started. Good afternoon. Our next panel will address PREA training efforts for lock-up facilities. We have two witnesses who will provide testimony on this subject. I would ask them to please rise and take the oath.

(Witnesses sworn in.)

CHAIRMAN WALTON: Thank you. If you could please identify yourselves and then we'll have you proceed with your testimony. I would ask, if you could, to try to summarize your testimony if possible so that we'll have a little more time for questions.

MR. GEORGE GOTSCHALK: I'm George Gotschalk. I'm the First Vice-President of the International Association of directors of Law Enforcement Standards and Training, known as IADLEST.

MS. ELIZABETH LAYMAN: My name is Elizabeth Layman, and I'm here representing the Center for Innovative Public Policies, which is currently working under cooperative agreement with the Bureau of Justice Assistance on PREA and lock-ups.

CHAIRMAN WALTON: Well, welcome both of you.

Ms. Layman, you're listed first on the agenda. You may proceed.

MS. ELIZABETH LAYMAN: Thank you.
As I said, the Center for Innovative
Public Policies has been awarded a Cooperative
Agreement with the U.S. Department of Justice,
Bureau of Justice Assistance, on a project that is
titled The Prison Rape Elimination Act, which is,
The Impact on Law Enforcement Operated Lock-ups. This
is an 18-month project with an estimated completion
date of March 2008.

Susan McCampbell, who is the President
of CIPP, and myself, are working with subject matter
experts across the country to assure that our work
products will be of maximum use and relevance to PREA.
Both Ms. McCampbell and I have worked on cooperative
agreements with the NIC on the issue of staff sex
sexual misconduct. We have written training
curriculum and policy development materials on this
topic for prisons, jails, and community corrections.
And we have also conducted on-site training and
technical assistance on the issue of staff sexual
misconduct in more than 75 different correctional and
law enforcement agencies across the country since
1999.

CIPP also works in collaboration with
the Washington College of Law and The Moss Group.
The target audience for this particular
project are organizations and police agencies, also
private agencies, responsible for operating lock-ups.
And this includes state, local, regional, police,
sheriffs, regional jails, et cetera. Our objectives
are -- and I will just summarize the objectives -- to
identify currently available resources in the
development of curriculum and training packages.

To date, CIPP, in cooperation with
Brenda Smith, at the Washington College of Law, has
developed detailed information about the legal issues
related to short-term holding facilities. This
information will be included in the curriculum packets
available to agencies in the field.

We have also completed a literature
review to identify relevant materials on the issue.
The second objective is to conduct a
needs assessment of agencies in the target audience.
So far, we have conducted nearly two dozen on-site
needs assessments of law enforcement agencies
specifically related to PREA. These agencies operate
small -- short-term and small lock-ups. During these
on-site visits, project teams met with sheriffs,
chiefs of police, court holding facility supervisors,
and those persons responsible for the operation of
lock-ups. Information was gathered concerning size
and capacity of the lock-ups, operational details, aspects of the physical designs of the facility that may have an impact on arrestee safety, and training that is provided to employees.

The third objective is to inform and educate the target audience about PREA and the specific impact on the operation of lock-ups through our presentations at regional and national conferences, and by providing on-site training and technical assistance that fits within the budget of this cooperative agreement, as they are requested by these target audience agencies.

To date, CIPP has designed and disseminated informational brochures about PREA and its specific relevance to lock-ups to each of the 50 state Sheriffs' Associations, and each of the 50 state's Associations of Chief of Police. In addition, CIPP is coordinating with the American Jail Association, the American Correctional Association, and the International Association of Chiefs of Police, and the National Sheriffs' Association to bring this information to their membership.

We recently presented a workshop at the National Sheriffs' Association Mid-Winter Conference in Washington, D.C., focused specifically on small
lock-ups, addressing the purposes of PREA,
definitions, case law and legal issues, and practices that successfully prevent and address the issue of sexual misconduct and sexual violence. Also at the meeting, attending sheriffs were asked to provide feedback regarding PREA and lock-ups to guide our continuing work.

Among the relevant concerns expressed by the sheriffs at this meeting included reporting procedures for arrestees concerning allegations, the importance of educating staff about the criminal nature of sexual misconduct, the need to take more decisive action against officers who are alleged to be involved with these activities, the need for guidance on developing policies and training, the need to address overcrowding and medical costs, and insufficient staff to supervise arrestees in lock-up facilities.

