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REVIEW PANEL ON PRISON RAPE

HEARINGS ON SEXUAL VICTIMIZATION IN
U.S. PRISONS AND JAILS

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SPEAKERS:

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of Corrections

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C O N T E N T S

WITNESS	PAGE
Statement of Robert Patton	7
Statement of Rickey Moham	26
Statement of Emma Watts	67
Statement of Richard L. Smothermon	94
Statement of Viktoria Kristiansson	99
Statement of Jenni Trovillion	143
Statement of Carlos Garza	155

1 PROCEEDINGS

2 (8:29 a.m.)

3 DR. WILKINSON: Good morning, everybody.
4 Can you hear in the back? Or I'm not sure if the
5 microphone's working. Is it working?

6 Good morning. I'm Reggie Wilkinson,
7 chairperson of the Panel on Prison Rape, and I'll
8 ask my colleagues to introduce themselves.

9 MS. SEYMOUR: I'm Anne Seymour. I'm a
10 national victim advocate, also on the Panel.

11 DR. CHRISTENSEN: And Gary Christensen,
12 retired jail administrator.

13 DR. WILKINSON: The -- in a moment, we
14 will get to our good friends from Oklahoma, but, you
15 know, prior to that, I want to explain this hearing.

16 This hearing is actually not a new hearing. It's a
17 continuation hearing from the one that we had back
18 in January, and there were a couple of other
19 jurisdictions that we wanted to invite to testify at
20 the previous hearing that we couldn't work out.
21 However, this is the result of us trying to work
22 that out, and we're very pleased to have the

1 representatives that you'll hear testimony from
2 today with us at this session.

3 The Prison Rape Elimination Act is alive
4 and well. We continue to try to do the right thing
5 across the country in terms of our effort to
6 eliminate sexual misconduct in correctional
7 institutions throughout the country. I can say
8 firsthand that there are a lot of amazing efforts
9 taking place to ensure that we minimize the
10 possibility that anyone is sexually assaulted inside
11 correctional facilities.

12 These hearings are specifically designed to
13 educate the country regarding the progress that's
14 being made on abating problems related to sexual
15 misconduct. For those of you who don't know,
16 following a set of hearings, the proceedings, or a
17 compilation of the testimonies, are always published
18 for a report that is submitted to the United States
19 Congress. And hopefully, as a consequence of those
20 reports, the testimonies given by both witnesses and
21 other invitees, that more information is generated
22 to help the field understand more about how to go

1 about addressing issues related to the prison -- the
2 PREA law. So I'm pleased that this Panel has been
3 able to play its part with doing that, and I do
4 think these sessions are important.

5 So what we want to do now is to move to
6 reconvening the session that is in recess from
7 earlier this year. The Panel now continues with its
8 hearing on high-incidence prisons. So in order to
9 do that, I must swear in our witnesses.

10 Warden and Director, if you all wouldn't
11 mind, do you solemnly swear or affirm that the
12 testimony you're about to give is the truth, the
13 whole truth, and nothing but the truth?

14 MR. PATTON: I do.

15 MR. MOHAM: Yes, sir.

16 Whereupon,

17 ROBERT PATTON and RICKEY MOHAM

18 were called as witnesses and, having been first
19 duly sworn, were examined and testified as follows:

20 DR. WILKINSON: Thank you, both of you.

21 Director, we -- I know you have a prepared
22 testimony, so at this point, we'd like to hear it.

1 MR. PATTON: Good morning, everyone. Thank
2 you, Chairman Wilkinson and Committee for inviting
3 me to discuss this extremely important issue --

4 DR. WILKINSON: Just hit the button on
5 the -- there you go.

6 MR. PATTON: Good morning, everyone.

7 DR. WILKINSON: Okay. Good.

8 STATEMENT OF ROBERT PATTON

9 MR. PATTON: Thank you, Chairman Wilkinson
10 and Committee for having -- inviting me to discuss
11 this extremely important issue. I appreciate the
12 opportunity to tell you how the Oklahoma Department
13 of Corrections is working towards compliance with
14 the Prison Rape Elimination Act. Although this
15 first hearing deals solely with the Crabtree
16 facility, as agreed on by the committee, I'll
17 address both facilities that I'm here to talk about
18 at the same time.

19 I began my career in corrections in July of
20 1985 as a correctional officer in Arizona and
21 continued to promote progressively through the
22 security series, working every custody level at

1 several complexes. I was promoted in September 2000
2 to associate deputy warden, deputy warden, and in
3 October 2009, I was appointed as division director
4 of operations. In this capacity, I oversaw ten
5 public prison complexes, six private prisons,
6 community corrections, and offender services. I was
7 responsible for 41,000 offenders and 10,000
8 personnel.

9 On January 17, 2014, I was named
10 Director of Corrections in Oklahoma by the Board of
11 Corrections and officially began working on February
12 17, 2014. I am ultimately responsible for all
13 aspects of the agency, employing approximately 4,000
14 personnel to provide custody and control of over
15 26,000 offenders.

16 I am also responsible for seventeen state
17 facilities, three private prisons, twenty-one
18 community correction centers, and eleven halfway
19 houses, as well as management of over 25,000
20 offenders under probation and parole supervision.
21 Recently, I was appointed by the Association of
22 State Correctional Administrators to the Prison Rape

1 Elimination Act Committee, which focuses on
2 examining the PREA standards and developing
3 strategies for compliance.

4 I would like to elaborate on the
5 information we provided in conjunction with this
6 testimony, but first, I want to reaffirm that ODOC
7 is working towards compliance with PREA, and has
8 been for many years. The 1998 policy entitled
9 "Sexual Misconduct with Offenders" was revised in
10 2008 to reflect closer adherence to the National
11 Prison Rape Elimination Act. The new policy
12 entitled "Oklahoma Prison Rape Elimination Act"
13 became effective in November 2008. With the
14 implementation of this policy, the agency began
15 better addressing and enforcing our stance of zero
16 tolerance for sexual assault and harassment within
17 our facilities.

18 In October 2012, the agency appointed a
19 full-time PREA coordinator to ensure the agency's
20 efforts of training, and the dissemination of the
21 policy was fully implemented. Training curriculums
22 were updated to comply with the PREA standards and

1 provided an increased focus in regards to reporting.

2 The goal was to provide consistent and effective
3 education to staff and offenders on preventing,
4 detecting, and responding to sexual victimization.

5 Staff were trained to take every allegation
6 of sexual victimization seriously and administrators
7 were tasked with ensuring staff reported all
8 incidents or suspicion of sexual-assault incidents
9 involving offenders, staff, contractors, or
10 volunteers.

11 Offender programming focused on reporting
12 and the many avenues available to report sexual
13 victimization. The training also discussed
14 maintaining healthy relationships, safety awareness,
15 and the specific behaviors which constitute
16 violations of PREA. In collaboration with the
17 Oklahoma County YWCA Rape Crisis Center, specialized
18 training was developed and provided to investigators
19 and medical and mental-health staff regarding sexual
20 victimization.

21 Memorandums of understanding were initiated
22 with the Oklahoma Coalition for Domestic Violence

1 and Sexual Assault to establish partnerships in the
2 community across the state to ensure offender
3 support services at all facility locations. An
4 agreement has been initiated with the Oklahoma State
5 Bureau of Investigations to serve as the reporting
6 contact for offenders. The agency's PREA
7 coordinator, in collaboration with the PREA Resource
8 Center, coordinated specialized training for ODOC
9 investigators who conduct sexual assault
10 investigations. The training also included
11 investigators from the Office of Juvenile Affairs,
12 contract prisons and county jails, and the
13 Pottawatomie County District Attorney's Office.

14 I would like to provide to you some
15 specific information regarding the Mabel Bassett and
16 Jackie Brannon Correctional Centers. Mabel Bassett
17 is the only designated medium- and maximum-security
18 facility for women in the State of Oklahoma.
19 However, the facility also houses minimum-security
20 offenders and death row. In addition to Mabel
21 Bassett is the initial assessment and reception
22 center for all female offenders.

1 As stated earlier, Oklahoma's female
2 incarceration rate is high. We currently
3 incarcerate 127 women per 100,000 population,
4 compared to the national average of 63. Of the
5 2,511 female offenders incarcerated in Oklahoma at
6 the end of 2013, 50 percent were housed at Mabel
7 Bassett. Of the 2,511 incarcerated female
8 offenders, 143 were incarcerated for a life
9 sentence, fifty-three were incarcerated for life
10 without possibility of parole, and one was sentenced
11 to death.

12 Mabel Bassett provides multiple offender
13 programming, including vocational training,
14 parenting classes, anger control, and education.
15 Religious services are offered to the offenders by
16 more than 300 dedicated, active volunteers. Mabel
17 Bassett provides medical care for all offenders and
18 specialty services for offenders with acute and
19 chronic medical needs, along with those in need of
20 infirmary and hospice care.

21 Mental-health services at Mabel Bassett
22 promotes recovery for offenders with serious mental,

1 behavioral, developmental and co-occurring disorders
2 for all maximum- and medium-security female
3 offenders and roughly twenty-five percent of the
4 minimum-security offenders. Crisis intervention,
5 medication group, and individual therapy are the
6 primary modes of service delivery at the facility.
7 Mabel Bassett also houses the mental-health unit for
8 all female offenders at all security levels
9 requiring acute mental-health care.

10 Jackie Brannon, one of the state's oldest,
11 all-male minimum-security prisons, originally opened
12 in 1927 as a trustee unit of the Oklahoma State
13 Penitentiary, but became a stand-alone facility in
14 1985. The facility is located on approximately
15 1,300 acres and houses 737 offenders. Roughly 200
16 of these offenders are employed by agri-services to
17 operate a 200-head beef/cow/calf herd and dairy
18 operation, as well as a meat-processing center.

19 Jackie Brannon also provides a minimum-
20 security offender workforce through the Oklahoma
21 State Penitentiary. These offenders work in various
22 areas at the maximum-security facility, including

1 food service, medical, and the warehouse, just to
2 name a few. Finally, with the main campus dispersed
3 over two miles, the grounds are cared for by the
4 Jackie Brannon offenders and they are kept busy
5 throughout the growing season.

6 The agency has worked hard to identify and
7 correct the factors we believe led to such high
8 incidences of sexual victimization at Mabel Bassett,
9 while at the same time being encouraged by the low
10 incidences reported at Jackie Brannon. We continue
11 to monitor Mabel Bassett and Jackie Brannon, as well
12 as all of our facilities, to ensure we are moving
13 towards compliance with PREA.

14 Some of the factors we believe affected the
15 high incidences of sexual victimization at Mabel
16 Bassett include intake procedures, security controls
17 within the facility, separation of minimum-, medium-
18 and maximum-security offenders, narrowly defining
19 sexual assault and harassment, and ineffective
20 training for staff and offenders when PREA was first
21 implemented.

22 At Jackie Brannon, we believe the factors

1 affecting the low incidences of sexual victimization
2 include the numerous offender job assignments,
3 offender programs, communication and training and
4 education of the staff and offenders. Until very
5 recently, county jail backup caused some offenders
6 to have extended stays in jails after sentencing and
7 before transport to the Department of Corrections.
8 Once received, the offender remained in the
9 assessment center from twenty-five to thirty days
10 before transferred to a facility bed.

11 Prior to implementation of our current
12 policy, the assessment process and subsequent
13 facility orientation did not include a private
14 assessment for questions to or disclosure by
15 offenders that would assist the facility in
16 determining if or when sexual victimization may have
17 occurred. At my direction, the county jail backup
18 has been eliminated and the assessment and reception
19 process is completed in no less than four days.

20 The assessment process now includes
21 specific inquiry by mental-health-and-assessment
22 case-management staff to determine disclosure of any

1 sexual victimization. This inquiry occurs again
2 once the offender is assigned and transferred to a
3 facility to allow for timely intervention. If
4 information is received that indicates the offender
5 is at a high risk for sexual victimization, the
6 offender's file is flagged to enable staff to make
7 the most appropriate housing placement.

8 Although not inclusive to Mabel Bassett and
9 Jackie Brannon specifically, cell assignments are
10 made as recommended by mental-health staff to
11 decrease the possibility of victimization for those
12 offenders identified as high risk, and provides
13 specific treatment plans as developed for those
14 identified as sexual predators.

15 As stated in our written testimony, at one
16 time sexual-assault victims at Mabel Bassett were
17 unable to completely be separated from offender
18 sexual predators because it is the only medium-,
19 maximum-security facility in Oklahoma to hold female
20 offenders. Unless the offender is discharged or
21 removed to lower security, there was a high risk of
22 interaction between sexual-assault victims and the

1 perpetrators.

2 For those offenders who could not be
3 transferred to lower security, interstate compacts
4 were initiated to house identified sexual predators
5 so separation between victim and perpetrator could
6 be accomplished. Installation of the fencing
7 outside of the facility, we are now able to
8 differentiate between the two security levels and
9 it's helped alleviate this issue.

10 It has been and continues to be of value to
11 the agency to encourage offender reporting. At
12 Mabel Bassett, however, sexual-assault and
13 harassment reporting became a tool for the offenders
14 to manipulate each other and staff to achieve
15 desired outcomes such as cell moves or offender-on-
16 offender punishment, resulting in falsely accused
17 offenders being sent to segregated housing.

18 At one time, the facility encouraged a
19 narrow definition of sexual assault and harassment
20 to the extent that more innocuous behaviors, such as
21 verbal comments, could constitute or make them
22 susceptible to sexual harassment or victimization

1 allegations. We began to observe a pattern of
2 allegations of sexual contact being recanted or
3 proven to be unfounded during disclosures to mental-
4 health staff, facility staff, or investigators.

5 With the implementation of the current
6 policy, which includes clear definitions and
7 improved training curriculums, staff and offenders
8 are now educated about the actions that constitute
9 sexual assault and/or harassment. Offender
10 orientation at all of our facilities includes the
11 many methods offenders have to report incidents
12 involving themselves, other offenders, and staff.
13 These include verbal or written reports to any
14 facility staff, emergency grievances, community
15 advocates, volunteers, Inspector General's
16 investigators, Oklahoma State Bureau of
17 Investigations, or third parties.

18 In addition to the other methods of
19 reporting, Mabel Bassett became the first facility
20 to add offender telephone assault hotlines, which
21 continues strong reinforcement of offender reporting
22 and allows for immediate response and investigation.

1 Posters of the PREA policy and reporting methods
2 are displayed in prominent areas of all facilities,
3 as well as our probation and parole offices.

4 Training of staff is paramount to
5 continuing our efforts to reduce all forms of
6 victimization. Staff education at Mabel Bassett
7 includes consistent monitoring and immediate
8 intervention of behavior, such as verbal conflicts,
9 flirting, and recanted allegations, admitted by
10 offenders as retaliation for spurned relationships
11 with another offender. Emphasis is provided during
12 staff training-reporting all forms of sexual
13 misconduct by offenders and identifying offenders
14 vulnerable to sexual victimization and methods to
15 protect them from victimization.

16 As I mentioned earlier, Jackie Brannon has
17 many work-crew opportunities for the offenders at
18 their facility. In addition, the offenders are
19 provided a variety of programs and religious
20 services, which keep the offenders busy throughout
21 the day, even if they are not assigned to one of the
22 various work crews. Programs include substance-

1 abuse treatment, cognitive-behavior treatment,
2 education classes and peer tutoring, and HIV/STD
3 education. Services for several religions are also
4 offered at Jackie Brannon seven days a week, with
5 multiple services held on Saturdays and Sundays.

6 Jackie Brannon also has approximately 250
7 active volunteers who are involved in education
8 programs and religious services provided to the
9 offender population at the facility. I firmly
10 believe keeping the offenders occupied throughout
11 the day reduces the number of PREA incidences at any
12 of our facilities.

13 At Jackie Brannon, as well at Mabel Bassett
14 and all of our other facilities, staff members
15 encourage open communication with the offenders by
16 touring the units in the yards, talking with
17 offenders, and observing interactions between the
18 offenders and other staff. In addition to regular
19 count, officers and staff conduct routine unit
20 checks throughout the day to assure the offenders
21 are working, participating in programs, or engaging
22 in day-to-day activities, such as maintaining their

1 living areas. Facility staff conducts regular staff
2 meetings to discuss issues at the facility, which
3 includes a discussion of the PREA policy and
4 interactions between staff and offenders.

5 As I mentioned in my letter, the starting
6 point and most important factor in reducing sexual
7 assaults and victimizations at any of the ODOC
8 facilities is to establish a climate that -- that
9 consistently reinforces the statement that these
10 actions will be the subject of zero tolerance. A
11 total agency effort in supporting the climate
12 towards unhealthy relationships and sexual assault
13 reduces offender-on-offender and staff-on-offender
14 victimization and assaults.

15 Whether an offender or an employee,
16 punishment for the perpetrator of sexual assaults or
17 harassment is enforced and the agency maintains a
18 zero-tolerance policy. Every allegation of sexual
19 assault, misconduct, and harassment is now
20 thoroughly investigated. Upon initial notification
21 of a sexual assault or harassment allegation, the
22 alleged victim is physically separated from the

1 alleged suspect while the incident is under
2 investigation, and designated staff conducts
3 preliminary interviews with the alleged victim and
4 suspect.

5 The Inspector General ensures an agent who
6 has received specialized training in sexual-abuse
7 investigations in confinement settings is assigned
8 to investigate these allegations. Interviews of
9 alleged suspects and witnesses are conducted in a
10 thorough, professional, non-abusive and
11 non-threatening manner. Every offender involved in
12 a sexual assault or a harassment allegation is
13 immediately provided with support by mental-health
14 staff. Offenders also receive support from
15 community rape advocates in the event of a sexual-
16 assault exam. The investigating agent now gathers
17 all -- gathers and preserves all evidence and
18 circumstantial evidence, including any physical and
19 DNA evidence, as well as any available electronic-
20 monitoring data.

21 If there is a sustained finding of sexual
22 assault which violates state statute, a copy of the

1 investigation-supporting document is now forwarded
2 to the appropriate district attorney or United
3 States Attorney for possible criminal prosecution.
4 District attorneys are allowed to conduct
5 independent interviews of the offenders involved in
6 the case.

7 I recently discovered that there had been
8 communication and investigation issues in the past
9 with district attorneys, including Mr. Richard
10 Smothermon of Pottawatomie County. Once I was made
11 aware of these issues, I immediately directed
12 several steps to be taken, including hiring an
13 investigator for assignment full-time at the Mabel
14 Bassett facility. This investigator will receive
15 specialized training in the Prison Rape Elimination
16 Act and will work closely with assigned staff in
17 Pottawatomie County and the District Attorney's
18 Office on all PREA investigations.

19 As I have stated, the Oklahoma Department
20 of Corrections has been and will remain committed to
21 eliminating sexual victimization in our facilities.

22 We are focusing on our efforts on several areas as

1 we move forward with compliance. Our PREA
2 coordinator and the policy and procedure compliance
3 manager have received auditor certification from the
4 Department of Justice. We're again preparing for
5 external PREA audits this fiscal year, and we are
6 currently working with ACA on creating an audit
7 schedule to initiate PREA audits at all of our
8 facilities.

9 Policy revisions to address PREA standards
10 are under review and include modifications regarding
11 hiring and promotions, background investigations,
12 training, reporting, investigations, offender intake
13 and screening processes,
14 employee/volunteer/contractor conduct, disciplinary
15 sanctions, offender agreements, mental health,
16 medical services, and offender education. We are
17 also initiating a risk-assessment policy and review
18 process to ensure safe and appropriate housing for
19 LGBTIQ, mental-health. and other vulnerable
20 offenders.

