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
work in the states; they provide us with feedback. They are
the ones who are responsible for providing us with data and
for keeping us apprised of violations of these different
core requirements. We have four: separation, removal,
deinstitutionalization of status offenses so that we are not
locking up truants and runaways, and then also the issue,
which is extremely important, and that is the
disproportionate number of minorities that have contact with
the system and trying to address that.

We receive information on a regular basis. They
function along with two other bodies. We have our state
administering agencies, and every state has a multitude of
them because they are the ones that are responsible for
receiving federal funds and then administering them, they're
the ones that we have contact with on a regular basis. We
refer to ours as the state administering -- the SAG, the
State Advisory Group. The State Advisory Groups are
appointed by the Governor. They make up -- their makeup
includes experts as well as prominent people in their state,
and they assist in helping the Governor identify what groups
will receive funding as a result of other dollars.

Together with the compliance monitors, the
Governor's staff people, we have a system in place already
that provides us with a way of making improvements, making
sure that our concerns get some immediate attention. I
would -- I think that since they are already being trained and are going to be very aware of what happens with this Commission and the work that comes out of this effort, this would be an opportunity for you to work with staff in our office, and Alyssa Rumsey, who's a member of my staff, is present with me today, she has already been in communications with Jack, your executive director, to work on how we can have a better, closer relationship. My suggestion, Commissioner, is that if there is information that you want to have get out immediately to the states that you use this as a conduit to get that information out right away. If there's information that you would like to see collected, if there's a way for us to do that, complementing our efforts that are already underway, then I want -- I'm more than willing to sit down with the Commission and talk about how we could do that, how we could facilitate that information.

We also finally have -- these compliance monitors have relationships with staff management, so, they know the facilities, they know which facilities are having problems, which ones are not, where you have people who are very, very committed to seeing the improvements and where you have people who are perhaps passing through. That's an opportunity for you as well to gain the snapshot pretty quickly as to perhaps some particular problem areas or some
real opportunities. I think that while it's true that many
people look at the juvenile justice arena and say what's in
it for me, this really isn't going to help me achieve much
in my life, I think quite the contrary. I do think that
there are some institutional obstacles, but you could also
use this as a way to address proactively the kinds of
situations where you -- that you read about, unfortunately,
where you have a number of kids who are alleged to have been
abused, where you've got significant long-term problems.
So, those are things that we could help you with. The
compliance monitors, we're happy to make sure that they are
aware of what you need, and to the extent that we can
collect that or gather that information, we're happy to find
a way to make that happen.

COMMISSIONER KANEB: So, there is one compliance
monitor in each state.

MR. FLORES: Yes, sir.

COMMISSIONER KANEB: Does that person have a
staff?

MR. FLORES: That person may have access to staff.
They are usually part of a larger operation within the
state. It varies from state to state. As I say, they work
with the Governors' offices, they are state employees.

COMMISSIONER KANEB: Oh, these are state
employees.
MR. FLORES: Yes. That we -- but these are folks that we pay for, that are paid for in federal funds.

COMMISSIONER KANEB: Okay. Do they report to your office or to the Governor or the Corrections Commissioner in the state?

MR. FLORES: My understanding is that they report in the first instance to the Governor, the Governor's office, and whatever process the Governor has in place, but they respond to us and they provide us with data, so, they kind of have two masters in this kind of a situation where they're providing us with data and information as well as being a state employee.

COMMISSIONER KANEB: And you have furnished information about these people or this program ---

MR. FLORES: To them, yes.

COMMISSIONER KANEB: --- to Jack Thomas of our staff; is that correct?

MR. FLORES: Yes, we have.

COMMISSIONER KANEB: Okay. I don't want to take more time with this. I guess, at least speaking for myself, I would like to get better informed about what potential these monitors and people that I might be working with would have to gather information from us -- for us that we might find useful, rather than our trying to comb through what is probably a huge amount of data that you publish regularly.
And, so, just to clarify, as a practical matter, if we through staff or otherwise wanted to contact one of these people, would that person feel comfortable furnishing us information or do you need to prepare them to ---

MR. FLORES: My suggestion would be that we ask Jack and Alyssa to work on a process so that you can get any kind of information that you would like, and if there are problems in trying to generate some data or information that we can work around them. I think it's not something we've done in the past, but we -- I can't imagine why we couldn't work our way to a satisfactory process working with our compliance monitors. These are folks that we rely on to give us data. They're very committed to the process that we have in place, and they have been key in making sure that we have an accurate picture with respect to our core requirements as to what states are performing and what states are not.

