

Juvenile Facility Hearings of Review Panel on Prison Rape:

State of Indiana's Written Testimony

Good afternoon and thank you Mr. Chairman and members of the committee for holding this hearing on the important issue of ensuring the safety and care for youth in juvenile facilities throughout the nation. My name is Edwin G. Buss, and I am the Commissioner of the Indiana Department of Correction. With me today is Michael Dempsey, Executive Director, Indiana Department of Correction, Division of Youth Services; Amanda Copeland, Executive Director, Research and Technology; and Linda Commons, Superintendent of the Pendleton Juvenile Correctional Facility. It is our honor to be given the opportunity to present testimony before this panel on the important issue of youth sexual victimization in secure confinement and to outline our comprehensive efforts to protect the youth in our care.

The recent report published by the Bureau of Justice Statistics (BJS) brought to light the vulnerability of incarcerated youth to sexual victimization. As the report so clearly illustrates, rates of sexual victimization vary widely and are dependent upon a variety of issues and demographics, as well as facility and individual characteristics. Nevertheless, we believe that any level of youth sexual assault or victimization is completely intolerable, and that we must identify and implement strict protocols designed to reduce and eliminate such incidents. We have no greater responsibilities than to first ensure that we do no harm, and secondly that we ensure the safety of youth and staff in our facilities.

In Indiana, the state's secure juvenile correctional facilities fall under the auspices of the Department of Correction. The Pendleton Juvenile Correctional Facility (PNJCF) is one of six (6) juvenile facilities under the aegis of the Division of Youth Services (DYS). DYS currently houses approximately 800 adjudicated juveniles in our facilities. PNJCF is a 360-bed, maximum security, male facility housing youth from 12-21 years of age. PNJCF typically holds Indiana's most violent youth, including all adjudicated male sex offenders. The facility sex offender population currently accounts for approximately 37% of the overall population. In addition to housing our maximum security and sex offender populations, PNJCF also houses youth committed to the DOC with special needs and mental health issues. The facility has an extremely dynamic population which presents many challenges.

Indiana has taken a proactive approach to implementing the Prison Rape Elimination Act provisions in both its adult and juvenile facilities. Policies and procedures have been implemented to support a "zero tolerance" atmosphere and every effort is taken to reduce and eliminate victimization. In addition to the development of PREA specific policies and procedures, other key strategies have included employee training, student education, a hotline

service for youth to report incidents directly to Internal Affairs staff, and the establishment of a PREA or Prison Rape Oversight Group (PROG) and Sexual Assault Prevention Committees to work directly with each facility on PREA and sexual victimization incidents. The PROG oversees all PREA related issues, incidents, training, policy, and an internal classification process to identify and separate predator likely youth from victim likely youth. We have taken a very aggressive approach towards investigating any and all allegations of sexual misconduct or abuse by staff and juveniles.

The surveys that were the basis for the BJS report were completed at PNJCF in October 2008. Since that time, many significant changes, efforts and strategies have been implemented, all in an effort to enhance the services we provide to youth and to reduce incidents of violence or sexual victimization. Some of the more significant changes include the following:

- Restructured the Division of Youth Services to oversee all programs and services for adjudicated juveniles sentenced to the Indiana Department of Correction;
- Adoption of the OJJDP's Balanced and Restorative Justice Model to serve as the foundation and core beliefs for providing juvenile justice services to the youth in our care. Moving away from a typical "prison" environment to a more therapeutic environment model approach;
- Participation in the Council of Juvenile Correctional Administrators (CJCA) Performance-based Standards (PbS) program, which is extremely valuable in providing us with tremendous support, data and the ability to track and improve services;
- Focusing on reducing the length of stay for youth in our secure facilities. In 2009 the average stay was 186 days, compared to an average of 256 days in 2007, and 206 days in 2008;
- Focusing efforts on returning juveniles to community-based supervision under the jurisdiction of the sentencing counties/courts for probation supervision when appropriate. Currently, there are only 5 cases of parole violators in our facilities, down from 66 in 2007 and 63 in 2008;
- The population levels at all of our facilities have been reduced from a high of almost 1,100 youth, to under 800 collectively, an all time low for Indiana;
- The population level at the Pendleton facility was above 360, today it consistently remains at 270, with a goal to be in the 250 range;
- While we all continue to struggle with budget constraints, these reductions in population size have not affected the authorized staffing levels at any of our facilities. Therefore the authorized staffing ratios at these facilities have increased significantly by reducing the population levels. Despite budgetary challenges, we have been able to fill most vacancies at our Juvenile Correctional Facilities (JCF's);
- All of our youngest juveniles were moved to one facility so that they were no longer serving sentences with older youth. All 12, 13, and 14 year olds (excluding sex offenders) are now housed at a separate facility. Prior to this change, these students were integrated in with older juveniles, including those at the Pendleton facility;

