

US DEPARTMENT OF JUSTICE

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TRANSCRIPTION OF  
Hearing Day 2  
Review Panel on Prison Rape  
May 18, 2022

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JANE ROSE REPORTING 1-800-825-3341

1 (Beginning of Audio Recording.)

2 DOUG DRETKE: Good morning. Welcome to  
3 our hearing of the Review Panel on Prison  
4 Rape, Wednesday, May 18, 2022. And for all of  
5 you joining us online, I want to apologize for  
6 our later start but we are now all assembled  
7 and ready to go.

8 We also hope that those of you who were  
9 with us yesterday, our team has been working  
10 diligently to better correct the sound issues  
11 that many of you had and experienced yesterday  
12 who were online. So we're very hopeful that  
13 that will be much better today.

14 So again, I am Doug Dretke, director of  
15 the Correctional Management Institute at Sam  
16 Houston State University, who has spent over  
17 40 years working directly with the Texas  
18 Department of Criminal Justice and now with  
19 the Correctional Management Institute. So  
20 it's been over 40 years serving within the  
21 criminal justice profession, and it's an honor  
22 to be a member of our PREA review panel.

23 This is a public hearing of the Review  
24 Panel On Prison Rape, which was created within  
25 the Department of Justice by the Prison Rape

1 Elimination Act of 2003. The statutory  
2 mandate for the panel is clear. To collect  
3 evidence to aid in the identification of  
4 common characteristics of both victims and  
5 perpetrators of prison rape and the  
6 identification of common characteristics of  
7 prisons and prison systems with a high  
8 incidence of prison rape and the  
9 identification of common characteristics of  
10 prison and prison systems that appear to have  
11 been successful in deterring prison rape.

12 We heard yesterday from three juvenile  
13 facilities with among the highest incidents of  
14 sexual victimization as reported by the Bureau  
15 of Justice Statistics. One in Florida, one in  
16 Idaho, and one in Oregon.

17 Today we are convening to -- this  
18 second hearing, to take testimony from staff  
19 and management of two juvenile facilities with  
20 among the lowest incidents of sexual  
21 victimization. Again, as reported by the  
22 Bureau of Justice statistics. One in Texas  
23 and one in Missouri. We will also hear from  
24 experts on sexual assault and safety in  
25 juvenile facilities.

1           Following these hearings, the panel  
2 will generate a report including findings and  
3 recommendations with the goal of offering  
4 practical approaches to protect youth in  
5 juvenile facilities across the nation.

6           Again, on behalf of the panel, I would  
7 like to thank several people for their  
8 excellent assistance and pulling this  
9 together. The Office of Justice Programs and  
10 Department of Justice, and particularly, to  
11 Justice programs Office for Civil Rights,  
12 Michael Austin, Joseph Swiderski Mathew Blair,  
13 and Kimberly Tolhurst (phonetic), excuse me,  
14 Kimberly.

15           And I would like to take this  
16 opportunity to turn to our other members of  
17 the review panel and give them an opportunity  
18 for introduce themselves with a little quick  
19 opening comment. Wendy?

20           WENDY LEACH: Thank you, Doug. Good  
21 morning, everybody. My name is Wendy Leach,  
22 and I am pleased to be a member of the Prison  
23 Rights Panel for the Department of Justice.

24           I've done conditions of confinement  
25 work for about 25 years now. I started off as

1 a prosecutor in Baltimore and my career has  
2 taken me all over the place. I'm thrilled to  
3 be here.

4 I'm not going to give you my full  
5 background but I just want to say that as  
6 these hearings commence, and I'll speak to the  
7 witnesses right in front of us, we hope this  
8 to be more of a conversation and more of a  
9 problem solving. We want to learn from you.  
10 We not really interested in sort of the  
11 contentious hearings you sometimes see. We --  
12 they -- that's not what this is. This is more  
13 of a conversation back and forth.

14 We're going to ask, I think, some good  
15 questions. We are really, really, really want  
16 to rely on some good answers from you guys  
17 because what we're hopeful to do is kind of  
18 get all of that information from all the  
19 jurisdictions and build a report that has some  
20 really helpful, actionable, practical  
21 recommendations for folks to be able to follow  
22 across the country. Because a lot of people  
23 are having probably the same problems you are.  
24 You may have some solutions that might work  
25 for some people. So that's what we're going

1 to be doing today.

