

Testimony of Anadora “Andie” Moss, Project Director, National Institute of Corrections Cooperative Agreement and President, The Moss Group, Inc. before the National Prison Rape Elimination Commission, New Orleans, LA, December 5, 2007

Thank you for the opportunity to testify today. My name is Andie Moss. I am President of The Moss Group, Inc, and one of two Project Managers for the NIC PREA Initiative. I am honored to have the opportunity to speak to you about the importance of community corrections under the Prison Rape Elimination Act. For much of my career I have been involved in addressing the issues of sexual violence and abuse in correctional settings. First, in my role in the Georgia Department of Corrections where in the early 90’s I was asked by the Commissioner to be the “Commissioner’s Representative on Site” at the Women’s Prison in Milledgeville, Georgia. My role was to oversee the department’s response to allegations of widespread sexual assault of female prisoners by correctional staff which emerged during the *Cason v. Seckinger* class action lawsuit.

“What About Community Corrections?”

The investigation of these allegations culminated in the indictment of 17 staff members, the relocation of the women’s prison and a commitment to massive reform. During the lawsuit, issues were raised on how court orders, policies and “lessons learned” would impact the area of community corrections, specifically women under community supervision. This was the beginning of the theme I have heard repeatedly in my work related to sexual violence and abuse... “What about community corrections?” That was 1992.

Since my early experience in Georgia I have had the opportunity as a Program Manager for the National Institute of Corrections and now as a consultant to remain involved in the emerging practice and national dialogue as it pertains to that question, “What about community corrections?”

By now, experience should tell us, sexual violence and abuse is not a prison and jail problem only, just as it is not a women’s issue only. Community corrections, in fact, is in the mix. We must examine both staff sexual misconduct and offender on offender abuse in community corrections settings. Through the Prison Rape Elimination Act we have named the work at hand: the elimination of prisoner rape, broadly defined under the law and identifying the correctional populations impacted. Explicitly we know the law covers community residential settings.

“Naming “ the Issue of Sexual Violence and Abuse in Community Corrections

With any population under the law, I believe the first step is simply “naming the issue” – that is, acknowledging that sexual violence and abuse exist within that particular correctional setting.

“Naming” in prisons and jails is not easy. However, in community corrections, naming sexual violence as a correctional management priority requiring a systemic set of strategies is more difficult. For instance, it has been well over a decade since major lawsuits in women’s prisons emerged resulting in this “naming” of staff sexual misconduct as a correctional management

priority. Reports from human rights groups led by the 1996 Human Rights Watch Report *All Too Familiar: Sexual Abuse in U. S. Women's Prisons* played a key role in naming the issue of staff sexual misconduct and later male rape. Numerous reports followed. As you well know, the group Stop Prisoner Rape (SPR) was established in 1980 by male survivors of prisoner rape. SPR has a long history of “naming” sexual violence in prisons and jails, particularly related to male rape. The faith based community recognized the importance of being a strong player and providing leadership in addressing prisoner rape. Long term advocates and academicians have been an important part of the conversation naming sexual violence in prisons and jails. Individuals long advocating for reform, such as Bob Dumond and T.J. Parcell have written and spoken powerfully about the trauma of victimization in prison. And, in my own experience, many corrections professionals have contributed to establishing an urgent response to the “naming” of sexual violence and abuse in prisons and jails.

In community corrections similar “naming” of sexual violence and abuse has not been as apparent. Perhaps partly because it is challenging to neatly approach the community corrections field as a collective group. As you heard today, community corrections represents a broad diversity of settings. Further, there is very little language within the law to explicitly address community corrections. The very name of the Act has been a major barrier to gaining response from community corrections’ practitioners. In fact, with PREA, the question just won’t go away, “What about community corrections?” Even so, there has been considerable response by leaders within the community corrections field not only to PREA but to the area of staff sexual misconduct predating PREA. Professional organizations have stepped up with resolutions prohibiting staff sexual misconduct in community settings and you are hearing from individuals today who are some of the champions of the work in community corrections.

Availability of Resources

And...there is more good news. In the year 2000, The National Institute of Corrections did acknowledge the importance of developing strategies to assist the community corrections field in the area of staff sexual misconduct. Since that time resources for community corrections have included technical assistance, training, and information dissemination. These efforts have continued under PREA. Through The Moss Group Inc.’s PREA work, which began in 2003, we continue to work closely with Commissioner Smith under the NIC Initiative to build resources to support best and promising practices specific to community corrections. Susan McCampbell’s earlier work through NIC must also be noted for contributions made through training curriculum and technical assistance specific to community corrections. I have provided an overview of the NIC’s activities developed for community corrections in my written testimony.