- We have partnered with Liberty Behavioral Health Corporation to oversee the sex offender treatment program at the Pendleton facility;
- High Risk Offender Movement Notification Procedure at PNJCF;
- Daily Incident Monitoring Review meetings are conducted;
- CARE Teams (**C**risis **A**wareness **R**esponse **E**ffort) have been established at all JCF's;

As a follow-up response to the BJS report, the agency took additional immediate steps to further enhance our PREA efforts towards reducing sexual victimization. These efforts include:

- Re-affirming our zero tolerance policy for youth-on-youth and staff-on-youth sexual contact or abuse of any kind. Issued an Executive Directive focused on our PREA and zero tolerance policies and staff awareness.
- Conducted follow-up, in-depth PREA/sexual victimization interviews with all youth at the PNJCF using our Department's PROG members with independent oversight of the process provided by the Indiana Youth Law TEAM;
- Collaborated with Calamari Productions to secure a grant through the Indiana Criminal Justice Institute to develop digital, web-based educational and training videos which will focus on PREA and sexual victimization issues of youth in secure confinement;
- All juvenile facility staff have been required to complete the National Institute of Corrections (NIC) on-line PREA training course, Responding to Sexual Abuse.
- Conducted Promoting Positive Corrections Culture (PPCC) Training;
- Conducted Sexual Misconduct and Advanced Criminal Manipulation training;
- Created a PREA Awareness & Response public service announcement which is broadcast over the PNJCF's TV/video system during school hours to all students.
- Enhanced PREA incident reporting procedures to include an electronic Sexual Incident Report that is completed by the facility and electronically reported directly to our department's PROG Coordinator.
- Requested technical assistance from the Indiana Juvenile Justice Task Force;
- Working to enhance juvenile staff hiring practices and pre-screening techniques to improve processes for selecting staff to work with adjudicated youth. Currently reviewing several video scenario testing programs, as well as the possibility of conducting psychological testing and assessments.
- Executive Director Dempsey participated as a panel member for the CJCA's discussion hearing of State Juvenile Directors to discuss and strategize on ways to eliminate sexual victimization of youth in our facilities;
- The removal of all solid doors to coat closets and storage rooms in the living units at PNJCF to eliminate blind areas where youth assaults could take place.
- Relocation of cameras in housing complex control areas to provide a view of blind spots where alleged sexual behaviors could have taken place.
- Installation of cameras in the laundry and kitchen areas to monitor youth as well as staff interactions.
- Implementation of a camera surveillance monitoring room at PNJCF, which is staffed 7 days a week, 18 hours per day.

- Implemented staff to youth mentoring program.
- Identifying additional correctional officer position, possibly part-time positions, to supplement staffing ratios at PNJ. These positions would primarily be positioned for utilization between 6:00pm-10:00pm to provide additional supervision and support for evening activities, showers, programs, recreation, and unit assignments.

The State of Indiana and the Department of Correction, through the Division of Youth Services is committed to working with our federal partners to reduce and eliminate sexual violence in our facilities. We are committed to the forthcoming PREA juvenile standards defining policies and procedures for sexual violence/victimization. We will work diligently with the Office of Juvenile Justice and Delinquency Prevention as a resource for technical assistance. We will continue all of our efforts to develop and implement “best practices” programs improve the level of safety of youth while in confinement and enhance services for the youth in our care.

Thank you for your time and the opportunity to testify.

Sincerely,

Edwin G. Buss, Commissioner
Indiana Department of Correction