was happening. There was no real formal internal complaint process, no way to have any sort of follow-up about these allegations and what was going on.

And the last piece of this was that the staff was just completely unprofessional, unqualified to be in charge of young, vulnerable detainees. And some -- I can't remember who said it earlier in the day -- but the resources have to be put into obviously hiring the best people possible to not only run the facility but then also be the youth services managers you have to have -- I think somebody used the word or term "zero tolerance" toward this type of behavior, and there has to be absolute oversight from some sort of outside agency, whether it's a commission.

Since this has broke, since these people have been charged, we've turned over the running of the facility to probation, to actually put it in the hands of law enforcement at least in the short term as a temporary fix to the problem, but since then there's been another study that's been done in terms of all the ills, and I think we have some serious issues in Indianapolis to address.

CHAIRMAN WALTON: Thank you very much.

MR. BRIZZI: Thank you.

CHAIRMAN WALTON: Dr. Krisberg?

DR. KRISBERG: Thank you very much. I'm very honored to be invited by this Commission to talk on this
very important topic. I'm going to focus my comments on an investigation that I conducted in California on behalf of the California Attorney General.

In 2002, in response to a lawsuit, the Attorney General called me and asked me to lead a panel of independent experts that would examine and investigate conditions in the California Youth Authority and then report out what we found. The study took almost a year, and as a result of the findings, which have been reported broadly in the news, the State signed a consent decree and I am now currently appointed by the judge in the case to continue to monitor compliance with safety and welfare issues in the Youth Authority.

I should say now that the California Youth Authority is now called the Department of -- Division of Juvenile Justice. July of last year it was merged into the Department of Corrections, so, I'm going to refer to it as DJJ rather than the term that's more known familiarly in the field.

The Department of Juvenile Justice operates eight large facilities, holds about thirty-three hundred young people that are committed for generally very serious offenses. It is one of the largest juvenile correctional systems in the country. All of these youth are housed in antiquated and decrepit facilities, and there are few people
in California who would dispute that issue. Many of the youth live in what I would call barracks, not really dormitories, no dormitory that I remember, with as many as 60 youth sleeping in bunk beds. Staff are usually stationed in cages in a security post, and there's almost no ability to visually inspect what's going on in these barracks.

The investigation covered the full panoply of health care, education, mental health, you name it. I focused on the more traditional corrections issues.

What we found, briefly, was that the California Department of Juvenile Justice is plagued with high levels of violence and fear. Fights and assaults on staff, riots are common occurrences. Incidents of violence, gang and racial conflicts, staff fears, have led to a reliance on extended periods of lockdowns in which many youth spend an average of 21 hours per day in their cells and when they're out they're in cages, little cages that are recreation areas. There's daily use of chemical and mechanical restraints. Many correctional staff use -- wear equipment like security vests and helmets that are more typical of what you'd see in a maximum security prison. A videotape showing several DJJ staff beating up two young people was aired on national television and the internet. The director fired those staff. They've all been reinstated by the State Personnel Board, so, it's a little more complicated than
cameras. In the recent past, many of the facilities have employed guard dogs to maintain order. Suicide attempts are frequent, and four youth took their own lives in the last two years. Sexual assaults are part of these horrific conditions.

Now, as to the data, I had unprecedented access and unlimited access to data on individuals, statistical data, you name it, and certainly was given complete support from everybody in California state government. The data was hard to come by. This is a tough issue to get good information on. In the end, I relied heavily on the disciplinary system, and I looked at sustained serious disciplinary infractions. I focused my investigation on six of the facilities that were the most troubled, at least as we thought at the time, and I looked at serious disciplinary infractions in these facilities, and of the six facilities that I visited, we were able to document in 2002 over 4,000 high level sustained disciplinary infractions for violence, for assaults, principally youth-on-youth assaults, so, over ten per day in these six facilities. How many of these involved sexual content and sexual violence, I think you'd have to do a much more in depth analysis of situations and even then it would be hard to do.

In addition to the 4,000 sustained disciplinaries for assaults and batteries, there were nine sustained
disciplinary infractions for sexual assaults, 56 sustained charges for sexual acts. The difference between that was kind of a subjective judgment as to whether or not the act was consensual or not, but it was often pretty vague to determine that. And, in addition to that, there were 925 sustained serious infractions. And, by the way, in California this would mean an average of 90 days added to your time, so, this is big stake stuff. So, there were 925 infractions for sexual harassment, and that covered a wide range of gestures, provocative languages, public masturbation, and other activities broadly defined as sexual horseplay, either by the staff or the youth. So, I am absolutely convinced that inappropriate sexual conduct is a very serious problem in the California Youth Authority.

Now, I also had the advantage to conduct in the initial investigation over a hundred interviews on a completely confidential basis with a cross-section of young people. Since that time in my monitoring I have talked to at least another hundred and fifty youth on the same basis, and the youth clearly report that sexual violence is a major problem in the California Youth Authority. While the gay, bisexual, lesbian, transgender youth tend to be more honest in reporting this, at least to me, it was clear that the validly heterosexual youth equally described situations but tended to be far more embarrassed. You needed to establish
a pretty substantial relationship with the young people before they would agree to this, and in the case of the young women, this was not going to happen, and we really needed to bring in other trained women counselors to talk to them about what was going on. But it was very clear that this was a major and significant problem.

