passed regarding juveniles, we have not been successful in obtaining a law to allow us to prosecute staff for sexual misconduct as a felony.

For several years, Kentucky has been one of the few states that did not have felony law for sexual misconduct. We will continue this effort and present legislation in January for the third year in a row. Hopefully, we will be successful.

While the public perception of prison is often the image of tattooed bench-pressing "Hulk-Like" Men giving other inmates what they deserve, those of us in the field of corrections know and see the reality of prison rape. Its aftermath for its victims include physical and mental pain, fear, loss of identity and the system as a whole is one of the greatest threats of the security of our institutions. Thank you.

THE CHAIRMAN: Thank you very much, Mr. Rees.

Mr. Wall?

MR. WALL: Mr. Chairman and members of the Commission, I come before you as a career
corrections professional. I started in a line position over 30 years ago and I am now proud to be in my seventh year as director of the Rhode Island Department of Corrections and I thank you for inviting me to address the Commission.

The passage of the Prison Rape Elimination Act has shown the spotlight on the issue of staff on inmate and inmate on inmate sexual abuse. It is an uncomfortable place for our profession to be. Both staff on inmate sexual abuse and inmate on inmate sexual abuse have been with corrections for a long time, but staff sexual misconduct emerged as a topic of serious public discussion about 15 to 20 years ago. Before I would argue was the case with inmate on inmate sexual abuse.

And my own department's attitude and approach to staff sexual misconduct have evolved over the years. Twenty years ago we were not unlike many correctional agencies in that when staff sexual misconduct was found to have occurred, the impulse was to excuse the staff member and sympathize with the staff member. He was a company man. She was
close to retirement. There was trouble in the
marriage. What can we do to save the staff member?
Overtime new leadership emerged in our department.
The issue became particularly salient in our
women's facilities. And as women there began to
have confidence that they would be believed and
protected, cases emerged in larger numbers.

Events on the national scene also caught our
attention in Rhode Island. We were well aware of
the national publicity given to the large lawsuit
in Georgia at the beginning of the 1990's. And
during this time, our profession, especially the
National Institute of Corrections, took action to
step up to the plate. In fact, our field's ability
to deal with staff sexual misconduct was greatly
enhanced by the work of NIC and its partner, the
Washington College of Law over the years.

Through their work, we were equipped with
tools, information, and technical assistance to
develop what we've come to know as the systemic
approach, an approach that focuses on effective
correctional practice rather than the adhoc
response to a given crisis. And it emphasized the
need to integrate policy, operations, the legal
office, human resources, medical and mental health,
classification, internal investigations, and
outside partners from law enforcement prosecution
and health care into a holistic approach.

It is well thought out and with some
modifications to be sure, I believe it translates
effectively to the work of dealing with inmate on
inmate sexual abuse as well. And what's been
accomplished in the feel gives me reason to believe
that we can successfully address not only staff on
inmate sexual abuse, but inmate on inmate sexual
abuse.

I commend and I seize work to the Commission.
I urge you to look at it seriously as you develop
your standards for prevention, investigation NS
punishment.

My own department was part of that process.
We drew on the approach that was taken by NIC. I,
myself, along with my chief of Internal Affairs and
the then warden of the women's facilities attended
one of our NIC's first trainings on the subject.

One of our instructors was one of your
commissioners, Professor Brenda Smith. And I think
it enabled us to implement a set of tools that has
given our department the ability to be vigorous in
the prevention, investigation, and punishment.

    I was tapped by our then director -- I'm
sorry, by our then president, Reggie Wilkinson, of
the Association of State Correctional
Administrators to testify before Congress on the
PREA legislation when it arose. And what I said at
the time on behalf of our association was this: We
know that staff on inmate sexual abuse occurs. We
know that inmate on inmate sexual abuse occurs. We
recognize that there are disputes about its
prevalence, and for that reason we welcome a
credible study that we hope will shed light on just
how often these incidents take place. But we also
know that whenever they occur, we deploy them, we
uphold them and that we want to use PREA as a
resource, a resource for us to take the steps we
need to take so that we can draw on our obligation
as leaders to address these issues.

Underlying our efforts as correctional leaders, all the strategies that we put into place is the question of culture and its first cousin, leadership. I recognize that these subjects may at first glance sound intangible, but an appreciation for their role is absolutely essential to the success of the PREA legislation. Because the fact is that these cases do not arise in a void. They occur in the context of our cultures. And the standards that you are developing will help us create accountability if they dovetail with our efforts to promote cultural change.