2 So anyways. Pleased to be here.

3 Peter?

4 PETER PERRONCELLO: Thank you. My  
5 name is Peter Perroncello. I'm the jail guy  
6 on this commission. I've done 38 plus years  
7 public service managing several of what I  
8 consider to be the best jails in America. And  
9 I've also created, after my first retirement  
10 before my second retirement, my own risk  
11 management company.

12 So my role in joining as several  
13 things. Number one, it's allowed me to learn  
14 much more about the people that work  
15 specifically just with juveniles, whether  
16 they're county or state systems or privatized  
17 systems. And number two, because I'm the jail  
18 guy, the only real affinity we had for  
19 juveniles in our systems were those that were  
20 sent to us by the courts and who are under the  
21 age of 18 held in our detention facilities.

22 And until we had then PREA, our state  
23 never changed the statute to go back to us --  
24 to have us to hold people below the age of 18,  
25 which they did to be compliant with PREA.

1           I'm going to echo a lot that my  
2 colleagues have said. I have a long  
3 outstanding service record. I'm not going to  
4 repeat myself nor tell you about myself. Much  
5 like we heard yesterday from people, the  
6 success of all of us up here is dependent upon  
7 the success of us leading the people that run  
8 our facilities. And I think one of the number  
9 one challenges that we all have is going to be  
10 staffing and probably had that come up.

11           But I'm very, very pleased to be a part  
12 of this panel. Pleased to be with my  
13 colleagues and I -- as I said before, I'm  
14 really thrilled to be able to at this stage in  
15 my career learn more about system that I  
16 really had limited knowledge unless we, held  
17 you, you know, in the sheriff's offices that I  
18 was very, very fortunate to lead in terms of  
19 their detention functions.

20           So again, I welcome all the panelists.  
21 Welcome to the audience again (inaudible) ride  
22 tools with us today. And I'll turn  
23 it back over to our leader, Mr. Dretke.

24           DOUG DRETKE: All right. Thank you,  
25 Peter. And thank you, Wendy.

1           Several requests for those of you  
2           serving as witnesses and Terri Dollar, we know  
3           you're online with us as well. But we ask  
4           that as you prepare, as you provide statements  
5           to us if you have a written statement, just be  
6           brief and you're not obligated to read it,  
7           summarize it or. But we want to ensure that  
8           we have enough time for questions.

9           And I just want to reaffirm what Wendy  
10          said. This is a discussion. We want you to  
11          be comfortable. Our goal is this is an open  
12          exchange and discussion. We learn new things  
13          that can help all of us and all of our peers  
14          who serve within criminal justice and our  
15          juvenile facilities.

16          Please, define any acronyms and slang  
17          utilized at your facility or across the field.  
18          The more specifics, succinct, direct, better  
19          while your testimony will be under oath, and I  
20          will administer the oath in a minute, this is  
21          not a criminal inquest.

22          We are looking for what works and what  
23          does not. What is associated when high or low  
24          incidents of sexual victimization in our  
25          juvenile facilities. We are not looking to

1 place blame. We want to learn what can be  
2 done to stop prison rapes, staff sexual  
3 misconduct, and sexual abuse at our juvenile  
4 facilities.

5 We define this again as an open  
6 discussion. The record will be left open  
7 until seven days after the second hearing  
8 today. So should any witness have a  
9 conditional or clarifying remarks or documents  
10 to provide, you have a few days to send them  
11 and get them in to us.

12 I do want to make, especially those of  
13 you that are with us online, we are making a  
14 schedule adjustment. Texas is scheduled this  
15 morning, and we will go until Noon and then we  
16 will take our lunch break from Noon to 12:35.  
17 And then Jason Szanyi, Deputy Director for the  
18 Center for Children's Law and Policy, will be  
19 with us from 12:45 to 1:15. And then that  
20 will put us back on schedule with Missouri at  
21 1:15 p.m. this afternoon.

