

20 MS. BRISBIN: My name is Lorie Brisbin,
21 and I am the PREA coordinator for Idaho, and I want
22 to make that clear, that it is not just for our
23 department. The grant that we received under the
24 first round of Bureau of Justice grants was a
25 cooperative program and project between Idaho county

1 jails, Idaho Department of Corrections and the
2 juvenile justice department in our state.

3 We had from the very beginning of our
4 implementation process a real mission, to make this
5 a comprehensive program. And I do want to report I
6 have had excellent success with our county jails.
7 They adopted a Chapter 12 into their prison rights
8 last December, and so they have been just right on
9 board with this all along.

10 I do want to recognize as some of the
11 panelists before we are done, I have had wonderful
12 help from NIC and the Moss Group, been fantastic
13 resources. We were recipients of a TA from NIC, and
14 that provided us with an opportunity to have a
15 multi-disciplinary work group that came together.
16 We had the same partners in that group. We had
17 county detectives. We had an investigator from our
18 own department. We had some from the prosecutor's
19 office. We had a victim coordinator from Washington

20 and several PREA coordinators from several states.

21 It was an excellent way to look at some of the

22 issues that other panelists have talked about.

23 MR. MCFARLAND: This was based on

24 technical assistance?

25 MS. BRISBIN: Technical assistance from

1 NIC.

2 I would like to divert from testimony. I have
3 heard so many things said this morning, that I would
4 like to kind of flush out some things since you do
5 have a copy of my testimony.

6 We also really looked at a cultural issue
7 here; how are we going to get staff on board with
8 this because one of the first things they said to me
9 is, "You are never going to get staff to embrace
10 this. They are going to think it is a joke. They
11 aren't going to take it seriously." That has not
12 been my experience at all.

13 In turn they said, "You are not going to get
14 inmates to take it seriously. They are going to use
15 it as manipulation. They are going to use it as an
16 opportunity to get each other in trouble and to
17 manipulate staff." I am happy to report that hasn't
18 happened either.

19 What has happened is that the staff have been

20 able to see the usefulness of identifying predatory
21 inmates in our system, and I really tried to focus
22 on that as an opportunity to document and identify
23 behaviors that make those individuals predatory
24 because if you reduce the number of those people who
25 are free to move about in the general population,

1 you immediately reduce victims you are going to
2 have. It is not going to solve everything, but I
3 think -- I can't emphasize enough how important it
4 is to identify those predatory people and house them
5 appropriately.

6 We have had a couple of incidents in our state
7 where people were moved, information didn't follow
8 them rapidly enough, and they immediately created a
9 new victim. So I made a huge effort to pull
10 information out about incidents that we have had in
11 the past to identify behavior issues that have been
12 documented for certain individuals.

13 And I would also like to say getting inmates
14 to embrace this idea. I gave you a copy of our
15 handbook. All inmates receive that handbook. As of
16 July 2005, we had completely educated our entire
17 inmate population. We did that in a number of
18 different ways, depending on the custody level and
19 the structure of each facility.

20 But we were aware that NIC was developing
21 orientation videotapes, but we didn't feel like we
22 could wait for those to come out. We introduced the
23 handbook systemwide, and then the following
24 February, when the tapes actually became available,
25 they are now being shown in our receiving units in

1 both male and female facilities as part of the
2 education process. It's been a very useful tool,
3 the handbook has, to go back to inmates who were
4 engaged in what may look like consensual behavior,
5 to clarify some department policies. It has been a
6 good education tool for the inmates.

7 Because 98 percent of our inmates return to
8 our communities in Idaho, reentry is a huge issue
9 for us. We will get things from very front end. We
10 have this person who is a predator in the community
11 who is now in our institution who is possibly going
12 to be a predator while we have them inside. How are
13 we going to successfully manage them? How are we
14 going to release them safely back into the
15 communities?