In response to the brochures that we have handed out and other information disseminated, we have received several inquiries from state associations requesting training. Training and technical assistance has also been provided to all law enforcement agencies in Hawaii -- in fact, Ms. McCampbell has just completed that today, and I
have a brief report on that, which I can tell you at
the end of this testimony.

A presentation of training is also
scheduled for the summer with the Missouri Sheriffs'
Association and other requests from other states are
pending.

CIPP also provided information on this
project at the Major City Chiefs of Police meeting in
California last month. We will be developing short
information articles that local, regional, state and
national membership organizations of the target
audience can use in newsletters to get the word out
about PREA and lock-ups.

The fourth objective is for us to
develop materials to assist and operate lock-ups,
which is where training comes in. The materials
include training curriculum and a policy development
guide. To date, two programs have been designed and
have just been piloted in the state of Hawaii. These
are a two-hour long program for law enforcement
executives in agencies that operate lock-ups, and a
four-hour program for law enforcement managers,
supervisors, and line staff in agencies that operate
lock-ups.

Under development now is a policy
development guide, which will help agencies to triage, revise, and write their own policy as it aligns with PREA.

CIPP has developed these training modules and the outline of this training includes: An overview of PREA; a discussion of arrestee safety, which includes policy and procedures; completing a risk assessment of arrestees; assessing the physical plant where they are held; operational practices that are being used in these facilities; training of all employees; and auditing and data reporting of incidents. It also includes preventing staff sexual misconduct and arrestee-on-arrestee sexual violence, with a discussion of the unique dynamics of staff sexual misconduct and sexual violence in the custodial setting.

Specific policies and procedures on this topic and specific training on these two issues: It includes response to allegations of sexual violence and staff sexual misconduct. The training is extremely interactive and includes a process where people who attend the training actually map the investigative process, which tends to be a very educational exercise.

We also have a large section about
investigating staff sexual misconduct for both first
responders and those completing the investigations.
Some of the topics included in this investigative
section also include criminal and administrative
investigations and how they relate to each other,
initiating investigations and managing investigations,
which also seems to be a very critical issue.
I just wanted to also say that even
though this training block does include some training
for -- about investigations of staff sexual misconduct
and sexual violence among arrestees, it in no way is
meant to train people how to be investigators. We do
have a list of resources that we will be including in
this training to refer folks to where there are some
excellent programs to actually become a trained
investigator, because there are many of them out
there. But this is not meant to create investigators,
it is meant to make people aware of what effective
investigations include.

Another section of the training
includes developing memorandums of understanding with
those agencies that would either conduct
investigations for those lock-up agencies or in
conjunction with them. Also, MOUs with sexual assault
treatment centers, medical prosecutors, and with the
1 prosecutor.
2
3 The last section is to assist agencies in determining the added value of investigations to their agency. Also, in development is this policy development guide that will delineate elements of policy to be included in any policy and procedure practice related to sexual misconduct, sexual abuse, and sexual assaults in lock-up. While this guide is designed to guide agencies step by step in developing your own policies and procedures, we are not recommending simply the copying of another agency's policy. We believe and we have learned from experience that it is the communication between the stakeholders as they develop this policy which actually creates the buy-in and understanding necessary for effective policies and procedures.
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5 CIPP has previously collaborated with the National Institute of Corrections to develop three other policy development guides for prison, jails, and community corrections on staff sexual misconduct.
6 We have some current findings based on some of the work that we have completed. As we have already said before, there is very limited current data regarding the total number of police lock-ups in the United States. The most recent BJS report
indicates that there are 12,666 local police departments in the United States, whereas, we believe the number is probably double that. However, from that BJS report, approximately 26 of them indicate that they do operate a police lock-up. One of the issues with this is that the definition of lock-up seems to be something that is under discussion by these agencies and that there is really little research into what that definition of lock-up is. BJS reported that the median capacity for adults in these agencies was four, and the median total capacity for juveniles was two. Generally speaking, law enforcement executives other than sheriffs, and particularly those in small departments, are basically unfamiliar with PREA. Of the two dozen on-site visits that we have conducted so far for this project, only one agency had even heard of PREA and had no idea how it applied to their lock-up. Perhaps the title of the law does not catch their attention. This is one explanation that we were given. Nor are they focusing on the lock-up as a significant part of their overall operation. That is one of the problems. Many law enforcement agencies claim that they do not operate lock-ups in when, in fact, we find that they do. They may have a
location to detain and question witnesses which they do not consider lock-ups. Some law enforcement executives have been under that PREA does not apply to police and only to correctional agencies. We've also found that the variety of lock-ups and their holding facility, both in terms of size and time, is greatly varying. Some lock-ups will hold individuals for as much as 72 hours or more, some for an hour.

