

Written Testimony to the Prison Rape Elimination Commission  
December 5, 2007

My name is Eugenie Powers, and I am the Director of Probation and Parole for the State of Louisiana. I have worked in the Corrections field, first in a juvenile detention facility and later in various Probation and Parole positions, for over thirty years. I want to thank the Commission for the opportunity to speak regarding the Prison Rape Elimination Act and the impact on community corrections.

While the Prison Rape Elimination Act originally dealt with the issue of sexual violence in prison, it also directly affects community corrections, including probation and parole authorities. Many community corrections agencies provide direct care to juvenile and/or adult offenders in detention, lockups, community residential facilities and the like. Probation and parole authorities also supervise the majority of offenders on supervision in the community and many of these offenders are detained during the course of their supervision and spend some period of time incarcerated.

It has been determined victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community. To the extent that offenders are treated humanely while they are detained or incarcerated, it is expected they will integrate more successfully into the community. Community corrections professionals understand the experience of offenders while incarcerated has a direct affect on their subsequent behavior in the community.

There are several areas of the Prison Rape Elimination Act that directly impact community corrections. In this testimony I will refer to several of these issues, but the testimony may not include all of them. For instance, community corrections leaders that are responsible for direct supervision of community residential facilities may have certain requirements, such as reporting data to BJA, that require further discussion. While my comments will reflect expressed thoughts, concerns, and suggestions of other leaders in the field of community corrections, I will focus on Louisiana Probation and Parole and its response to PREA.

During the past year or so I had the good fortune to work with a group of probation, parole and community corrections leaders that discussed the potential impact of PREA on community corrections, and a suggested course of good practice and response. Many of the bullet points in this testimony come from those discussions, and the need for a systemic approach. The key components that are building blocks of a systemic approach for community corrections leaders to respond to PREA include:

- \*Knowledge of state and federal law; community corrections leaders should be familiar with the law prohibiting sexual abuse of individuals under community supervision, how the law can help or hinder prosecution, who is covered under the law
- \*Leadership emphasizing zero tolerance
- \*Written policy

- \*Training of staff, volunteers, contractors, and offenders
- \*Ensuring an objective investigative process
- \*Preparing media responses
- \*Evidence based programming that assists offenders in addressing prior victimization

The foundation for a good response rests in strong written policy. PREA includes both staff sexual misconduct as well as offender on offender misconduct. Is one or multiple policies needed? Components to consider for effective, comprehensive policy include:

- \*A zero tolerance statement
- \*Offender right to be safe from sexual abuse
- \*Role of leadership
- \*Clear, specific definitions
- \*Coverage of individuals to include paid/nonpaid employees, contractors, and volunteers
- \*The state's responsibilities to PREA and state law
- \*Reporting requirements
  - To BJS if meets criteria,
  - To Community Corrections/Department for investigation
  - Responsibilities for first responders (those staff or others who are advised by a client of sexual abuse either by another offender in prison or by staff)
- \*Duty to report
- \*Investigative protocol
- \*Referral sources
- \*Training requirements for staff/offenders/contractors/volunteers
- \*Clear understanding of confidentiality while ensuring appropriate persons are aware of the abuse/investigation/finding between facility and community corrections
  - Development of a supervision protocol for those offenders who were sexually abused in a facility (by an offender or staff)
- \*Protocol for media response

The Louisiana Division of Probation and Parole, an agency within the Department of Public Safety and Corrections, supervises both adult probationers and parolees. We are addressing policy issues in several ways. If a P&P Officer is advised by an offender of alleged sexual abuse during a period of incarceration, the appropriate authority would have to be notified for further action. If the alleged sexual abuse was by a P&P staff person, an investigation would be initiated. We are in the process of updating and strengthening our policy on reporting requirements and responsibilities, and investigative requirements. We currently have P&P supervisors who are investigators and work with Corrections Internal Affairs investigators on allegations of staff sexual misconduct. However, we are reviewing that practice to consider the use of external investigators (external from P&P) to conduct these investigations. It is our policy to refer staff members alleged to have committed sexual misconduct with offenders to the local District Attorney or police department, even if they resign their position and no longer

work for Probation and Parole. Whether or not they chose to prosecute is up to the criminal justice agency; however, we want to send a strong message to all that this type behavior will not be tolerated.

Louisiana Department of Corrections received two BJA PREA grants several years ago, and one of the provisions in the grant is the safeguarding of communities. If offenders are allowed to remain in the community, their exposure to sexual abuse in prison is of course reduced. Further, if they receive effective evidence based programming and services in the community designed to address their criminogenic factors and needs, this will better prepare offenders and result in safer communities. As a result of one grant, P&P received three positions in community corrections that serve as case managers and coordinator of services for certain identified offenders being released from prison to supervision. These three positions are in Baton Rouge, Shreveport, and Alexandria. Institutional staff will use various assessment instruments to identify High Risk Sexual Predators (and other high risk inmates) and High Risk Victims (to include any inmate who was sexually abused in prison). These identified offenders will receive specialized supervision strategies and services. The PREA case managers will work with prison staff, offenders, P&P Officers, and community resources to develop these strategies and case plans and create a seamless transition from prison to community. As part of the grant we are also working with Dr. James Austin to evaluate the work done with these cases and other PREA work. The institutions also received resources from the grant and are developing their own strategies to provide for safer prisons.

Training of staff, volunteers, contractors, and offenders is another key building block in an effective community corrections systemic response to PREA. Through training, agency values and expectations are conveyed thus impacting culture. Components to consider in a comprehensive training protocol include:

- \*PREA law and applicable state laws
- \*Agency's responsibility under PREA
- \*Agency policy
- \*First Responder responsibilities
- \*Reporting requirements of all stakeholders
- \*Examples of "red flags" that indicate a possible incident of staff sexual misconduct or offender-on-offender abuse
- \*Discussion of the investigative process to "demystify" the process (and address concerns of false allegations)
- \*Review of medical/mental health role
- \*Skills training on addressing dynamics of offenders and staff and offender-on-offender relationships
- \*Training on victimology
- \*Importance of culture
- \*Identification of issues particular to special or minority populations

The importance of understanding the relationship of culture and sexual abuse and violence is emerging; but there are several ways to consider what message an agency sends to staff, offenders and the community when addressing sexual abuse.

- Is leadership saying there is a zero tolerance policy?
- Is there a reluctance to address sexual harassment?
- Are professional boundaries among staff and offenders appropriate?
- Are professional boundaries among staff members appropriate?
- Are there accessible ways to report incidents of staff sexual abuse?

While Louisiana Probation and Parole has included training on staff sexual misconduct in both orientation and in-service programs, as part of the PREA grant P&P staff will receive extensive training to include issues noted above. This training tentatively will begin in early 2008. We have already incorporated an extensive block of training on staff sexual misconduct based on the systemic approach in NIC's model curriculum "Addressing Staff Sexual Misconduct in Community Corrections" into the P&P Peace Officers Standards and Training Academy.

While we have placed posters in each district office that address sexual abuse in prisons, other training tools more specific to community corrections designed to educate offenders and staff are under consideration.

There are many ways PREA is and will continue to impact community corrections. Probation and Parole staff have an opportunity to be part of this ever-evolving process that will contribute to the reduction of the sexual abuse of offenders thus making communities safer by helping offenders become more productive citizens.

Again, thank you for allowing me to speak to this important issue.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON THIS TWENTY-FIRST DAY OF NOVEMBER, 2007**

Eugenie C. Powers