16 I am pleased to say that we did receive
17 funding on the second half of the grant of PREA
18 grants. That is going to be the focus of that part
19 of the project. We are going to look at the whole

20 reentry issue. I have been able to identify in our
21 system through the statistics that we do have that a
22 third of our incidents are created by people who
23 have previously been convicted of a sexual offense.
24 I looked at that as kind of a target population. Is
25 it right for us to release those individuals, having

1 tolerated that continuous behavior while
2 incarcerated?

3 MR. MCFARLAND: Sorry. If I can jump in
4 and clarify. A third of the incidents in Idaho in
5 what year?

6 MS. BRISBIN: Overall. I actually pulled
7 ten years worth of statistical data.

8 MR. MCFARLAND: A third of those incidents
9 were perpetrated by individuals who had been
10 convicted of a sexual assault?

11 MS. BRISBIN: Previously.

12 MR. MCFARLAND: While incarcerated?

13 MS. BRISBIN: They had previously been
14 convicted on the street. They came to us with that
15 conviction.

16 MR. MCFARLAND: Thank you.

17 MS. BRISBIN: One of the things that I did
18 as security staff early on, was I tried to sell them
19 as a security opportunity. We do the same thing

20 with inmates. We introduced our program as
21 maintaining dignity. We tried to emphasize the fact
22 that they do have the right to do their time with
23 dignity, with respect to each other and from staff.
24 And, you know, I won't say it's reduced the number
25 incidents, but I think it certainly has supported

1 the number of reports that we get.

2 So I would like to talk about our victims for
3 a minute. One of the questions here was: Who
4 typically is going to witness this?

5 Most of our reports come through third
6 parties, not necessarily the victim coming forward,
7 not necessarily security staff detecting what
8 happened. It will be a third party, another inmate,
9 somebody from the outside. I think I want to
10 emphasize how important it is to have multiple
11 reporting opportunities from people to bring that
12 information forward safely. Many times what's
13 happened is we will have a report that is five, six,
14 seven, sometimes ten years old. What do we do with
15 that? Staff was very confused initially; it is not
16 an incident offense. It is not something that
17 happened within the 72-hour frame. It is a report
18 that is being brought forward to us.

19 We take those very seriously. We encourage

20 our staff to document any sexual behavior
21 information that comes their way no matter how old
22 it is. What typically is happening is a victim will
23 now see his perpetrator returning to the system.
24 Suddenly that person is now showing up in the
25 housing unit where they were never expected to be

1 there. Suddenly they are no longer safe. They may
2 have felt safe up to that point. Now they see that
3 individual back on the compound. So we do take
4 those reports very seriously.

5 Obviously, we can't move forward with any
6 disciplinary or prosecutorial efforts, but it all
7 adds up to documenting that behavior history, and
8 many times we have been able to confirm that there
9 was some type of assault, but it just wasn't
10 recognized as a sexual assault.

11 MR. SEXTON: How many incidents are you
12 talking about?

13 MS. BRISBIN: In Idaho in the last 12
14 months we have had eight incidents that we could
15 substantiate that were actual, not necessarily
16 violent rapes, but coercive, intimidation, forced
17 sexual.

18 MR. SEXTON: In 2005, you report in this
19 federal report 15 incidents; only three

20 substantiated and 12 unfounded.

21 MS. BRISBIN: Right. That was 2005. I am
22 talking in the last 12 months.

23 In 2005, as you probably already gathered from
24 the previous discussion, data collection was not
25 very good because people didn't have initially those

1 definitional parameters. And in the federal survey
2 we do have that. We know what they are looking for.
3 We are measuring that as per the requirements. When
4 we report this year, I will feel very comfortable
5 about the data that we will report, as far as what
6 those incidents were.

7 I think getting staff to take this seriously,
8 desexualizing the environment, the support of upper
9 management, all of those things are really key here.
10 If our former Director, Tom McClare, had not come
11 out with a strong statement that he played when we
12 began this process, I don't think we would have been
13 successful nor would we have moved forward rapidly.
14 When he went to the senior management staff and the
15 wardens and said, "We will do this and we will do
16 this now," it had a dramatic effect.

17 So I think that is very important that
18 directors and upper management understand that they
19 need to send that message down the chain.

