exploitation of offenders. It will highlight Vermont's commitment to zero tolerance, emphasize strength, base supportive case planning activity, which I think are keys to open up the communications with offenders who have previously been victimized, and it will support statute and policy.

Community corrections has a role in keeping inmates safe. I am committed to an approach that includes
an understanding and development of
law, policy, training, reporting,
investigation, victim sensitivity, and
communication agreements with
residential correction settings and
probation and parole.

Thank you.

CHAIRMAN KANE:

Thank you, Ms. Kotkin.

Before I ask other commissioners, may I
ask you in your small homogeneous state
with your very integrated system. Is
this 24-hour hotline, in fact, a
telephone, an Internet device, what is
it?

MS. KOTKIN:

It's a telephone. And it
goes to a separate investigations unit
that is outside the department. It's
been in place a couple of years now.
Our early experience with it is we got
probably eight out of ten calls were
prank calls in the midst of testing the
system. But every -- every complaint
is looked at on a prima facie basis and
may result in full investigation.

CHAIRMAN KANE:
If I were an inmate looking
for the hotline, where would I find the
phone?

MS. KOTKIN:
You'd find it in our
correctional facilities.

CHAIRMAN KANE:
Let's say I'm an inmate, so
where in the facility would I look for
this phone?

MS. KOTKIN:
We have phones where you can
call lawyers, for instance, and -- and
the phones are situated in places where
access is available.

CHAIRMAN KANE:
And where I might speak
with -- not -- no fear of being
overheard?

MS. KOTKIN:
Absolutely.

CHAIRMAN KANE:
Well, thank you.
Other questions?

COMMISSIONER SMITH:
Ms. Kotkin, when you talk about your hotline, you're not really -- are you talking about a dedicated phone, or are you really talking about a number?

MS. KOTKIN:
We have a number to call.

COMMISSIONER SMITH:
Right. So on any regular phone, you could pick it up and you could be calling anyone and no one would know who you were calling?

MS. KOTKIN:
Right. But there are special areas where people can go where they can call attorney or others. And those separate areas are where people go to call.

CHAIRMAN KANE:
Is it a toll-free call?

MS. KOTKIN:
Yes, it is.

COMMISSIONER SMITH:
One other -- just question, because -- I mean you mentioned it so I think it's fair game.

MS. KOTKIN:

Uh-oh.

COMMISSIONER SMITH:

You talk about Vermont being the last state to enact legislation. Can you talk a little bit -- because I think that we all have in front of us maps that include other states. And actually, Louisiana happens to be one of those where probation and parole officers are not excluded explicitly in the law. I mean, can you talk a little bit -- because as I understood it, you went back to the legislature many times --

MS. KOTKIN:

That's right.

COMMISSIONER SMITH:

-- to try to get this to happen. Can you talk about what some of the, I guess, roadblocks or barriers we're including probation and parole?
'Cause I think that that's certainly relevant to what's going on in terms of the -- in terms of sort of the relationship between community corrections and understanding sexual violence.

MS. KOTKIN:

Right. We went through a ten-year process to try to get some form of legislation. We worked collaboratively with the commission -- the Governor's Commission on Women as well as other advocacy groups. Our unit -- our Corrections Bargaining Unit felt that false report would be a major weapon that inmates could use. And because of that, and because we really didn't identify -- we had examples, but we didn't have the kinds of cases that New Hampshire has had, for instance. So year after year, we would bring this legislation forward. And year after year we couldn't reach any kind of deliberation, so Vermont was, I think, was quiet for a very long time.
We felt very committed to having community corrections included. And at one point, several years ago, we did reach some kind of agreement that perhaps institution should be included. One of our real advantages is with the existence of a PREA coordinator, who could spend a considerable amount of time as one of her prime objective after she -- she was hired. She worked in the legislature. She collected data. She -- we received a lot of assistance from NIC. And we had examples that we gave her of staff sexual misconduct that had occurred in the community.

