struck by something my father used to say all the time: you cannot cripple a person and then criticize the way that they walk. And that crippling metaphor has to do with if we're not going to train people, if we're not going to be involved with programs and really dealing with the way we address kids' and not looking at it from an adultified system, then we're going to continue to have problems.

In closing, I want to thank you all for taking this brave step to pass and implement the PREA. The impact of your efforts will forever change the culture of our juvenile facilities; youth will be safer, and the victimization of this vulnerable population will no longer be ignored. I believe this will lead to healthier communities, greater public safety, changed attitudes, administrator and staff accountability and behavior, and successful integration back into society when people return to communities that they come from. Thank you.

CHAIRMAN WALTON: Thank you, Mr. Dixon.

Mr. Soler.

MR. SOLER: Judge Walton and Members of the Commission, thank you very much for the opportunity to appear. I'm the Executive Director of the Center for Children's Law and Policy which is a very new organization, we officially opened just two months ago, but prior to that I worked for twenty-seven years at the Youth Law Center
working on juvenile justice reform around the country. I learned about prison rape very early in my career. One of the first cases I took on at the Youth Law Center involved a fifteen-year-old girl who was raped by a guard in an adult jail in Ohio, and I remember to this day talking with her about the experience and talking with the officials there about the neglect that was involved with that and the problems with policies and lack of supervision and lack of training of staff, and I've seen that continually over the intervening years.

I was asked to speak today about the differences between the juvenile justice and adult criminal justice systems. It's well known that since the juvenile court was created in Chicago in 1899, the guiding principles of the juvenile justice system have been to recognize the developmental differences between children and adults in terms of maturity and judgment, and to provide rehabilitation and treatment needed by troubled youth to become healthy and productive members of society.

The juvenile justice system, in my view, is a compact across the generations to provide help for troubled children, and these are not just lofty ideals. I think they have important practical ramifications in the day-to-day operations of the juvenile justice system. For example, they require a different set of knowledge and skills for key
personnel in juvenile court, judges, prosecutors, defenders and probation staff. All of the people who work in juvenile court need to understand and receive training in adolescent development, how it pertains to risk-taking and other behavior that gets teens in trouble, the ability or inability of teenagers to understand the future consequences of their behavior, their developing sense of judgment which is clearly not formed fully at the time they are adolescent, their developing moral sense which may take a considerable amount of time to fully development. And there is good information available on these issues for juvenile court personnel. The National Juvenile Defender Center working with Youth Law Center and the Juvenile Law Center, and funded by OJJDP and the McArthur Foundation and other foundations, have developed extensive training criteria for juvenile court personnel, and I'd be happy to make those available to the Commission if that's your desire.

The differences between the systems also mean that the states' response to unlawful behavior is different. Rather than setting up prisons for kids in response to crime, many juvenile justice systems around the country, starting with this one more than -- in this state more than thirty years ago, have developed effective treatment and rehabilitation programs using proven evidence-based practices and models. For this Commission, I think the
differences between the juvenile system and the adult system are most important in terms of conditions of confinement in institutions in which children are held. And as I thought about my testimony today, I tried to think of practical suggestions I could make that would help the Commission in addressing your statutory task. In my written testimony I discussed in some detail the conditions that I think are relevant, and the acronym that many of us in the field use to keep those different conditions in mind, C.H.A.P.T.E.R.S is the acronym, and each of the letters stands for an important area of conditions of confinement. "C" is classification, "H" is health and mental health, "A" is access to family and to counsel, "P" is programming, "T" is training and supervision of staff, "E" is environmental issues, "R" is restraints, isolation, discipline and grievances, that is what happens when people misbehave, and "S" is for safety. Overall I think the truth is that the most effective method of preventing prison rape of children is to ensure that juvenile facilities are operated in ways that meet high standards in all of these areas, every one of them, and my recommendation to the Commission was not to leave out any of these areas as you think about the standards that you're going to propose. Classification is particularly important to think about protection of children who are especially vulnerable due to their age or their size.
or their sexual identity or other factors, and particularly to separate them from violent or predatory youth. In terms of health and mental health, the question is early screening for histories of physical or sexual abuse for children who come into the facility, getting treatment for victims by professional staff who are trained to work with young people. It's not a small adult system; it's a juvenile justice system and the children are different.

