Thank you very much.

CHAIRMAN WALTON: Thank you, Dr. Bidwell.

Mr. Gibson.

MR. GIBSON: Thank you, Mr. Chairman. I've Steve Gibson. I really feel privileged to be here. I'm going to take a little different approach to this. I will follow my testimony. The severity of the problem obviously varies in jurisdiction; I'll go through some of the reasons why, and you've heard some of those.

Just a little bit on my background. I've been fortunate, I guess, that I started in 1974 as a line staff in a Maine secure facility; I've been a counselor, a parole officer, I worked with Child Protective Services, I've been the superintendent of that facility which I was fired from for not watering the superintendent's lawn, and now I am a bureaucrat.

I think a lot of things have been talked about, and rather than just -- we talked about leadership attitudes, policy procedures, facility design operation, training programs for staff, offenders, recruitment, staffing ratios, facility design, I think they're all connected. I'd just like to go a little farther on some of these things as suggestions in relationship to what's already been said.

As far as zero tolerance, of course, that should
be the case. I heard people talk about firing people. I think you need to go to another step and that's criminal prosecution. What I've seen in the past in some places is that due to embarrassment or they thought it might become public, people were allowed to resign and walk off to other states and recommit offenses, so, I think it's very important, whether it's child pornography, staff abuse or whatever, there needs to be zero tolerance in relationship to criminal prosecution.

As far as the grievance procedure we heard a lot about that. It does need to go directly to the superintendent, director. There are ways to do that. You have sealed documents. We go as far as to mark those with seals. They do go to line staff but those are sealed immediately; there are other people in their presence. And beyond the superintendent, as somebody mentioned before, it needs to go to another level. In our state we can go to the Governor. You can go to my level. You can go beyond that on an appeal process with time lines.

As far as recruitment, obviously we need to do background checks, but beyond that, I think we need to implement behavioral-based screening assessment tools for hiring practices; there are many of those out there, I'm not going to promote any one or the other.

As far as orientation and training, I think it's
important that staff and youth are involved in some of the
same orientation so that you're not just taking staff and so
everybody knows, whether it's zero tolerance, how you get to
who, when, whatever. Also, I think it's very important that
you do have outside statutes mandatory reporting. We do in
our state. You do internal investigations, but again for
your own benefit and the benefit of the kids it's important,
I think, and to put it in law that outside, whether it's
alleged or not or allowed, mandated to come into your
facility and interview the kids.

It's not in my testimony, but I just briefly, and
I forgot it, I think I would suggest this Commission go
beyond the facilities. You can get to the point of
facilities where you have checks and balances, training,
facility design, staff ratios or whatever. In the past,
what I saw in the '70s and '80s, we had some people that
because facilities became so structured that they would
groom those kids when they left. You need to look at
parole. You need to look at your procedures with your staff
in the facilities and their relationships and how they
report to administrative staff. Again, it's not to curtail
positive adult/youth relationships, but you need to be very
careful. You can stop things in the institution, and if
people are prone to do what they do, they have ways to
follow outside the institution, whether that be through
parole or not. So, I think that's very important that I haven't seen in any of the written documentation.

Finally, and it might sound -- I think there are three things -- we talk about staff ratios, we talk about size of facilities, again, whether it's 200 beds, 500 beds or 50 beds, it depends on how many are in those beds and what your staff ratio is, and that's not just nighttime, that's programming for the camera thing, there are also things with round verification that are probably even more important than those cameras with every individual room. There has to be line of sight, there has to be computerize, and they're not that expensive.

But I think treatment, this might sound insincere, but what we always try to say is that treatment is public safety, and programming in a facility, programming should be 16 hours a day every waking hour. Kids should not have idle time. Of course, our programming should be appropriate; the staff should be trained. But the more time you have to be locked up, lay around, hang out, and that's not just sexual assault, suicide prevention, all types of assault, I think all these things are connected. I think that's very important.

And finally, we've said a little bit, you need to be open to the public, and I just don't mean -- I mean the media, I mean parents. In our facilities we have
seven-day-a-week visitation. The kids and the staff both
know that at any time any day, whether it's the press,
whether it's a parent, they can walk through those doors and
have openness to those facilities. The facility that I ran
was built in 1883; it's still there, it was part of the
Congressional land entitlement to build these institutions,
operate them, the state reform schools. When I went back
there in '91 -- and it sits almost on Main Street, a small
town of about 12,000 people, because they always put these
places way out in the rural areas where out-of-sight
out-of-mind, nobody really wanted them. But all the years
it was there it was like, to the people in the community, it
was like this dark place. They liked it, it was the largest
employer in that community of 10,000 people, but nobody
really knew what went on in there unless there was rumors,
unless there was people had been fired, I mean, everybody
had worked there at one time or another, their relative,
through those hundred years. I think the most important
thing that you can do, again, is open that facility to
everyone, and when the kids, and not just the staff, when
the kids know at any time when they're awake that people are
walking through that facility, they are going to feel safer,
the staff are going to know that it's going to be easier to
report such things as have been talked about today. All
these other things, facility design, training, yes, they're
all very important, but again, finally, jurisdictions, it's a good question, but you have to take in mind who runs those jurisdictions. In this country about a third are under public health, about a third are under corrections, I've been under three, three in 30 years, I've been under public health, I've been under corrections, I've been under institutions. We kind of hyperventilate with that stuff and we just kind of go in circles.

The other thing is, again, third are public health, third are corrections, third are stand-alone. I believe West Virginia is under the Department of Military Affairs. The other thing is age. The age of jurisdiction goes all the way from 16 to 25, and not to get into the debate about whether you're in the adult system or not, but every state is different, including what they have. Some states don't have probation, some states do. Some states don't have parole, some states do. There are so many complicating factors as to jurisdiction, age, laws, and I'll just give you one example. In Montana, which sometimes I think we're very conservative, we have four different ways to transfer kids. We have direct transfer, we have extended jurisdiction, we have criminally convicted youth, and we have something called 208. And in Montana, less than a million people, there are probably about over 4,000 in adult prisons, pretty high; juvenile system right now, male,
female, as of yesterday I believe we had 115 kids. But as
of yesterday there were two people in our prison system
under the age of 18, with all those ways to do that, so,
again, jurisdictions are extremely different.

Again, I really thank you, I appreciate being
here, and I look forward to any questions you may have.

CHAIRMAN WALTON: Thank you, Mr. Gibson.

Ms. Becker.

MS. BECKER: Good afternoon. It's an honor and a
privilege to testify this afternoon about some of the work
that we do in our Special Litigation Section in the Civil
Rights Division at the Department of Justice.

The Department's authority to investigate and
initiate civil lawsuits relating to conditions of care for
juveniles, both those confining adult facilities and
juvenile correction facilities, stems from two statutes:
The Civil Rights of Institutionalized Persons Act of 1980,
which we call CRIPA, and the Violent Crime Control and Law
Enforcement Act of 1994, which we call Section 14141 in
reference to its statutory cites. These statutes give the
department broad authority to investigate more than just
sexual abuse and rape in juvenile facilities, but it also
covers other types of abuse: physical abuse, lack of medical
care, lack of mental health facilities, education, things of
that nature, and it also covers other types of facilities,