My belief, and I may be wrong, is the force of the federal law brought many of our legislators to an agreement that we needed to pass legislation. We had hope that the law that we pass would include all staff facility and community. There was a compromise. And the compromise was that it include all staff inside the
facilities and community corrections staff that have a direct supervisory role with the offenders in the community. My hope is that --

COMMISSIONER SMITH:

So what doesn't it -- what is the gap? What doesn't it cover? MS. KOTKIN:

The gap might be that, I'm your probation officer and there's another probation officer in the next office who has a sexual relationship with someone in my caseload. We would have to make an argument that there was some kind of supervisory relationship as oppose to within the confines -- confines of an institution. Any correctional officer, any case worker, according to our law, who has such relationship with an offender would be covered, even if they weren't working in the unit that person was in.

COMMISSIONER SMITH:

Thank you.

CHAIRMAN KANE:
Other questions of Ms. Kotkin?

Yes, Commissioner Fellner.

COMMISSIONER FELLNER:

How do you find it -- as we know, oftentimes inmates don't want to report sexual abuse until they're leaving prison because of the fear of retaliation, either by other staff or of inmates. I mean, there's all these reasons. And they might reveal it to parole after they leave. How -- what does Vermont experience then when parole agents, or probation, get information about abuse that happened while the person was confined? Is it looking when you pass it along, either investigation -- is action taken, or does it seem to disappear into some, you know, that happened two years ago and we have enough on our hands on our plate now without dealing with two years ago. How does that actually work out?

MS. KOTKIN:
I'll give you an example. And we have not done the training that I would like to do yet. That is going to be forthcoming over the next year. I received a telephone call a couple of months ago from one of the managers from our probation offices, and she had one of her staff with her. And he reported to me that someone in his caseload had revealed that he had been sexually assaulted by an inmate when he had been incarcerated. And I said, what did you do? And he said, well, immediately I called our victim services specialist to sit down with him. And she met with him, provided some services, and then made some referrals. And I said, what else did you do? I called the investigations unit -- that's located in our umbrella agency outside the department -- and told them that I had heard this. And
they asked me to put something in writing.

I said, did you do anything else?

Uh-huh. I called the facility superintendent to let them know this was forthcoming.

And I thought, gee, and we haven't even done the training yet. Now, granted, we're a small system. And this particular event occurred in an office located maybe a mile from the correctional facility where everyone knows each other and where it's easy to report. I can't say that that happens every time. It's an unknown hypothesis. You don't know what you don't know. But I think in our system we are able to because of the continuity. And the fact that offenders really are -- it's a permeable membrane where they go back and forth. We have a greater likelihood, I will never say it always happens, to have those kinds of issues
reported within our own system because we are a unified system.

COMMISSIONER FELLNER:
Actually, I was assuming the reporting maybe -- and actually first say that's terrific that the reporting is happening. I was actually more curious about what is done with the report. Does the superintendent take some kind of action? Do you have any sense of --

MS. KOTKIN:
With our system now, any what we call PREA complaints, go to this investigations unit. And if it looks like it is a violation of statute, then those investigations staff work with local law enforcement. We have to make sure that we don't step on other investigations. But they are investigated, both criminally and administratively.

And that first call -- and I was interested because he called the investigations unit before calling the
superintendent. And the call to the superintendent was more of an FYI. There's now going to be an investigation of someone within your facility.

So again, I can't say -- I can't identify what I don't know about. But our experience is that having that investigations unit separate from us -- and everyone knows all PREA related complaints go there. -- and we don't have to pre-investigate. Our staff simply has to report.

COMMISSIONER FELLNER:

Thank you.

CHAIRMAN KANEB:

Thank you, Ms. Kotkin.

Ms. Powers, please.

MS. POWERS:

Good afternoon. I want to thank the Commission to come speak today. One good thing about going last is that every one has pretty much said everything almost that there is to say about the subject. But there are a few
points that I would like to make, and

particularly talk about what we're
doing in Louisiana in regards to PREA.

I think originally
PREA, the act dealt with issue of
sexual violence in prison. And I think
after all the testimony that's said
previous and all that things that we've
heard, it's obvious that it does impact
community corrections. And I was part
of the group that worked with
Ms. Kotkin and Ms. Moss and the other
leaders in community corrections that
worked on those issues on that paper
that they referred to. And I think
that the details about some of the
recommendations and suggestion and
things that we came up with are well
documented in all of our reports here.