20 Just a couple of other kinds of small issues
21 that have come my way. I believe that you had asked
22 a question about supporting staff. We have run into
23 significant problems with trying to address survivor
24 issues. When there is a staff social misconduct
25 incident, and we do have them, we have prosecuted

1 both male and female correctional officers and other
2 staff, successfully I might add, we don't have any
3 plan or method in place to address the concerns and
4 the reactions of the staff members that are left
5 behind. And part of that is there is so much fear
6 that surrounds pending investigations and human
7 resource issues that people are afraid to discuss it
8 in any way. I really am struggling right now with
9 coming up with a way of addressing that, because I
10 personally feel like there's got to be a way we can
11 do a process group with those individuals, allay
12 their fears a little bit, allow them to discuss
13 their feelings of guilt and concern over what has
14 happened. Whether I will achieve that we'll see.

15 MR. SEXTON: Is they're not a liability
16 issue there?

17 MS. BRISBIN: With discussing it?

18 MR. SEXTON: Not. On the civil liability
19 issue with regard to the family or person that was

20 the victim turning around to sue the state. Is that
21 a concern of leadership?

22 MS. BRISBIN: That is part of the problem.

23 What happens when you don't address the concerns of

24 staff who are left behind is rumor and innuendo are

25 out the roof. And I have seen in one particular

1 case we had basically an entire housing unit staff
2 in that housing unit that all had to be moved from
3 that housing unit because the environment that had
4 been created by what had happened there was so
5 negative and difficult for them. It doesn't have to
6 be that way. I really believe there is a way to
7 negotiate through that, not discuss the actual
8 pending investigation, but be able to address their
9 own concerns.

10 MR. SEXTON: I guess my question would be
11 is leadership saying no or are the lawyers saying
12 no?

13 MS. BRISBIN: Just a general fear, an
14 overall fear, and it is coming from legal. They
15 don't want to touch human resource issues.

16 You are over here laughing.

17 MR. HICKMAN: I have a lot of lawyers.

18 MR. MCFARLAND: Let's strike that from the
19 record.

20 MS. BRISBIN: And I have a great
21 appreciation for that, but I don't think it solves
22 the problem.

23 And another thing that I would just like to
24 mention is victim properties issues. Someone this
25 morning alluded to boxer shorts for females and how

1 ridiculous that was to have that in policy and not
2 considered that might need to be worded a little
3 differently.

4 When we have a victim, we immediately
5 transport that individual to our medical unit. An
6 assessment is done on whether they are appropriate
7 to transport to the hospital. They are taken to our
8 emergency room for a SART examination. We have
9 staff for that in the county where most of the
10 prisons are. They are treated exactly like a victim
11 on the street in every way that we can. Obviously,
12 there are security staff with them. They are
13 shackled, but we try to be cognizant of what the
14 victim's rights law say in the state.

15 One of the things that we never addressed in
16 that was what do we do with their property. You are
17 only allowed a certain number of changes of
18 clothing. What do we do with that? The person
19 really has to have some very fundamental things

20 taken care for them.

21 There was a discussion earlier about what
22 policies we need to look at, it is almost all of
23 them. This touches every facet of an inmate's life,
24 even to the activity on their inmate bank account.
25 We can find predatory behavior, behavior

1 victimization on a bank account if you are looking
2 at it. It really is a wide ranging issue that
3 touches a lot of areas that I don't think anyone
4 originally anticipated.

5 MR. MCFARLAND: Thank you very much.

6 MS. BRISBIN: Thank you.

7 MR. MCFARLAND: I want to start the
8 questioning with a follow-up to your written
9 testimony, Ms. Brisbin. You said IDOC, Idaho
10 Department of Corrections is partnering with Idaho
11 county jails and the Department of Juvenile
12 Corrections.

13 Does the culture change need to start there
14 where criminals get -- career criminals get their
15 start in the jails and in the juvenile facilities
16 and, if so, how do we -- this is for either of you
17 -- how do we or should we be addressing that? How
18 do you change the culture with respect to sexual
19 assault in jails where there are very short-term