22 The agenda does call for several  
23 breaks. And so it gives us an opportunity to  
24 get up. The hearings will recess from these  
25 breaks and at the end of this second committee

1 hearing will be adjourned.

2 So as we get started, I would first  
3 like to administer the oath. So if Carla and  
4 Michael, you can raise your right hand. And  
5 Terri, I would ask you to do the same with us  
6 online. Do you swear or affirm to tell the  
7 truth, the whole truth to the best of your  
8 ability?

9 MICHAEL BREEDLOVE: I do.

10 DOUG DRETKE: Okay. Thank you.  
11 And with that, I would like to turn over to --  
12 we have our witness this morning are Terri  
13 Dollar, joining us virtually. She serves as  
14 monitoring and inspection division, Texas  
15 Juvenile Justice Department. Carla Bennett-  
16 Wells, who is the PREA coordinator for the  
17 Texas Juvenile Justice Department. And then  
18 Michael Breedlove, the facility director for  
19 the Garza County Regional Juvenile Center.

20 So with that I'd encourage you as you  
21 speak, you can pull these mics close to you  
22 and that helps with our audio. And with that,  
23 I'd like to turn it over to you, whoever at  
24 this point, open it up. I don't know if Carla,  
25 if you from Texas Juvenile Justice would like to

1 open it up or.

2 MICHAEL BREEDLOVE: First of all,  
3 good morning. I'd like to take the  
4 opportunity to thank the panel for the  
5 invitation to attend and testify at this  
6 Review Panel On Prison Rape. My name is  
7 Michael Breedlove. I am the facility director  
8 and currently the PREA coordinator for the  
9 Garza County Regional Juvenile Center. Our  
10 program is managed by Corner Stone Programs  
11 Corporation. GCRJC is located in Post, Texas,  
12 and through its partnership with Garza County,  
13 Corner Stone Programs has managed the facility  
14 since May 2003.

15 I've had the privilege of being at the  
16 program since December of 2004. At that time,  
17 I served at the capacity of assistant  
18 facilities director and director of  
19 operations. So I've been at Garza going on 18  
20 years. Prior to my foray into juvenile  
21 justice, I actually worked ten years on the  
22 adult side in Texas, Arizona, and Colorado.

23 So I remember when the -- when PREA was  
24 signed into effect by George W. Bush and the  
25 panic it caused and the ripple effect that it

1 had across corrections. And so I'm glad to  
2 see that -- since that time has come to  
3 fruition, I think it's a very good thing for  
4 corrections, and I can speak that our facility  
5 that it's been a wonderful thing (inaudible)  
6 the reviews notwithstanding.

7 But the Garza facility is a secure  
8 facility. It's rated at 96 beds. We utilize  
9 seven dorms to house juveniles in our program.  
10 Five of those dorms are 16 beds. The last two  
11 that were added in 2000 were eight beds. So  
12 essentially, the facility lay out allows for  
13 each kid to have their own room, which can be  
14 secured.

15 So it is -- our program is certified  
16 with the Texas Juvenile Justice Department, or  
17 TJJD, to house both pre-adjudicated and post-  
18 adjudicated offender. We also contract -- we  
19 contract with the state to house youth that  
20 would normally be sent to state institutions.  
21 But we also partner with 80-plus of the 250-  
22 plus counties in the State of Texas to house  
23 both detention youth and post-adjudicated  
24 youth.

25 And finally, we have a contract in one

1 of only three facilities in the nation to  
2 actually contract with the Federal Bureau of  
3 Prisons to house their juvenile offenders. So  
4 we have a mixed bag, so to speak. And what  
5 PREA allows us to do is obviously, you know,  
6 hold accountable across the board.

7 And so with that being said I want  
8 to -- you know, we -- I don't want to keep you  
9 and take up too much of the time. We achieved  
10 over first accreditation or certification in  
11 PREA in January of '15. And in addition to  
12 our PREA certification, we're also ACA  
13 accredited. So our 96-bed facility, while  
14 allows -- it allows for us to house 96 kids,  
15 we typically want to be around 60. It's  
16 best -- it's easier to manage the lower  
17 numbers for various reasons.