CIPP has also found to date that there are challenges of operating short-term holding facilities and that these differences, not only in size and design, create a huge challenge. Some lock-up facilities hold arrestees infrequently. In fact, one lock-up facility indicated that they had two cells which they used perhaps once a month. Whereas, we conducted on-site visits with others who hold up to a hundred people and keep the facility filled. Some facilities only house a single. Some house hundreds. Some facilities hold arrestees for less than one hour, some for 72 or longer.

Organizations that operate court holding facilities are generally unaware of PREA. In many court holding facilities we found arrestees, who may or may not have been screened by the arresting agency, commingled with jail and prison inmates who
are appearing in court proceedings. The opportunities for violence and misconduct in these facilities are significant. In some courthouse holding facilities designated as court lock-ups, arrestees are held for many hours and, in some places, days. Rarely have we found any training, policies and procedures specific to the issue of sexual misconduct, sexual abuse, and sexual assault in most organizations. Most agencies tend to rely on policy language such as inappropriate behavior, sexual harassment, or over familiarity to cover behavior of a sexual nature, or they do not specifically address the issue of sexual violence at all.

Investigations are critical. With training, we believe these to be the two most highly important aspects. In many agencies, those conducting investigations have had little training or experience in basic sexual assault investigations, let alone sexual assault investigations in custodial facilities. Some of the additional considerations for the Commission: We believe that there should be an arrestee risk assessment. Agencies can gain valuable information to prevent potential sexual abuse and violence by conducting this basic risk assessment at the time of arrest. While it is not practical to
use the full classification process used in facilities, such as long-term jails and prisons, there can be a basic risk assessment tool that provides basic information concerning mental health, medical needs, potential for violence, and to identify particularly vulnerable persons.

In our work, we have identified only one such risk assessment in existence, and it was with the Detroit Police Department, the gentleman who testified here.

We also recommend that there be a standard for physical plant assessment, and along with assessing risk of arrestees, we have developed a checklist for agencies to assess the lock-up's physical plant. The goal is to review hazards and conditions that exist which can contribute to violence or illegal activity. Along with periodic inspection and assessment, the process for repairing physical plant is needed.

Another issue is notification to arrestees of their rights. Providing notification to arrestees of their right to be protected from sexual abuse and sexual violence may improve outcomes. Again, while a full orientation for arrestees similar to that conducted in jails is not practical, it is
important to provide some form, whether by posting or other public notice, clearly visible and readable, in lock-up facilities, which would also be available in other languages and for those illiterate.

The reporting of allegations is a very important key. Related to arrestee notification is this issue of how arrestees are able to report their allegations of sexual abuse and sexual violence. Due to short-term stays in lock-ups, it appears that agencies rely on plan to rely on verbal reporting of allegations, and frequently these verbal reports to staff in those lock-up facilities never goes beyond that facility. They also rely on the same process by which is a complaint would be made by the general public to law enforcement.

Training, of course, is an important issue. Mandatory immediate action when -- I'm sorry. Mandatory training is recommended for all employees who work within lock-ups. The training should address the dynamics of sexual violence in an arrest or custodial setting, along with the risk assessments that we have discussed. It is also critical that policies and procedures require immediate action when allegations are received to prevent further victimization.
Medical care is another issue which should be included in training, and this is how staff would be able to obtain medical care for arrestees and specific policies and procedures that would require this type of response. Basic care, fire inspections, and other issues on policies and procedures requires some attention.

I'm going to go ahead and just finish that as a summary and let you ask questions if you wish.

MR. GEORGE GOTSCHALK: Members of the Commission, on behalf of IADLEST, I want to thank you for including us in this. We want to be at the table of as many things as we can that involve training.

My employment is with the Chief of Standards and Training with the Virginia Department of Criminal Justice Services. IADLEST is a national organization comprised of people who do the things I do among the 50 states.

The issue you are addressing is a complicated issue, of which training personnel, as you're aware, is only a part. From my previous experience shortly in my career working at the Richmond City Jail and the Richmond Sheriff's Office, factors such as employee selection criteria, manpower