COMMISSIONER KANEB: And the four main areas that they're monitoring are separation of inmates, appropriate separation of inmates; is that what I understand?

MR. FLORES: There are four areas. The first is deinstitutionalization of status and non-offenders, which is making sure that they -- we're not locking up status offenders and putting them in detention facilities. Separation of juveniles and adult ---
COMMISSIONER KANEB: Just making sure they are not locking up...

MR. FLORES: Truants, runaways. If it's a crime -- if it would not be a crime for an adult to commit it, then we do not believe that juveniles should be in a detention facility simply as a function of age. We think there is a more -- there are more appropriate ways of dealing with those issues.

The second one would be separation of juvenile and adult offenders so that even if the detention facility has both, there is full sight and sound separation so that we don't have kids in a facility where they are exposed to adult inmates, whether it's before, during or after the trial process.

COMMISSIONER KANEB: So, there are facilities -- I guess I'm showing my ignorance of the system here -- a system where adults and children are incarcerated in the same facility.

MR. FLORES: In the same building complex but not -- under the JJDP Act there's to be complete separation.

The third one is jail and lockup removal, and that is that while it may be appropriate to have juveniles locked up for a limited period of time, that that must be very, very short, and they are not to be left there for days, weeks, months, while a process is pending.
And then the last one is the reduction of disproportionate minority contact. And in my written testimony I will -- I have provided the status of compliance for the various states with respect to those four core requirements.

COMMISSIONER KANEB: Thank you.

Jim.

COMMISSIONER AIKEN: Mr. Flores -- good morning to everyone.

MR. FLORES: Good morning.

COMMISSIONER AIKEN: And this is a question to you, sir, as well as to the rest of the panel. We talked about separation, sight and sound, we talk about age differential, size, mental status, et cetera, of children in relationship to adult populations that are confined. The question I have is what research, what approaches, what strategies, what standards have been developed or being considered as well as the collection of information to what I term as best I can to hybrid population, those individuals, those children that have been adjudicated as adults, those individuals have been adjudicated as adults based on their community behaviors and not necessarily their institutional behaviors, where do they fall in this matrix? Where do they fall in relationship to the juvenile system or adult system? Where do they fall? Where -- what are the
standards, what are the approaches, what are the strategies that we have in relationship to these young children that are now adjudicated as adults?

COMMISSIONER SMITH: And, Jim, because that's going to be one of my questions, one of the other things that sort of goes with that, that is something that I'm concerned about, is if you have these youth who are in adult settings, just as a practical matter, for example, is there still a mandatory reporting requirement if they're sexually abused in custody as you would have in a juvenile setting?

What happens in terms of data collection about incidents that happen to them?

MR. FLORES: First I would say that there is -- we do not have a uniform juvenile justice system in the United States; each of them varies substantially, in some cases even within the state from county to county, and, so, obviously the first part of my answer is that there is no uniform best practice that we have out there, and the states take a number of different routes to dealing with that population.

I will say that the Office of Juvenile Justice and Delinquency Prevention has done in the past and we're looking now at taking a look at some new data and collecting some new data in terms of that population, which are juveniles who have been waived into the adult system who may
find themselves in the juvenile system for a period of time but then in an adult system or maybe moved to the adult system after they have been adjudicated.

I'm sure my colleagues at the table can add to my answer. I would just say that the -- both the accreditation and the PBS system are collecting data and information, are working regularly with management across the country at different facilities to take a look at those issues because they raise a number of different sub-issues. We are still looking at, unless you're talking about life in prison without the possibility of parole, you're talking about those inmates coming out, those students coming out, those detainees or residents, however you want to refer to them, they will be back in our communities. And, so, from JJ's perspective, we're trying to figure out how do we work so that re-entry is a possibility, successful re-entry. We have a number of efforts underway in terms of that issue. The Justice Department put out money I think in early 2002/2003 to take a look at re-entry, but as I -- I would have to get back to you with -- and I can, shortly -- with at least a brief literature review in terms of what research, what data we've got collected, we've already collected, and what we're in the process of collecting, or that we're aware other agencies are in the process of collecting.
MS. CHUNN: I'd like to add to that. Thanks.

There is an advantage of being the only woman up here.