21 Through incident mapping, we are working on
22 enhancement of physical plant in our facilities and

1 housing units to address known or identified blind
2 spots. We are, and will continue to review, camera
3 overlay plans to ensure best placement, to address
4 vulnerable areas within our facilities and housing
5 units. This will include installation and updating
6 the video monitoring systems, electronic-
7 surveillance systems, or other monitoring technology
8 that may enhance the agency's ability to protect
9 offenders from sexual abuse.

10 Education, communication, investigation,
11 prosecution, these are the areas -- our hope for
12 eliminating sexual victimization within our
13 facilities. We will continue to implement the
14 standards of the Prison Rape Elimination Act for
15 staff and offenders by providing education,
16 facilitating open communication, investigating every
17 allegation, and seeking prosecution for those
18 sustained cases for sexual victimization.

19 Thank you for your time.

20 DR. WILKINSON: Thank you, Director Patton,
21 for that testimony. I think what we'll do is have
22 Warden Moham give his opening testimony, then we'll

1 come back and have some questions for you and for
2 the Warden.

3 So Warden Moham.

4 STATEMENT OF RICKEY MOHAM

5 MR. MOHAM: Chairman Wilkinson and members
6 of the Panel, on behalf of Director Robert Patton
7 and the Oklahoma Department of Corrections, I am
8 Ricky Moham. I'm Warden of Mabel Bassett
9 Correctional Center in McLoud, Oklahoma.

10 My tenure as Warden at Mabel Bassett
11 started on November the 1st of 2012. I have served
12 with the Oklahoma Department of Corrections for
13 twenty-seven years in positions as warden of Dr.
14 Eddie Warrior Correctional Center, deputy warden of
15 Jackie Brannon Correctional Center, as the unit
16 manager, records officer, case manager, and a
17 correctional officer.

18 The staff at Mabel Bassett, along with me,
19 would like to thank you -- the Panel for the
20 opportunity to speak to you on our operational
21 efforts concerning elimination of sexual
22 victimization and assaults within our facility.

1 Mabel Bassett is funded for 109
2 correctional officers and has seventy correctional
3 officers on roster at the time of this report. We
4 are also funded for fifty-seven support staff.
5 Mabel Bassett's fiscal year 2014 had an operating
6 budget of 2.1 million and a personnel budget of 8.5
7 million.

8 Mabel Bassett is the only medium-security
9 institution for women in the State of Oklahoma. The
10 Center was originally located in northeast Oklahoma
11 City, adjacent to the Department of Corrections
12 administration building. Opened as a community
13 treatment center in January of 1974, the Center was
14 changed to medium security in 1978. In 1982, Mabel
15 Bassett was converted to include maximum security.
16 On May the 1st of 2003, offenders at Mabel Bassett
17 Correctional Center and Mabel Bassett Minimum Unit
18 were relocated to the former Correctional -- Central
19 Oklahoma Correctional Facility in McLoud, Oklahoma.
20 Offenders assigned to Mabel Bassett ranged from
21 minimum security to death row.

22 The facility has a capacity of 1,194

1 offenders. Mabel Bassett Assessment and Reception
2 Center for females was established in 2008. The
3 Assessment and Reception center is a maximum
4 security unit which houses 102. The unit receives
5 offenders from the Simpson courts. The unit
6 receives offenders -- the offenders remain on this
7 unit for an average of ten days while staff
8 determine the level of security they will be
9 assigned and the program assessment they will
10 receive.

11 The facility houses five units. One is a
12 minimum unit. The second houses the assessment and
13 reception of offenders, as well as medium security.

14 The third houses medical and mental-health
15 offenders. The fourth houses medium-security
16 general population, and the fifth houses segregated
17 housing unit and death row.

18 Approximately sixty-three percent of the
19 offenders receive mental-health services. The
20 average age of a Mabel Bassett offender is thirty-
21 six years old. Mabel Bassett Correctional Center is
22 committed to making all efforts to protect the

1 public, staff, and offenders. The implementation of
2 and the commitment to educate all stakeholders on
3 the exception -- expectation of PREA, this has
4 become a part of our facility's daily operation.

5 I'd like to tell you some of the measures
6 Mabel Bassett has taken to reduce the prevalence of
7 assaults. The starting point -- point and most
8 important factor in reducing sexual assaults and
9 victimization at Mabel Bassett is to establish a
10 facility climate that constantly reinforces the
11 statement that these actions will be the subject of
12 zero tolerance. A total facility effort in
13 supporting a zero tolerance climate towards
14 unhealthy relationships and sexual assaults will
15 reduce offender-on offender and staff-on-offender
16 victimization and assaults.

17 A total -- the Department of Corrections
18 OP-030601, entitled "Oklahoma Prison Rape
19 Elimination Act," was established. The training
20 program is provided to all staff to educate and
21 establish the importance of preventing sexual
22 assaults toward offenders in correctional

1 facilities. It is mandatory that all employees and
2 volunteers receive this training as part of their
3 pre-service training and during their annual
4 in-service training.

5 After the offender is assigned to Mabel
6 Bassett, an in-depth facility orientation is
7 conducted within seven days. The orientation is
8 designed to further educate the offenders on the
9 Department of Corrections' zero-tolerance stance
10 concerning victimization, sexual assault, and how
11 and where to report sexual assault when a sexual
12 assault occurs.

13 The deputy warden, chief of security, and
14 me discuss PREA during this orientation and express
15 our expectations of zero tolerance of victimization
16 and sexual assaults. Programs offered by the
17 facility that promote healthy relationships between
18 offenders and addresses anger management are Faith
19 and Character Community Program, Helping Women
20 Recover, Cage Your Rage for Women, and Prevention
21 and Relationship Enhancement Program. We have also
22 added additional cameras, made staffing adjustments,

1 and staggered services, including meal service. One
2 hundred jobs have been created through the Oklahoma
3 Correction Industries to address offender idleness.

4 You ask what is Mabel Bassett's progress in
5 implementing the Prison Rape Elimination Act
6 standards. As I discussed, we have established a
7 comprehensive training program. The comprehensive
8 training program is provided to all staff to
9 establish the importance of preventing sexual
10 assaults toward offenders in correctional
11 facilities. All employees and volunteers receive
12 this training as part of their pre-service training
13 and during the annual in-service training. This
14 policy also provides instruction and guidelines to
15 ensure safe, humane, and secure environment for
16 offenders.

17 Mabel Bassett assigned a correctional case
18 manager as facility PREA-compliance officer,
19 effective April the -- April 2014. A facility PREA
20 hotline for offender use has been established.
21 Offenders are able to pick up any offender phone on
22 the housing unit and directly report a possible

1 assault to qualified staff outside the facility.

2 I want to detail to you measures Mabel
3 Bassett has taken to protect those inmates who have
4 mental-health problems or have a history of prior
5 victimization or sexual victimization. Offenders
6 arriving at Mabel Bassett are screened and assessed
7 by mental-health staff on the day of intake to
8 determine if they have mental-health issues that
9 require intervention. Offenders are also screened
10 at this time to help determine if they are prior
11 victims of sexual assault or are at risk of sexual
12 victimization.

13 When the mental-health team determines
14 after the initial mental-health assessment that an
15 offender is at high risk for sexual victimization, a
16 recommendation is made in conjunction with the unit
17 team, with approval from the warden, for the
18 offender's most appropriate housing assignment.
19 Specific cell assignments are made as recommended by
20 mental-health staff to decrease the possibility of
21 victimization for offenders identified as high risk
22 during this initial intake, development of specific

1 treatment plans by the mental-health unit for
2 offenders identified as sexual predators.

3 Offenders who have a history of predatory
4 behavior or sexual aggressive -- aggressive sexual
5 behavior are identified through a review of the
6 field file and the Oklahoma Department of
7 Corrections Offender Management System by the case
8 manager to verify if an offender has been flagged
9 and confirmed as a sexual predator by the
10 Department's Intelligence Unit. Information is
11 immediately given to supervisors for a housing
12 determination. Offenders with this behavior are
13 housed separately from those offenders who have
14 mental-health problems or have a history of prior
15 victimization by a separate housing unit. Predatory
16 offenders can be placed in special housing
17 assignments, such as administrative segregation,
18 transfer to a participating interstate compact
19 state, or transferred to the Dr. Eddie Warrior
20 Correctional Center if they're classified as minimum
21 security.

22 Let me describe just a few of the

1 distinctive needs of Mabel Bassett as the facility
2 housing only female inmates in preventing sexual
3 victimization. We'd like to increase the ability to
4 educate and provide more treatment concerning
5 relationships and trauma, increase video capacity at
6 the facility, establish more-severe punishment for
7 offender-on-offender consensual sex acts, and
8 recruit more gender-specific applicants for
9 correctional officer positions.

10 Mabel Bassett -- Mabel Bassett's process
11 for investigating an incident of offender-on-
12 offender misconduct is when an allegation of sexual
13 assault occurs or is reported at Mabel Bassett, the
14 following procedures for investigations are
15 followed, outlined in a part of Corrections
16 Operational Procedure 030601 and 040117. An
17 investigate -- investigation is conducted and
18 documented whenever an allegation of sexual assault
19 is reported in accordance with 040117, entitled
20 "Investigations."

21 Allegations of sexual threats will be
22 investigated by the facility. Such allegations are

1 treated with discretion and, to the extent permitted
2 by law, confidentially. The sexual-assault report,
3 Attachment C, Part A, is completed and forwarded to
4 the Inspector General's Office for all alleged
5 allegations of sexual assault. Any offender may
6 report acts of sexual assault to any employee,
7 contract employee, or volunteer by using the methods
8 of communication, including but not limited to,
9 verbal reports, offender request to staff, sick
10 call, requests for help services.

11 Any one that receives a report of an
12 alleged sexual assault, whether verbally or in
13 writing, immediately notifies their supervisor and
14 completes the Incident Report. The shift supervisor
15 will complete the Initial Notification Checklist and
16 the Sexual Assault Report Part A. The supervisor,
17 through his or her chain of command, ensures the
18 alleged victim and the alleged suspect are
19 physically separated, either through placement of
20 one or both offenders in segregation, through staff
21 transfer or leave options, including suspension or
22 other effective means.

1 Once separated, designated staff will
2 conduct preliminary interviews with offenders
3 regarding offender-on-offender-led sexual assaults.

4 The alleged victim is immediately taken to medical
5 service for initial evaluation and any immediate
6 first-aid treatment. When the alleged victim and
7 the investigators consent, the case manager and/or
8 the victim-support person may sit in on the facility
9 or the Inspector General agent interviews.

10 Interviews are conducted in a thorough,
11 professional, un-abrasive and non-threatening
12 manner. Action and explanation of finding
13 consistent with acceptable practice are employed to
14 help potentially traumatized victims of sex crimes.

15 Inspector General agents are trained
16 specifically in investigation and sexual assault and
17 will conduct or sit in on interviews if deemed
18 necessary. Gender-specific investigators are
19 assigned if deemed necessary. If the alleged sexual
20 assault is reported or discovered within ninety-six
21 hours of the incident, and in addition to the
22 provisions of this section, the following steps are

1 taken by the investigator present or the person who
2 is in charge, according with operational procedure
3 140118, entitled "Emergency Care."

4 During the course of the investigation, the
5 alleged victim and alleged suspect remain separated.

6 Based on the amount of time passed since the
7 alleged incident and the -- and other factors, a
8 determination is made to assess whether there is a
9 possibility of evidence still existing at the crime
10 scene. If determined that a possibility of evidence
11 still exists and the crime scene cannot be secured,
12 the crime scene is photographed and/or videotaped if
13 evidence exists, placed in a evidence bag and with a
14 chain of evidence form attached.

15 If a potential crime scene is established,
16 limited access is authorized and the law maintained,
17 as established in Operational Procedure 040117,
18 entitled "Investigations." If the alleged sexual
19 assault is reported or discovered more than ninety-
20 six hours after the incident, the following steps
21 are taken by the supervisor in charge. If feasible,
22 secure the alleged crime scene, as forensic evidence

1 may exist; place the alleged victim in an
2 environment to assure safety and security; place the
3 alleged suspect, if known, in segregation, or if
4 staff member, ensure separation from the victim;
5 notify the Inspector General's Office and the
6 victim-support designee. If the victim-support
7 person is not onsite, he or she is notified the next
8 day.

9 And in conclusion, my staff and I would
10 like to assure the Panel that this is a report that
11 has our attention. And I'd like to again thank you
12 for allowing me the opportunity to expand on our
13 implemented efforts to eliminate victimization of
14 any type within our facility, and also the
15 implementation of the Prison Rape Elimination Act
16 standards.

17 Thank you.

18 DR. WILKINSON: Thank you, Warden, and in a
19 minute we'll get to some questions for you.

20 So back to Director Patton. Again, thanks
21 for being here. I just want to make very clear that
22 you were not the Director of the Oklahoma DOC when

1 this study took place. You also talked about being
2 appointed to the ASCA PREA Committee, so
3 congratulations on that.

4 MR. PATTON: Thank you, sir.

5 DR. WILKINSON: I think I've been in all
6 the PREA ASCA sessions since we've started.

7 MR. PATTON: Saw you in Salt Lake City at
8 the committee.

9 DR. WILKINSON: And it is one of the most
10 well-attended, you know, not just by, you know, ASCA
11 members, but anybody who's interested in anything
12 PREA, you know, come to those sessions. So it's a
13 really big deal that ASCA has embarked upon, so it's
14 also a big deal to be on the committee helping to
15 steer that.

16 A few questions for you, and we have about
17 twenty-five minutes or so to just talk to you and
18 the Warden about just general issues. But to begin,
19 Director, I think in your testimony you mentioned on
20 several occasions that every investigation will
21 be -- every PREA complaint will be investigated, and
22 you emphasized "every."

1 You know, does that mean that in the past
2 every incidence of sexual misconduct wasn't
3 investigated? And how was this, you know, kind of a
4 new notion for the Oklahoma DOC?

5 MR. PATTON: Mr. Chair, we lacked some
6 data when we -- when I began. I am a empirical,
7 data-driven kind of a person, and we lacked some
8 data that backed up thorough investigations
9 on -- and I'm here to talk about offender-on-
10 offender assaults. Even if this entails an
11 investigation for an offender comes up and says,
12 while I was in county jail six months ago, I was
13 inappropriately touched, you know, it's not
14 something I'm going to wake an investigator up in
15 the middle of the night for and come out and talk to
16 him, but I want an investigator to talk to him.
17 There is no time frame involved.

18 And my emphasis on it is something I've
19 emphasized to our Inspector General. Every one of
20 them will be investigated and reported on, even the
21 most innocuous ones out there. Through better
22 definition though, those investigation numbers are

1 dropping, and I knew it would. Once we -- once we
2 started identifying what was being called PREA out
3 there, and specifically Mabel Bassett, we began to
4 see the numbers drop. We began to see, once we got
5 the staff educated, and most importantly, the
6 offenders educated on what PREA is, those numbers
7 began to drop.

8 Last fiscal year at Mabel Bassett, we had a
9 total of three offender-on-offender investigations
10 for PREA. No longer was -- in a female facility,
11 they're very much built around their own families.
12 They create families. And inappropriate behavior
13 was being classified as PREA, you know, walking with
14 your arm around somebody's shoulder. Suddenly they
15 would lock the two -- two offenders up, call it
16 PREA, call an investigation for it, and it just
17 really got -- the offenders started
18 calling -- calling a PREA. I got mad at my
19 cellmate, so I'm calling a PREA. And they would go
20 out there, investigate it, and it would be more of,
21 "Well, you know, she's taking extra time in the
22 shower than I am, so I'm calling a PREA."

1 Now that we've defined it, now that we have
2 a solid policy, we have the time to thoroughly
3 investigate every allegation. I'm proud to say, of
4 the three confirmed investigations we conducted at
5 Mabel Bassett last year, all three were unsustainable,
6 and it was all three of them turned out to be
7 offenders recanted at the end, saying, "I was trying
8 to get moved either closer to one of my family
9 members or me and my cellmate just no longer got
10 along, so I called a PREA."

11 So my emphasis is on investigation. Get
12 the documentation correct, and most importantly,
13 report and investigate every allegation we have out
14 there, but not only at these two facilities, but
15 every one of the facilities out there.

16 We're increasing our staff in our IG's
17 Office with the focus on -- you know, probably half
18 of our cases are out investigating PREA, and we're
19 going to continue doing that and provide our
20 district attorneys the information they need in
21 cases where we pursue prosecution.

22 DR. WILKINSON: As you indicated in your

1 testimony, your work extends well beyond Mabel
2 Bassett and Jackie Brannon.

3 MR. PATTON: Yes, sir.

4 DR. WILKINSON: It covers the entire
5 agency, including the halfway houses and the like.
6 So do you think at this point you've -- your
7 honeymoon's over, you got six months or so or longer
8 under your belt in Oklahoma, you think the message
9 has resonated with the staff? When you look
10 at -- and we've had this happen before where we had
11 one agency with a high incidence and one -- and the
12 same agency with the low incidence. It kind of begs
13 the question of how can that happen. You know, is
14 it individual leadership at individual institutions?
15 Is there a culture difference?

16 And so, I presume these are kind of things
17 you're working on within Oklahoma to kind of
18 standardize, you know, the practices and the
19 leadership and so forth.

20 MR. PATTON: Mr. Chair, believe me, one of
21 the first questions I asked myself when I came to
22 Oklahoma and read the report is how -- how can I

1 have one of the best and one of the worst in the
2 state? And some of it can be explained, the
3 difference between male and female facilities. The
4 physical plant structure that existed at the
5 Crabtree facility at the time didn't allow
6 separation of victims versus predators, which it
7 does now.

8 Jackie Brannon, with a low rate, which
9 we're very proud of, and that I still believe is a
10 direct result of Warden Watts. And I don't want to
11 steal her thunder before she testifies, but it's
12 Warden Watts being actively engaged with what I
13 preach every day as I tour the prison, and that's
14 employee and offender engagement. You got to manage
15 by walking around. You got to be out on your yard
16 walking and talking.

17 And that's what we've implemented in
18 Oklahoma, walk and talk. PREA becomes part of your
19 language. You're always looking, every incident,
20 whether it's PREA or not. If you have an assault on
21 your yard, investigate it. Find out what you can
22 do. Map it. See where our blind spots are, and

1 let's correct that behavior.

2 Our new policy, which I signed yesterday
3 right before I flew down here, addresses a lot of
4 issues we talked about in Salt Lake City. We
5 are -- we are going to now, with the Knock and
6 Announce -- it became effective immediately. When I
7 left yesterday, they had hit the phone switch.
8 Every one of our facilities now have a PREA hotline.

9 We are going with the investigative notification
10 report back to the offenders after every PREA
11 investigation-notification back to the offender of
12 the results of that investigation, so are catching
13 up with the rest of the nation.

14 We are contracting with ACA to start
15 conducting PREA audits, along with our ACA
16 accreditation. Every facility in Oklahoma is ACA
17 accredited, so they're going to be doing our PREA
18 audits, which start very soon. And I firmly believe
19 we're well positioned at our facilities and we're
20 going to start very quickly, if not the first one,
21 one of the first -- one of the first one's will be
22 out at Mabel Bassett. We're going to make sure that

1 we're compliant, and if any issues are found in that
2 audit, we're going to work to correct them.

3 DR. WILKINSON: Just one other question,
4 Director, before I open it up to our Panelists. You
5 mentioned that you were doing mapping of the
6 facility to look for blind spots and where to
7 position cameras and staff units at -- I've heard a
8 lot of people talk about doing that, but I haven't
9 heard them call it mapping.