And youth talked about -- again, we heard this before -- that the grievance system was not helpful, that reporting this to the staff often meant that the staff would discount it. The staff's general attitude was this is consensual, particularly gay youths, their reports would be discounted as initially consensual behavior with youth, then having second thoughts.

What youth tended to do to protect themselves, particularly when the lights were out in the dormitory, was often to assault staff to get locked up, and they didn't mind being locked up 23 hours a day if that meant, as they would often say, not having to watch your back. So, you'd see staff, and, in fact, correctional officers and superintendents would routinely tell me that the lockup units were populated with essentially what they called protective custody cases. These were not gang-bangers, these were not violent youths, these were youth trying to escape the victimization that was going on in the dormitories.
Another way out was to engage in abnormal behavior, like suicidal gestures, smearing feces on yourself or your bed, claiming that you were hearing voices, so that the psychologist and psychiatrist would, again, get you out of these terrible dormitories and into some single room where you'd feel some modicum of safety.

There was almost no training, no focus on preventing sexual victimization or responding to it, so, again, my overall conclusion is that it is a serious and major problem, and even though the State is committed to a remedial plan, and the legislature just put up a bunch of money to implement this, it's going to be a long haul to get out of a mess this deep.

I want to go to recommendations for your consideration. First and foremost, these systems definitely need classification systems. Whereas the adult systems have made great strides in terms of objective custody-oriented classification systems, most juvenile systems are in the infancy, so, they don't really have effective classification systems to either identify the victims or the victimizers. I would recommend to you something that we are now implementing called the Juvenile Intervention and Assessment System that has demonstrated its ability to reduce institutional violence in adult facilities and we believe can do similar work in juvenile facilities. Whether you use
ours or somebody else's, you've got to have a classification system; otherwise you're at ground zero.

Living unit sizes. I agree with the ACA standards, one of the few things I agree with ACA about, but I think you've got to have units no more than 20 youth, you've got to have staff ratios no less than one-to-eight, and we really need to systematically get rid of these antiquated facilities that don't permit staff to directly observe what's going on.

Staff training, and I would mention the techniques developed by the North American Family Institute which is nearby in Danvers, Massachusetts, called the Normative Culture. The Normative Culture specifically creates what are called communities of dignity respect. They enlist the staff and the youth in the common goal of ensuring safety, and I think unless staff are given tools which build a culture of safety, compliance alone is going to have limited effect. Training of staff, I've mentioned before. Staff have relatively little training in either adolescent psychological development or the particular needs and victimization of gay, bisexual, lesbian, transgender youth.

These facilities are badly understaffed with respect to medical/mental health professionals, and it seems to me that we need to get more of them in these places, and even medical professionals need additional training to
recognize the signs of sexual victimization and to know how to respond appropriately to it.

Grievance systems we've already talked about. I'm a big supporter of getting bona fide outside groups to come in to visit these places, to talk to the youth on a confidential basis. I think it sets a tone if correctional staff know that outsiders are going in.

And, again, the living environments. When youth facilities take on the trappings of prisons, then the behavior within them starts looking like prisons, and we've got to de-prisonize these facilities if we're going to get ahead of this problem.

California, the horrid conditions in California are not an anomaly. Similar situations have developed in Arizona, Connecticut, Georgia, Florida, Hawaii, Louisiana, Maryland, Mississippi, South Dakota, to name a few. I believe there's a national crisis in which residential care is collapsing in this country and there's a small minority of states that are not places where kids are currently being abused. And the U.S. Department of Justice has been laudable in terms of initiating an unprecedented level of investigations under the Civil Rights of Institutionalized Persons Act to challenge many of the conditions, and I think that's important to go on.

I was thinking as we were talking, if I was going
to do the one thing at a federal level that would make a
difference, I would go back to the Federal Juvenile Justice
Act. When we amended the Federal Juvenile Justice Act to
require states to study the issue of disproportionate
minority contact, to come up with good faith remedial plans,
to basically require that as a condition of federal support,
a lot of good things happened. The problem has not
disappeared, but we began to move a difficult issue forward.
And I think I would recommend that you consider an amendment
to the Federal Juvenile Justice Act requiring that every
state, number one, conduct an investigation or study of this
problem, come up with recommendations for action, and then
condition receipt of federal funds, at least, on the
submission of a good faith plan to remedy the issue of
sexual violence in juvenile facilities.

    Thank you very much.

CHAIRMAN WALTON: Thank you, Doctor.

Dr. Bidwell.

DR. BIDWELL: Good morning, and aloha. And thank
you for the chance to speak with the Commission today.

I'm going to preface my testimony, my official
testimony, with a few words that I hadn't intended.

I'm a pediatrician that works at the Honolulu
Juvenile Detention Facility and at the Hawaii Youth
Correctional Facility, and I've known Cyryna Pasion, who