I would just like to say
that we really -- when they kept saying
by doing the right thing, we sat down
and looked at, okay, community
corrections is not particularly
mentioned, or it doesn't say
specifically what we should do, but
what should we be doing? I mean, what
should we be doing here? And then we
started looking at all the different
issues and said, well, okay. There's a
reporting requirement. Do we have to
report? What happens if one of our
officer gets the report? What do we do
with that? And one question led to
another, which led to the group and led
to us coming together, at least on
consensus of issues, and looking at
this systemic approach to try to decide
what kind of response community
corrections should have to PREA.

They have mentioned several
of those issues that we came up with,
the building blocks of the systemic
approach, including policy, strong
leadership, and training. And during
the time that group was working on this
particular project, we also -- we in
Louisiana were working on our PREA
grant.

We received PREA grant --
two PREA grants a couple of years ago. And while we started working on one, unfortunately, we had the situation with our storm, so we got a little bit off track and had to kind of get back on track with that. But I was able to take the knowledge that our group was working on and bring it back to what our objectives and goals were in the PREA grant.

The first PREA grant mainly refers to prisons, or had a lot to do with prisons, but we -- probation and parole. We were able to get some officers certified to be investigators and trained to be investigators, and we were also able to get some officers to be certified polygraphist, polygraph examiners. So we were able to do that out of our PREA grant. We are very fortunate because we are one of the unified states. We supervise probation and parole adults, and we are also part of the Department of Public Safety and Corrections. So we have an excellent
working relationship with our
institutions.

Our secretary, Richard Stalder is
very instrumental, I think, at the
beginning with PREA and talking about
safeguarding communities. So he was
very familiar with that and was able to
bring that information back to us, and
where we should go with this when we
started implementing our grants.

Some of the things that
we're looking at regarding our policy
is that we need to look at all the
elements within the policy. What would
officers do if they were told about a
complaint? How would they handle that?
What would we do as first responders?
Who would we report that to? What
reporting elements did we have? Some
of these things we're still working on.
We've been able to train our staff on
some of these. It's been gone a while,
but we had to sit down and really look
at our policy and determine, ask all
these questions and try to look at
every scenario and see what situations
our staff may be faced with.

We currently have probation
and parole officers are supervisors,
who do investigations. But after
looking at what other states do and
what best practices are, our whole
department is rethinking that issue and
may look at having a separate
investigative unit to do those types of
investigations. So we've looked at
what are we doing, and we are trying to
decide if this is the right thing to
do. Should we change this? I mean,
what is the best way to go with this.

We -- it's our policy, our
protocol in our department that if
there is allegation of staff sexual
misconduct, we refer this, even if
the -- the staff person resigns, we
still have a policy that we refer to
the local prosecutor. And have a
decision -- they can take that
information and decide if they want to
pursue prosecution or not. We want to
send a very clear message that this is -- this is not acceptable behavior on any level. And that is -- that is one way to do that. So just simply resigning from your position as the result of investigation is not -- it's not necessarily -- it's not going to end there, that particular investigation.

What we're doing in the second phase of the PREA grant is trying to focus on safeguarding the communities. If offenders are allowed to remain in the community, then hopefully they will not be exposed to prison, and their chance to be -- their chance to be assaulted in prison would be reduced. If they receive effective evidence based programming and services in the community, then this will help prepare them to be better citizens.

So in our grant we have three case managers that are assigned to three of our large district offices that are going to work very closely
with the institutions. The institutions are going to use screening tools to determine if an offender is a high risk sexual predator or perhaps is a high risk to be a victim, and is going to come up with case plans for the offenders so that they'll get a seamless transition into the community.

One of my colleagues that testified previously was talking about the resources. And in community corrections they are very, very thin. So we have to put our attention and our focus on those offenders that pose the greatest risk to the community. So we're going to have these -- these offenders identified, these victims identified, then we will have the seamless transition to our officers who then will supervise these cases in the community. And there will be a whole array of services, depending on what that person needs in the community so that we can try to get them the services that they need. If they were
a victim, do they need counseling? We're going to address all those issues. And our case manager is going to coordinate all those efforts.