10 So it sounds as if you're trying to add
11 some science to how you abate issues related to
12 surveillance.

13 MR. PATTON: It's -- Mr. Chair,
14 it's -- mapping is just a term I use, and it is
15 simply-first and foremost the staffing study that's
16 being conducted in Oklahoma will be completed this
17 week. We brought in NIC to begin with -- National
18 Institute of Corrections -- to begin with helping us
19 study our staff, what our staffing patterns are. I
20 now have a person assigned full time to go to every
21 facility, look at where their staff are assigned at,
22 what posts they're in, and then every warden, as the

1 Warden can testify to, every incident that occurs,
2 you look at where it happened in the facility.

3 The chief of security then, what I call
4 geo -- geographically mapping things. If you have
5 high incidences of victimization in the gymnasium,
6 then you probably need to assign a staff member to
7 the gymnasium during these times. It's not real
8 scientific. It's pretty simplistic stuff, very easy
9 for people to understand, and it's just using your
10 resources to the best of your ability to cut down on
11 assaults, on sexual victimization, on predatory
12 behavior.

13 DR. WILKINSON: Thank you. Dr.
14 Christensen?

15 DR. CHRISTENSEN: Yes. Thank -- thank you
16 very much, Mr. Patton, for your testimony, and
17 advancing our knowledge around this issue. You
18 mentioned a couple things when you talked about
19 distinguishing between serious PREA violations and
20 other things which might be behaviors but not
21 necessarily PREA violations, such as you mentioned
22 one, an inmate walking -- walking down the hall with

1 her arm around another inmate.

2 MR. PATTON: Yes.

3 DR. CHRISTENSEN: Do you have rules related
4 to physical contact, inappropriate, appropriate, or
5 anything like that?

6 MR. PATTON: Yes, sir, we do. And that
7 was -- that was the distinction that had to be made
8 with our staff. The training program at Mabel
9 Bassett prior to Warden Moham getting there, when
10 Oklahoma implemented PREA, they got seventeen
11 trainers for the seventeen facilities, and the
12 trainer that trained -- trained Mabel Bassett and a
13 few other facilities really emphasized any touch is
14 a PREA incident, and as everybody knows, that's just
15 not the case.

16 So there is -- and the distinction is, is
17 it PREA or is it inappropriate behavior? If it's
18 inappropriate behavior, you do one of two things.
19 You either tell him to stop, correct the behavior,
20 or if necessary, provide disciplinary action for it.

21 But you don't report it as a PREA incident. Call
22 mental-health staff, call an investigator. It's

1 just inappropriate behavior.

2 You know, cat-calling across the yard to
3 each other is not PREA. It's not sexual harassment.

4 It's tell them to knock it off, and if they don't,
5 then take appropriate action on it. It's not PREA.

6 And just importantly, we had to train the offenders
7 to that as well. We are going to take appropriate
8 disciplinary action if you are walking with your
9 arms around each other; it's not allowed. Do not be
10 cat-calling across the yard to each other; it's not
11 allowed. But don't be reporting it as a PREA
12 incident, because it's not. PREA is much more
13 important, much more defined than an arm around a
14 shoulder.

15 DR. CHRISTENSEN: So it's your
16 understanding, or would be your position, that some
17 of the things that were reported in the -- in the
18 PREA study would be inappropriate behavior but not
19 necessarily PREA violations?

20 MR. PATTON: I would -- I would guess that,
21 and I know guess is probably not a good word, and I
22 was trying to think of a better word.

1 DR. CHRISTENSEN: It's honest.

2 MR. PATTON: Without, you know, really
3 getting every, you know, questionnaire that was
4 done, I believe some of the overreporting was their
5 understanding of what PREA is. Some of the
6 overreporting, as I talked about county jails, some
7 of those that were interviewed were in our intake
8 process, so we're not really sure if that
9 inappropriate behavior happened in the county jails
10 or -- we had offenders that would sit in county
11 jails after sentencing for a year. And by no means
12 am I blaming county jails, but I just don't know
13 whether the data was ours or not. I do believe some
14 of it was just the overreliance on PREA reporting
15 and regardless, we're taking it serious.

16 Again, I'm very happy to report offender-
17 on-offender complaints dramatically dropped, and
18 it's really about Warden Moham and his staff walking
19 and talking on that prison yard, me walking and
20 talking on that prison yard. Our General Counsel's
21 been out there to observe what goes on on the prison
22 yard.

1 Female offenders are different to deal with
2 than male offenders. They're much more vocal.
3 They're much more embracing of one another and
4 embracing of staff. And you have to really work to
5 have that healthy, appropriate relationship with
6 them.

7 DR. CHRISTENSEN: And also recognizing, I
8 would just caution that inappropriate behavior, as
9 you're terming it, does often lead to sexual
10 misconduct. That's a grooming thing that one
11 offender might do to another, a dominant offender
12 might do to a less dominant or diminutive offender.

13 MR. PATTON: Inmate -- Dr. Christensen,
14 you're absolutely right. Inmate grooming
15 is -- especially in the female population, is
16 something we always have to keep an eye on, and
17 that's why you have to address that inappropriate
18 behavior upfront. You can't allow it to happen.
19 You can't allow it to continue, or you do lead
20 to -- and that's part of our training program. It
21 does lead to sexual victimization down the line if
22 staff don't get early intervention and talk to them

1 about what healthy relationships are.

2 Healthy relationships are you can be
3 friends, you can walk the yard together, you can
4 talk -- just physical contact is just not allowed.

5 DR. CHRISTENSEN: Great. And one more
6 question regarding -- the Warden mentioned staffing
7 concerns of 109 -- I believe 109 correction officers
8 and during -- at least during the period
9 approximately only seventy positions filled. In
10 your opinion -- and I'll ask the same question of
11 the Warden -- how did that contribute to higher
12 incidents of inmate-on-inmate sexual assault?

13 MR. PATTON: Staffing is always a concern,
14 and that is the reason my priority coming in was to
15 completely review the staffing patterns and how
16 we're utilizing staff. They're a finite resource.
17 We believe with the staffing pattern we have at
18 Mabel Bassett and the physical plant changes that
19 we've made at Mabel Bassett we're able to better
20 situate our limited resources.

21 Would I love to have all -- every position
22 at Mabel Bassett filled? Yes, sir, I would. Right

1 now that's just not possible. We don't have the
2 staff there. We have increased our recruiting
3 efforts. We do have more staff there today than we
4 had yesterday, and hopefully we'll have more
5 tomorrow.

6 But in the meantime, how you position those
7 staff, what posts you fill, what posts you choose to
8 collapse, has to be with the mindset of making your
9 prison safe. Making your prison, you know,
10 beautiful is one thing. Making it safe is more
11 important, so let's not fill that work-crew
12 supervisor; let's fill that yard officer, and then
13 the yard officer can work some work crews while
14 they're out there.

15 Physical staff on the ground, boots on the
16 ground is what it's all about. And I know Mabel
17 Bassett is a much safer place today than it was six
18 months ago, and I'm sure Warden Moham will say the
19 same thing. And staff are much better placed than
20 they were six months ago, sir.

21 DR. CHRISTENSEN: Specifically regarding
22 staffing and the ability to hire, and that's always

1 a problem in any correctional institution. But
2 sometimes we impose budgetary vacancy factors within
3 the budget, and I'm just wondering how much that
4 contributes to your lower -- or staffing below your
5 optimal level.

6 MR. PATTON: What I made clear beginning
7 this fiscal year -- July 1st was the beginning of
8 our fiscal year. Yes, we have budget limitations,
9 but those budget limitations do not apply to
10 correctional officers, as the two Wardens will tell
11 you. I preach all the time, I will find vacancy
12 savings elsewhere. You're authorized to hire 100
13 percent of your staff.

14 Now, we have identified through our
15 staffing study that some facilities are overstaffed.
16 Some are understaffed. We've had facilities where
17 they've closed down cell blocks but never got rid of
18 the staff. So they're plus -- we're trying to fill
19 eighty positions that's not even there any more. So
20 we're going to be moving some of those positions to
21 some of our higher needs, like a -- where you hear
22 from Jackie Brannon, very low staff, a staffing

1 pattern pretty low. So we're going to probably add
2 some staff to Jackie Brannon.

3 But the wardens are authorized to hire --
4 recruit and hire 100 percent correctional officers,
5 so there are no vacancy savings for correctional
6 officers.

7 MS. SEYMOUR: Thank you --

8 DR. CHRISTENSEN: Thank you, sir.

9 MS. SEYMOUR: -- both for your testimony.
10 Am I on? Hello? You can hear me. Thank you both
11 for your testimony today. I really, really
12 appreciate it. I wanted to just ask a question.
13 You talked earlier about partnering with your rape
14 crisis centers and your statewide coalition against
15 domestic violence.

16 Could you talk a little bit about what that
17 partnership entails and what are some of the
18 outcomes, if you don't mind.

19 MR. PATTON: Our partnerships at -- so far
20 have been -- they have -- they are very involved
21 with providing our staff training, helping us to
22 understand truly what crisis intervention means.

1 They're helping us develop programs
2 to -- evidence-based programs to bring into our
3 prison systems, to help those offenders that may
4 have been either a victim inside the prison or
5 outside the prison. Especially in our female
6 population, you know, many of them are traumatized
7 way before we ever get them into our prisons, and
8 helping them along to better adjust, to better
9 understand what happened in their life.

10 Also not mentioned in my speech, I met
11 yesterday -- we're partnering with -- our state
12 mental-health department is coming to partnership
13 with us again to help us move forward with this,
14 help us move forward.

15 We're beginning a very big movement. I'm
16 sure Mr. Hines could talk about the big movement.
17 We have an ASCA unrestricted housing, which affects
18 the Mabel Bassett unit, helping our mental-health
19 offenders, many of which have -- were victims of
20 sexual crimes on the streets, helping to get them
21 the program and the treatment needs they need. And
22 we're going to further that partnership by bringing

1 them in to talk to our offenders, help us again set
2 up more training programs, partner with our
3 offenders, and help us in our self-reporting to the
4 streets.

5 The bureau -- our Office of Investigation
6 Bureau for the state police has agreed to be our
7 third-party reporting center. If they don't feel
8 comfortable reporting to us, they can report to
9 them. So we're working really hard to develop those
10 community partnerships that we didn't have in place
11 before.

12 MS. SEYMOUR: Good for you. I mean, that
13 just is really, really important to your success.
14 And I was always wondering, if I was an inmate and I
15 called the confidential hotline, who would pick up
16 the phone, and how does that work?

17 MR. PATTON: The phone rings to assigned
18 PREA investigators, so they can report directly to
19 them. If the investigator's not there at the time,
20 they leave a message for the investigator. If
21 someone doesn't answer the phone, messages are
22 checked constantly, even throughout the night.

1 I will tell you, so far, our phone has
2 been, "They're holding my mail," their dinner was -
3 "We didn't get corn tonight." We got green beans
4 tonight. That's the kind of phone calls we're
5 getting on the PREA hotline.

6 MS. SEYMOUR: I'm okay. I'd rather have
7 that than prison rape being reported.

8 MR. PATTON: So I agree 100 percent. The
9 fact that they're using it --

10 MS. SEYMOUR: And they're aware of it.

11 MR. PATTON: Even -- I was talking to an
12 investigator on the way down here. Even -- even
13 though it's a report that they're serving corn
14 instead of green beans tells me that they know the
15 phone line's there.

16 MS. SEYMOUR: They know it's there, and I
17 think that's important as well. And if there is a
18 serious report -- I mean, all PREA reports are
19 serious -- would they have the opportunity to
20 quickly speak to a victim advocate, someone not
21 within the DOC? I mean, is that part of the
22 partnership that you all are describing?

1 MR. PATTON: We are -- in many cases, the
2 answer would be yes. We could get immediate
3 resources to them. I believe later on you're going
4 to talk to a District Attorney.

5 MS. SEYMOUR: Yeah.

6 MR. PATTON: We're working with all the
7 district attorneys. Many of them have resources we
8 can reach out to. Those that we don't, we're
9 working on developing that partnership in the
10 community with an eye towards, you know, immediately
11 getting an advocate inside the prison.

12 We can only do so much, and they're only as
13 comfortable as you can make them. But many times,
14 it takes an outside advocate, someone that's not a
15 corrections employee. So we're working very hard to
16 establish those partnerships around the state.

17 MS. SEYMOUR: Okay. Just a comment, since
18 you all are working on revising your policies and
19 your training curriculum. When I hear the words
20 "alleged victim" together, the hair on the back of
21 my neck just stands up. And I would just give you a
22 suggestion that you consider the person who alleged

1 sexual assault charges or find a way to not put
2 "alleged victim" together. Because in my field,
3 that's considered taboo.

4 MR. PATTON: My attorney is scribbling as
5 you talk, so we will --

6 MS. SEYMOUR: Okay. The reason he's here.
7 All right. Thank you. That's all, Mr. Chairman.

8 DR. WILKINSON: Gary, do you have another
9 question for the Warden?

10 DR. CHRISTENSEN: Warden, I was interested
11 in the fact that I believe you said you began as
12 Warden in 2012, and prior to that you were a deputy
13 warden, if I heard correctly, at Jackie Brannon?

14 MR. MOHAM: Yes.

15 DR. CHRISTENSEN: So in your opinion, what
16 are the major differences? Obviously, it's males
17 and females, different types of prisoners, but in
18 terms of organizational culture, you referenced that
19 in your statement. What are the major differences
20 between the two facilities?

21 MR. MOHAM: Well, of course, you just
22 mentioned the major difference is one's female,

1 one's male. So the needs of female offenders, you
2 know, they're drastically different. Male facility
3 was a minimum security. But as far as the
4 management and the things that may have led to low
5 versus high, it's just like the Director had
6 mentioned, it's a matter of getting out and
7 communicating and educating the offenders on what's
8 expected of them, along those lines of zero
9 tolerance of that type of behavior.

10 So -- and that's what it -- that's what it
11 takes. You know, whether I was at Mabel Bassett or
12 at Jackie Brannon, which I was for ten years -- and
13 I worked with Warden Watts. And I can tell to the
14 fact that her doing the things that she does as far
15 as getting out, as the record indicated, and
16 communicating with staff, communicating with
17 offenders, is what our expectations are along the
18 lines of our policy and procedures and PREA. Those
19 are the things that actually make a facility run in
20 the direction you want it to run, which is what
21 we're trying to do, which is eliminate these
22 assaults.

1 And the other thing is too, zero tolerance,
2 as you mentioned earlier, starts with those small
3 things. It's not just the big assaults. We have
4 zero tolerance for the small things, such as the
5 holding hands, getting involved with any type of
6 unhealthy relationship.

7 DR. CHRISTENSEN: So would you say that one
8 of the most important tasks that you had when you
9 came and took over as Warden in Mabel Bassett was to
10 get that kind of walk-and-talk mentality of
11 leadership out there, get out on the floor, get out
12 and supervise, get out and get the word out,
13 communicate, as you both have said?

14 MR. MOHAM: Yes, sir. I believe
15 that -- well, I don't want to say I believe. I know
16 that that is a major factor. As a matter of getting
17 out there, being visible, letting the offenders
18 know -- as the Warden -- and letting my staff know
19 as the Warden what I expected on any type of
20 assaults, whether it's just physical or whether it's
21 sexual.

22 So that is -- that was the major thing, was

1 to get out, walk and talk, and let them know what
2 you expected out of their day-to-day operations,
3 what we wanted our facility culture to be like.

4 DR. CHRISTENSEN: And last question
5 regarding jail classification and your installation
6 of fences to allow for more -- more classification
7 categories.

8 What trends have you seen related to that?

9 Do you think that that contributes to the
10 lower -- you mentioned that there were only three, I
11 believe, allegations or PREA investigations have
12 been made on inmate violations.

13 MR. MOHAM: I think that the -- the main
14 reason, as the Director indicated, was being able to
15 really understand what was to be reported. And
16 we're on a better level now as to knowing what
17 exactly we need to report. We take everything
18 serious and investigate everything. But as far as
19 only have three, that was actually during that time
20 frame -- benefits to the fact that we had a better
21 understanding and a better understanding was given
22 to my staff and offenders as the definition of what

1 a PREA or Prison Rape Elimination was.

2 DR. CHRISTENSEN: So really, it's more a
3 prevention effort.

4 MR. MOHAM: Yes.

5 DR. CHRISTENSEN: Thank you both so much
6 for your testimony and contributing to our knowledge
7 on prison rape elimination. We appreciate it.

8 MS. SEYMOUR: Thank you.

9 DR. WILKINSON: Warden, just one last
10 question before we recess this hearing. With
11 respect to classification again, is there special
12 consideration given to non-heterosexual inmates when
13 you're classifying inmates, housing assignments, job
14 assignments? So what kind of provisions -- I think
15 you both mentioned LGBTI population. So what kind
16 of special considerations do you go through with
17 that population?

18 MR. MOHAM: As we indicated earlier, the
19 female offenders have -- one of their needs is to be
20 close. As far as the non-heterosexuals, we treat
21 them as we would any other offender until they get
22 to the point to where they're violating policy or

1 procedure along those lines.

2 So as far as different housing assignment
3 or whatever, we don't really do that unless they
4 prove to themselves -- to us that they're being
5 predatory, or if they're going down that line.

6 MR. PATTON: And Mr. Chair, if I may. We
7 are also in the process -- at the present time,
8 Oklahoma does not have a policy on LGBTI. I have
9 gotten a BJS study recommendations on LGBTI. I
10 picked up a couple of policies while we were in Salt
11 Lake City, and now that we've got our PREA policy
12 pretty tight, we'll start working on the policy
13 addressing LGBTI in the very near future.

14 DR. WILKINSON: Yeah, thanks for doing
15 that. I think there's some new sociology
16 regarding --

17 MR. PATTON: Correct. I picked that up in
18 Salt Lake City this week, just started to read on
19 it.

20 MS. SEYMOUR: I was just going to say,
21 someone who is LGBTQI with a history of sexual
22 victimization and chronic trauma in their lives, it

1 might call for looking at different housing for them
2 and different treatment plans than if we didn't have
3 that information.

4 MR. PATTON: Yes, ma'am. We are
5 addressing.

6 MS. SEYMOUR: Thank you.

7 DR. WILKINSON: Well, again, thank you for
8 your testimony. Very informative. At this time,
9 we're going to recess the hearing on high-incidence
10 prisons and we will dismiss the Warden and ask
11 Warden Watts to come up.

12 (Pause)

13 DR. WILKINSON: The Panel now convenes its
14 hearing on low-incidence prisons. Welcome, Warden.

15 MS. WATTS: Thank you.

16 DR. WILKINSON: I must swear you in,
17 however. Do you solemnly swear or affirm that the
18 testimony you are about to give is the truth, the
19 whole truth, and nothing but the truth?

20 MS. WATTS: Yes.

21 Whereupon,

22 EMMA WATTS

1 was called as a witness and, having been first
2 duly sworn, was examined and testified as follows:

3 DR. WILKINSON: Thank you, and welcome,
4 again.

5 MS. WATTS: Thank you.

6 DR. WILKINSON: You have a prepared
7 testimony?

8 MS. WATTS: Yes.

9 DR. WILKINSON: Would you like to give it?

10 MS. WATTS: Yes.

11 DR. CHRISTENSEN: This is easy so far.

12 STATEMENT OF EMMA WATTS

13 MS. WATTS: So far okay. On behalf of
14 Director Patton and the Oklahoma Department of
15 Corrections, I am Emma L. Watts, Warden of Jackie
16 Brannon Correctional Center, McAlester, Oklahoma.

17 I began my career with the Oklahoma
18 Department of Corrections as a correction officer at
19 Oklahoma State Penitentiary Women's Facility. I
20 have held several positions in the Department of
21 Corrections, including several levels of
22 correctional officer case management. I have the

1 distinction of being the first female unit manager
2 at maximum-security death-row unit while at Oklahoma
3 State Penitentiary. I was subsequently promoted to
4 deputy warden at Eddie Warrior Correctional Center,
5 a female facility in Taft, Oklahoma. I was promoted
6 to my current position as Warden of Jackie Brannon
7 Correctional Center in 2007. I have had the
8 privilege of serving at the Oklahoma Department of
9 Corrections for 32 years.