What do I mean by culture? We could discuss that at length, but in sum I describe it as an organization's way of life. The sum of the attitudes or the norms, the values, the beliefs, of those people who live and work in it. And the fact is that the culture can either support or obstruct this work both in investigations and prosecutions, as well as in prevention and other forms of intervention.
It needs to be understood not only by us, but also by the agencies that we are working with on this issue because it does provide a context to understand the behaviors of the staff and the offenders who are involved in it. And, furthermore, successful investigations in turn influence the culture going forward.

The important thing for us to have understood is that culture is not inherent. Culture is learned and, therefore, it can be changed. And that's our obligation and our opportunity as correctional leadership.

What are some of the strategies that we use to incorporate our desire to eliminate prison rape into our efforts of cultural change? First, of course, policy. It has to be clear and strong, concise, definitive information about boundaries and clear naming of what behavior is acceptable and what is not.

Another strategy, articulating zero tolerance, a term that is overused if it isn't given content, I'm talking about zero tolerance with teeth. Every
allegation or suspected incident shall be brought forward and shall be thoroughly investigated and sanctions proportional to the evidence and harm, including prosecution shall be imposed. We also try to change the culture through the hiring and promotional process, questions that explore the candidate's attitudes toward the issues that concern us and underscoring management's determination to deal with these incidents right at the get go when you're before the hiring board. An important strategy is education, but the education must reinforce the importance of these issues, inmate on inmate sexual abuse, and staff on inmate sexual abuse. It must reinforce the importance of these issues in terms that our staff can appreciate and understand. Namely this, what do our managers understand? They understand liability and reputation. That's where that training needs to go. Our supervisors and line staff, what do they understand? They understand professionalism and they certainly understand institutional security.
They must recognize that the issue is not about sex, it's not about women. In fact, we've had cases both in the staff context and the inmate context that cross all aspects of male/female.

It's not about sex, it's about security. We are all responsible for the operation of safe, secure, orderly institutions, and that is compromised whenever boundaries are crossed.

Predatory sexual behavior may be the most combustible of all boundary violations and, therefore, the greatest risk to institutional security. If we also want to make this issue relevant to our staff, we need to provide them with practical tools. For example, supervisors need checklists of the kinds of red flags which might indicate the existence of inappropriate relationships or conduct.

In the staff sexual misconduct, for instance, does the staff member seem to volunteer for overtime only if that staff member can obtain particular posts? That's one of many examples I could use. In the inmate on inmate context,
an inmate seek a cell change and is unwilling to
tell you why? That's a red flag for our staff.
Those kinds of practical tools are essential so
that it can be operationalized for our personnel.

We need to orient inmates to their rights and
be very practical about it. How can you report
abuses? What will be done to protect you if you
do? Demystify the investigative process so that
everybody understands how it works and it's more
credible. Education and dialogue with our partner
agencies. Law enforcement and prosecutor's
offices, they need to understand the unique
features of the correctional environment, the
imbalance of power, the pressure of the code of
silence, for example. And we need to understand
their cultures, that they come at this from a
different perspective than we do because they have
a tendency to think of offenders as people who
never tell the truth.

We also need to understand what their
standards of proof are and why what might be
sufficient for us to proceed administratively may
be inadequate for the much higher standard to which
they are held.

And, finally, in terms of the intervention
with culture that will make PREA take route in our
agencies, the investigations have to be credible in
action. Staff offenders and the public will
evaluate the seriousness with which we take staff
sexual misconduct and inmate on inmate sexual abuse
when they see consequences for the perpetrators.

Termination of staff, serious discipline for
inmates. Prosecution for both gets everyone's
attention when the case is documented that this is
predatory. And a successful prosecution can be a
defining moment at a powerful agent of cultural
change. Everyone in the culture can tell you what
happened in a case like that. And that's one way
in which the culture learns.

Please be patient with us. As those of us who
work in this field will tell you, cultural change,
including cultural change with respect to these
issues as we move down into the deepest parts of
our agencies, it's not a sprint. It's a marathon.
But by linking your standards to the strategies that we are employing, you can help equip us with the tools we need to move forward on our shared goals for PREA.

When we as leaders can connect your standards to the approaches that we are taking to foster the changes we seek, then the values of PREA will take route in our agencies. They will outlast the Commission and they will outlast us. When they become organic to our operations and integrated in our culture, we will have created an accountability for these issues, an accountability that will last. Please feel free, when the time comes, to ask me any questions that you may find helpful about any aspect of the PREA issue. Thank you.

THE CHAIRMAN: Thank you, Mr. Wall.

Ms. Caruso.

MS. CARUSO: Good morning. Mr. Chairman, commissioners, thank you for the opportunity to address you today on this important subject.

I'd like to start by acknowledging and I'm sure that my colleagues are in agreement with me