This is part of reentry, which we've been working on for the past few years. But we're able to take PREA and take these high risk cases that are high risk. We will be able to put our attention to those cases.

We're also working to try to reevaluate. We have evaluators that will -- researchers that will come and evaluate our program to see how this is going to work. Training is another key issue that we're -- that we're doing. We recognize that we have to train our staff in so many things. We've also had a policy in training them in staff inappropriate conduct with offenders. But there's so many issues there that you really -- that we didn't think about that we really had to sit down and come up with a policy and talk about all the things that our staff
needs to know as far as inappropriate
conduct.

And our last probation and
parole officer post-academy -- officer
post-certified -- peace officer
certified. We took the NIC model
curriculum. And we are starting to
train our officers in that particular
curriculum in staff sexual misconduct,
and addressing all the areas that we've
talked about that are in the written
document. The areas in training that I
think that -- that we think to be
covered.

The other thing that we're
trying to do is, we also -- we're
trying to educate the offenders on
misconduct, inmate on inmate, or staff
sexual misconduct. We have posters in
our offices that talk about, you know,
assaults and report it. And what we
want to do is try to come up with some
other ways to -- to get this
information out to offenders. Do we do
it during intake? Do we develop some
brochures as part of the evaluation in
the prison when they come out to -- on
supervision? Do we do some evaluation
there? So that is some of our goals.
I mean, we haven't completely figured
out everything that we're going to do
with the rest of our PREA grant, but we
have a lot of goals that we're trying
to get too. And all of that is to try
to make our communities a safe -- is to
make our communities a safer place.

There are many ways that
PREA is and will continue to impact
communities through community
corrections. Probation and parole
staff have an opportunity to be part of
this ever evolving process that will
contribute to the reduction of sexual
abuse of offenders and, thus, making
communities safer by helping offenders
becoming more productive citizens.

So I thank you for the
opportunity to come speak today, and
welcome any questions that you may
have.
CHAIRMAN KANEK:

Well, thank you, Ms. Powers.

You refer to your consideration of whether you should have an in-house investigative operation or a separate, I guess in-house also, but dedicated reporting line investigative of operation.

You're speaking of your part of Louisiana corrections systems, meaning parole, community corrections, or are you speaking of the whole system including -- you know, penitentiary are considering having a separate -- go ahead.

MS. POWERS:

Because we are part of the Department of Public Safety and Corrections, we would just be part of whatever that decision is made. It will be handled -- we're just an agency within corrections, so we would be able -- whatever they decided.

CHAIRMAN KANEK:

So when you say we, I
consider -- you mean the whole --

MS. POWERS:
Correct.

CHAIRMAN KANE:
-- system considers it?

MS. POWERS:
Correct. Yes, sir.

CHAIRMAN KANE:
That's interesting. All right. Thank you.

Questions of Ms. Powers?

COMMISSIONER SMITH:
I have a general question.

One of the things that -- when I heard Ms. Powers talking, and that I think I forgot to talk about this whole thing around the applicability of these state laws of probation and parole. Often corrections agencies have been out there sort of beating the drum saying, we need this kind of coverage. We need these kinds of -- of penalties. And I think that I want to be clear that even in the absence of these kinds of state laws that typically have higher
penalties, that there are other kinds
of laws that agencies have been using
to try to get at this.
Now, often they don't have
the same type of -- there's no sex
offender registry for them, there are
much lighter penalties, but there are
some others that I think that people
use in the absence of having state
laws. And if there are others that you
use when you're not able to use those,
I'd be interested in hearing about
those.

MS. POWERS:

There are. We can use
mouthpieces in the office. There's
sexual -- the statute regarding sexual
conduct. I mean, one of our goals
is -- we are not explicitly included.
We're implicitly included. And we have
had officers that have been convicted
of inappropriate conduct with
offenders, unfortunately.

COMMISSIONER SMITH:

Ms. Kotkin, what kind of --
I mean, what did you use in terms of
prosecutions when --

MS. KOTKIN:

Prior to having a law, we
were only able to prosecute if a local
prosecutor saw that that -- the
behavior fits the definition in the
type -- the criminal code. And what we
would get every once in a while is a
very egregious situation where a staff
person -- one staff person was
convicted of sexual assault because it
was physically coerced sex within a
correctional facility. And he was
charged and convicted and incarcerated
for many years.