10 As Warden of Jackie Brannon Correctional
11 Center, I am responsible for 737 minimum-security
12 male offenders and 101 staff members. My 2014
13 operating budget was \$1,091,559, with a personnel
14 budget of \$6,035,997. Jackie Brannon Correctional
15 Center was once the pride of the Oklahoma State
16 Penitentiary and was also known as the Trustee
17 Building.

18 Jackie Brannon became a separate
19 administrative entity on July 1, 1985, and was
20 officially designated a minimum-security male
21 institution. On July 1, 1993, the McAlester
22 Community Correction Center merged with Jackie

1 Brannon to form one administrative facility. Jackie
2 Brannon covers almost two square miles of rolling
3 hills and pasture land. We keep the grounds
4 immaculate by providing jobs for the offenders, who
5 are kept busy mowing, trimming, cleaning, gardening,
6 and during the growing season.

7 The facility has a rated capacity of 737,
8 with the average daily population of 702 offenders.

9 The average length of stay is two years.

10 Currently, the offender population ranges in ages
11 from 78 to 19. The average age of the offender
12 population at Jackie Brannon is 37.

13 JB -- Jackie Brannon has three general
14 population unit -- housing units. A-unit is a
15 single-level open-dormitory-type building
16 constructed in the early 1960s as the medical
17 research building. A-unit is air conditioned and
18 fire protected. The unit has bed space for 149
19 offenders. The building is located next to health
20 services. Most of the offenders living in this unit
21 are assigned to the maintenance shop, utilities.
22 Full-time education attendees are those that are

1 medically unassigned as -- housed there.

2 B-unit was completed in 2001, and has the
3 bed capacity of 304 offenders. The quads house
4 approximately seventy-six each. It is open bay,
5 designed with 360-degree visual observation of the
6 building interior. Day rooms on each quad are open
7 to the bunk area. The latest in fire safety
8 technology has been incorporated in the
9 approximately 30,000-square-foot metal building.

10 In addition to housing offenders, the
11 building contains the administrative office,
12 multi-purpose rooms, and mechanical rooms. Our
13 buildings contain the laundry, barber shop, caustic,
14 and tool rooms. The old B-unit still stands, but
15 it's no longer used to house offenders. B-unit
16 offenders are assigned to agri-services, the meat-
17 cutting apprenticeship program at the meat
18 processing plant, full-time education, food
19 services, and OSP workers.

20 C-unit was established in 1978 as the
21 McAlester Community Treatment Center. It was
22 originally a hospital built in 1938, in a

1 three-story building converted into multi-occupancy
2 rooms for housing 284 offenders. C-unit is air
3 conditioned and fire protected with an alarm system.

4 The offenders living in this unit are assigned to
5 the Prisoner Public Works Program in McAlester and
6 surrounding communities, and attend substance abuse
7 treatment program and Victory Bible College
8 programs.

9 The age of the facility does present a
10 number of challenges. The units were built with the
11 technology of respective times with little in the
12 way of video- and audio-monitoring capabilities. As
13 funding has become available, the facility has added
14 security officers stationed on the second floor of
15 C-unit to allow security coverage on more than one
16 floor. The other two units are ground-floor units.

17 As Warden, I'm responsible for all aspects
18 of the operation of the facility, including
19 security, classification, programs, maintenance,
20 medical, mental health, and food service. All of
21 our housing units are open dormitories which will
22 hold any -- anywhere from two to seventy-one

1 offenders in each room.. The offenders are
2 constantly kept busy mowing, trimming, cleaning,
3 gardening during the growing season.

4 We have offenders that work at Oklahoma
5 State Penitentiary, Prisoner Public Work Programs,
6 agri-services, and Department of Labor Meat-Cutting
7 Apprenticeship Program. Factors that led to the low
8 incidence of sexual victimization -- all offenders
9 must have a job unless they have medical issues, and
10 then they are unassigned. Offenders at Jackie
11 Brannon Correctional Center are provided a variety
12 of programs, which keeps the offender busy, such as
13 Thinking for a Change, Victims Impact, Substance
14 Abuse Treatment, and Victory Bible College.

15 A variety of religious services are
16 scheduled and available to the offenders. Each
17 offender arriving at Jackie Brannon receive an
18 orientation upon arrival and a more detailed
19 orientation within seven days of arrival. The
20 orientation discusses relationships with staff and
21 other offenders, rules and regulations of the
22 facility programs. The education opportunities is

1 available, visitation, healthcare.

2 Prior to the in-depth orientation, the
3 offenders are shown the Prison Rape Elimination Act
4 PREA video. During this orientation, the Deputy
5 Warden also discusses sexual abuse, assault, threat
6 with the offenders. Upon arriving at the offender's
7 assigned unit, he also receives offender handbooks
8 covering the topics covered in the orientation, and
9 also has extended information regarding sexual
10 assault and abuse.

11 Staff and officers of various cells spoke
12 to the offenders. The officers conduct unit checks
13 periodically throughout the day, apart from count
14 time, to ensure that the offenders are up and out of
15 bed and engaged in day-to-day activities. The Chief
16 of Security, Deputy Warden and myself regularly tour
17 the units and yards and talk to the offender
18 population and observe the interaction between the
19 offenders and staff.

20 Our department heads and myself conduct
21 regular staff meetings to cover PREA policy and
22 interactions between staff and offenders. At these

1 meetings, verbal communication with offenders is
2 discussed, as well as staff action and communication
3 skills, measures taken by the Jackie Brannon
4 Correctional Center to reduce the prevalence and
5 incidence of both offender and - offender-on-
6 offender and staff-on-offender sexual assault.

7 In accordance with DOC policy, OPO-30601
8 entitled "Oklahoma State Oklahoma Prison Rape
9 Elimination Act," a comprehensive training program
10 is provided for all staff to emphasize the
11 importance of preventing sexual assault towards
12 offenders and promote awareness of the serious
13 impact of sexual victimization within the
14 correctional setting. All employees receive this
15 training as part of their pre-service curriculum,
16 and also during annual in-service training.

17 Offenders are educated about PREA upon
18 arrival, receiving verbal and written information
19 about sexual assault during orientation at the
20 facility. The information addresses prevention,
21 staff protection, reporting sexual assaults,
22 protection from retaliation, and including methods

1 to identify, report such misconduct. The offender
2 is also informed of his options to report the
3 incident to a designated staff member and a member
4 other than an immediate point of contact line, such
5 as case managers, unit managers, officer, a note or
6 a kite sent to medical or any staff. The offender
7 also is informed about treatment and counseling
8 options, that the Oklahoma Department of Correction
9 has a zero tolerance for sexual assault.

10 Touring of the units and talking with staff
11 and offenders has promoted more open communications
12 between staff, supervisors, and offenders.
13 Discussing PREA policy and procedures and staff and
14 offenders' interactions during regular staff
15 meetings has made staff more aware of PREA training
16 and standards impacting, affecting the day-to-day
17 work environment, measures taken to protect from
18 sexual victimization, those offenders who have
19 mental-health problems or non- -- or a
20 non-heterosexual -- or have a history of prior
21 victimization.

22 All offenders receive at the reception

1 center, prior to transfer to an assigned facility,
2 receive mental-health screening as part of their
3 initial reception and assessment process. The
4 screening/assignment assessment conducted by a
5 trained mental-health professional includes
6 potential vulnerabilities or tendency related to
7 sexual aggressive behavior. Any housing concerns
8 are noted during this screen assessment regarding an
9 offender's history. A sexual-abuse victimization or
10 sexual predatory behavior is communicated to the
11 facility job and housing coordinator for entry into
12 the offender's record.

13 Upon arrival at the assigned facility,
14 security review the housing forms and assign the
15 offenders to a unit. The unit staff reviews the
16 offender's file within forty-eight hours to ensure
17 the offender will not have any difficulty being
18 housed at Jackie Brannon due to sexual orientation,
19 history of being a sexual predator, or a history of
20 being a sexual victim.

21 Jackie Brannon provides HIV/STD peer
22 education, and upon completion of this program,

1 receive ten achievement credits. Also, all
2 offenders arriving at Jackie Brannon from other
3 facilities are screened and assessed at intake by
4 the mental-health staff not only to determine if
5 they have existing or new mental-health issues
6 requiring intervention, but all -- but are also
7 screened for risk of sexual victimization or their
8 abusiveness towards others.

9 The information gathered is used to
10 determine appropriateness of care in placement. The
11 Warden, Deputy Warden and Chief of Security would be
12 apprised of the situation where an offender has been
13 determined to be abusive, and therefore not suitable
14 for placement at Jackie Brannon.

15 In situations where it has been determined
16 by mental health after the initial mental-health
17 assessment that offender is at a high risk of sexual
18 victimization, a determination would be made, with
19 the Warden's approval, for the offender to be
20 transferred to another facility.

21 An offender entering Jackie Brannon with an
22 existing PREA case would be closely monitored and

1 seen in treatment to ensure that the offender is
2 progressing in treatment and has no suicidal
3 intentions or significant traumatic issues that can
4 contribute to the person be compensating while in
5 placement at the facility. When the offender is
6 discharging for a DOC-appropriate aftercare,
7 services would be initiated to ensure care is
8 continued.

9 At any time during the offender's
10 incarceration at Jackie Brannon, the offender is
11 identified as high risk for being a sexual predator,
12 exhibiting sexually aggressive behavior, and being
13 or having the potential to be a sexual victim, is
14 referred for a mental-health evaluation and possible
15 housing or facility assignment.

16 In conclusion, I would like to thank you
17 for the opportunity to present this testimony on the
18 efforts underway at the Jackie Brannon Correctional
19 Center and throughout the Oklahoma Department of
20 Corrections to implement the PREA standards. Thank
21 you.

22 DR. WILKINSON: Thank you, Warden Watts.

1 A location with rolling hills, green pastures,
2 immaculate grounds, and air conditioning sounds like
3 a place I'd like to go on vacation.

4 MS. WATTS: I'm ready.

5 DR. WILKINSON: It's a beautiful facility.

6 MS. WATTS: It is.

7 DR. WILKINSON: Before we ask questions to
8 the Warden, Director, do you have any thoughts you
9 want to add about Jackie Brannon?

10 MR. PATTON: The only thing I would -- I
11 would add, Mr. Chair, I've toured Jackie Brannon and
12 Warden Watts doesn't give herself enough credit.
13 And it's obvious her training of Warden Moham and
14 the success we're seeing with his new assignment,
15 was paramount to what she's doing with her
16 population.

17 As I walked her yard -- and you've walked
18 thousands of yards in your life -- offenders knew
19 her, staff knew her. And again, that is my firm
20 belief, and the most important thing we take away
21 from her low incidences is management by walking
22 around. She lives on her prison yard. She makes

1 her Chief of Security, her Deputy Wardens live on
2 the prison yard. That's what Warden Moham learned
3 to do, and that's why we're seeing the turnaround at
4 his facility now.

5 So thirty-plus years of experience and a
6 heart of gold. So I congratulate and consistently
7 congratulate her on her success.

8 DR. WILKINSON: I'm sure whoever Jackie
9 Brannon is/was would be proud. So Gary?

10 DR. CHRISTENSEN: Warden, based upon your
11 long tenure with the ODOC, what would you say the
12 biggest differences are from prior to Director
13 Patton's tenure until now between all facilities,
14 not just in Jackie Brannon, but across the ODOC?

15 MS. WATTS: Could you rephrase that again,
16 please. Would you --

17 DR. CHRISTENSEN: So you've been with the
18 ODOC for a long time.

19 MS. WATTS: Yes.

20 DR. CHRISTENSEN: And we're asking -- what
21 I'm asking is to provide -- provide us with some
22 institutional knowledge to say, here's what the

1 facilities were prior to Director Patton coming on
2 board. We've heard all the wonderful things that
3 have happened since Director Patton has come on
4 board, but prior to that, we're trying to understand
5 some of the differences between the organ -- between
6 all the prisons that are under the same umbrella of
7 ODOC.

8 So what was it like before as opposed to
9 now, and could you -- could you just elaborate on
10 that a little bit?

11 MS. WATTS: Well, we're glad to have
12 Director Patton on board. I tell ya, NIC has come
13 in and they have -- he organized staff analysis.
14 We'll be getting more staff members, and you can see
15 the change in -- for the best from 19 -- I started
16 in 1977. I worked for a while. Went back. I
17 changed my major to criminal justice and got my
18 degree in that. And from the time I started until
19 now, he's very energetic and very knowledgeable and
20 intelligent and leading us in the direction that
21 will be very productive to Department of
22 Corrections.

1 DR. CHRISTENSEN: And the orientation, I've
2 heard the term "management-by-walking-around."
3 It seems like you personify that management by
4 walking around perspective.

5 Do you think that that's changed in some of
6 the other facilities? Were some of the other
7 facilities not managing by walking around? It
8 sounds like you've always been that way from -- if
9 I'm correct, in your testimony.

10 MS. WATTS: Well, I can't really answer
11 that. All I can tell you is that as a officer, I
12 walked around. As case manager I did that. I
13 believe that you hear things, you see things. Staff
14 knowing that you're approachable, that developed
15 trust in offenders. From years back walking and
16 talking, and being approachable to offenders, that
17 developed respect and trust. And they'll talk to
18 you.

19 You'd be surprised of what you can hear and
20 say by walking. You visit each unit, each shift.
21 You talk to staff. You walk the dorms. You talk to
22 offenders. You walk, look, and listen. It's very

1 productive, very -- being approachable.

2 DR. CHRISTENSEN: So in your opinion, would
3 you say that officer presence is perhaps the most
4 important thing in preventing PREA violations?

5 MS. WATTS: Well, it helps. If they know
6 that you're walking around and you don't set -- have
7 a set pattern, randomly walking different times,
8 yes.

9 DR. CHRISTENSEN: I've heard about in the
10 prior testimony regarding the Mabel Bassett
11 facility, difficulties in staffing and maintaining
12 staffing levels.

13 Do you experience the same difficulties,
14 and what are your current staffing levels now?

15 MS. WATTS: Well, my -- even though I could
16 use more staff, you can always use more staff.

17 DR. CHRISTENSEN: Sure. Everybody could.

18 MS. WATTS: All I can say is I work with my
19 people. I encourage them in meetings. I talk to
20 them. Even though we low staff, we can do the job.

21 You motivate them. You talk -- I'm a communicator
22 and I love to talk and energize staff, and I lead by

1 example. I'm out there with them, and they know
2 this and they will follow you.

3 DR. CHRISTENSEN: Last question
4 regarding -- and it relates to -- specifically to
5 training. I heard a lot about the training that
6 goes on at Jackie Brannon, and from the Director,
7 training that goes on Department-wide, and I'm
8 wondering if those two were always standardized.

9 Was there always a standardized curricula
10 related to PREA-type incident, or was Jackie Brannon
11 doing something different than some of the other
12 prisons? Could you tell me a little bit about that?

13 MS. WATTS: I don't think Jackie Brannon
14 doing any different than other facilities. We have
15 programs. I can't answer that because I don't --

16 MR. PATTON: Direct-- and if I may, Mr.
17 Chair. Dr. Christensen, to answer your question, I
18 believe it was in the delivery of the program, and
19 then -- of the training program, and then the
20 follow-up Warden Watts did. It's one thing we can
21 sit in a room and show you a few slides and
22 everybody walks out of the room. And that's my firm

1 belief happened at some of our facilities, where
2 Warden Watts got personally involved with the
3 training program and then followed it up out on the
4 yard out with her staff.

5 And when I talk about differences in
6 training, that's really what it is. There was a
7 standard curriculum. Some places read the
8 curriculum and everybody walked out. People like
9 Warden Watts lived the curriculum and then continued
10 that training every day.

11 MS. SEYMOUR: Is that happening system-wide
12 though -- follow-up -- or just at Jackie Brannon? I
13 mean, is that --

14 MR. PATTON: It is system-wide now.

15 MS. SEYMOUR: That's great.

16 DR. CHRISTENSEN: Is that delivered by
17 local -- just local trainers, the Department
18 trainers?

19 MR. PATTON: We have training officers
20 around the state that have received specialized
21 training in delivering the curriculum. We've
22 changed out some of those trainers, got some that

1 are a little bit more energized about it. Our PREA
2 coordinator, our compliance manager are both
3 certified PREA auditors, so they go out -- that's
4 who delivers our training at our training academies,
5 where we can start that from day one in the training
6 academy.

7 So it was all about re-energizing our
8 training program. And again, plagiarism's not a bad
9 thing, stealing the stuff Warden Watts was doing out
10 there and taking it out to all the other facilities.

11 DR. CHRISTENSEN: Have you, as a result of
12 the training and then the application of the
13 training and making sure that the training actually
14 goes into practice -- because for those of us who
15 have been in the field a long time, we know that
16 often times we get trained one thing and then it's
17 done differently within a facility. And we know how
18 important that training and some of these standards
19 of PREA are applied as they are trained within the
20 facilities.

21 Have you developed -- I'm sure you would
22 all agree with that. I see you're nodding. I see

1 you nodding your heads. But have you -- so have you
2 developed quality assurance practices or compliance
3 measures to actually measure compliance with the
4 standards that weren't in place before? Have you
5 changed that practice in any way?

6 MR. PATTON: First of all, that's two
7 compliances. As I testified earlier, sir, we are
8 preparing for our PREA audits from ACA, and that is
9 how we're gauging our compliance. We have the PREA
10 tool from PREA Resource Center. We've downloaded
11 the tool. All of our wardens now have that tool.
12 All of our wardens now have a PREA compliance person
13 that works -- you know, it's not full-time job for
14 them, but additional duties as PREA compliance
15 managers. They're doing self-audits out there, and
16 we're gauging both through our investigations. If
17 we do receive a PREA complaint, it becomes a
18 learning tool as well. Did staff act appropriately?

19 If it's an offender issue, are we dealing with it
20 appropriately? Is this something we could have
21 prevented to start with?

22 So every day's a training tool for us.

1 And again, stressing to the wardens. I meet with
2 the wardens quarterly, and then I tour their
3 prisons, and there is a lot of them in Oklahoma to
4 get to, and you drive for it seems like a day to get
5 to one. But every tour I've done, the first thing I
6 talk about is employee engagement, offender
7 engagement, and PREA is part of that. So it's a
8 top-down effort.

9 DR. CHRISTENSEN: I thought that was the
10 last question, but you just made me think of one
11 more. When you said you meet with the wardens, do
12 you meet with the wardens collectively, and are they
13 aware of what's going on system-wide and how one
14 facility stacks up against another in terms of PREA
15 compliance?

16 MR. PATTON: That was the first -- my first
17 initiative when I got there. And I can't speak to
18 the past. I don't know how often they met. But
19 yes, sir, I bring all seventeen wardens into a room
20 very similar to this, and this is the kind of talks
21 we have. We do not have seventeen silos. We have
22 seventeen prisons reporting to me.

1 DR. CHRISTENSEN: Thank you.

2 MR. PATTON: If you're doing something at
3 one prison, you got to be doing it the same at the
4 next prison. So that conversation started, I think,
5 my first week in Oklahoma.

6 DR. CHRISTENSEN: Thank you.

7 MS. SEYMOUR: I want to say thank you.
8 This Panel loves hearing from low-incidence prisons.
9 I think we have so much to learn from the processes
10 that you all undertake. And Dr. Gary stole a lot of
11 my questions, so I'm down to one. I think it's a
12 pretty simple one.

13 When you talk about all the training you do
14 when inmates come in, and also for staff training,
15 is part of the training educating them about
16 grooming strategies, sexual predators' grooming
17 strategies that might seem to be -- reflecting on
18 what you said earlier -- kind of innocuous, but it's
19 like a building block that leads up to sexual
20 assault and to rape? Is that part of the
21 standardized training that you're doing, both for
22 staff and for your inmates?