Through these strategies over eight years I believe a foundation for building best practices under PREA is solid. New work is underway including a Guide for Community Corrections Professionals and an e learning training program to assist all levels of community corrections staff in their role as first responders. Emerging work in community corrections under the Bureau of Justice Assistance PREA grants will further add to a body of knowledge and provide greater opportunities to collaborate with professional organizations working with these grants.

Recognizing Gaps

We know however, there are gaps in our knowledge and there are still many questions from the field. Two examples include a lack of understanding of the Safe Communities part of the Act. Another example is in addressing the role of private providers, such as private child care providers and group home settings. Other examples of gaps identified by the field through technical assistance are attached to my testimony and represent a range of concern related to reporting procedures, medical and mental health protocols, confidentiality and resources for rural communities.

Best Practice

Best practice emerges from a strong commitment from leadership; from clear written policies; and from the implementation of multiple strategies addressing the management, operations and culture of the organization. Let me briefly speak to these three areas.

1. Leadership

On going leadership commitment in addressing sexual violence and abuse is crucial within community corrections organizations. Knowing that the community corrections field has experienced ambivalence about the scope of PREA it becomes of utmost importance that the leadership of agencies promote confidence at both addressing sexual violence and also articulating the impact of the law. Leaders need to be clear about the non negotiable expectations which create an environment of zero tolerance. They need to be accountable for them and value the creation of a healthy reporting culture.

Under PREA, we have seen correctional leaders pursue this commitment through a variety of communication strategies such as videos with the leader communicating expectations to staff; through offender orientations; through presentations at training academies; convening department-wide task forces; inviting key stakeholders to the planning table; implementing new data collection practices to allow leadership review and intervention as necessary; and emphasizing a zero tolerance standard. Strong leaders recognize the need to evaluate the investigative process within their organization and particularly in community settings, to identify partners that are critical to effective response to sexual violence. There can be staff committed to addressing sexual abuse and violence within a system but without visible leadership commitment the “code of silence” will not be broken and linkages with law enforcement and community resources will lack structure and accountability.

2. Development of Clear and Meaningful Written Policies

Clear and meaningful written policies provide guidance, clarity, focus, commitment, and attention. Without them, correctional professionals are forced to do their day to day jobs by focusing on multiple and often conflicting priorities. Clear policies remove the confusion, eliminate the uncertainty, and help people understand their professional priorities. Federal

standards for PREA will provide the framework for informing and assisting state and local officials in developing their own, community-specific policies and practices. In addition to providing clear standards at the federal level, we know that resources such as policy guides and state laws addressing staff sexual misconduct are instrumental in helping correctional organizations efficiently and effectively move forward with meaningful policy. You heard today from Chief Barbara Broderick. Her policy work in this area has contributed to identifying the critical components of a strong policy for sexual violence in a large urban community corrections organization.

3. Deploying multiple strategies systemically

Eliminating sexual violence and fulfilling the intent of PREA, cannot be done by a single person, a single training program, and can't be mandated from the top down with no further involvement from leadership. It requires examination and commitment to a range of components within the correctional system.

NIC's systemic approach to employing multiple strategies has been anchored in a well known model. The components of this systemic approach are well documented and articulated in the position paper produced by the work group of Statewide Directors of Probation and Parole, attached to my written testimony. It is this approach that forms a foundation for teams from jurisdictions all over the country to create an organizational action plan while attending training at the American University, Washington College of Law /NIC program. You have heard about many of the components, such as - leadership, written policy, the importance of training, ensuring an objective investigative process, programmatic involvement of offenders, reviewing state law for inclusion of community corrections, and others, again highlighted in the attachment.

Within this systemic approach it is important to note the role of collaborative partnerships. While it is critical for all populations under the law to value the importance of partnerships, this seems even truer for community corrections. In partnering with groups such as faith based organizations, sexual assault experts, counseling professionals, and law enforcement, the community corrections universe must wrap these partnerships around the mission of re entry and therefore the concerns for all clients and offenders suffering from sexual victimization. Sexual violence is destructive, disruptive and counter to evidence-based practice that is grounded in reduction of risk in reoffending, principles at the core of the goals of community corrections.

Closing

The message I would hope to leave with you today is this. Community corrections settings are impacted by both staff sexual misconduct and offender/offender sexual violence and abuse. There are experts, tools for the field and some, though limited, federal resources. There are many proactive leaders in community corrections. There is however, an absence of research, and no significant effort to determine prevalence. There is much work to be done. In my opinion, your role is pivotal in raising awareness and expectations for best practices in

moving the field of community corrections forward in addressing sexual violence. The standards, the commitment of professional organizations and the role of federal agencies must all find common ground and commitment to an effort with community corrections officials or the opportunity presented to acknowledge and address sexual violence in corrections, under the Prison Rape Elimination Act, will be diminished considerably.

Thank you, I look forward to responding to your comments and questions.