

1 standards that I think are going to be critically  
2 important on how the future of our prisons in this  
3 country are operated. So again, thank you very  
4 much and look forward to questions that you might  
5 have of me.

6 THE CHAIRMAN: Thank you, Director.

7 Ms. Malm?

8 MS. MALM: Thank you. It's a great  
9 pleasure and an honor for me to be able to  
10 participate in this hearing today and to testify  
11 before you.

12 I don't think that anyone will disagree with  
13 the fact that there is violence and sexual assault  
14 that happens in today's jails. And the occurrence  
15 of these acts create a negative impact on inmates,  
16 inmates' families, the detention officers,  
17 administrators and the community as a whole as we  
18 are all trying to address these instances.

19 I believe that the Prison Rape Elimination Act  
20 and this commission while will be a driving force  
21 in improving how administrators and staff will  
22 address the problem of violence and sexual assault

1           within the facility.

2           I personally have worked in the profession for  
3           24 years and I have seen many changes that have  
4           happened over those years in addressing safety in  
5           America's jails. So I'd like to take my five  
6           minutes and address some of the positive things  
7           that jails across the nation have been doing to  
8           improve safety within their facilities.

9           One of the things that I have seen that has  
10          changed is prior to the 1980's, we used to have  
11          mainly linear jails that were built. These were  
12          unsafe jails and still some of them exist within  
13          the United States. They are a breeding ground for  
14          violence and sexual assault among inmates unless  
15          they are properly managed and staff are trained to  
16          operate them properly.

17          In a linear jail, inmates often are in control  
18          of the housing units because the officer cannot see  
19          what is happening inside the unit at all times.  
20          The officer makes checks usually every 30 minutes,  
21          which leaves a lot of time for inmates to engage in  
22          illicit behavior.

1           In the new facilities that are being built,  
2 administrators are opting to build what are called  
3 indirect or direct supervision jails, which have  
4 proven to be a safer design for inmates and for  
5 staff alike.

6           Indirect supervision provides continuous  
7 supervision of inmates and in housing units through  
8 protective windows. Direct supervision places the  
9 officer inside the housing unit where he or she has  
10 constant interaction with the inmates and becomes a  
11 positive presence in the housing unit.

12           We like to identify this person with kind of  
13 the beat culpable. This person can walk around,  
14 have a positive interaction, talk to the inmates  
15 and be proactive in finding out problems before  
16 they start to happen.

17           Staff are a valuable asset, and states now are  
18 recognizing the importance of having professional  
19 well- trained officers who are concerned with fair,  
20 unbiassed, and consistent treatment of all people.  
21 When I first started, basically all you had to be  
22 was breathing and living and be able to be a

1 detention officer. It was not considered a career  
2 and there were a lot of problems with the staff  
3 that happened back then.

4 Now, we are seeing that many states require  
5 the certification of officers who work in detention  
6 facilities. And I note the detention officers must  
7 meet the same requirements for certification as the  
8 patrol officers and must pass the academy to  
9 achieve certification to be able to work in the  
10 facility.

11 In service training for detention officers has  
12 increased and the emphasis is now being placed on  
13 ethics training, sensitivity training, leadership,  
14 and communication rather than as much towards use  
15 of force. The majority of states also now have  
16 statutes making it a crime for any staff member,  
17 volunteer or contract laborer to engage in sexual  
18 conduct or misconduct with an inmate. And in Idaho  
19 that particular statute that we have makes it a  
20 felony and an officer can get up to life in prison  
21 for engaging in sexual conduct.

22 Years ago our classification systems were

1           subjective and left up to officer discretion where  
2           inmates were housed. Officers were reactive  
3           towards inmate violence or assault rather than  
4           proactive. Today we see that administrators tend  
5           to favor objective classification systems which use  
6           specific criteria to place an inmate in safe  
7           housing.

8           I'd like to address what Idaho has done in  
9           order to try to meet the problem of violence and  
10          sexual assault in our Idaho jails. We talked a lot  
11          when this act came out about what we could do to  
12          try to make sure that all of the jails in Idaho  
13          would come into compliance with some of the things  
14          that were in the act. And so the Idaho Sheriff's  
15          Association, in conjunction with the Idaho Jail  
16          Administrators' Association decided that we were  
17          going to take a proactive approach to standardizing  
18          policies and procedures addressing sexual assault  
19          of inmates across the state.

20          In early 2005, we formed a committee to review  
21          the prison rape Elimination Act and develop  
22          standardized policies and procedures that could be

1           used by all of the jails in the state of Idaho. I  
2           was appointed as chair of the committee and we  
3           invited the Idaho Department of Corrections to sit  
4  
5           Corrections had received some grant money from the  
6           National Institute of Corrections and they were  
7           more than happy to help us in our quest for  
8           standardized policies and procedures. We worked  
9           diligently to create a policy and procedure  
10          template that would meet the needs of both small  
11          and large jails in Idaho. To do this, we studied  
12          the Prison Rate Elimination Act to identify the  
13          main components of the act. We reviewed the Bureau  
14          of Justice Statistics survey, looked at what other  
15          surveys across the country had done, and we  
16          reviewed a drafted policy that was being written by  
17          the Ada County Sheriffs Office in Idaho.

18                 When we were finished with this project, we  
19                 had developed a policy and procedure template that  
20                 established a zero tolerance standard regarding the  
21                 incidents of rape and sexual activity in the  
22                 detention facility. The template included the

1 procedures on educating inmates and staff,  
2 detection and prevention, confidentiality, the  
3 reporting process, investigation, medical protocol,  
4 and general operational procedures.

5 Copies of the policy and procedures template  
6 were then distributed to each sheriff in the state  
7 of Idaho and they were encouraged to customize it  
8 to their individual facilities and implement it as  
9 soon as possible. Then the Idaho Sheriffs'  
10 Association decided as a next step that standards  
11 needed to be written in the Idaho Jail Standards  
12 that address maintaining these policies and  
13 procedures in the facility and make those policies  
14 and procedures promote zero tolerance of rape and  
15 sexual activity.

16 The sheriffs also agreed on adding a standard  
17 to the Idaho Jail Standards that requires a minimum  
18 of one hour of training a year to the staff on  
19 detention, prevention and investigation of sexual  
20 assault or activity in the facility. The standards  
21 have been written, they've been approved and  
22 they're now included in the Idaho Jail Standards

1 manual.

2 Jails who do not comply with these standards  
3 will lose or will not receive their state jail  
4 certification until they bring the jail into  
5 compliance.

6 The next step that the Idaho Sheriffs'  
7 Association has done is we are working right now  
8 setting up training through the National Institute  
9 of Corrections for our next jail administrators'  
10 meeting which will be held in Twin Falls, Idaho in  
11 June so that we can be more informed about what the  
12 Prison Rape Elimination Act is all about and what  
13 we need to do to be able to come into compliance.

14 I personally am unaware of what other states  
15 have done similarly, but I believe that many  
16 administrators in jail facilities across the  
17 country are taking a proactive approach to  
18 addressing the problem of rape and sexual activity  
19 in their jails. Our ultimate goal is to operate  
20 safe facilities that maintain the rights and  
21 dignity of the inmates while protecting them, the  
22 staff, and the community. Thank you.