1 MR. PATTON: Yes, ma'am, it is. It's part
2 of the training program we got from the YWCA, and
3 the Rape Crisis Center talks about inmate grooming.

4 And we had to be careful because when we talk
5 inmate grooming in prisons, we're talking about,
6 "Pull up your pants," make -- you know, "You get a
7 haircut," things like that.

8 So it was a struggle with staff to get to
9 understand the terminology. And it's something
10 we've been doing for -- long before PREA we talked
11 about in orientation. But we've really stressed it
12 as part of PREA now. And again, we are now
13 delivering two PREA trainings at orientation, and as
14 the Warden said, as soon as they get to Jackie
15 Brannon. So we're just re-enforcing that type of
16 training at least twice, once at orientation, once
17 at Jackie Brannon. And if they move from Jackie
18 Brannon to somewhere else, then they're going to get
19 the PREA talk again when they get to their new
20 facility, just that constant reinforcement.

21 But going back to your question, is yes,
22 inmate grooming is part of our orientation entering,

1 for both staff and offenders.

2 MS. SEYMOUR: Good. I appreciate that.
3 Understanding that, I think, is one of the biggest
4 aspects of prevention that we sometimes overlook,
5 and I was glad you brought that up earlier, so thank
6 you.

7 DR. WILKINSON: Warden, one day you're not
8 going to be the Warden at Jackie Brannon. You will
9 eventually retire. Are you going to be comfortable
10 with Jackie Brannon being in the hands of somebody
11 else eventually? I mean, I think a lot of success
12 with institutions is leadership-based. So how are
13 you going to feel one day when you're not there?
14 Are you going to go back and visit once a week, or
15 what are you going to do?

16 MS. WATTS: No, way. I'm going to enjoy.

17 DR. WILKINSON: Well, you know, that's my
18 way, Director, of saying the testimonies that you
19 all have given have been music to our ears, and we
20 want to see how the transformation can take place
21 from -- at a time when you struggle with compliance,
22 with PREA. And generally, if you're struggling with

1 compliance with PREA, you're struggling with
2 compliance with other things as well.

3 It's my philosophy that if you are PREA-
4 compliant, then the whole agency is operating in a
5 way that I think would make taxpayers proud. So I
6 certainly commend you, Director, for your current
7 leadership, but certainly the long careers of both
8 Wardens that you have and I'm sure the other fifteen
9 wardens who are not here represented. So thank you
10 so much for joining us today and providing testimony
11 and answering our questions. We really do
12 appreciate it.

13 MR. PATTON: Thank you, Mr. Chair. It was
14 an honor to be here, sir.

15 DR. WILKINSON: So we will reconvene in
16 about fifteen minutes. We need to adjourn this
17 hearing on low-incidence facilities and we will
18 re-adjourn in fifteen minutes.

19 (A brief recess was taken.)

20 DR. WILKINSON: Good morning. The Panel
21 adjourns its hearing on low-incidence prisons and
22 now reconvenes the hearing on high-incidence

1 prisons. And we have two distinguished Panelists
2 with us -- Mr. Richard Smothermon, who's the
3 District Attorney in the 23rd Judicial District of
4 Oklahoma; and Viktoria Kristiansson,
5 Attorney-Advisor at AEquitas: The Prosecutors'
6 Resource on Violence Against Women.

7 So thank both of you for being here.

8 Before we proceed, we must swear you in.
9 Do you solemnly swear or affirm that the testimony
10 you are about to give is the truth, whole truth, and
11 nothing but the truth?

12 MR. SMOTHERMON: Yes, sir.

13 MS. KRISTIANSOON: Yes.

14 Whereupon,

15 RICHARD L. SMOTHERMON and VIKTORIA KRISTIANSOON
16 were called as witnesses and, having been first
17 duly sworn, were examined and testified as follows:

18 DR. WILKINSON: Thank you. We really do
19 appreciate you being here. And it's kind of a big
20 deal for us to have you all here representing DAs
21 and prosecutors. We have not had persons here, that
22 I recall, from your profession previously, even

1 though I don't think we've ever not talked about the
2 notion of involving prosecutors in the PREA process.

3 And I know separately, the Office of Justice
4 Programs have had meetings with prosecutorial groups
5 and others along the way. So we hope that we'll be
6 able to memorialize your testimony here and share it
7 with those who have a need to know more about the
8 work that you do.

9 So with that, Mr. Smothermon, you're listed
10 first, so I presume you have a prepared testimony.

11 MR. SMOTHERMON: Well, I -- first of all, I
12 did notice that no DAs had ever been here, which is
13 not uncommon. We're not often invited many places,
14 so --

15 DR. CHRISTENSEN: Welcome to D.C.

16 STATEMENT OF RICHARD L. SMOTHERMON

17 MR. SMOTHERMON: Thank -- thank you for
18 that. I am going to shift a little bit. As I said
19 when I met you, I'm going to talk a little bit about
20 why I think particularly I'm here. I will be glad
21 to answer any questions, but let me just tell you a
22 little bit about myself, my district and -- of

1 course, I encompass Mabel Bassett Correctional
2 Facility, so -- and I don't want to do the same
3 opening statement I think my partner over here is
4 going to do, because I see that from reading her
5 materials, we share many of the same values and
6 ideas.

7 But I have been a prosecutor since 1989.
8 I carry a district that's a two-county district just
9 to the east of Oklahoma City. It's Pottawatomie and
10 Lincoln Counties and a population about 103,000.
11 I've been prosecuting there since 1989, and have
12 been the elected DA there since 2002.

13 And when I was previously asked to come
14 testify before this committee, I believe back in
15 January maybe, I felt like I was called because of
16 the high incidence of Mabel Bassett. So I do want
17 to really delve on some things from an outsider's
18 point of view in relation to what you've heard
19 earlier today and let you know that -- where I stand
20 on that.

21 I have been very frustrated with the
22 Department of Corrections previous to the new

1 administration, and I have had much difficulty that
2 I've outlined in my written statement, both with
3 cooperation and some evidence collection and some
4 just flaws that have just made me scratch my head.

5 In light of that, when the old director was
6 retiring and the new director was going to be
7 solicited, I made a point of going to the Governor's
8 office and talking with their Chief of Staff, since
9 they're the ones that would appoint, and shared my
10 frustrations. Was given an hour-and-a-half meeting
11 with them and was given very thoughtfully, I
12 believe, taken in. Took very good notes, asked very
13 probing questions, and we delved into a lot of the
14 issues that this Panel faces on a daily basis.

15 I think those concerns were heard. I have
16 then since that time been able to speak with
17 Director Patton and his General Counsel at great
18 length. We have shared ideas, and I have been able
19 to tour Mabel Bassett, which since I've been elected
20 since 2002, was the first time that has been made
21 available to me.

22 The Warden and I spent the better part of a

1 day walking around on the facility, which was
2 somewhat trepidatious for me since I sent so many
3 people there, and I kept hearing whispers behind me,
4 "That's the DA. That's the DA." And I kept
5 thinking I should be armed. But whatever, it was a
6 very, I think, a very good time for us.

7 And the best I can describe it is, it
8 appears as if we have turned a leaf, and it appears
9 as if there is a new level of cooperation with Mabel
10 Bassett and a new level of cooperation with the
11 Director, and I look very much forward to pursuing
12 that.

13 One of the benefits that I have that I just
14 wanted to highlight for this Panel is, when I was
15 elected, I made a point of forming a task force that
16 used to be just drug-related. They did all the drug
17 crimes in my district. I have morphed them into
18 what I call the Violent Crimes Task Force, and they
19 are the best-trained investigators in my area, I
20 believe. They are a team of nine men, one woman,
21 and they answer the call. If there is a violent
22 crime in my district, they come, because they are

1 better trained than any jurisdiction that we have.

2 I have made that available to the previous
3 administration, and not once did I ever get a phone
4 call, which just baffled me. I also have an
5 Investigator and an Assistant District Attorney
6 assigned specifically to sex crimes and domestic
7 violence. Not once were they ever availed in the
8 previous administration, which again, just
9 frustrated me. With that said, I do believe that
10 that's going to change, so I would ask you to be
11 encouraged on that behalf, and that's from an
12 outsider looking in who has been critical in the
13 past.

14 So with that, I would answer questions or
15 open it up for her statement, however you want to do
16 that.

17 DR. WILKINSON: Well, thank you so much for
18 your presentation. Why don't we just have both, you
19 know, kind of opening statements, and then we'll
20 collectively have questions for the two of you.

21 So --

22 MS. KRISTIANSSON: Good morning --

1 DR. WILKINSON: Good morning.

2 STATEMENT OF VIKTORIA KRISTIANSOON

3 MS. KRISTIANSOON: -- Dr. Wilkinson, Dr.
4 Christensen, Ms. Seymour. Thank you for having me.

5 I will read my statement into the record, and then
6 any questions I'm happy to answer afterwards, or you
7 can interrupt at any time. I'm happy to answer
8 questions as we go.

9 Thank you again for the opportunity to
10 present testimony on the challenges and strategies
11 for successfully prosecuting cases of sexual assault
12 in confinement. There are many challenges faced by
13 prosecutors responsible for handling these cases,
14 including but not limited to the following. First,
15 many victims are unable or unwilling for many
16 reasons to present -- to report the assault, so
17 reports may be delayed, resulting in loss of
18 physical evidence and witnesses.

19 Second, jurors may be reluctant to believe
20 the testimony of an inmate, simply because of that
21 person's status as an inmate.

22 Third, when the assailant is a correctional

1 officer, jurors may find such a defendant inherently
2 more trustworthy, or perceive the defendant to be a
3 professional with too much to lose to be convicted
4 based on the word of a convicted criminal.

5 Fourth, the professionals responsible for
6 investigating and prosecuting these cases and those
7 who provide support services for victims may not
8 understand the dynamics of sexual violence in
9 confinement due to lack of training and relative
10 inexperience in this area. Consequently, they may
11 bring their own associated misconceptions and biases
12 with them.

13 Fifth, some state statutes permit
14 misdemeanor charges for correction staff who have
15 engaged in so-called consensual sexual contact with
16 inmates. This can result in cases that are charged
17 or resolved in ways that fail to recognize the
18 seriousness of such exploitation and breaches of
19 trust.

20 Finally, prosecutors may prioritize other
21 types of cases based on limited resources or a
22 belief that what happens within the walls of

1 confinement is not a concern or is not relevant to
2 the public.

3 My testimony will focus on eight strategies
4 for prosecuting cases of sexual assault in
5 confinement. While many of the fundamentals are
6 similar to cases that occur outside of confinement,
7 the very nature and fact of confinement require that
8 the strategies be modified to address the unique
9 issues that arise in this setting.

10 Strategy one: Collaborative,
11 multidisciplinary approach. Research has shown that
12 when systems collaborate to provide a coordinated,
13 multidisciplinary response, there are many benefits.
14 More victims will access services and participate
15 in the process. More offenders will be held
16 appropriately accountable, and community and victim
17 safety are improved.

18 This approach calls for collaboration
19 across disciplines -- corrections, law enforcement,
20 prosecutors, advocates, medical professionals, and
21 probation and parole. Such collaboration should
22 occur on the ground level, as well as in working

1 groups. And leadership in the form of messaging and
2 institution of research-informed practices is
3 essential. Ideally, this approach should include a
4 dedicated Sexual Assault Response Team, also known
5 as a SART, that addresses the unique needs of an
6 inmate population. Such needs include access to
7 advocates on a confidential basis, and team members
8 who are trained to work with inmate victims.

9 Strategy two: Education and training.
10 Like all sexual assaults, we see cases involving
11 overt force or threats, but we also see crimes
12 perpetrated through more subtle and less detectable
13 methods like coercion. Responding professionals,
14 therefore, should receive education and training
15 that enhance their knowledge and skills necessary to
16 conduct more effective investigations and
17 prosecutions.

18 It's critical that they have a thorough
19 understanding of dynamics commonly present in sexual
20 assault and confinement. Without this knowledge,
21 these professionals cannot properly assess cases
22 since their evaluations may be clouded by bias,

1 misunderstanding, and preconceived notions. It's
2 also important that they have an accurate
3 understanding of factors common to institutional
4 settings that may affect these dynamics, such as the
5 jobs and responsibilities of corrections officers,
6 inmates' daily schedules, internal rules and
7 protocols, and the culture of a specific facility.

8 First responders also must be trained for
9 proper interview and report-writing techniques, with
10 an emphasis on tone and language used. The most
11 important goals of the first responder are to
12 support the victim and to document statements and
13 observations. If the inmate victim finds no support
14 during this initial report, that experience alone
15 could well discourage the victim from further
16 participation in the investigation or prosecution of
17 the case.

18 A poorly handled first response can also
19 impede the investigation by shutting off access to
20 further evidence. While PREA standards are helpful
21 in noting what a first responder's duties are,
22 prosecutors should work directly with these

1 professionals to explain the how and the why. In
2 addition, when the offender is an inmate,
3 prosecutors may face defenses that include consent,
4 voluntary exchange of sex for goods or other
5 services, or fabrication with an ulterior motive of
6 revenge or a cell transfer.

7 When the offender's a staff member, a lack
8 of force is a common dynamic, as many inmates
9 believe they do not have a choice and they must do
10 whatever necessary to survive in a facility. Staff
11 offenders exploit this vulnerability further by
12 sometimes doing favors for the inmate victim, which
13 may lead the victim to self-blame, to minimize the
14 staff offender's culpability, or even claim that
15 they were in an intimate relationship. Prosecutors
16 who understand these dynamics will be better able to
17 properly evaluate facts, interview witnesses, gather
18 evidence and ultimately try a case.

19 Strategy three: Trauma informed response.

20 A victim-centered trauma-informed response to
21 investigations, particularly to victim interviews,
22 is essential. Being trauma-informed means

1 recognizing that victims have different forms of
2 current and historical trauma in their lives, and
3 that our responses should accommodate their
4 physical, emotional and psychological safety.
5 Without such an approach, inmate victims can be
6 re-traumatized, even by well-meaning responders.

7 Because many inmates have been sexually
8 assaulted before, responders should approach these
9 cases with the understanding that they may be asking
10 victims to confront multiple layers of
11 victimization. Trauma impacts a victim's memory,
12 affecting the victim's ability to provide clear and
13 linear statements. Investigators and prosecutors
14 who understand this and who take the time to build a
15 rapport with victims increase the likelihood that
16 the victim will feel sufficiently supported to
17 continue with the case.

18 Strategy four: Recognizing, preventing,
19 and responding to witness intimidation. Witness
20 intimidation is a common issue that must be
21 confronted at the outset of a case and throughout
22 the investigation and prosecution. Witness

1 intimidation causes additional trauma and injury to
2 the victim and it impedes investigation and
3 prosecution of the case. Unchecked, it gives
4 offenders power over the criminal justice system.

5 Prosecutors can work with law enforcement
6 and corrections to be sure victims and witnesses
7 know how to recognize intimidation and how to safely
8 report it. Policies intended to protect the witness
9 must not inadvertently punish him or her. Acts of
10 intimidation should be criminally charged where
11 appropriate, and evidence of intimidation used in
12 prosecution of the case. Where intimidation results
13 in a witness' refusal to testify, the forfeiture-by-
14 wrongdoing evidentiary rule can be an effective tool
15 for prosecution.

16 Strategy five: Charging decisions.
17 Prosecutors are the gatekeepers of the criminal
18 justice system. They have sole but not unlimited
19 discretion in determining whom and what to charge.
20 Appropriate charging of cases of sexual assault in
21 confinement is crucial to holding offenders
22 accountable, keeping facilities and communities

1 safe, supporting victims, and upholding the sanctity
2 and purpose of the entire criminal justice system.

3 Some prosecutors' offices have adopted
4 practices discouraging prosecution of cases believed
5 to be unwinnable or believed to involve witnesses or
6 facts with perceived credibility issues. Some
7 prosecutors believe their ethical obligations
8 require them to pursue only those cases they think
9 are likely to result in a conviction. This
10 unfortunate practice ends up becoming a
11 self-fulfilling prophecy. If prosecutors don't
12 charge challenging cases, they become incapable of
13 determining whether cases are in fact likely to
14 result in a conviction and they will never develop
15 the necessary skills to try those cases in court.

16 Instead, charging standards should reflect
17 the research which tells us that rape occurs out of
18 the view of witnesses. Delayed reports are common.

19 Piecemeal disclosures are common. Corroborating
20 physical evidence is often not available, and the
21 lack of vaginal or anal trauma is not inconsistent
22 with a report of sexual assault.

1 Strategy six: Pre-trial preparation,
2 including the filing and litigating of pre-trial
3 motions. Prosecutors should meet early on with the
4 victim. Many victims of sexual assault in
5 confinement will have had in the past only
6 adversarial contact with a prosecutor. Meeting with
7 the victim in the early stages will demonstrate
8 support of the victim and an investment in the case.

9 It will allow the prosecutor and the victim to
10 establish a rapport and allow the prosecutor to
11 answer questions about the process, what to expect
12 at trial, plan in-court attire, explain sentencing,
13 and more.

14 Pre-trial motions should be filed, when
15 possible, in writing. These motions enable
16 prosecutors to keep out irrelevant and prejudicial
17 information and arguments that expose the victim to
18 attack on issues unrelated to the current
19 victimization. Such motions include those related
20 to safety, rape shield, admissibility of evidence
21 under Evidence Rules 403, 404, 405, and
22 admissibility of hearsay statements. At the same

1 time, prosecutors should file motions to introduce
2 relevant evidence pertaining to the offender under
3 404(b), behaviors indicative of consciousness of
4 guilt, and admissions of the defendant. Motions
5 related to sentencing enhancements for repeat
6 offenders, gang activity, or other factors should
7 also be filed.

8 Strategy seven: Offender-focused trials.
9 The trial itself must be offender-focused,
10 incorporating themes that are specific to the staff
11 offender or inmate offender. An offender-focused
12 approach is based on the acknowledgment that
13 offenders purposefully, knowingly, and intentionally
14 target victims whom they believe they can assault
15 and impugn. The offending inmate who is physically
16 larger or more criminally experienced may have
17 looked for a target perceived to be especially
18 vulnerable. The staff offender may have targeted an
19 inmate desperate for early release or one whose
20 quiet demeanor suggests the victim would not resist
21 or would not report the assault.

22 Whatever the theory, prosecutors should

1 develop and employ offender-focused strategies that
2 are driven by an accurate and unbiased analysis of
3 the case and a thorough understanding of the
4 applicable law. Jury selection should uncover
5 biases and aim to avoid jury nullification. Opening
6 statements should frankly acknowledge any facts that
7 may cause the jury concern and should promise that
8 those facts will be explained through witness
9 testimony. Evidence explaining facility layout,
10 staff-to-inmate ratio, the defendant's access to the
11 victim, and surveillance cameras, or lack thereof,
12 will help the jury understand how the defendant
13 exploited these opportunities.

14 Experts on victim behavior and medical
15 experts should also be called. The closing argument
16 should incorporate the chosen theme and should focus
17 on the offender's selection of that victim,
18 corroboration of details, credibility of all of the
19 evidence, and, of course, offender accountability.
20 This approach helps to keep the juries focused on
21 the actions, behaviors, characteristics and intent
22 of the offender.

1 Final strategy, strategy eight: Post-trial
2 considerations. Protection and support of the
3 victim must not end with the criminal trial.

4 Where the case results in a conviction, victims can
5 be encouraged and assisted in submitting victim-
6 impact statements and restitution can be requested.

7 Regardless of the verdict, a continued no-contact
8 order can be sought from the court and/or from the
9 institution or department. The victim can be
10 afforded long-term counseling and therapy.

