

National Prison Rape Elimination Commission  
Public Hearing  
December 5-6, 2007  
New Orleans, LA

SPECIAL TOPICS IN PREVENTING AND RESPONDING TO PRISON RAPE:  
MEDICAL AND MENTAL HEALTH CARE; COMMUNITY CORRECTIONS  
SETTINGS AND OVERSIGHT

**Testimony of Theodis Beck**  
**Secretary, North Carolina Department of Correction**

Good morning Mr. Chairman and members of the Commission. My name is Theodis Beck and I am Secretary of the North Carolina Department of Correction. I also serve as President of the Association of State Correctional Administrators.

On behalf of the North Carolina Department of Correction, let me begin by expressing my appreciation for the opportunity to appear before you today as we continue our efforts to eliminate sexual assault in our correctional facilities.

On behalf of the Association of State Correctional Administrators, let me begin by thanking the Commission for reaching out to our association and allowing us to participate in many of the work groups and processes aimed at eliminating the threat of sexual violence in our facilities.

I have worked in corrections for more than 30 years. I have been Secretary of the North Carolina Department of Correction since 1999 and have served under two governors.

The Commission has asked me to address internal institutional accountability in the prevention of sexual assault in confinement facilities. I want to focus my remarks on five areas that I believe are critical to establishing sound institutional accountability:

- Initial evaluation and assessment
- Clearly defined policy and procedure
- Appropriate training and education
- Accurate data collection and analysis
- Top level accountability

I will address each of these areas as it relates to the North Carolina Department of Correction and its experience with PREA compliance in our correctional institutions.

The North Carolina Department of Correction is responsible for the supervision of more than 38,000 inmates and approximately 126,000 offenders under community supervision. The agency employs more than 20,000 people and operates 78 prison facilities and a residential substance abuse program for probationers.

When the Prison Rape Elimination Act was enacted in 2003, the Department's Division of Prisons immediately began preparing to meet the mandates of the new legislation. Our first step was to establish a task force charged with identifying where we were and where we needed to be as an agency in order to comply with PREA.

As a starting point, the task force gathered data about the prevalence of sexual violence in North Carolina prisons and reviewed the practices and procedures then used in addressing sexual violence. The group also identified critical issues the department would face regarding compliance with PREA, created a policy on sexual violence and educated management about PREA and its ramifications. To assist with developing promising practices in the areas of investigation and prosecution, the task force worked with stakeholders such as state and local law enforcement and district attorneys. The task force also collaborated with victim service providers to develop promising practices regarding appropriate services for victims of sexual assault.

Nearly three years after that initial task force began its work, the Department of Correction now has established what I believe to be an effective framework for preventing sexual violence in North Carolina prisons—the Sexual Violence Elimination Program. The foundation of that program is based on the four remaining critical action areas: clearly defined policy and procedure; adequate education and training; accurate data collection and analysis; and top level accountability.

Before I discuss each of these areas, I want to emphasize that each of these areas has prevention as its main goal. Correctional agencies must remember that the "E" in PREA stands for elimination; that means PREA is about more than documentation, reporting and punishment of sexual violence. The ultimate goal is to prevent sexual assault in confinement facilities. Everything that we do—assessment and evaluation, training and education, data collection—is geared toward the prevention of sexual violence in our facilities.

Once the task force had created a draft policy, our second step was to adopt a workable policy regarding sexual violence in our prisons. The current policy details reporting mechanisms, employee training, inmate education and the roles of employees in investigations. That policy serves as a guide for our staff and inmates regarding our efforts to prevent sexual violence.

In addition to the Division of Prisons' Sexual Violence Elimination Policy, the Division also implemented a health services policy that provides standardized clinical guidelines for the assessment and treatment of inmates who allege sexual assault. The health services policy provides for appropriate follow-up services, including mental health services as needed and deemed appropriate.

With a workable policy in place, we then committed ourselves to providing appropriate education and training to inmates, employees and agency partners such as work release employers, volunteers, service providers and other stakeholders who have contact with the inmate population. The education and training are designed to provide instruction regarding how to detect, prevent and report sexual violence in our facilities. All institutions also receive informational materials, such as posters and brochures, designed to make staff and inmates more aware of sexual violence issues and to encourage inmates to report sexual assaults.

For many reasons, sexual assault tends to be an underreported crime within the correctional setting. It therefore is critical that inmates understand the issues related to sexual violence and the resources available to deal with sexual assault. To that end, the Division of Prisons has provided all active inmates with a standardized one-hour educational presentation about sexual violence, prevention, reporting mechanisms and appropriate staff-inmate relationships. New offenders now receive that PREA orientation as part of the diagnostic intake process upon entry into our system and receive additional information at their assigned institutions. This includes information about prevention, self-protection, how to report sexual assaults, and treatment and counseling that is available if a sexual assault occurs.