18 All the jurisdictions that we serve in  
19 our program are kept separate. They don't  
20 comingle, except for limited, very special  
21 circumstances. And so I'm -- as an old  
22 corrections person that worked adult side,  
23 managing the smaller numbers is what we  
24 inspire to -- aspire to do and I think it  
25 serves us well.

1           So I don't want to take up too much of  
2 your time but I'm -- I'm really happy to be  
3 here. I'm really happy to represent our  
4 facility, our company, and the Texas Juvenile  
5 Justice Department, so.

6           DOUG DRETKE: Good. Thank you for  
7 that. Thanks. Terri, would you like to make  
8 any comments or int -- further introduce  
9 yourself?

10           TERRI DOLLAR: Absolutely,  
11 absolutely. If I could go ahead and just read  
12 to you some of my statements that I have put  
13 together.

14           I am extremely honored to appear before  
15 you today and appreciate your graciousness in  
16 allowing me to do so virtually.

17           Again, my name is Terri Dollar. I am  
18 the director of monitoring and inspections  
19 with the Texas Juvenile Justice Department.  
20 And I would like to thank you for this  
21 invitation to share with (inaudible) our  
22 department's work towards ensuring kids are  
23 safe and PREA compliant environments when  
24 their care is entrusted to a contract  
25 provider.

1           We are certainly pleased to have one of  
2           our providers recognized as a Juvenile Justice  
3           Facility having among the lowest rates of  
4           sexual victimization. Garza County Regional  
5           Juvenile Center has been a provider of care  
6           for our youth for over two decades. This  
7           speaks to the success of the part (inaudible)  
8           and the program but more importantly, the  
9           quality of care provided by Garza.

10           Moving forward as I speak about the  
11           department's role, please understand that I do  
12           not intend to sound dismissive of the day-to-  
13           day operations, the policies and the  
14           procedures and the efforts of the facility  
15           administrator, Mr. Breedlove and his staff.  
16           We are proud of their work and congratulate  
17           them on the success of those efforts.

18           I was asked about how we inform our  
19           contractors of the responsibility and how the  
20           compliance is monitor. Our department has a  
21           zero tolerance for any form of sexual abuse,  
22           sexual harassment, and sexual activity  
23           involving youth in its care. This applies to  
24           all residential facilities operated by TJJJ --  
25           TJJD, or under contract with TJJD.

1           The department and all new and renewed  
2 contracts for residential placement of the  
3 youth includes a clause requiring the  
4 contractor to adopt and comply with PREA  
5 standards. The department monitors Garza  
6 annually for compliance with its contract to  
7 include a review of the programs policy and  
8 procedures to ensure that the program has  
9 developed written policy mandating zero  
10 tolerance towards all forms of sexual abuse  
11 and sexual harassment and outlining the  
12 program's approach to preventing, detecting,  
13 and responding to sexual abuse and sexual  
14 harassment.

15           Additionally, the department ensures  
16 that the program has a DOJ PREA audit  
17 completed every three years and that the  
18 program maintains full compliance with PREA  
19 standards.

20           Garza is also inspected quarterly by  
21 the department's risk management division.  
22 This inspection includes assessment of  
23 vulnerabilities such as lighting, blind spots,  
24 and supervision. Garza is a registered  
25 facility, and as a registered facility in the

1 State of Texas with contracts with county  
2 departments, it is also monitored annually by  
3 the Department for Compliance with the Texas  
4 Administrative Code, Chapter 343.

5 The 343 standard strictly prohibit  
6 abuse, neglect, or exploitation of a resident  
7 by any individual having contact with the  
8 resident of the facility youth-on-youth sexual  
9 contact and requires zero tolerance policy and  
10 practice. However, the most comprehensive  
11 PREA monitoring of Garza by the department is  
12 the detailed PREA compliance assessment  
13 conducted annually by the department's PREA  
14 coordinator.

15 The PREA compliance assessment includes  
16 an onsite tour of the facility, as well as a  
17 documentation review and staff and youth  
18 interviews. The department's PREA coordinator  
19 and the lead specialist responsible for the  
20 monitoring, provide training with initial  
21 training at the -- on the department's  
22 expectations and monitoring as well as ongoing  
23 training and technical assistance to all  
24 monitored entities, including Garza.