The American Correctional Association wrestled with that for years -- we had a lot of lively debate -- because the prison system was not prepared really for kids when the move became pervasive across the country to bind over kids for serious crime. They've always had provisions for that, but not -- it was not used to the magnitude that we saw it used in the nineties. And, so, it became a management issue and there were lots of conversations about "we weren't designed for this," "this is not our mission," that kind of thing. But we have always done in ACA, we felt like we owed to the professional community in corrections some guidance. We've often been criticized by not letting the people who handle community corrections make standards for community corrections, and those in juvenile corrections for juvenile corrections, and those in adult corrections. We believe the best thinking is derived from a cross-section of people, and we cleave to that belief and value. So, we all had many, many meetings and concluded that the best approach to provide to adult prison personnel was to recommend that there be separate units when you have a number of people who are -- would have been served in the juvenile system. Bear in mind, though, that when a youngster's been bound over to Superior Court to be tried as
an adult and has been placed in an adult facility, that means they're going to be with you a number of years. And after you've looked at the reduced use of parole, that is even more the case.

The complaints that were made were that the mixing of the generations created many problems. There was a notion that kids might be victimized by adults. Then there was a whole movement where adults -- where kids were victimizing adults, particularly some of the older adults, and, so, it's a very complex issue but one that bears some serious concern, particularly in the notion of having separate units. Because space is of a premium in most secure facilities, then identifying a unit that can be used to that end is often very difficult. But I think that if we could look at that in terms of what the practices have been and what lessons have we learned, I think that's one of the things that we do well is we distill the lessons that have been learned and those things in turn impact what we are able to achieve later.

CHAIRMAN WALTON: Someone else...

MR. DIXON: One of the things that has happened in some states is what they've called blended sentencing, where a kid who is adjudicated as an adult can stay in the juvenile system until he ages out and then go into the adult system. But one of the things that occurs when that happens
is that the kid, once he even finished the adult system, because ninety percent of those kids are coming -- returning home -- the issue is linking up, linking that kid up with services once they get back in the community, and re-entry and transitional programs and those kind of things are what is lacking in our systems, one of the things that we're working on and working very diligently on, but those are the areas. The second piece of that is looking at that youth coming into the system at the beginning and following them through the process. We tend to go directly to the back end of the system and not look at what's happening at the front end of the system, and we have to look at it as a system, not as pieces of a system. And, so, once we start looking at the juvenile system from that standpoint, then I think we start doing a better job. And there are kids who, there's no question, I tell folks at the time, I am not that liberal. My issue is we do have jails and they're there for a reason. The issue really becomes how do we treat folks once we have them there. And that has to be a mainstay for how we do business when we're dealing with kids, and looking at that entire system is very significant in doing that.

COMMISSIONER AIKEN: I appreciate your responses.

My focus is the fact -- and I say fact -- at least an assumption that I draw -- that your community behavior is a better predictor of future community behavior if they are
not impacted with something, and it doesn't necessarily have
a direct relationship to your institutional behavior. There
are people that have done some very bad things in the
community but come into a correctional setting or
confinement setting and you don't see that continued
predator behavior, and now you have a child that's committed
something horrendous in the community that has been able to
be managed properly in a confinement setting and now the
child is in an adult setting and do we have statistics, do we
have tracking mechanisms, do we have strategies, do we
have monitoring and things of this nature, or standards, for
that matter, in relationship to preventing and controlling
predator behavior such as sexual violence upon this
population.

MR BEYER: I think your issue is very important,
and I think it is a real difficult problem to the adult
system, but I just want to say, you have asked where the
juvenile, talking about juvenile, I don't want to minimize
that, but that is a different issue, and I don't want to
take anything away from it, but it goes back to what we
said: we first try to divert the kids from coming in if we
can, keep them in the communities, let the community take
care of the kids. If they have to go into detention, make
sure that they're identified with their issues right away,
especially if their system is passing them on to the larger
state system, for instance, they would come on to us so that we know who's coming, what their issues are. It all comes -- when the child first comes in is really where probably some of the most important work comes down, we get to learn about the person through case monitoring, through the type of questions that are asked, the programs that you have, so you can find out mental health issues, family issues, or lack of family issues, all the things that you need to know about that resident, that student, that child so you know who you're dealing with. And that is exactly the same time, because the juvenile system, for the most part, ninety-nine percent of the time, is returning the kids to the community, they're going home, is when you start processing for re-entry or parole, because you can't wait two hours before the boy or the girl's ready to go home and say, hello, parole officer, I'm your parole officer, welcome back to the community. It starts from the day the child walks in. And, so, it's a whole different unique issues. That's one of the beauties of the juvenile system, thank goodness, is that they're not with us forever, they are going home, and for a relatively short period of time compared to the adult we have a lot a lot of work to do starting with the safety issue to try and turn that kid around, particularly if that kid did not go to the adult system, is not a predator, to work those issues through, through all the rehabilitating
techniques, because ultimately we are legislatively mandated to rehabilitate, and that's what we want to do for the period of time that we have the child.