We had another situation
that was nominally consensual where I
had to talk -- at that point in time I
was responsible for several
correctional facilities. Where we had
a shift supervisor tell a young inmate,
you can do easy time or hard time.
And the inmate then said, well, I'd
rather do easy time and -- and engaged
in sexual relations with him for those kinds of benefits. When he finally told us, we went to the prosecutor who said he consented. We said, there is no such thing as consent, recognizing we had no other statute except what was on the books in the criminal code. The prosecutor was able somehow to engage in, I don't know if it was threat or coercion, some kind of plea agreement to a, what we call prohibited act, which is a misdemeanor charge against the employee. The employee was fired anyway. And then that employee was put on probation and we had to supervise him. But I think that was more a poker game than anything else.

So this law became very important to us. Because the whole issue of consent, prosecutors in our state were very willing to prosecute if they -- if there was non-consent, if there was coercion, in accordance with the law that existed then. So this new law is very important to us.
CHAIRMAN KANEB:

Thank you, Ms. Kotkin.

Commissioner Fellner.

COMMISSIONER FELLNER:

Yeah. I had a question for Ms. Powers. On your safeguarding of community, you're using some of the money that you received for commissioner, and you refer to identifying high risk sexual predators and high risk victims.

And so first, by high risk sexual predators, do you mean inmates who have had sex -- have abused other inmates, or do you mean people who were sent to prison on sex offender charges who are now being released to the community? And the question is, whether they pose a risk of being a continued sex offender.

MS. POWERS:

There are policies that speak of screening right now in their institution, so it hasn't been completely formed yet, but it could be
both. I mean, they're trying to identify those. I mean, those in the institutions that commit sexual assaults and also inmates that are high risk -- that are sexual predators, just sexual predators in general. So it would screen both.

COMMISSIONER FELLNER:

Well, my question -- if it might include people who are not sent to prison on sex offense charges but who committed sexual offense while in prison. And I was going to ask everybody here, is it your sense that inmates who commit sexual offenses in prison, sexual perpetrators in prison but who does not have prior sexual offense background, tends to pose a risk in community engaging in sex abuse? Is this -- is there any...

MR. BOOKER:

I haven't seen any data on that. I would think that that would be -- that would be something that would be interesting to look at. I
think along those lines, it's also
going that information from the
institutions to make sure that the
community corrections level know that
that has been happening within the
institution.

COMMISSIONER FELLNER:

My follow-up on that would
be, you have high risk victims which
includes any inmate who was sexually
abused in prison. In the community
safeguard context, what does it mean to
be a high risk victim? Do you think
that people who have been abused in
prisons -- who have been victims in
prison are more likely to be abused in
the community?

MS. POWERS:

It's more about what
services they may need. If they're
abused in prison, what services can we
offer them when they get out on
supervision? Or if they're assaulted
in prison, is there something we can do
when they get out of supervision,
services that we can offer to them that
we're aware of that information and can
get them to wherever they need to go?
That's more what that's about,
identifying those types of individuals
so that when we supervise them, because
they're going to come out on
supervision, and sometimes, that we're
aware, that we can work with them and
get them the services they need.

COMMISSIONER FELLNER:
And can you say something
about the services they will need?

MS. POWERS:
I think it's going to depend
on what type of -- I mean, we have
mental health services out in the
community. We have counseling
services. We have -- we're making
contact with the Rape Crisis Center. I
mean, that's one of our -- our case
managers from the PREA grant are going
to be doing, is identifying those
services out in the community that
these offenders -- that these victims
or offenders may need.

COMMISSIONER FELLNER:

So this is all in the future. You haven't started this?

MS. POWERS:

Right. All it is the screening tools, the things that we're trying to do, that we're trying to pilot is to -- that's all in the process right now. That's what our goal was in the grant. And so a lot of this, we're still trying to work out the details. And so I really don't have a lot of answers for you today. Hopefully, that's what the researchers will be able to tell us. Because that's part of the grant, is to do the research on the work that we're doing.

