

## **TESTIMONY BEFORE THE REVIEW PANEL ON PRISON RAPE**

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The Idaho Department of Correction's program implementation plan is built around a successful grant application awarded by the Bureau of Justice Assistance under The Prison Rape Elimination Act of 2003 (Public Law 108-79 - Sept. 4, 2003), Section 6, entitled *Grants to Protect Inmates and Safeguard Communities*.

Under the grant, the Idaho Department of Correction (IDOC) is partnering with Idaho county jails and the Idaho Department of Juvenile Corrections (IDJC) to affect a cohesive implementation of various aspects of the Prison Rape Elimination Act of 2003 (PREA). The project title is *Maintaining Dignity*.

### **What factors and environments are and are not conducive to deterrence of sexual assault in prison?**

It was recognized at the inception of the project that permitting a sexually charged atmosphere to exist within our institutions was not conducive to deterring sexual assault. Adopting a zero-tolerance model requires a change in both inmate and staff culture.

IDOC examined staff training provided at the academy, and yearly institutional in-service in the areas of inmate sexual assault and staff sexual misconduct. It was determined that additional, aggressive training should be undertaken to raise awareness around these issues. The training of staff was seen as the first step to addressing the inappropriate sexual behaviors of inmates. An atmosphere of open and honest communication must be fostered.

Once staff had received the training, we began our inmate education efforts system-wide. All inmates received an IDOC handbook entitled *Maintaining Dignity*. Education efforts were varied since operational and security issues affected delivery methods used. In conjunction with this system-wide education, IDOC began including education during the intake process. We are now using NIC's inmate education tapes at our receiving facilities along with group facilitated discussion.

IDOC has also identified the importance of appropriately handling reports of allegations, and investigating incidents. Inmates have not filed excessive false allegations, and the ones that have were appropriately punished.

### **Which system protocols and policies require examination?**

In addition to creating a new policy to specifically address inmate/inmate sexual assault, Idaho has examined existing policies related to classification, housing, segregation, disciplinary procedures, investigations, staff education requirements, inmate property, institutional mail/pornographic reading material, management of inmates with gender identity disorder, and inmate appearance. Some of these policies were re-written to accommodate the anticipated national standards regarding PREA. Others were determined to adequately address issues surrounding PREA without revision.

In the area of staff sexual misconduct, IDOC had an existing policy specifically addressing sexual contact with inmates, along with a “non-fraternization with offenders” policy. Idaho also has a state law prohibiting sexual contact between staff and inmates/offenders that can carry a sentence of up to life in prison.

### **Which staff positions in such a system would be key witnesses?**

IDOC’s PREA policy states, “All staff members are responsible for the detection, prevention and reporting of prison rape and sexual activity.” We maintain that all staff members must be trained to recognize the indicators of inappropriate sexual behaviors.

To date, most reporting inmates have turned to clinical staff or counselors to report abuse. We have also seen a significant number of reports from third parties that have observed this behavior occurring around them, and have reported to security staff.

### **How to scrutinize the training of correctional officers and medical staff on prison rape?**

Training for all correctional staff must be standardized, comprehensive, and policy based. Any training delivered should be accompanied by written documentation in the form of competency tests that become part of the staff member’s permanent employment file. The topic of inappropriate sexual behaviors should be a part of yearly in-services as well as academy training.

Medical service provider contracts, level of training and certification of individuals, the availability of community sexual assault response teams, and other factors may affect frequency and content of training for medical staff. IDOC uses a contract medical service provider, and attendance at special training sessions is mandatory under our contract with them. This training includes reporting requirements regarding detection of suspected sexual assault and voluntary disclosures by inmates, medical response to reported incidents, and confidentiality issues.

**What are the likely barriers to reporting, accurately investigating, and deterring prison rape?**

Offering multiple reporting options, and educating the population on the use of these options can encourage reporting. Our handbook *Maintaining Dignity* containing a list of reporting options is provided to every inmate upon intake. This list includes reporting directly to a staff member, using inmate concern forms, using medical concern forms, calling the institutional investigative number, writing a letter directly to the warden, and/or asking someone from outside the facility to report on their behalf. IDOC also has a PREA reporting hotline that inmates or offenders in the community can call. This hotline is widely advertised through the use of posters in both our institutions and our district probation/parole officers.

Once an inmate has reported, it is essential that the allegation be handled in an appropriate, professional manner that fosters trust. A botched investigation can ruin the credibility of the entire process. Conversely, if victims perceive that they will be treated fairly and not punitively, and their safety will be enhanced; they will be much more likely to report.

**How to assess the role of the correctional officers' union in deterrence of prison rape?**

Idaho is a Right-to-Work state, and I do not have any first hand experience with union issues as they relate to PREA.