25 How we inform our contractors of their

1 rights, how we ensure that the contactors  
2 inform the residents of their rights under  
3 PREA. During our admissions process, and  
4 prior to placement in a contract facility, the  
5 department provides youth with age-appropriate  
6 information about the agency's zero tolerance  
7 policy and how to report incidents or  
8 suspicion of sexual abuse, sexual harassment,  
9 and activity. Within 10 calendar days of  
10 admission, comprehensive, age-appropriate  
11 education is provided to our youth.

12 When a youth is transferred to a  
13 contract facility, by contract, the provider  
14 is required to provide youth an orientation  
15 for all program services, visitation,  
16 procedures, and PREA education. We require  
17 that that is noted through the signature of  
18 the youth that that has been completed, and  
19 the youth is also -- signs that he has  
20 received -- he or she has received a handbook.

21 The department reviews the youth  
22 handbook and other age-appropriate  
23 informational information from the facility to  
24 ensure that it can -- contains the required  
25 youth information.

1           What -- how TJJ learns of PREA  
2           complaints, the department youth to include  
3           youth that are placed at contract care  
4           providers may report sexual abuse, sexual  
5           harassment, retaliation by others before  
6           reporting sexual abuse or harassment and staff  
7           neglect or violations of responsibilities that  
8           may have contributed to such incidents by  
9           filing a grievance, calling a 24-hour toll  
10          free hotline maintained by the Office of the  
11          Inspector General, they may tell a staff  
12          member, volunteer, or contract employee who  
13          must then call the OIG hotline, or they can  
14          call a toll-free number operated by the Office  
15          of Independent Ombudsman.

16                 By contract, incidents must be properly  
17          documented and reported by Garza. Critical  
18          incidents, serious incidents and suspected  
19          mistreatment of youth must be reported  
20          immediately to the Office of Inspector General  
21          reporting center. The Department of Office of  
22          Inspector --

23                     DOUG DRETKE: Terri, can I --

24                     TERRI DOLLAR: Yes.

25                     DOUG DRETKE: Can I interrupt for

1 just a quick minute?

2 TERRI DOLLAR: Absolutely.

3 DOUG DRETKE: Yeah, thank you.

4 Thank you so much for your comments and your  
5 detailed explanation. And we'd love you to  
6 submit that to us and --

7 TERRI DOLLAR: Absolutely.

8 DOUG DRETKE: Since we're running on  
9 time, we're getting a little concerned about  
10 our opportunity to engage in discussion. So  
11 we'd love you --

12 TERRI DOLLAR: And let me --

13 DOUG DRETKE: -- to make a final so  
14 we can start our question and discussion.  
15 Thank you.

16 TERRI DOLLAR: Okay. Well, let me  
17 really quickly then go through what I  
18 recommend for some of our success is  
19 specifically with Garza and other programs. I  
20 always recommend that for a successful PREA  
21 program, get a Carla.

22 Carla Bennett-Wells, who is there with  
23 you today, is our coordinator. And what I  
24 would say is that the department's success is  
25 heavily attributed to the work and passion of

1 our coordinator. Ms. Bennett-Wells works  
2 diligently to provide our staff and contract  
3 care providers with PREA knowledge and  
4 guidance by providing in depth critical  
5 monitoring and invaluable technical  
6 assistance. Additionally, I --

7 WENDY LEACH: Ms. Dollar, I  
8 actually, wanted to follow up on that. I  
9 think that's a great point. One of the things  
10 that you said in your opening remarks was  
11 about having, I guess, you called it a PREA  
12 compliance assessment once a year that the  
13 PREA coordinator is involved with. So can I  
14 follow up on that for a moment?

15 Because that's really interesting to me  
16 because I'm, obviously, I'm a PREA auditor.  
17 I've done a lot of mock PREA audits but I've  
18 also been a quality improvement director for a  
19 state. So I wanted to ask Ms. Bennett-Wells a  
20 little bit about that process, if you don't  
21 mind. I'm interested in it. Is it sort of  
22 like a PREA mock audit? Is it similar? Can  
23 you describe it?