MS. KOTKIN:

But I also like to add that having that information enables probation and parole not only to develop a treatment plan, but also possibly an alternate supervision plan. So you might decide for someone who is
suffering posttraumatic stress disorder
as a result of victimization that the
visits won't occur in the home. It
will be done out in public, the
assignment of a probation officer who
is, perhaps, more sensitive to some of
the PTSD issues. We have cross gender
supervision in our state, but we don't
have to if we feel someone is -- might
be made more vulnerable by having a
probation officer of a different
gender.

So I think there are things
that we can do with that information to
try to supervise -- still hold
accountable but in a way that doesn't
re-victimize.

COMMISSIONER FELLNER:

And is that happening a lot,
using the sensitivity on cross gender
stuff for supervision? I thought...

MS. MOSS:

Yes. Commissioner Fellner,
I was thinking about your first
question and was hoping to answer it.
I apologize for that. I was trying to get the Chairman's attention there. So if you want to repeat the question on cross gender supervision, I'll be happy to respond, so.

COMMISSIONER FELLNER:

No. Answer the other question.

MS. MOSS:

Oh, the other question?

Okay. I think that your question was, if someone is a perpetrator, aggressive in an institution, and they go out will that continue.

To me, if we understand the dynamics are about power and control, and that's a behavior that they may have experience. The circumstance when they go out, they will certainly run into situations that they -- those dynamics are there. So I think that it would stand to reason that that would be -- could be a continued behavior. I think in terms of someone who has been victimized, when we think of -- we
particularly know more about women who have been victimized and how they, through their own depression, through their own world view, understand of course that they sort of -- they expect that's the way it is. And I think we have to think about that and be informed about that in terms of people who have been victimized in prisons if they had not had services and help.

COMMISSIONER FELLNER:

I certainly know about the women. I actually don't know as much about whether men who have been victimized in prison tend to end up in victimized circumstances outside of prison. And I find the question of how power control outside of prison might be exercised. Would it continue to be in a sexual abusive way, and would it be -- and in what kind of pattern? I mean, it's -- and not a lot of research has been done on this.

MS. MOSS:

No. I don't think there has
been a lot of research done about it, and I think it's a very interesting question. And if we're really going to unpeal this opinion and look at the reentry implication, I think it's an important question.

CHAIRMAN KANE:\n
Any -- any others?

COMMISSIONER FELLNER:\n
Cross gender?

MS. MOSS:\n
I didn't hear the question of cross gender.

COMMISSIONER FELLNER:\n
The question was simply that, Ms. Kotkin had said in Vermont if you, let's say, have been abused by a male staff, then parole -- probation might be sensitive. And having a female person for community supervision, is there a flexibility there? And I wonder if that's, in your experience, is that something which agent -- community agencies are doing pretty frequently now, or is there not
much sensitivity on the cross gender
dimension?

MS. MOSS:

I think in some agencies
there's sensitivity to it. But even
where there's sensitivity to it, I
think the numbers and the complications
of the administrative management of
that get in the way. And so I think
that we would have to pay attention to
that as a factor though as we look at
who -- where someone gets assigned.

COMMISSIONER FELLNER:

Thank you.

CHAIRMAN KANE:

Any other questions of any
of the panelist?

Thank you all. One last
observation that heartens me.

Ms. Kotkin, I -- my wife and
I have a residence in Vermont, not our
permanent residence, in which we
treasure. And I would certainly
confirm for everybody in the courtroom
that it is entirely possible that the
reluctance to pass this law that would allow for the prosecution of parole supervisor if someone -- it's not because Vermont wish to make or perpetrate a certain behavior, but because Vermont believe it's really about having to do that. And I will agree that that is a very Vermont attitude, which I observed.

I am particularly pleased though to know -- to be surprised to learn that -- that federal law is of such interest to Vermonters that you're actually have appointed a PREA office, even though we haven't issued standards. And you know legally, as far as we can tell, we really don't have direct authority in that manner. So I am most pleased all around to hear about this.

We will reconvene tomorrow morning at 8:45. Thank you.

(Off the record.)