protection. We always say protection of the public. The public encompasses all of us. And as I started by saying, when we don’t recognize those boundaries, we put everyone at risk. And as leaders, it is our responsibility to ensure our staff know that. Thank you.

THE CHAIRMAN: Thank you very much for your testimony.

Mr. Sprenkle.

MR. SPRENKLE: Thank you, Chairman. On behalf of Governor Rendell and Secretary of Corrections, Dr. Jeffrey A. Beard, I'd like to thank the Commission for inviting the Commonwealth of Pennsylvania to the critical hearing. The Pennsylvania Department of Corrections certainly recognizes its duty to ensure all of our prisons and community based facilities protect incarcerated individuals from sexual violence. And we understand the negative impact that prison sexual assaults have on its victims and the community. By emphasizing our zero tolerance for sexual assaults by staff and inmates and by implementing various
PREA initiatives focused on prevention, investigation and prosecutions, we indeed have created a safer environment at all of our facilities.

Shortly after the enactment of PREA in 2003, the Pennsylvania Department of Corrections recognized the need to take a strategic approach to identifying, developing and implementing the necessary components of an effective sexual assault plan. The process began in 2004 when the secretary created a multi-disciplinary committee chaired by the deputy secretary for administration. The committee includes representation from numerous external organizations, including the Pennsylvania State Police, the Pennsylvania Board of Probation and Parole, the Office of Victim Advocate, Pennsylvania Coalition Against Rape, county jails, and the Pennsylvania District Attorney's Association.

This multi-agency participation provides the Pennsylvania Department of Corrections the opportunity to capitalize on lessons learned and it
helps to ensure continuity of services between agencies. We are committed to investigating all allegations of sexual contact. And both staff and inmates are held fully accountable when allegations against them are substantiated.

The Commonwealth of Pennsylvania reinforced this zero tolerance when it passed legislation in 1998 to make staff sexual contact with inmates, including consensual acts, a felony offense. Every facility manager must ensure that all inmates, staff members, contractors, visitors and other individuals who had business with or used the resources of our department, are informed that sexual contact with inmates is prohibits, and that inmates are indeed encouraged to carry out their right to report incidents of sexual contact. This message is included in the Employee's code of ethics, the inmate handbook, staff and inmate trainings, and included in orientations for contractors and volunteers.

All of our staff and inmates are encouraged to report incidents of sexual assault. All
allegations are kept in strict confidence to protect the witnesses and the victims from any form of retaliation. Most inmate allegations are initially reported to the inmate's housing unit officer or work crew supervisor. Occasionally, confidential letters from the victim or the victim's family, will notify the facility's administration. Additionally, inmates can report incidents of sexual assault to the facility security office by using a confidential line through the inmate telephone system.

As stated earlier, all allegations from staff and inmates are investigated thoroughly and promptly. A preliminary investigation is first conducted by the facility's security office. If the alleged perpetrator is an inmate, the facility's security office will, indeed, conduct the investigation. The department's Office of Professional Responsibility will investigate the incident when the alleged perpetrator is an employee, contract visitor, or volunteer. The accused staff member may be suspended pending
investigation of the allegation. This decision is made by the facility manager on a case by case basis based upon the evidence at hand and in consultation with the effective regional deputy secretary and the office of chief counsel.

All investigations are conducted in accordance with the best practices for the investigation of sexual assaults. Interviews with the victim are conducted in a thorough, professional, nonabuse, nonthreatening manner consistent with acceptable practices for potentially traumatized victims of sex crime. If an incident is reported within 72 hours of the alleged assault, the facility's staff will transport the inmate victim to an outside hospital for a medical exam, including the administration of a rape kit for the collection of forensic evidence. The Pennsylvania State Police will be notified to arrive at the hospital to begin their investigation, including the collection of evidence.

One of our most significant investigation challenges is that inmates and sometimes staff will
make false allegations as a form of retaliation
because against the alleged perpetrator because of
the well-known fact that the Department of
Corrections will investigate all allegations. The
department makes every effort to deter such
behavior be holding inmates and employees
accountable for any false allegations.

Another challenge is that inmates who allege
being victimized will often change their allegation
from nonconsensual to consensual during the
investigation because of the fear of retaliation.

We pursue prosecution of all staff and inmates
when the allegations of sexual assault have been
substantiated. Inmate cases are referred to the
District attorney by the Pennsylvania State Police.
Cases involving staff are filed directly with the
District attorney by our Office of Professional
Responsibility. Typically, it takes three to ten
days from the time of arraignment to a hearing.

Since the enactment of PREA, no inmates have
been criminally prosecuted primarily because of the
victim's withdraw of the allegation. We do have
one pending prosecution case. As I stated earlier, in 1998 allegation was passed making staff sexual contact with inmates a felony offense. Specifically Statute 3124.2, Institutional Sexual Assault, includes a sentence of up to seven years in prison.

A total of 20 employees have been prosecuted since the 1998 legislation was passed. About one quarter of them served time in prison and the others received probation. None of the prosecuted employees were women. All these employees had their employment terminated. And I would like to mention that we have a policy in the Pennsylvania Department of Corrections that we do not permit resignations in lieu of termination for any sexual assault allegations.

Our employee unions have been cooperative during staff investigations and they have chosen not to challenge the department's internal disciplinary actions for sexual offenses.

All incidents of sexual assault are reported to the secretary of corrections' office to
be reviewed by the department's Sexual Assault
Review Team led by myself as the Deputy Secretary
for Administration. The term reviews all aspects
of the post incident administrative actions,
including medical screening, mental health
activities, investigation, findings, and any
changes of housing arrangements for the perpetrator
and the victim. This information is used to
monitor the facility's compliance with the
department's requirements.

Our next step is to modify our policy to
include the requirement for all of our facilities
to conduct clinical reviews of all incidents of
sexual assault. The purpose of the clinical review
is to look retrospectively at the incident to
ensure the incident was managed in compliance with
policy to gather data relative to enhancing our
understanding of prison rape and to sensitize staff
and members to possible red flags associated with
such incidents so that they may become better at
detecting preventable assaults.

Thank you very much for giving me the
opportunity.

THE CHAIRMAN: Thank you very much, sir, for your testimony.

Ms. Bissonette.

MS. BISSONETTE: Good morning and thank you for the opportunity to speak about the Massachusetts Department of Corrections' efforts to investigate and prosecute sexual violence in our system. Commissioner Kathleen Dennehy has provided our agency with strong leadership as it relates to the Massachusetts Department of Corrections' reform efforts and compliance with the Prison Rape Elimination Act. It's important to put the Massachusetts Department of Corrections' work to improve internal investigations into context.

Following the murder of Priest John Gaygan in the summer of 2003, Governor Mitt Rodney ordered a top to bottom review of the Massachusetts Department of Correction. This review, known as the Governor's Commission on Corrections Reform issued a report in June of 2004 identifying 18 specific recommendations. One included that the