11 A conviction is not necessary for the
12 prosecution of a sexual assault in confinement case
13 to be considered successful. Implementation of
14 strategies such as those discussed this morning will
15 go a long way toward creating solid prosecutorial
16 practices that support victims as they heal, while
17 giving them every opportunity to do so. At the same
18 time, these practices hold offenders appropriately
19 accountable for their actions and will increase the
20 number of cases taken to trial and those that
21 ultimately do result in a conviction. These
22 strategies will send a clear message to victims, to

1 offenders, and to the public that sexual assault in
2 confinement is a crime that will be prosecuted to
3 the fullest extent of the law.

4 Thank you.

5 DR. WILKINSON: Great. Thank you so much.

6 A couple questions for either of you or both, and
7 then I have a question for Ms. Kristiansson in a
8 moment. Prosecutors have been kind of an enigma for
9 corrections administrators of sorts. So I can see
10 why you didn't get a chance to tour some of the
11 facilities over the course of time, because mostly a
12 protection issue, but nevertheless.

13 For staff who are involved in sexual
14 misconduct, sometimes it's like pulling teeth to get
15 staff prosecuted for their dastardly deeds. You
16 know, for whatever reason, sometimes just a
17 resignation or firing is good enough for some
18 prosecutors, but that's not strong enough to send
19 the right message at times to other staff who might
20 perpetrate something similar in the future.

21 So what's your notion about staff and how
22 to best handle it, and should there be kind of a

1 no-holds-barred approach to prosecuting staff who do
2 that? We do that with teachers, you know, who have
3 sexual misconduct with students. So why should
4 there be a difference because of prison?

5 MR. SMOTHERMON: There shouldn't be. On
6 Tuesday, I sent a offender, a staff member who had
7 perpetrated multiple acts on multiple victims, to
8 prison for twenty years. So I hope that sent a
9 fairly clear message. But we don't allow it in
10 schools, we don't allow it in the homes, we don't
11 allow it any place. Why should we allow it in
12 prison?

13 I don't. Purely allowing someone to resign
14 without a mark just sets us up for failure for them
15 to be hired by some county jail somewhere, is the
16 way I look at it, which is totally unacceptable to
17 me. It absolutely should not be tolerated and it
18 should be prosecuted as any other crime.

19 DR. WILKINSON: Do you agree?

20 MS. KRISTIANSSON: One-hundred percent.

21 DR. WILKINSON: Another issue about inmates
22 being prosecuted, and I'm putting my former director

1 hat on and former warden hat on. To get prosecutors
2 sometimes to even take cases, you got an inmate
3 who's already doing twenty, thirty years.
4 Prosecutors say, well, okay, I'm not even sure I can
5 give the person more time, so why should I waste my,
6 you know, energies prosecuting this case when the
7 person's already doing, you know, a long time in
8 prison?

9 Is that something you all think about when
10 you're taking cases, or not?

11 MR. SMOTHERMON: I think that comes into
12 effect --

13 DR. WILKINSON: In addition to the cost.
14 I've heard, you know, prosecutors say, well, it's
15 going to cost me \$20,000 to prosecute this case when
16 the guy's already in prison.

17 MR. SMOTHERMON: You know, I've never been
18 able to put a dollar amount on how much it costs to
19 prosecute, because I'm there whether I'm prosecuting
20 that case or a different case. I mean, you can't
21 put a dollar amount on it; you just can't. I think
22 that those considerations should come into effect

1 when you're talking about what type of punishment
2 the person receives, but whether or not they get
3 prosecuted should never account -- be based on
4 whether you're already in prison or whether you've
5 already got time to do.

6 To me, that's a phantom reason for not
7 prosecuting. We don't do that in any other area.
8 Because let's say you're serving life and you kill
9 somebody else, shouldn't I prosecute you for that
10 murder as well? Absolutely.

11 DR. WILKINSON: Just one other question
12 about this. You know, we -- generally, corrections
13 administrators don't take cases to prosecutors.
14 It's law enforcement, either the State Police, the
15 Highway Patrol or local law enforcement are the ones
16 who file the cases. So sometimes corrections people
17 don't really know the best way to interface with
18 prosecutors since they don't directly bring the
19 cases to the DAs.

20 But I do think there is a role there. Is
21 there a role that you all can envision that you
22 think would be the best way for corrections

1 administrators to directly talk with prosecutors
2 about not just a specific case, but just the process
3 or just the encouragement that these cases need to
4 be prosecuted?

5 MS. KRISTIANSOON: Yes. And this is
6 actually something that we talked about, that
7 leaders in a particular jurisdiction -- so the
8 district attorney, the head of the facility -- have
9 to be certainly meeting early on, whether they
10 continue to meet regularly, but they need to
11 establish open lines of communication so that
12 whether it is the two leaders themselves or
13 designated individuals who will have those constant
14 open lines of communication, because there -- there
15 can be a gap in some jurisdictions where there are
16 cases that are never even making it to the
17 prosecutor's office and the prosecutor isn't -- is
18 not aware of it.

19 So if leaders can take the initiative and
20 open up those lines of communication, then certainly
21 the prosecutor would be more aware. And on the
22 correction side, those professionals will have a

1 direct line of communication and someone else who
2 they can go to and talk about what's happening
3 inside of the facility.

4 MR. SMOTHERMON: Just a -- you have to
5 build those bridges. You have to build them. You
6 do it with your police chiefs. You do it with your
7 county jail administrators. You ought to do it with
8 your wardens of your prisons as well.

9 The second tier to that, however, is when
10 those lines of communication open -- opens itself up
11 to the availability of training for the
12 investigators, for the staff members, for the people
13 inside the prisons that wouldn't normally get that
14 or have that opportunity to one-on-one with
15 prosecutors or investigators that do sexual assaults
16 on the outside as well.

17 MS. KRISTIANSSON: And we've discussed that
18 it's important for communities to develop
19 SARTs -- Sexual Assault Response Teams -- that are
20 specific to confinement. So if you start -- if you
21 develop SARTs that are specific to confinement, you
22 will already have professionals who are working on

1 the ground who by nature of their professions and
2 the cases that they are called in to work on will
3 have the opportunity to develop open lines of
4 communication, and they'll start to hear from each
5 other, "This is what's happening" or "This is what's
6 not happening."

7 And a lot of times, when you have these
8 SARTs, that information trickles up to the leaders
9 in the jurisdiction, and that's another way for them
10 to find out the information about what's really
11 going on on the ground level.

12 DR. WILKINSON: Can you tell us a little
13 bit about how AEquitas works. I mean, is your
14 eight-strategy plan something that's communicated to
15 all the DAs in the country, or how does -- how do
16 you get that message out?

17 MS. KRISTIANSOON: That would be really
18 nice, if everything we did was communicated to all
19 the DAs. Does not work that way. We are a
20 nonprofit. We're headquartered in D.C., about not
21 even a half a mile from here. And our main mission
22 is to evaluate and refine the way the criminal

1 justice system responds to all cases of violence
2 against women. So that includes sexual assaults,
3 sexual assault in confinement, stalking, intimate-
4 partner violence, human trafficking, intimate-
5 partner homicide. And we do that across the United
6 States and we also do it globally.

7 We've been in, at this point, I think,
8 thirteen different countries around the world
9 working on these issues as well. So we do that
10 primarily through training, which is in person,
11 live, and we also can do it online. We do live
12 Webinars. We write a lot of resources, so we'll
13 take a voluminous amount of caselaw and we'll sort
14 of whittle it down so that a prosecutor who has a
15 case coming up can look at, for example, a line of
16 cases -- Crawford v. Washington -- and see in black
17 and white in just a few pages, okay, what do I
18 really need to know about how this long line of
19 caselaw really applies to my case?

20 And we provide technical assistance, so
21 one-on-one assistance to prosecutors or any allied
22 criminal justice professional who's working on the

1 ground.

2 DR. WILKINSON: So then -- so a
3 prosecutorial jurisdiction will contract with
4 AEquitas for the most part to provide this training?

5 MS. KRISTIANSOON: So they can. We can do
6 it via a contract, or sometimes we will get a call
7 from a jurisdiction that we have worked with for a
8 long time, and they'll say, we have no money in our
9 budget, but would you do a Webinar for us on this
10 subject? And we would happily do it.

11 We did it for Oklahoma last week on
12 trauma-informed responses to cases of violence
13 against women. So we will certainly do things pro
14 bono when a jurisdiction does not have funds. But
15 we charge a DOJ-mandated rate for our time. We do
16 not ever charge beyond that. We are a grantee
17 through the Office on Violence Against Women. We're
18 funded by them. And we also keep a list of the
19 thousands and thousands -- at this point, we've
20 provided technical assistance to -- I'm sure
21 I'm -- well over 30,000 individual allied criminal
22 justice professionals just in the United States. So

1 we regularly communicate with them and let them know
2 about resources or things coming up.

3 MS. SEYMOUR: I'm stunned by this Panel.
4 And I just -- I would love to clone you both and get
5 the word out to prosecutors, as Reggie said,
6 nationwide. And I think I'm going to follow up with
7 both of you. I have some ideas on how to do that.

8 You both addressed, and also in your
9 written testimony, which we reviewed prior to this
10 meeting, the concept of community safety and victim
11 safety, and I got the sense that both of you feel
12 that within an institution that is a community.

13 And can you just talk a little bit about
14 that? Because a lot of people say, oh, you're in
15 prison, so it's -- everything is different there.
16 I'm hearing from you that it's not different, that
17 it is a community and we should look at the
18 community safety and victim safety from that
19 perspective.

20 MS. KRISTIANSOON: Absolutely. As the DA
21 mentioned, made an analogy to schools and other
22 institutions, we have communities that exist

1 anywhere. And when we're thinking about how we've
2 got to be thinking of the victim and safety within
3 the walls of that community, when we're talking
4 about prosecuting cases, each one of those
5 communities has its own culture and its own values
6 and its own unwritten rules.

7 So when we're talking about how to support
8 a victim who's living in that specific community, we
9 need to know as much about that community as
10 possible, not only to support the victim, but then
11 to take that knowledge and be able to introduce that
12 relevant evidence at trial. It's because of some
13 accepted behaviors or practices or a culture of a
14 community that some of these crimes are allowed or
15 have the opportunity to occur in the first place.

16 MR. SMOTHERMON: For me it's a moral issue.
17 I mean, it is -- there's a reason you're there, and
18 it's -- I mean, it's very personal to me. I sent
19 you there, is the way I look at prisons. And if I
20 sent you there and I took away your liberty, I ought
21 to make sure your safety is ensured.

22 It's also not part of the punishment to be

1 a sexual victim. You're going to pay your time.
2 You're going to do your time behind bars. That
3 should not include being victimized over and over.
4 That's not part of the punishment you signed up for.

5 DR. WILKINSON: You hear on all the prison
6 movies, you know, that the cops say, "You're
7 going -- guess what's going to happen to you, you
8 know, in the showers in prisons."

9 MS. SEYMOUR: He watches way too much
10 television.

11 MR. SMOTHERMON: Again, and I'm just going
12 to use a quick analogy because I sent a kid to
13 prison. I won't use his name. He's eighteen years
14 old. He killed in a drunken accident. He -- well,
15 not an accident. It wasn't accidental. He got
16 drunk, killed his best friend. I sent him to
17 prison. He's in prison for the next eight years.

18 He's a small, skinny kid, and I remember
19 when he was being carted off, I thought, I hope
20 somebody takes care of him, because I know how bad
21 it is sometimes. It's up to us to ensure that those
22 types of things don't happen, because he's there

1 through a fault he did, but he shouldn't be
2 subjected to the additional punishment that could
3 happen to him. That's a moral responsibility that
4 we have.

5 MS. SEYMOUR: I so appreciate that. Do you
6 know what prison he ended up at by any chance?

7 MR. SMOTHERMON: I believe he was at
8 John -- Boley is where I think he was.

9 MS. SEYMOUR: Okay.

10 MR. SMOTHERMON: But I don't know where he
11 is now.

12 MS. SEYMOUR: And I want to ask, you
13 were -- you were talking, Ms. Kristiansson, about
14 post-trial protection and support for victims. You
15 mentioned things like victim-impact statements and
16 restitution and safety and protective orders. And
17 in the back of my mind, and I was probably a little
18 cynical, but I say, we don't even get that for
19 victims who aren't incarcerated. How can we expect
20 that we will get this for victims who are
21 incarcerated or under some form of correctional
22 supervision?

1 I'll open that up to both of you. I mean,
2 I am altruistic and I would love if that was
3 reality, but I don't know that it is.

4 MS. KRISTIANSSON: I think that this is one
5 of the very important responsibilities that an
6 individual prosecutor who handles a case has, and
7 this is not a subject that offices or trainings
8 regularly focus on, and that subject being
9 restitution or asset forfeiture so that perhaps some
10 of those funds could benefit the community or
11 benefit the victim.

12 But the prosecutor early on should be
13 getting as much information as possible about any
14 medical expenses, loss of work. I mean, even in an
15 institution, the inmate victim could have had a job
16 that that victim had to leave because of the assault
17 or had to give up entirely because of the assault.

18 So we need -- we need prosecutors to be
19 responsible for early on getting that specific
20 information about restitution. And the laws vary in
21 jurisdictions across the country. So some
22 jurisdictions, for example, will say that the

1 defendant who is convicted is then responsible for
2 paying either all or a portion of counseling for the
3 victim. In other jurisdictions, that's not the
4 case, but that would be handled through, for
5 example, the Crime Victims Compensation Office.

6 A phone call to that office from the
7 prosecutor can make a world of difference to the
8 victim, because sometimes in those offices, for
9 example, a victim has to fill out twenty-five forms,
10 get the lead detective on the case to sign half of
11 those forms on different dates at different times,
12 and it can be really difficult.

13 When the prosecutor picks up the phone and
14 makes a phone call and says, "I'll fax this over
15 right away," or, "My victim witness coordinator in
16 my office will fax this over right away," it can
17 make a tremendous difference.

18 MS. SEYMOUR: Thank you.

19 DR. CHRISTENSEN: DA Smothermon, you
20 mentioned frustration and we'll call it pre-Director
21 Patton frustration. So for purposes of education,
22 which again, is our sole purpose here, to understand

1 these issues and how systems might go about
2 implementing practices that result in the outcomes
3 that both of you talked about, could you explain a
4 little bit more about what those frustrations were,
5 and exactly how those frustrations have been
6 mitigated under the direction of Director Patton?

7 MR. SMOTHERMON: Oh, there's so many.

8 MS. SEYMOUR: We have time.

9 DR. CHRISTENSEN: Take your time. Take
10 your time.

11 MR. SMOTHERMON: If I could summarize them,
12 it is -- I don't get phone -- again, under the
13 previous administration, I wouldn't get a phone call
14 about something that happened within a major
15 crime -- that happened within my jurisdiction. That
16 it had happened anyplace outside of the four walls
17 of that facility, I would have gotten a phone call
18 in the middle of the night telling me that it
19 happened. I wouldn't get a phone call until months
20 later, or when they brought an investigative report
21 and handed it to me.

22 And it's too late for me to do anything at

1 that point. If I need follow-up or if I need
2 further investigation on a certain issue or I need
3 some evidence collected or things that a prosecutor
4 might think of that an investigator would not, it's
5 far too late. And that was very frustrating to me.

6 I don't know that I'm different than most
7 prosecutors, but I go out to every major crime
8 scene. They call, I go. And I live two miles from
9 Mabel Bassett. I literally live just down the
10 street. I'm sending people closer to be with me all
11 the time.

12 But the second biggest frustration I had
13 was the availability of being able to talk to my
14 victims. And it became so difficult, I was -- rather
15 than going out to the prison to see them, because it
16 became a half-day or an all-day ordeal, even for me,
17 the District Attorney, much less my investigators or
18 my other prosecutors, I just started ridding them
19 out of -- out of Mabel Bassett and bringing them to
20 the county jail, which of course messes up -- it
21 screws with them. I mean, we know that. It pulls
22 them out of their house and they might lose their

1 cell depending on how long they're there. But that
2 was the easier way to get it done.

3 So those are some of the frustrations. I
4 mentioned one of the specific instances where a
5 piece of evidence that should have been collected by
6 someone with experience in these matters
7 wasn't -- not only was it not collected, it was
8 eventually turned over to a private lawyer, who is
9 now suing the Department of Corrections, by the way,
10 and has that in their possession. So the chain of
11 custody is obliterated and now it's being used
12 against us rather than for us.

13 DR. CHRISTENSEN: Did those frustrations
14 extend to prosecutions of all type or -- of all
15 types or just those related to sexual assault?

16 MR. SMOTHERMON: All of them. All of them.
17 You'd have assault and battery where someone was
18 hurt, and we wouldn't hear about it for months until
19 they brought a report to us. And that's just not
20 the way it works in my jurisdiction. There are
21 police departments that when they see blood on a
22 wall, they call me just because they don't have to

1 do the work, and I'm okay with that. I'll go do it.

2 That's great, because then I know it's getting
3 done.

4 The reason I go to crime scenes is then I
5 can say, all right, a year and a half from now I'm
6 going to be in front of a jury. That might be
7 important. It may not be, but let's at least grab
8 it, because I'm not going to get the chance at it
9 again.

10 DR. CHRISTENSEN: The reason I ask that is
11 I've just heard again and again, and going -- again,
12 going back to the days when I'll put on my jail
13 administrator hat, we were frustrated often by
14 handing things off to a district attorney, which
15 were -- which the district attorney might find less
16 than meaningful or not worthy of prosecution, and
17 then there's growing frustration over the things
18 like that not being prosecuted.

19 And I just wonder how that affects the
20 degree of collaboration that Ms. Kristiansson talked
21 about that is necessary to prosecute much more
22 serious cases of sexual assault.

1 MR. SMOTHERMON: And please understand, I
2 can only speak for my district.

3 DR. CHRISTENSEN: Sure.

4 MR. SMOTHERMON: There are twenty-six other
5 elected DAs in my state. I would assume they all
6 run from all gamuts to --

7 DR. CHRISTENSEN: We're asking you to speak
8 for all the district attorneys in the country.
9 Don't feel uncomfortable.

10 (Laughter)

11 MR. SMOTHERMON: And by golly, I would love
12 to do that --

13 MS. SEYMOUR: We wish you could.

14 MR. SMOTHERMON: -- so many times. I can
15 only speak for my district, and I understand the
16 frustration with other prosecutors, and I do know
17 the mantra of, "Well, it happened in prison and
18 they're there for a reason and they're a convicted
19 felon and why the heck should we mess with it?" I
20 do hear that. I don't agree with it, but I do hear
21 it.

22 DR. CHRISTENSEN: I also think that that

1 contributes to the public's understanding of the
2 things that happen in the showers, like Reggie
3 talked about, where you go meet Bubba in prison. We
4 all have heard those jokes.

5 MS. SEYMOUR: Yeah, not funny.

6 MR. SMOTHERMON: Then that becomes a trial
7 issue. I mean, that is a huge trial issue that we
8 have to educate our prosecutors on on voir dire
9 issues. You have to understand that that is the
10 mindset that ninety-five percent of jurors are going
11 to walk in with is, "Why should we care," and you
12 have got to either kick the ones off that aren't
13 going to care or educate them and make them care.

14 DR. WILKINSON: Ms. Kristiansson, as I was
15 listening to your eight-point strategies, and I know
16 you're working primarily to abate violence against
17 women, but a lot of that seemed to be pretty generic
18 to me in terms of, you know, the strategies. Am I
19 not hearing something correctly or what?

20 MS. KRISTIANSSON: Well, we only had ten to
21 fifteen minutes to talk, so I wanted to be broad-
22 based. But that's actually one of the points, and

1 the DA and I talked a little bit about this, that
2 the approach to these cases has to be somewhat
3 different, because they're occurring under different
4 circumstances, and you might have some of the
5 dynamics that we discussed a little bit.

