administrative records and surveys addressing prevalence will assist the classification process. A systemic, valid, and reliable classification process addressing sexual violence will eliminate or at least reduce the bias of who we believe to be predatory individuals and victims of sexual violence.

Not having accurate data should not have or keep us from doing the work. Correctional agencies must assess the effectiveness of their current classification system to address all forms of violence. Sexual violence then must be added to the list of questions driving development of instrumentation and classification systems that are responsive to this important issue.

It is important not to make the mistakes often made in other reforms. Addressing differences among special populations, gender and age, are critical. Thank you.

THE CHAIRMAN: Thank you, Director.

Sheriff Garvey?

MR. GARVEY: Thank you, Mr. Chairman, and
I also welcome the opportunity to be here today. Being last, the end of kind of a long day, I feel like the leader who bats ninth and plays right field. But having said that, I still enjoy being here.

I have been a sheriff for 22 years. Prior to that, I was a school teacher for 25 years. So, you might ask, do they not have a retirement plan in Massachusetts. I am also a member of the Standards Committee of the American Correctional Association, and honored to serve as the chairman of the commission on accreditation for corrections.

And if I may, this afternoon, I would like to explain somewhat about how the commission on accreditation operates. First of all, the commission is made up of some 26 commissioners from a variety of fields. We have lawyers, doctors, people from the private sector, county commissioners, state correctional commissioners, people from probation, parole and so forth that sit on the commission.

Now, accreditation and the application for
accreditation is voluntary. And I want you to all make sure that we remember that, that the
accreditation process is a voluntary process, that an agency chooses to participate in. After the agency -- and I would be remiss if I did not say that this is a plus as far as I'm concerned in terms of the commitment of the administration of that agency to participate in the professional growth of the agency by applying and practicing those standards that are promulgated by the American Correctional Association.

Following the application, the agency goes through a self-evaluation comparing their procedures, their operations, their policies and procedures with those that are prescribed by the American Correctional Association. An important part of accreditation is the audit or the visitation by auditors from the American Correctional Association to check the compliance of the agency. As we all know, standards written on paper are very, very good; however, if those standards are not practiced for the best
effectiveness for the institution, they are meaningless.

Of the standards that are prescribed by the association, 100 percent of the mandatory standards, as well as 90 percent or above of the nonmandatory standards must be accomplished in order to receive accreditation. The accreditation score comes in two columns, one for those mandatory standards and those nonmandatory standards that must receive a score of 90 percent or above.

After the visitation by the visiting committee, the agency appears before the commission. A panel of commissioners hold a hearing and discuss the report of the auditors. If, in fact, that is satisfactory, we hope that the institution would receive accreditation. However, the score alone is not as important, probably, as the measure of the conditions of confinement. And a lot has been said today, and I will not repeat it, but the conditions of confinement are basically based on how an individual is treated, what the atmosphere or what the climate in the institution
is, what are the incidents that are occurring in
the institution.

Let me give you an example. If, in fact, you
have a disproportionate number of sexual assaults
in an institution, however, you may have passed all
of the standards, you may still not be accredited
if, in fact, there's a disproportionate number of
any type of assault. So, rather than to single out
a sexual assault, but any type of violence, or if,
in fact, there are conditions that are questionable
in terms of what is the level of confinement for
inmates, then obviously you may not.

The important thing that I mention to you in
terms of the noncompliant standards, the agency is
going to be asked to present a plan of action. A
plan of action is simply a plan for the agency to
tell you how you are going to meet compliance with
that particular standard.

For the purposes of explanation, my agency can
not pass the standard on population. That is
probably common of many, many agencies. The
commission would ask me how am I going to address
overcrowding in my agency. My answer to that is
that I am going to lobby the Massachusetts state
legislature to provide me funds to increase the bed
capacity or the population of my facility.