For access, the "A" for access issues, particularly important to arrange that children can communicate freely with their families and with counsel and, if necessary, with public officials about problems that are going on in the facilities. Under "P" for programming, it's important to understand that there should be classroom education for children in the facilities or after school programming on how young people can recognize and combat sexual abuse in the facility, their rights under the law and in the facility, and particularly who the adults are in the facility who they can talk to.

In terms of training of staff, the question of pre-employment screening, pre-service training and in-service training of staff on prevention, detection, reduction and punishment of sexual abuse in juvenile facilities, and particularly adequate numbers of staff. I've seen a lot of facilities that are short-staffed, staff
do double shifts, they are not able to fully supervise the facility appropriately, and they get in trouble themselves because they're just too tired when they go on that second shift.

Under "E" for environmental issues, particular attention should be paid to architectural dangers in juvenile facilities, such as isolated corridors and rooms and stairwells where children report to us that sexual abuse often occurs. On the "R" for restraints, I hope the Commission will consider strict standards on the use of force, the use of restraints, and the use of isolation. In my twenty-seven years of working in this field, this is the area where I found the most abuse in facilities, and I mentioned in my testimony the abuses that we learned about when we litigated in South Dakota over the training school. I understand that staff have an obligation and must keep order in facilities, we must protect security, but the kinds of abuses we've seen in this area over the years frankly rival the abuses that we've seen on television on Abu Ghraib.

We teach children a wrong and dangerous lesson when staff in juvenile facilities can use force in an undisciplined way to address conflicts. Children who see force used to conquer conflict will use force themselves, and that's when they will act out those feelings and result
in physical and sexual abuse. As was mentioned earlier by Commissioner Smith, it's particularly important to have an effective grievance system in facilities. In many places that I've gone into children can only complain about mistreatment by going up to a staff person in their unit, asking for a complaint form, filling it out and naming the staff that they have a complaint about, and then giving it back to staff in the unit, and not surprisingly children don't have faith in that kind of system, they worry about retaliation, they don't say everything that's on their minds, and, so, a grievance system has to be confidential and the complaints need to go directly to higher level administrators in the facility rather than going through the staff who are likely to be the object of complaints for the children who are there.

There are many standards available in the field that can be helpful to the Commission. The ACA standards and the performance-based standards I think can be very helpful, and I mentioned in my testimony standards that we've developed through the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative. I think one problem is that all of these standards are not specifically geared to preventing prison rape, but I think that there are standards within all of these standards, and, frankly, particularly the JDAI standards, that can be adopted very
quickly and easily to focus on the issues of prison rape in terms of prevention, detection, reduction and punishment. So, I urge the Commission to look carefully at those sets of standards and use the ones that are useful to you.

There's been progress in improving conditions of juvenile confinement in my career over the last twenty-seven years, but I will tell you that there are many, many facilities in this country that have a long way to go before they are safe and humane for your incarcerated youth. And I hope the Commission standards will promote the safety and security and quality of care that children are entitled to and that it's our obligation as a society to provide. Thank you very much.

CHAIRMAN WALTON: Thank you very much.

Questions?

COMMISSIONER KANEB: Mr. Flores, I heard you say that there is a compliance monitoring officer from your division in each state, and I would ask you to expand upon how, first of all, what that person's job is, and how, if in any way, the Commission might make use of the existence of that party.

MR. FLORES: Thank you for your question.

We provide funding through our office to states to comply with the requirements of the JJEP Act, the Juvenile Justice Emergency Prevention Act. These compliance monitors