MR. SOLER: I think it's important to understand what the Federal Juvenile Justice and Delinquency Prevention Act does and does not cover and who it does and does not cover. It only applies -- the protections in the act only apply to juveniles who are under juvenile court jurisdiction. Once a child has been transferred into the adult criminal justice system, then the provisions of the Juvenile Justice Act don't apply. Those four requirements that Mr. Flores talked about, separation from adults and removal and those only apply to juveniles under juvenile court jurisdiction. So, once they go into the adult system they don't have that kind of protection.

In addition, the Federal Juvenile Justice Act does not talk about a broad range of conditions of confinement; it's only those four requirements. And, so, as far as I know, after a long time working in this field, the compliance officers in the states are not looking at individual juvenile facilities and doing assessments of those facilities, they're monitoring compliance with the statutory requirements: is there separation if children are in, is there removal, is there no detention of status offenders, and how are they looking at racial and ethnic
disparities in the system. So, the present structure of
federal law doesn't provide the right kind of structure for
monitoring this issue very closely. So, I think the answer
to your question is, we don't have lot of good data on how
this is going down and the incidence of this. In our
experience, in my experience, the greatest reform on the
prison rape issue that has taken place over the last
twenty-five years was the enactment of the Juvenile Justice
Act which got kids out of jail. It's been a very effective
federal reform; there are very few children held in adult
jails these days, and when they are, they're held in very --
for very short amounts of time. When the Juvenile Justice
Act was being considered by Congress thirty years ago, the
testimony before the Senate Judiciary Committee was all
about rapes of children in jail and all about children
committing suicide in jail. The statute was focused on
getting kids out of jail because we know that jails are
schools of crime for children, we don't want children in
jails, they are in great danger when they're in jails, and
they're in great danger when they're in prisons. Despite
the best efforts of correctional administrators and
superintendents, it's very difficult to protect children in
appropriate ways when they are in a prison setting.

There was a survey done about ten years ago
looking to see how many prison systems actually separate
juvenile inmates from adult inmates so they can be protected that way, and it was something about half the systems did then. There may be more now because there's more awareness of those kinds of issues, but that's a terrible situation. You don't -- when you think about our own children, think about children from our community, we don't want 15-, 16- and 17-year-olds in these adult prisons because they're going to get badly hurt, and most of them are in the prisons not for violent offenses. The majority of children transferred into adult court are not transferred for violent offenses but for property offenses and drug buys.

MR. DIXON: And to add to that, we're looking at 17-year-olds, but I think one of the issues based on what the brain research has come out is really talking about kids have not matured until they're in their early twenties, so, we have to be conscious of that also. So, stopping at seventeen, we may need to move, when we place kids in the adult system, up to eighteen or maybe nineteen. So, that's a serious issue that has to be addressed also.

CHAIRMAN WALTON: I know that tremendous efforts have been made to limit the detention of children, but is there still a systemic problem in our nation, or if not the nation, in specific jurisdictions in the country where young people are inappropriately being detained, and if that's so, are those individuals at greater vulnerability for the type
of assaults that we're talking about?

MR. DIXON: Well, to answer your question, yes. What has started to happen, especially in juvenile detention, they have become the de facto mental health facility for juveniles, and, so, when you have those kids coming in with those multiple mental health issues and trying to manage those kids, then you have serious concerns, and that's a national concern, that's not just through jurisdictions. Every facility in the country is having problems with that, so, it's a major issue.

MR. BEYER: Major. We wrestle with that constantly. And the other issue is, which was also touched on, is on the issue of disproportionate minority contact. The differences, talking, leaning a little bit about what you were saying, Commissioner, is that kids of color many times come in and spend longer periods of time than kids, white kids, for instance; and, so, if you're spending more time in detention waiting to be processed simply because of your color of skin, there's greater opportunity for things to go wrong. That's why you want to try and get kids through the detention system as quickly as possible because they are not supposed to be a long-term holding facility, supposed to be short term. And that's what happens. They get -- the mental health kids get hooked up there, the disproportionate issue gets hooked up, all involved in their
issues, and it creates a real problem as far as the juvenile correctional issue.