As for employees, we believe that every correctional employee is in a position to reduce incidents of inmate-on-inmate sexual assault and staff-on-inmate assault. Therefore, it is vital to properly educate staff on what they can do to prevent, detect and respond to such assaults.

To that end, earlier this year the Department began providing all employees with specific training related to inmate sexual assault awareness. This hour-long training includes the NIC PREA staff video and the North Carolina Inmate Sexual Violence Elimination Policy regarding prevention, detection, response and investigation of sexual violence within our facilities. Introduction to PREA training is now part of the Department's orientation for new employees, which is offered to all new hires within their first week of employment. In addition to the basic presentation, the Department provides specialized training to certain other staff members related to their particular job duties. These employees include designated PREA investigators and the PREA support persons charged with linking inmates to victim support services.

With an educated staff and inmate population, we hope to be able to collect accurate data that will enable us to better our processes. Again, we expect that with education, inmates will freely report any incidents of sexual violence and staff will adequately investigate and document any alleged incidents. Our goal is to make sure that each inmate understands that the Department of Correction has a zero-tolerance for sexual violence. Offenders must feel comfortable in coming forward to report any incident of sexual violence and to understand the best way to report any such incident. We can't make a dent in this problem if we don't have a full understanding of what is really going on inside our facilities.

Data related to inmate-on-inmate assaults and inappropriate relationships between staff and inmates is maintained electronically in the Department's offender population unified system (OPUS). The database tracks information regarding perpetrators of sexual violence, victims of sexual violence and inmates involved in inappropriate relationships with employees. This data is readily accessible for analysis and helps correctional staff to make appropriate housing assignments and provide proper supervision of these inmates.

Accurate data collection is critical to establishing sound institutional accountability. It will allow us to determine what facilities do a better job at prevention than others and why. It will allow us to see if specific types of physical areas in our facilities pose more of a risk for sexual violence than others. It will allow us to see if staff-inmate ratios need to be adjusted to enhance prevention efforts. It will allow us to determine if certain classification risk factors can be helpful in identifying offenders that pose risks.

With accurate data in hand, our final step is to critically examine our actions and our outcomes. This final critical area for sound institutional accountability is what I refer to as "top level accountability." As the head of the agency, I am responsible for my agency's success or failure in preventing sexual assault in confinement facilities. As Harry Truman would say, "the buck stops here." For that reason, I believe it is important to have the responsibility for PREA compliance inside the top administrator's office.

As a result, the North Carolina Department of Correction established an Office of PREA Administration ("OPA") charged with ensuring compliance with PREA. OPA, which falls under the oversight of a special assistant to the secretary, includes a PREA statewide administrator, two regional PREA coordinators, one administrative assistant and two contract employees. OPA is charged with overseeing agency compliance with PREA, establishing agency goals and strategies related to PREA and managing PREA-related expenses. In addition, OPA is responsible for PREA training and education;

collaborations with local law enforcement, district attorneys, hospitals, government entities and other stakeholders; and accurate data collection and analysis.

We believe that top-level accountability sends the message to all employees and inmates that the Department of Correction has adopted a zero-tolerance for sexual violence inside its facilities. Top-level accountability sets the tone for a correctional environment in which prevention of sexual violence is a priority. Top-level accountability provides an additional level of oversight for all aspects of PREA compliance and gives us the flexibility to readily review and revise our policies as we deem appropriate.

In formulating North Carolina's program for sexual violence, we completed each of these five critical actions; we found those areas to be critical to establishing sound institutional accountability in North Carolina prisons. Nevertheless, I do not sit before you today and hold North Carolina out as a model in dealing with sexual violence within our prisons. Like most states, North Carolina continues to grapple with challenges such as budget cuts, population increases, staffing shortages and retention issues. These issues and others increase the difficulties we face in preventing sexual violence within our facilities.

Nevertheless, I believe North Carolina and most states have an effective framework in place for reducing sexual violence within our facilities and ensuring sound institutional accountability. While we may not have all of the answers, we are committed to preventing sexual violence within our institutions. We are committed to conducting continuous reevaluation and improvement, identifying and adopting promising practices and implementing lessons learned from the experience of others. Consistent with the intent of PREA, we are committed to a zero-tolerance standard for sexual misconduct within our facilities.

Thank you for the opportunity to be heard.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.**

**EXECUTED ON THIS 4<sup>TH</sup> DAY OF DECEMBER 2007.**



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**Theodis Beck**  
**Secretary, North Carolina Department of Correction**