Tuesday afternoon, prior to coming down here
to the sunshine state, I spent the afternoon with
the chairman of the House, Ways and Means Committee
of the Massachusetts state legislature trying to
convince him that it would be appropriate to give
Hampshire County some dollars to expand their
facilities so they could meet that particular
standard.

If, in fact, an agency, for example, did not
have competitive wages that we've mentioned a great
deal today in relationship to other criminal
justice professions, how am I going to address
that? I am going to petition whomever is
responsible for giving me a budget to increase the
salary of my particular staff. So, the agency is
asked to address the standard, and if they cannot
meet the standard, to give me a plan of action that
will, in fact, help them develop a plan to meet
The American Correction Association mission is to improve the administration and the management of correctional agencies. The commitment to this legislation is reflected in the performance based standards found in the ACA accreditation manuals.

It is clear that a continual focus on sexual assault, assaultive behavior, must occur throughout the correctional process. The standards and accreditation committees of the association have, through the establishment of prescribed standards, developed a blueprint or a game plan to reduce sexual assault behavior and to comply with the requirements of this legislation.

And I say to you in all sincerity that the commission on accreditation and the committee on standards welcomes the opportunity to work with your commission to develop standards and practices that are going to make agencies comply with this legislation. We feel that sexual assaultive information must be present at every level of the correctional process, at booking end and intake, it
is important, and that criminal histories are clearly identified.

At orientation and prior to being placed in general population each offender is provided with an orientation to the facility with a specific standard that requires that information is provided to inmates covering sexual assault and sexual abuse, including prevention and intervention, self-protection, reporting sexual abuse and assault, treatment and counseling information.

In the classification process, there is a formal classification process that really starts in admission for separating and managing inmates. The inmate classification process must ensure periodic review of inmates in segregation or isolation. Inmate management and housing are based on age, gender, legal status, custody, needs and special problems. My point being that at every level of the process these issues are addressed.

The facility must have provisions to separate inmates according to existing laws. Single occupancy cells are available for individuals who
are either sexual predators or inmates likely to be
exploited by victimization. Special management
inmates, the facility and administrator or designee
can order immediate segregation when necessary to
protect the inmate population in a special section
of standards that I have provided you with in
writing testimony that speak directly to sexual
assault. And those standards have been promulgated
since the institution of this legislation and,
again, they are not perfect. They don't intend to
be perfect. They are standards that are reviewed,
added to, deleted and so forth, based upon our
experience and the experience of professionals in
the field. This is where I believe that we work
together to establish standards that are going to
be in the best interest of all of us.

The other area that I speak to is within the
manual there is a section for statistical data and
recording of incidents in an effort to track the
successful provisions and objectives of this
legislation. Standards manuals include a data
collection report that will assist agencies in the
effectiveness of their efforts. The objective from
the ACA's position is to assure that incidents of
sexual assault are continually being reduced or
eliminated. And that is something that we place
there so that we can track the incidents, and that
we would expect at reaccreditation, which occurs
every three years, that you are going to see a
reduction in any type of negative activity within
the institution.

And, finally, none of this will work unless we
have excellent training programs. And I think we
are in cooperation with the National Institute of
Corrections in developing standard training
procedures for all staff. And staff training must
occur every year. And staff training must occur
prior to staff having involvement with inmates.

So, I simply want to say to you that I think
the ACA has, in fact, initiated, but appears to be
a plan that can be supplemented by input by this
body, and we certainly welcome the opportunity to
work with you. Thank you.

THE CHAIRMAN: Thank you, Sheriff. We
appreciate your testimony. I think I owe you an
apology. I think I had you coming from New
Hampshire. That was not a slight against
Massachusetts.

MR. GARVEY: Well, I'm very close.

THE CHAIRMAN: That's just old eyes, so I
apologize.

MR. GARVEY: I'm very close to New
Hampshire and I'm not offended at all,
Mr. Chairman. Matter of fact, I wouldn't mind
moving up there on many days.

THE CHAIRMAN: Thank you.