MR. DIXON: The second issue, a piggy-back onto that, has to do with we're start -- we're looking at detention as a building and not a process, and until we look at it as a process, we're going to have a lot of kids who are placed in detention who should not be there. The process mechanism I'm talking about is alternative. They're still part of detention, but it means that kids can be placed in their home because they're not a threat to the community and they're not -- they don't have the ability to run. And, so, a process of how we look at how we place kids is very fundamental of how we look at the bricks-and-mortar piece, because constantly we look at the bricks and mortar and not the process of detention.

MS. CHUNN: And that's one of the reasons that I believe that disproportionate minority contact is such an issue, because often the notion is there is no other place we can put youngsters of color, and parents don't know what the options are, and, so, it becomes even more difficult for the system to have advocates that can push for this kid particularly if he has no history of violence. I think if this Commission were to recommend that young people, those who are classified as juveniles, not be held in prison there would be a hue and cry of applause and congratulations
across this country. I don't know an adult administrator who's holding juveniles who would rather have it that way. They would much rather have juveniles in juvenile facilities.

MR. SOLER: One example of the inappropriate detention actually comes up in one of the issues under the Juvenile Justice and Delinquency Prevention Act. One of the requirements is deinstitutionalization of status offenders, which means that children charged with offenses that would not be crimes for adults, like truancy and curfew violation deemed beyond control of parents, cannot be locked up. But there is an exception to that rule, and I'm afraid in many places in the country the exception has swallowed the rule. The child, the first time they truant they cannot be locked up, but when they truant and if they are brought into court and put on probation, for the truancy a condition of probation is attend school. If they then fail to attend school, the don't get arrested for the truancy, they get arrested for violating probation, and that is a delinquency offense and that is not covered by the prohibition. And, so, they are -- all over the country there are thousands of -- today there are thousands of children who are locked up in detention for behavior that constitutes status offenses, that is, for not going to school or for violating curfew or for not obeying their parents, and they are locked up
because of this valid court ordered exception. And, so,
that's just one example of inappropriate detention.

The Casey Foundation's Juvenile Detention
Alternatives Initiative has been working for thirteen years
to develop procedures to minimize the use of unnecessary
detention in a way that nevertheless promotes public safety.
JDAI is now in about sixty sites around the country; there
are four sites that they consider model sites, and it may be
worth looking at what they're doing, particularly in terms
of looking at inappropriate detention: Chicago, Portland,
Oregon, Santa Cruz, California, Albuquerque, New Mexico,
have made significant strides in significantly reducing
unnecessary detention without any increase in juvenile
arrests in those vicinities, and it's spreading to other of
the JDAI sites.

One last point to make about disproportionate
minority contact. Incarceration in this country is largely
about people of color. Any policies that we're talking
about in terms of children locked up are disproportionately
going to impact African American and Latino youth. And we
know something about those numbers. The numbers that we
know all indicate disproportionality, and, so, we need to
keep that in mind as we're thinking about standards to
develop to protect children from prison rape.

COMMISSIONER PURYEAR: I'd like to quickly ask a
question that -- changing the subject here for a little bit
-- but there also have been a couple of you, like Mr. Beyer,
saw Mr. Beck's statistical results about the higher degree
of frequency of sexual staff misconduct with juvenile
residents versus adult inmates, and that's a troubling
statistic. Mr. Soler and Mr. Flores both, I think, made
references to the architectural design of facilities. Why
don't we just camera up or use other technologies in these
facilities so that somebody's always watching or has the
capacity to watch or come back and look and see what
happened in these facilities and so that if there is a
complaint or a grievance made it can quickly be ascertained
whether or not the complaint or grievance is grounded. It's
very, very cheap to do that.