6 But if we take a step back, the approach to
7 these cases, if you encounter an office where -- Dr.
8 Christensen just mentioned this -- that sometimes
9 you hear from jurisdictions and they'll say, "You
10 know, we're bringing these cases to the prosecutor's
11 office and they are not taking these cases." What
12 you will find in those jurisdictions is that they
13 are also not taking other challenging cases.

14 An example of that would be the rape of a
15 sexually exploited woman or a woman in prostitution.
16 They're not going to take those cases. They're not
17 going to take cases where, for example, we have a
18 significantly delayed complaint. That's still well
19 within the statute of limitations, but is a
20 significantly delayed complaint, where you have
21 several years that have passed before the victim
22 has -- or someone has reported the assault, or some

1 cases where we actually have -- and these are
2 rare -- but an eyewitness, an independent eyewitness
3 of a sexual assault in a park, for example, but the
4 victim says, "I do not want to participate in the
5 investigation or prosecution of the case." We have
6 eyewitness testimony, and there are many
7 jurisdictions that still will not prosecute that
8 case.

9 So what this goes to, when we're talking
10 about education and training, the education and
11 training needs not only to involve information about
12 dynamics that are specific to confinement, but it
13 has to discuss overall what are -- what should we be
14 thinking about when we are gathering evidence during
15 an investigation and when we are preparing to try a
16 case, and how to be -- if you're trauma-informed,
17 you're going to be trauma-informed when you work
18 with victims who are in confinement. If that's your
19 philosophy, then you will have no problem applying
20 that to victims who are in confinement.

21 DR. WILKINSON: I just think training is a
22 key. I don't know if you all go to national

1 prosecutors associations-type meetings or national
2 associations of attorneys generals, or any of those
3 kind of things, but are these kind of issues on the
4 workshop dockets? I mean, because otherwise how are
5 prosecutors and DAs, you know, coming to understand
6 these dynamics?

7 MS. KRISTIANSSON: So I can answer this a
8 little bit, because one of the things that we do is
9 provide training nationally. We -- we have done
10 five national Webinars and written a number of
11 resources in partnership with the PREA Resource
12 Center. And we have proposed -- AEquitas has
13 proposed when we deliver trainings on the national
14 circuit -- so there are a lot of national
15 conferences that address violence against women, or
16 sexual assault. I have lost count of the number of
17 times that we have proposed to do a presentation
18 specifically on this issue.

19 I can recall definitely two, maybe three,
20 times where that proposal was accepted, one being
21 the Conference on Crimes Against Children, one being
22 the Conference on Crimes Against Women, both of

1 which take place in Dallas and are spearheaded by a
2 long-time advocate and a retired detective who
3 worked on sex crimes.

4 DR. WILKINSON: That was my suspicion, so
5 maybe you could do an end-a-round. You know, I'm
6 thinking that if corrections people were trained
7 about the kind of things that you all are talking
8 about, and -- you know, maybe they could help boost
9 the importance of this to their local prosecutors
10 and other people along the way. I just think that
11 if just one strategy, you know, can -- might not
12 work as well, but I certainly think that with the
13 plethora of all the corrections and kind of
14 conferences that take place, that they'd be
15 amenable, you know, to these kinds of presentations,
16 whether it's American Jail Association or American
17 Correctional Association or, you know, you name the
18 group. There are dozens and dozens of them. You
19 know, maybe we can elicit your support differently.

20 MS. KRISTIANSOON: We would love that.
21 Love that.

22 MR. SMOTHERMON: Having taught one of these

1 trainings to investigators and law enforcement, it
2 is invaluable, I think, to them, but you also got to
3 get your prosecutors onboard.

4 MS. SEYMOUR: Absolutely.

5 MR. SMOTHERMON: You got -- because
6 otherwise, it is -- it's the exercise that you
7 mentioned, Dr. Christensen.

8 DR. WILKINSON: Any final questions?

9 DR. CHRISTENSEN: We've talked a lot about
10 the difficulties of collaboration and communication
11 between prisons and jails and up to the DA, but what
12 about in the other direction? Have either of you
13 experienced difficulties with courts themselves
14 regarding these issues and prosecutorial issues or
15 difficulties with courts?

16 MS. SEYMOUR: Yeah, how are the judges
17 doing?

18 DR. CHRISTENSEN: And if -- and if so, what
19 would you suggest?

20 MR. SMOTHERMON: She's laughing, so I'm
21 certain she has a better -- my judges are great.
22 They're really -- they're very prosecution-minded.

1 One of them was a long-time prosecutor
2 that -- well -- so I have zero complaint in that.

3 MS. SEYMOUR: Wow.

4 DR. CHRISTENSEN: I'm imaging Ms.
5 Kristiansson might have a little bit different
6 examples.

7 MS. KRISTIANSSON: Right. What I'd really
8 like to do --

9 DR. CHRISTENSEN: Clone.

10 MS. KRISTIANSSON: -- absolutely. We need
11 to clone --

12 MS. SEYMOUR: We will be taking your DNA at
13 the end of this Panel so we can do that.

14 MR. SMOTHERMON: Mom would be so proud.

15 MS. KRISTIANSSON: I think this can depend
16 on both the individual judge in a jurisdiction, and
17 some jurisdictions have a culture unto themselves
18 where they're very defense-oriented, and some judges
19 have a significant fear of making rulings on cases
20 that are not cases that are seen in the normal
21 course, and they have a fear of having something go
22 through the appellate channels and getting a ruling

1 overturned.

2 So we certainly do see that manifesting in
3 courts across the country, where prosecutors will
4 file motions that are based on sound law that have
5 been upheld in that very jurisdiction before or in
6 others across the country, and the motions will be
7 denied if they're trying to get in evidence or
8 reverse if we're trying to keep it out. It really
9 just depends on the individual judge.

10 And sometimes -- again, I am a believer in
11 the individual prosecutor taking responsibility.
12 Sometimes this can -- can be because the prosecutor
13 either failed to put the motion in writing or didn't
14 really submit a brief that allowed the judge to make
15 a ruling that was legally appropriate.

16 It's really up to the prosecutor to
17 introduce all of the relevant statutes in caselaw,
18 not only in the deciding jurisdiction, but beyond,
19 that are relevant to that motion. So if a judge
20 doesn't have the tools with which to make that
21 decision, it's difficult to hold that judge
22 ultimately responsible if the prosecutor hasn't done

1 his or her job.

2 DR. CHRISTENSEN: Is there any --

3 MS. SEYMOUR: I want to follow up with both
4 of you, as I said in our conversation before,
5 because I think there's some really good networking
6 at the national level when you're talking about
7 training of prosecutors, but also I'm hearing judges
8 as well. We can -- I'd like to help you facilitate
9 that.

10 DR. CHRISTENSEN: Ditto.

11 MS. SEYMOUR: Yeah.

12 DR. WILKINSON: Well, thanks to the two of
13 you so much. This has been a seminal event for this
14 Panel to have you all here.

15 MS. SEYMOUR: Let the -- reflect that I'm
16 clapping for you all.

17 DR. WILKINSON: And I do think there's
18 opportunity to follow up and maybe, you know, as
19 we're contemplating a future hearing, maybe there is
20 something else the Panel can do, you know, that can
21 help move this issue forward. But thanks so much
22 for the two of you.

1 I think at some point I'd like to hear kind
2 of the opposite side. I mean, you know, just so
3 we'll know what we're dealing with. I just don't
4 know. I mean, there's probably a different position
5 that some other prosecutors might have regarding
6 this issue, but -- but I think, you know, certainly
7 as it relates to PREA and just corrections
8 administrators and administration in general, that,
9 you know, this really important stuff.

10 So I'm glad that you all made time to come
11 here. We appreciate your presentations, and your
12 testimony and the discussion are duly documented.
13 So we may have to go back and look further at some
14 of what we talked about and decipher it further.
15 But thanks so much for the two of you being here. I
16 appreciate it.

17 MR. SMOTHERMON: Thanks for having us.

18 MS. KRISTIANSSEN: Thank you.

19 DR. CHRISTENSEN: Thank you.

20 DR. WILKINSON: And we're going to continue
21 the high-incidence discussion with a person that's
22 not scheduled. So Jenni Trovillion, who is with the

1 PREA Resource Center, which is working with the
2 National Council on Crime & Delinquency and
3 contracts with the Bureau of Justice Assistance to
4 provide technical assistance and a number of other
5 resources, is just going to kind of give us an
6 update on kind of where they are.

7 You know, Jenni testified at our last
8 session, but a lot's happened since then, so if she
9 can give us kind of the fifty-cent tour of the
10 Resource Center, we'd appreciate it. And Jenni, we
11 must swear you in.

12 So do you solemnly swear or affirm that the
13 testimony you're about to give is the truth, the
14 whole truth, and nothing but the truth?

15 MS. TROVILLION: I do.

16 //

17 //

18 Whereupon,

19 JENNI TROVILLION

20 was called as a witness and, having been first
21 duly sworn, was examined and testified as follows:

22 DR. WILKINSON: Thank you.

1 STATEMENT OF JENNI TROVILLION

2 MS. TROVILLION: Thank you. Well, let me
3 just first express my appreciation for the
4 opportunity to share some significant developments,
5 and particularly in the field and at the Resource
6 Center, because there's been an awful lot of
7 activity, and also for the hearing this morning.
8 It's been tremendously valuable and has given us a
9 lot of information to follow up on. So thank you so
10 much.

11 Since I last appeared before the Panel in
12 January 2014, there have been significant milestones
13 in PREA, including the two-year anniversary of the
14 release of the Attorney General's final standards in
15 May 2014. The first deadline for the governors to
16 submit a certification regarding the status of their
17 PREA implementation efforts, that was also in May
18 2014, and the close of the first year of the first
19 three-year audit cycle on August 19, 2014.

20 So I am pleased to report that these
21 milestones have been accompanied by tremendous
22 progress by facilities and agencies around the

1 country, and tremendous activity for the Department
2 of Justice and the National PREA Resource Center,
3 which as you said, is operated via cooperative
4 agreement by the National Council on Crime &
5 Delinquency, with the Bureau of Justice Assistance
6 within the Office of Justice Programs. We continue
7 our work to guide and support the efforts to create
8 zero tolerance cultures related to sexual abuse in
9 confinement around the country and provide
10 assistance to support standards implementation.

11 To give you a sense of the recent activity
12 at the Resource Center, I'd offer that in the period
13 between June 2013 and May 2014, our TTA highlights
14 have included 20 Webinars that were viewed by over
15 15,000 participants and 9,000 archived views, the
16 release of seven comprehensive training curricula,
17 and high engagement in the field, evidenced by
18 nearly 300,000 Web/site visitors and more than 1,100
19 field-initiated and contact inquiries received at
20 the Resource Center.

21 The curricula we've released in that period
22 include specialized investigations training,

1 specialized medical and mental healthcare training,
2 tribal PREA training, curricula on human resources,
3 and administrative investigations and gender-
4 responsive strategies for both adults and juveniles.

5 In the last month, I'd like to highlight
6 that the PRC also released the employee training
7 curricula, which aims to cover the ten topic areas
8 defined in the staff-training standard. Other
9 recent resource additions I'd love to highlight
10 include a third-party reporting fact sheet, an
11 inmate-education video and facilitator's guide that
12 has been in high demand, and forthcoming resources
13 include some caselaw analysis of sexual assault
14 laws, as well as confidentiality laws, graphic
15 novels -- or comic books -- for inmate education.

16 And since Vikki Kristiansson from AEquitas
17 didn't mention it, I would like to point out that we
18 have a number of resources at -- that the PRC has
19 partnered with on AEquitas that are coming out,
20 including a prosecutor's resource guide and a report
21 on a pilot project between state and local
22 corrections on increasing prosecutorial involvement,

1 and some other articles for prosecutors. So I think
2 the testimony this morning has illustrated -- also
3 the communications efforts that need to accompany
4 those resources, but we're very pleased that we'll
5 be able to offer those shortly.

6 I think in the next two months we're also
7 having a two-part Webinar series on
8 audit -- auditing for jails and a PREA-in-action
9 installment on how facilities can keep LGBTI
10 individuals safe. In addition to delivering TTA to
11 the field, the PRC continues to serve as a hub for
12 resources and communication related to the
13 standards. We're constantly updating our library,
14 working with our communications advisory group, and
15 perhaps most significantly, funneling that feedback
16 back to the PREA working group on what the questions
17 are about the standards that the PREA working group
18 used to develop the frequently asked questions or
19 interpretative guidance on the standards that's
20 located on our Web/site. We continue to really hear
21 significant appreciation for the Department of
22 Justice releasing that clarifying information.

1 So moving to audit-related updates, I would
2 offer that in the past six months there's been a
3 tremendous uptick in audit activity, both in the
4 field and at the PRC and DOJ. The PRC is still
5 working on developing a robust reporting and data-
6 collection system about audits, but I can report
7 that we know audit activity is significant and at
8 least in the several hundreds, and we're still
9 collecting information about what's going on.

10 Other significant developments, all four
11 audit instruments have now been finalized and are on
12 the PRC Web/site. The lock-up instrument was the
13 final to be released this summer, and it's now
14 complete. The Department of Justice has finalized
15 and released the process for facilities to appeal
16 the results of their official PREA audits and the
17 details about that appeals process is on our
18 Web/site.

19 The Department of Justice has also amended
20 the certification protocol for PREA auditors. The
21 new protocol consists of certification based on
22 experience as an adult-facilities auditor, a

1 juvenile-facilities auditor, or certification for
2 both types of facility. Previously, it was -- there
3 were four certification types based on the four sets
4 of standards.

5 With the juvenile-facilities certification,
6 an auditor is certified to audit all facilities
7 whose primary use is for the confinement of
8 juveniles pursuant to the juvenile justice system or
9 criminal justice system. This change is retroactive
10 and all auditors' current certifications have been
11 modified on the PRC Web/site to reflect this change.

12 To date, 349 auditors have been certified
13 to conduct audits by the Department of Justice after
14 undergoing the PREA Resource Center auditor training
15 program. The certifications by facility type, with
16 some overlap in the certifications, are 296 adult-
17 facility certifications, 115 juvenile-facility
18 certifications, and 62 is the number of individuals
19 that hold both adult and juvenile certifications.

20 The PREA Resource Center's delivering two
21 more trainings in 2014 at the end of September and
22 the beginning of November at the National Advocacy

1 Center in Columbia, South Carolina, and those
2 classes are being filled now with the candidates
3 that have already applied. We are currently
4 planning on offering three auditor trainings in
5 2015, and hope to release those dates and locations
6 in the very, very near future, and we continue to
7 encourage applications from qualified individuals.

8 Moving forward, the PRC will also continue
9 education to existing and future auditors on a range
10 of topics, including corrective action plans,
11 auditing in different facility types, differences in
12 the standards, challenges that arise in different
13 settings, and any differences in the audit process
14 in the various facility types covered by the
15 standards.

16 The -- I guess in closing, the PRC is
17 working with BJA to determine the contours of the
18 auditor training beyond 2014, and it is clear that
19 continuing to expand the pool of DOJ-certified PREA
20 auditors will be an essential in order to meet the
21 auditing demands. PRC is exploring ways to enhance
22 that training, including the development of

1 additional advance work tools that would allow more
2 time for in-person discussion of difficult
3 standards, small-group scenario work, and interview
4 skills practice.

5 In addition, the PRC will continue to
6 provide coaching to jurisdictions in receipt of BJA
7 PREA grant program awards. We coach forty-eight
8 sites right now, and we'll coach any additional
9 sites, as well as a grant management of the grantees
10 that receive funds directly from the PRC, which
11 total forty-three. In order to ensure that the PRC
12 is not only responsive to the field's current
13 PREA-related needs but also expands the number of
14 policy makers and practitioners involved in the
15 implementation of PREA standards across the nation,
16 PRC will continue to leverage our partnerships with
17 our communications advisory group members and their
18 constituent groups to conduct proactive outreach.
19 This will ensure that PRC continues to anticipate
20 and effectively address the emerging needs of the
21 field related to PREA.

22 Under current funding, the PRC will operate

1 through September 2016. In the short term, PRC will
2 continue to support the field and PREA standards
3 implementation through request for assistance, as
4 well as the resources developed by our TTA providers
5 and partners. It is clear from the forty-nine
6 states and territories that submitted letters
7 indicating either full compliance or assuring that
8 they are working towards compliance that the
9 importance of protecting confined individuals from
10 sexual abuse and sexual harassment is an ongoing
11 priority, one that should be strongly encouraged and
12 supported.

13 Thank you.

14 DR. WILKINSON: Thanks for that update,
15 Jenni. Just one question related to your last
16 comment. There are six states that did not apply
17 for the certification and a couple territories.

18 Are they still asking for technical
19 assistance and services through the Resource Center,
20 however? Or how does that work?

21 MS. TROVILLION: Yeah, I hadn't counted how
22 many of those states have submitted recent

1 field-initiated TA requests, but we are aware of
2 activity in many of the states that did not submit
3 an assurance or a compliance certification, that
4 they are still working on implementing PREA or that
5 audits are moving forward, et cetera. So we know
6 that we can continue to support efforts there
7 regardless of their status.

8 DR. WILKINSON: I know Texas, for example,
9 are doing audits and a number of other things and so
10 it's not an automatic condemnation of those dates
11 that they aren't doing anything, but they just
12 didn't, for whatever reason, apply for the
13 certification.

14 MS. TROVILLION: Yeah. Absolutely, and
15 we've been made aware also, you know, significantly
16 really valuable resources that have been developed
17 in the facilities, some in the agencies and
18 facilities that are coming out, such as NEA
19 education programs and videos. So there's certainly
20 evidence of activity going on even within those six
21 states.

22 MS. SEYMOUR: Just a quick one, Jenni.

1 Thank you also for kind of punting with us today.

2 This has been great.

3 Could you just describe the difference
4 between the audit training - adult, juvenile, and
5 the sixty-two who are both adult and juveniles. Is
6 it like added on a day, or do they have to go
7 through two separate trainings, or how does that
8 work?

9 MS. TROVILLION: It's actually just one
10 forty-hour training. We anticipated when we
11 designed the auditor training that we would need
12 separate tracks for the different facility types,
13 but we've actually found that we can cover all of
14 the content, including the important differences in
15 auditing the facility types or the -- or the
16 differences in the standards, within the forty-hour
17 training in a way that deepens the understanding
18 across the board.

19 We do have some portion of the 40-hour
20 training that's in small-group work, where we work
21 through scenarios, and those are often groups by
22 the -- groups with candidates that are seeking the

1 same certification or the same facility type to
2 allow them to engage in those conversations on a
3 specific level.

4 MS. SEYMOUR: All right. Thank you.

5 DR. WILKINSON: Gary?

6 DR. CHRISTENSEN: No questions. Thank you.

7 DR. WILKINSON: Thanks so much, Jenni.

8 MS. TROVILLION: Thank you for the
9 opportunity.

10 DR. WILKINSON: Appreciate it. So the
11 Panel concludes the hearing on high-incidence
12 prisons. And we're going to continue
13 with -- reconvene the hearing on low-incidence
14 jails. And we have one last group who will provide
15 testimony and we'll have an ensuing discussion
16 today.

17 We're very pleased that Captain Carlos
18 Garza is here with us today representing the Cameron
19 County, Texas, Sheriff's Office. So we're very
20 pleased that Captain Garza could join us today. He
21 was in town for another important event, and we're
22 glad that he's here.