MR. SOLER: It's a good idea, and I think it would
be helpful, but I think we shouldn't mislead ourselves and
think it's going to solve the problem. There are -- I've
been in facilities that do have lots and lots of cameras,
and I've always talked to children who have been assaulted
by staff in those facilities, and there are ways of getting
out of camera view and cameras are not everywhere in the
facilities, and the truth is that cameras are not a
substitute for very well trained staff and very committed
leadership in the leadership and a policy of no tolerance of
sexual misconduct by staff in the facility.
MR. BEYER: That is the only way to do it, and that's what I originally said, and the reason -- I will say again -- one of the reasons why our percentages were higher in juvenile is because we have more accountability in certain respects, because they're kids, of who oversee, and we are obligated to report to, so, there is a greater number, whether founded or not, whether founded or not, and it all comes down to the issue of tolerance. I'll say it again. You can have cameras and you could get beat on cameras. If you don't have people who are committed and concerned -- and it starts with the head of the operation -- it could be me as the director, it could be the superintendent of the facility, you've got to walk and talk your place, you've got -- they have to know what you're going to tolerate. It talks about surprise visits in the middle of the night, make sure staff isn't sleeping, that they're concerned about those kids, that they're looking inside the room, the cell, whatever the case may be. This is a 24-hour business seven days a week; you can never go to sleep. It's not one of those things I could lean back and say, oh, it's okay. You never -- it's never okay. When it comes to the issue of safety, it never, ever, ever stops.

COMMISSIONER PURYEAR: I'm not suggesting this is a substitute for effective training or employing the right people in facilities, for having an adequate number of
people to cover the facility, but it does seem -- everybody behaves a little bit differently if they think somebody might be watching them.

MS. CHUNN: The problem is money, a lot of times.

COMMISSIONER PURYEAR: Let me ask about that, though. Have you priced a system, a camera system, these days? It's not like it used to be. You can have a digital video recorder, you can have digital cameras for -- and let me just ask, does anybody who's run a facility think that having a camera system deployed where they could see areas that -- where things are likely to go wrong is not worth one employee, for instance?

MR. BEYER: No, it's not with one employee.

MS. CHUNN: No.

MR. BEYER: Because you need somebody ---

COMMISSIONER PURYEAR: Paper pushers or anything.

MR. BEYER: Well, you need somebody to watch the camera.

COMMISSIONER PURYEAR: Sure. You can do that from your -- anyway, can do that off your laptop in your office, if you want to, or at home in the evening.

MR. DIXON: I'll say this, and I said it in my testimony, one of the things that we have to stop doing is trying to, with all due respect, get off on the cheap, because it takes folks to supervise those folks, it takes
folks to train those folks, and all my facilities have cameras in them, all of them, and we have digital cameras, we have all of that, and we've still an incident of those things occurring in the facility. And, so, if cameras were the -- was -- I won't say the cure-all -- then believe me, we wouldn't be having this discussion now.

COMMISSIONER PURYEAR: Do you think they help?

MR. DIXON: I think they add a certain level of help, but I think, like anything else, and that's why I said earlier that it's not a science, it's an art, to looking at how people are deployed, because folks, if they want to do something wrong, folks will look at ways to find out how to do it, and that's where training and all those other things come into play.

COMMISSIONER AIKEN: I hope not. I hear everything, but I do have to make a comment. No one is suggesting, I don't think, that the camera will replace living, breathing bodies and interactions, but the question I often ask is who's watching and where is that camera being monitored? In a control room. Why can't it be in the warden's office? Why can't it be at a different place?

MR. BEYER: Because the warden's busy. I was a warden. I couldn't tell you that I sat -- if a warden's sitting in his or her office all day long, you're no good to anybody anyway. You can't run the place from your office.
I'll just tell you this: the camera is a tool, it's a tool and it's a beneficial tool. Give you a good example. Took a tour. Girls were complaining in one of our -- several years ago that they were scared at night. Why are you scared at night? Well, we found out that the staff came in to sleep, didn't come in to work, they came in to sleep. Now, the cameras caught the sleeping on tape. What that allowed me to do was fire people. And, so, it was a tool to correct the situation. But when you mandate managers to go and make those tours that you're going to come and check on a regular basis or an infrequent basis or on a surprise basis, the best tool, in my view, in ensuring the safety and the welfare of the people you're responsible for, is to ensure that the people understand what they have to do and hold them accountable to what they have to do.

COMMISSIONER AIKEN: I understand that and I agree with you, but I don't think it's an issue of either/or.

MR. BEYER: No, I agree with you.

COMMISSIONER AIKEN: And a warden is busy, you better believe the warden is busy, and the warden should be busy about making sure that this place is safe, safe for staff as well as inmate population, and if I could pull up a laptop at 2:00 o'clock in the morning and plug into a part of the prison, or the confinement facility, to see for myself at random as I feel deemed appropriate, I think
that's appropriate too.

MR. BEYER: No question.

MS. CHUNN: What we want to do, too, is beyond compliance; we want to change the culture. I think we heard from one of the victims this morning, this guy goes in on third shift, middle of the night usually, locks the door behind him, and that's, unless you're going to put a camera in every room, every sleeping -- every place in the building, then it's not going to get us what we want. And I think what we want is something beyond compliance.

COMMISSIONER AIKEN: You want more commitment.

MS. CHUNN: Exactly. And I think part of what you are pointing out is unless we can instill in people the kind of commitment to safety that we won't get what we're going to do. Increasingly, though, there's nobody at the top of the organization who's saying, look, I'm giving you this job, but I expect these kids to all remain safe, I don't want any riots, I don't want anybody killed, I don't want any suicides, I don't want any sexual assaults, but you're not getting that message consistently. So, you're getting a lot of leaders who don't even know where their institutions are, and when they go out it's once or twice a year, and then they're surprised when they've got a sex scandal. We've got to have people who show up who are in leadership positions who care enough about the children so that the
staff know that you will without a doubt be taken to court. I told a person one time the AG is my person, I can take you to court all day long, every time a kid says that he's been inappropriately touched or there's any hint, you'd be surprised what that attitude does in changing people's minds about whether or not they really want to --

CHAIRMAN WALTON: We're off schedule, but I'll let Mr. Smith ask a short question but we don't want to short change the next panel.

COMMISSIONER SMITH: This is not really a short -- this is not a short question, it's a short comment. I appreciate the passion and the commitment of everybody on the panel to assuring the safety of youth in custody, or youth who are in various settings in the juvenile system, but from all the testimony that's gone across this panel, the thing that really strikes me is that there is not a focus on sexual abuse of youth in custody. You're much more focused on the four OJDDP requirements and there's not a focus on this issue. And, so, what I'm asking, in fact, demanding, with what little piece of power I have as someone who's appointed to this Commission, is some specific, concrete efforts and activities over the course of the next months, year, to demonstrate the commitment of this community to addressing sexual abuse in custody explicitly.

Mr. Flores, you have a piece of funding that's out
there that's due on June 19th. It doesn't specifically set
aside any resources to deal with PREA, even though I
understand that you would welcome those. A good idea would
be to be very specific about that. You got compliance
monitors. Are you saying specifically to look at these
issues. There are a number of standards across the JDAI,
ACA, all of the alphabets, but are they explicitly
addressing this issue, and that's what we need and that's
what we want you to do. So, that's my comment.

MS. CHUNN: I think what we're saying, all saying
to you is, yes, we have, varying degrees of attention to
this specifically, but that each one of us stands ready to
work with you on this. The ACA certainly pledges to
continue its work in providing the level of specificity in
the standards-producing process that will get us where we
want to go in this area.

MR. BEYER: And CJCA is equally committed, and if
you were sitting here today, we were talking about suicide
or elimination of suicides, I would talk to you and
represent the other correctional administrators with the
exact same passion; just as you don't want to lose a child
to a suicide, you don't a child sexually invaded by anyone,
it's that important; just as you wouldn't want it to happen
to your own child. We are all -- we stand committed and we
stand together on this.
MR. DIXON: NJDA has the same commitment. Again, we see the kids up close and personal, and we can't get away from them and we have to deal with them.

CHAIRMAN WALTON: We're ten minutes off schedule. I hate to end the session, because it's been so informative and passionate, but we would be more than thankful of getting additional input from you. So, if there were things you weren't able to say that you'd like to say, please let us know about it, and I'm sure we'll be in contact and have further discussions. Thank you very much.

We'll take five minutes.

(Recess.)

CHAIRMAN WALTON: Our next panel will address the nature of the problem. Our first witness will be Mr. Paul Brizzi, who is the Prosecuting Attorney in Marion County, Indiana. Our next witness will be Dr. Barry Krisberg, who is a Ph.D. with the National Council on Crime and Delinquency. Next we'll have Mr. Robert Bidwell who is a physician with the Hawaii Office of Youth Services. Our next witness will be Mr. Steven Gibson who is director of the Montana Department of Corrections, Youth Services Division. And our final witness will be Ms. Grace Chung Becker, who is Deputy Assistant Attorney General with the United States Department of Justice.

We will start first with Mr. Brizzi.