1 So Captain, appreciate you being here, and
2 if you have testimony, we'd love to hear it.

3 MR. GARZA: Thank you. Appreciate it.
4 It's an honor to be here today with the Panel.

5 DR. WILKINSON: Okay. I'm sorry. I'm
6 sorry. I've been reminded I have to swear you in,
7 so do you solemnly --

8 MR. GARZA: I could --

9 DR. WILKINSON: -- swear or affirm that the
10 testimony you are about to give is the truth, the
11 whole truth, and nothing but the truth?

12 MR. GARZA: I do.

13 Whereupon,

14 CARLOS GARZA

15 was called as a witness and, having been first
16 duly sworn, was examined and testified as follows:

17 DR. WILKINSON: Okay. Go ahead. Sorry.

18 STATEMENT OF CARLOS GARZA

19 MR. GARZA: It's a honor to be here today,
20 and I think that the Sheriff previously had some
21 statement. I don't have one prepared. We looked
22 over it and he answered some questions. I don't

1 know if geographically you know where we're located
2 or if you want to hear something about our system --

3 DR. WILKINSON: Sure.

4 MR. GARZA: -- county. I am from south
5 Texas, Cameron County. That is at the southern-most
6 tip of Texas, right at the tip by the border of the
7 Rio Grande River in Mexico and the Gulf of Mexico.
8 Our county is about 400,000 population. Our jail
9 system is eight or tenth biggest in the state. We
10 do hold at times up to 1,700 inmates.

11 We have in our county three different
12 facilities downtown and one larger facility next to
13 our office. That one larger facility is fairly new.

14 We've added a few -- a couple of wings to that
15 facility. That is a direct supervision facility,
16 and we can probably talk about that a little bit
17 more. And the rest are the -- some of the ones
18 downtown are your regular-based jails that you have
19 in Cameron County and in the state. They are
20 racially 48 to 1, a jailer to -- to 48 inmates.
21 They are in pods, different system than the direct-
22 supervision facility that we have.

1 We have always worked very hard with our
2 staff. I think that we came back in
3 2005 -- historically, the Sheriff was elected back
4 in office in '05, and I came back to work with him
5 after working ten years prior to that, from '92 to
6 2001. I started my career in '92 with the Sheriff's
7 office. Started as a jailer, so I knew the jail
8 system a little bit.

9 And when I came back in '05, we implemented
10 some new things as part of the
11 administrative -- administrative strategy to combat
12 that in the jail system, and not only that but other
13 crimes that do occur in our system. So we come back
14 in '05. We assign an investigator to our jail. He
15 oversees the criminal investigations in the jails.
16 That helps a lot with the presence of law
17 enforcement. He also initiates reports immediately.

18 In cases of reports of sexual assault in
19 the jail, he immediately gets on the case by
20 interviewing, collecting evidence, make
21 sure -- making sure that the staff does what they
22 have to do as far as the victim is concerned,

1 placing them in a safe place and then continuing on
2 with the investigation.

3 We also have a good communication and good
4 working relationship with our local District
5 Attorney's Office. I worked for the District
6 Attorney's Office when I left in '01, and I think I
7 was very fortunate to work with the DA because as an
8 investigator and a law enforcement officer, I would
9 see only one thing. We do the case submitted and,
10 you know, it's up to the DA.

11 Well, when I started working there, you
12 could just see the other channels, what they have to
13 do to prosecute a case, what they need in a case to
14 successfully prosecute that case and do justice for
15 the victim. So with that in mind, that's why I kind
16 of, in '05, got an investigator involved, that we do
17 train with our DA's office. And they are called
18 immediately when something is going on in our jail
19 or anywhere else, because we work together as a
20 team.

21 We may miss something that we've asked the
22 questions. We're not afraid to ask the questions.

1 It's not an issue of ego or anything like that. We
2 all need to work together as a team. So that helps
3 out on our part.

4 At the same token, we work a case
5 whether -- whatever we -- report we get from an
6 inmate; it doesn't matter what it is. If it's
7 sexual-oriented, we're going to look at it and
8 investigate it fully. We don't assume or we don't
9 deal with allegations. If there's a report done,
10 we're going to look into it, and that's how we work
11 our jail system.

12 Because at times it may start with a rumor.

13 A rumor may develop into something else.
14 Sometimes they call and it may be a false statement
15 later on that's discovered, but we'd rather have
16 people call anyway and report and make sure that
17 they know that we do have a system to -- for our
18 inmates to report this type of crimes, because they
19 are important to us and they're important to the
20 rest of the community where we live and our staff
21 also.

22 MS. SEYMOUR: Thank you so much. I really

1 appreciate you being here. And as a former Texan,
2 welcome to Washington, D.C.

3 MR. GARZA: Thank you.

4 MS. SEYMOUR: I also want to state for the
5 record that we had -- staff and I had a very good
6 conversation with Sheriff Lucio that really gave us
7 some background information on this. We had tried
8 to arrange a site visit for me to come to your
9 community, and I'm so sorry it didn't work out,
10 especially since your Sheriff promised to take me
11 deep-sea fishing in the Gulf. So I may be down
12 there for not PREA in the future.

13 And I also want to thank you for just
14 mentioning the importance of the relationship with
15 the district attorney following our last Panel,
16 because I'm getting the sense that the teamwork
17 between ya'll and the DAs is essential to success,
18 and that's kind of a theme that I'm taking away from
19 today.

20 So I just -- couple things. In Sheriff
21 Lucio's written testimony, he talked about the
22 detention center having a housing section with

1 direct supervision and uninterrupted lines of sight,
2 really talking about the architecture of how your
3 jail is built.

4 Could you just talk about how this might
5 contribute to the very low incidence of sexual
6 victimization in your --

7 MR. GARZA: Yes, ma'am. That part of the
8 wing on that section is we have the jail staff, one
9 jailer, who actually is inside the pod with sixty-
10 four inmates. They're not outside. They're not in
11 the pod. They're not looking through the window and
12 inside. They are actually inside like we would be
13 now. So he or she that -- is working that pod,
14 because we have females working with the males there
15 too, and it has worked really good for us because we
16 have no issues. That jailer is there 24/7 with him,
17 watches, hears, listens, pays attention,
18 communicates with our inmates. And that is part of
19 the success that we have so far.

20 Unfortunately, not all our jails are that,
21 but I wish they were. Maybe in the future we
22 can -- we can go that route, and I would encourage

1 for any other department to look into the
2 possibility of direct supervision, because in our
3 opinion, it works very well.

4 DR. WILKINSON: Is that with all security
5 levels, or is that -- is the direct supervision with
6 even your high security?

7 MR. GARZA: The high security, some of it
8 does have direct supervision. Then we have that
9 section of inmates that we cannot have them
10 supervised that way. They have to be locked up for
11 their own safety and the safety of our staff. But
12 for the most part, they're mid-level security
13 people -- inmates, I'm sorry -- and that works very
14 well. We do have a few that are high risk in a
15 sense with felonies, that have committed felonies
16 under direct supervision, and that has worked out
17 well for us too.

18 MS. SEYMOUR: When was your detention
19 center built?

20 MR. GARZA: The wings that we have now, the
21 first one was built in '78, and then the old county
22 jail downtown, and then two detention centers.

1 Carrizales Rucker, which is the biggest facility,
2 was built, I believe, in '01 or '02. But the wing
3 section is new, with a direct supervision that was
4 probably built, I believe, in '05, '06, and we got
5 it -- I believe we started using it in '08.

6 MS. SEYMOUR: I was thinking about
7 that -- I mean, your work there is amazing, but I
8 was thinking about Oklahoma. They're dealing with a
9 prison built in 1927, and that's just a huge
10 challenge that they face. But it sounds like you're
11 also doing adaptations on a pretty ongoing basis --

12 MR. GARZA: We try.

13 MS. SEYMOUR: -- in the county.

14 MR. GARZA: And in the four sections of the
15 jail standards also, so that commission there, we
16 work hand-in-hand with them to make sure that we're
17 up to par, that everything's working fine. And
18 it's a check and balance. So we welcome that.

19 And I do hope you all would get to go down
20 there and see it, or any other agency that would
21 like to see our set up, they're more than welcome.

22 MS. SEYMOUR: Thank you.

1 DR. WILKINSON: Gary?

2 DR. CHRISTENSEN: Tell us about your jail
3 capacity. What is the overall jail capacity and
4 what's the percentage that -- with the 1,700 that
5 you house currently?

6 MR. GARZA: Our overall capacity, Doctor,
7 is 1,800 inmates total. As of yesterday, this is
8 our cant -- our count. I'm sorry. And we
9 have -- as of yesterday, we have 400 -- 1,457
10 inmates total. In the big jail, Carrizales that we
11 call that, that was almost 800. We have the women
12 in a separate detention facility, and we have
13 ninety-three women in custody now. They're in a
14 detention center downtown that's strictly just for
15 the women there. And then we have another detention
16 center that holds about 300, and most of those are
17 federal inmates.

18 DR. CHRISTENSEN: And how about staffing,
19 how are staffing levels?

20 MR. GARZA: The staffing, we are
21 shorthanded like every other department is, and
22 staffing has been an issue for everybody. But we

1 have about 300 jailers employed in our system
2 through our department.

3 DR. CHRISTENSEN: You mentioned that you
4 have -- and not only you mentioned, but submitted,
5 were the PREA screening forms that you all utilize
6 down there. And you talked about -- or actually the
7 Sheriff talked about in his testimony that medical
8 staff can request special housing based upon results
9 of the PREA screening form.

10 Could you tell us what that -- first, tell
11 us about that process and then tell us about what
12 that special housing is.

13 MR. GARZA: Yes, sir. The -- we've seen a
14 lot of issues with mental illness. Some people are
15 arrested. We not only accept our own -- let me go
16 back and say that we house all the inmates for the
17 county, and we have thirty-four, thirty-five other
18 agencies in our county that are law enforcement that
19 can bring an inmate to us. And we don't know the
20 circumstances at the time when they're arrested, but
21 when they arrive to our jail and our system, then we
22 do the screening.

1 When they come into our system before being
2 booked in, they're given the screening that -- I
3 believe you have a copy of questionnaires that are
4 done. We have a nursing staff that is there 24/7.
5 They're LVNs and RNs that work with us. They in
6 turn will also interview the inmate and ask
7 questions in reference to medication, illnesses,
8 have they ever been committed to a mental institute,
9 and those questions are important because that will
10 give us a basis on who we're dealing with.

11 Some people at that point, we may consider
12 calling the mental-health institute, hospital, and
13 they can send a screener, and instead of going to
14 jail for that day or that night, they need to go get
15 some other help. Of course, we always consult with
16 the District Attorney's Office, and we make sure
17 that we're on the same page, depending on the
18 severity of the case and then the offense that was
19 committed.

20 But that's one of the process that's done
21 in our jail, Doctor. The other process that if it's
22 our own deputies making an arrest, they also get

1 trained in how to handle and how to -- how to
2 document and how to serve people -- observe people
3 that have mental issues and document so that
4 they -- we know by the time they're coming into our
5 jail that there may be an issue with this person.

6 DR. CHRISTENSEN: So could you tell us then
7 about -- for those that you think are at risk as a
8 victim of sexual impropriety, you mentioned special
9 housing, that you may request special housing.
10 Could you tell me what that special housing looks
11 like and exactly what goes on that makes it special?

12 MR. GARZA: Yes. When they are identified
13 in that sense, they are placed in a different
14 holding cell by the booking area where there is
15 always somebody watching twenty-four hours. They
16 can see these people right there and then. They
17 also have -- we also have logs. The staff members
18 have logs, and we will come in and talk to them and
19 log down how they're reacting. If they are a
20 victim, of course, then immediately they're taken
21 for medical examinations and whatnot. The DA is
22 informed that we do have a victim of a rape or

1 that's got a mental issue and has been a victim of
2 rape.

3 So the process starts there to getting them
4 first the medical attention that they need, and then
5 the mental stability that they need. We also have a
6 doctor that's a psychologist that comes to our jail,
7 and they also view the inmates there, and that's all
8 paid by our county. It's at no cost to the inmate
9 or the victim at that point.

10 DR. CHRISTENSEN: And so special housing is
11 also used -- I'm not sure if I understood you
12 correctly -- for people who haven't necessarily been
13 a victim, at least in their current incarceration,
14 but are vulnerable to be one?

15 MR. GARZA: Especially for people that are
16 in risk or at risk of being victims, because at the
17 point of classification at the entry level, we try
18 to identify as many people as we can that are either
19 potential victims or that may be predators in the
20 same token. And we eliminate those people and put
21 them in different -- they're classified different
22 and placed in different cells in our department.

1 DR. CHRISTENSEN: So when they're placed
2 there, do they have normal privileges just like any
3 other inmate in the jail? Are they all housed
4 together so they can all be out during the day? Are
5 they -- are they locked in their cell for the day in
6 a protective-custody status? Or how does that work?

7 MR. GARZA: It can work either way.
8 Sometimes they're in protective custody because
9 there is no rooms to put them anywhere else.
10 Sometimes we have cells that are just populated with
11 certain individuals that are either predators where
12 we can watch them closer, and we may -- and we
13 probably assign more staff there because that's
14 important.

15 And then if they're segregated, the
16 privileges are all the same. That doesn't count
17 against them. We just -- it's just a check-and-
18 balance for us to make sure that we're aware of who
19 they are and what they may do.

20 DR. CHRISTENSEN: Thank you. Last for me
21 is congratulations on a wonderful report and some
22 great practices --

1 MR. GARZA: Thank you.

2 DR. CHRISTENSEN: -- that result in very
3 low sex -- sexual victimization in a fairly large
4 jail facility in this country. In your opinion, and
5 your experience in being involved in Texas jails for
6 quite some time, as you might or might not know,
7 there are other Texas jails that are under the same
8 Texas jail standards that you are.

9 MR. GARZA: Yes.

10 DR. CHRISTENSEN: And governed by the same
11 Texas jail standards but have quite different rates
12 of sexual victimization. What would you attribute
13 your success to?

14 MR. GARZA: Number one, I would say that as
15 administrators of the jail, we need to be around our
16 jails. We need to make sure we have that contact
17 with our staff. We preach to our staff every day.
18 It's not uncommon that I go into their briefings and
19 say, "Hey, we need to watch out for this, we need to
20 look at this. Report anything that you can because
21 we're here -- basically at our level, because it's
22 not a prison, we're here to protect the civil rights

1 of everybody that's incarcerated. They're in the
2 process of going through trial or whatever. They're
3 not convicted yet, so we need to make sure that we
4 safeguard that."

5 So preaching to the staff. Training is
6 very important. Getting involved with other
7 departments and see how -- what works for them or
8 not. I know I pick up the phone in Colorado County
9 or Willacy County and say, "Hey, we've got this
10 issue; how do you handle it and whatnot?" So
11 networking in a sense is great.

12 The one thing that we really like now is
13 the new wing addition to our jail. Direct
14 supervision is, in my opinion, and our opinion,
15 pretty hard to beat, because it's constant. You
16 know, you're always there and they know it, and we
17 have -- there is a lot of success with that wing.

18 DR. CHRISTENSEN: Mandates officer
19 presence.

20 MR. GARZA: Definitely. And then, you
21 know, the staff needs to be aware. You know, common
22 sense goes a long way. They get that gut feeling,

1 they need to report it. We allow our inmates to
2 report incidents also, but we depend on our staff to
3 make sure that they're the first line of defense,
4 that they need to report any suspicious activity,
5 any changes in behavior on our inmates, anything
6 that's not normal usually for them because they're
7 there 24/7 thinking of different things and things
8 happen.

9 So our jailers need to know our people that
10 are there, and then they need to document any
11 suspicious activity, as I mentioned before.

12 DR. CHRISTENSEN: Thank you very much for
13 your testimony.

14 MR. GARZA: You're welcome.

15 DR. WILKINSON: Just kind of a follow-up to
16 that question. What -- 400,000 people in your
17 county; is that what you said?

18 MR. GARZA: Yes, sir.

19 DR. WILKINSON: How many of them have a
20 Hispanic background?

21 MR. GARZA: About 88.5 percent of our
22 community is Hispanic.

1 DR. WILKINSON: And so I presume most of
2 the staff at Cameron County Jail --

3 MR. GARZA: Most of the staff, and the
4 staff that is not from Hispanic origin, you know,
5 they're bilingual and then there's -- the language
6 barrier hasn't been there for us, thank God. It's
7 been pretty good. We have a lot of good staff
8 members. We have a lot of people that are fluent in
9 both English and Spanish, so it has not been an
10 issue. Being close to the border, that's something
11 that we need to look forward to.

12 DR. WILKINSON: So related to Gary's
13 question about the rest of Texas, I mean, what about
14 the Texas border towns, I mean, you know, El Paso,
15 Brownsville, I mean, how -- I mean, you all still
16 have even done something even with the culturally
17 similar, you know, kind of a population.

18 MR. GARZA: Right. El Paso is a big
19 county. They've got a big jail. I've got a
20 classmate now at the Academy who's from El Paso. He
21 just -- as a matter of fact, he just got promoted to
22 commander for the jail system. And we've talked a

1 lot on the do's and don'ts and they've -- they've
2 got different strategies.

3 But, you know, I talked to him about what
4 we do, the right things, that we're not perfect by
5 all means, but the sharing of information. And
6 networking is really what gets us going, because
7 what works for us may not work for them, depending,
8 but we still look at everything and then we can
9 network and train and train our staff and look at
10 other departments and say, "Hey, you know what, we
11 need to watch out for that and we need to
12 communicate amongst ourselves as departments to
13 educate, you know, each other, and build from
14 there."

15 DR. WILKINSON: Have you been in the Juarez
16 Ciudad jail?

17 MR. GARZA: I've been to Mexican prisons
18 also on cases and that's a different issue there.

19 DR. WILKINSON: I have too. It is a
20 different --

21 MR. GARZA: Yeah.

22 MS. SEYMOUR: Can't solve all those

1 problems.

2 MR. GARZA: Yeah, it's unfortunate, but --

3 DR. WILKINSON: We're going to expand the
4 role of the PREA Resource Center.

5 MR. GARZA: Yeah, into Mexico. Would be
6 nice.

7 DR. WILKINSON: Well, thank you. I had one
8 more question. Have you all had to prosecute any
9 PREA cases at all, or --

10 MR. GARZA: We have not had a report. We
11 had a report of an incident in 2013, a year ago, and
12 we investigated the case. And it turned out to
13 be -- it was a false allegation, statement that was
14 brought up. But no -- and prior to that, when I was
15 at the District Attorney's Office, there was an
16 incident in a jail under a previous sheriff, and one
17 of the lieutenants who was law enforcement was
18 indicted and prosecuted for sexual
19 assaulting -- sexually assaulting an inmate.

20 And that's part of our history that we
21 tried to change. And when we came in '05, we worked
22 diligently to change that. So we have had those

1 cases before, yes, sir.

2 DR. WILKINSON: Great.

3 DR. CHRISTENSEN: What was the result of
4 that prosecution?

5 MR. GARZA: He was convicted and was
6 sentenced to prison. So it was a victory for our
7 department in a sense and the DA's office. But, you
8 know, now we've got -- we train our staff. We've
9 got signs up saying, you know, sex with inmates,
10 it's a felony. We always preach that and we make
11 sure that you're hired here to serve the public, and
12 part of the public is the people that we have in our
13 jail.

14 DR. WILKINSON: Great. I think we're done
15 with our questions. So thank you so much for --

16 DR. CHRISTENSEN: Thank you.

17 MR. GARZA: Thank you. Thank you for
18 having me.

19 DR. WILKINSON: -- joining us here. It's
20 been a pleasure. And please pass on our
21 appreciation to your Sheriff as well, and Jail
22 Administrator. I think we talked --

1 MR. GARZA: Yes, sir.

2 DR. WILKINSON: -- with him as well.

3 But in any case, this concludes the hearing
4 on low-incidence jails, and we are adjourned.

5 (Whereupon, at 11:49 a.m., the hearing was
6 concluded.)

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