24 CARLA BENNETT-WELLS: Yes, ma'am.  
25 As a PREA -- as a contract monitor for PREA,

1 because I'm going out there every year, I felt  
2 like I would be able to do them better due  
3 diligence if I gave them an ideal of (inaudible)  
4 inspection of what they can expect when they do  
5 their audit. It's -- it --

6 WENDY LEACH: Lean forward just a  
7 little.

8 CARLA BENNETT-WELLS: Oh, sorry. It  
9 helps both of us in the long run and if  
10 they're going to be audited anyway and I'm  
11 coming out to do that, why not help put their  
12 best foot forward.

13 So when I go out there, what I'm  
14 doing -- I will do a facility tour, as you  
15 would do because I'm -- I should have  
16 mentioned, I am a certified PREA auditor as  
17 well. So I will do a facility tour, very in-  
18 depth as Mike will tell you.

19 I'm a little thorough. I will go into  
20 closets, go into any place where I think kids  
21 can possibly fit with anyone else just to see  
22 if there is appropriate camera monitoring and  
23 if not is it something we can supplement with,  
24 like, maybe mirrors anywhere that we can  
25 alleviate blind spots. So it's a very in-

1 depth tour. I make sure I wear my proper  
2 walking shoes because I want to see  
3 everything, go everywhere.

4 If the kids go in the kitchen to do --  
5 sometimes they help out with, I'm sorry,  
6 cafeteria meals and stuff like that, service.  
7 I want to see that.

8 And if not, you know my thing is I hear  
9 a lot when you go, like, I've done a lot of  
10 county audits and you hear -- the first thing  
11 people tell you, well, kids aren't allowed in  
12 that area. And my thing is anywhere staff has  
13 keys is a place kids can go. So I need to  
14 know where my kids can possibly be taken and  
15 so I want to see everywhere.

16 So the tour is very -- it's in-depth.  
17 I want to see everywhere. Then I'll even come  
18 out at night and check lighting. Last time I  
19 came --

20 WENDY LEACH: She's tough.

21 CARLA BENNETT-WELLS: I came out --

22 MICHAEL BREEDLOVE: Yes, she is.

23 She's very tough.

24 CARLA BENNETT-WELLS: I came out at  
25 night, I think, was it a possum or something,

1 that was out there following me around because  
2 it was dark. But I want to see, you know dark  
3 places are, you know, something I worry about.  
4 You know, because is this a place where my  
5 kids can be victimized or any kid can be  
6 victimized.

7 I will do interviews with staff and  
8 youth. So it is that triangulation of data  
9 that we do for PREA. I want to see that your  
10 policies and procedures align with what I hear  
11 from interviews with staff and youth as well  
12 as what I see during the tour.

13 WENDY LEACH: I really like that  
14 idea because and I think I've kind of wrote it  
15 down in my notes and everything you're  
16 describing sounds like kind of a mock audit.

17 CARLA BENNETT-WELLS: Yeah.

18 WENDY LEACH: A tough mock audit I  
19 will say. But that's the kind of best  
20 practice stuff that people can really learn  
21 from. They may not be able to -- they may  
22 have someone on their staff who could become a  
23 PREA auditor or they may have the ability to  
24 hire a contracted PREA auditor to just come  
25 out and do a mock audit without doing a report

1 and the whole shebang but just to say, listen,  
2 these are the gaps I found, you know, so they  
3 can kind of work on those before the actual  
4 audit comes around. I think that's a great  
5 practice and I'm glad you guys do that. So  
6 I -- thank you for -- I didn't mean to jump in  
7 there. Of course --

8 CARLA BENNETT-WELLS: No, that's  
9 fine.

10 WENDY LEACH: But we do have a lot  
11 of questions and I thought that was a very  
12 interesting concept.

13 CARLA BENNETT-WELLS: Yeah. And  
14 with that I just want to say and Mike was very  
15 amenable to anything that I came up with, any  
16 recommendations. So we have a great rapport.

17 So I think that was -- and I think  
18 possibly -- for me that was my first time  
19 meeting him too is because I think the  
20 approach was to let him know, you know, as  
21 auditors of PREA we're not out to get you.  
22 We're out to make you better and to make sure  
23 that our kids are safe.

24 WENDY LEACH: So you get response  
25 and corrective action and --

1 CARLA BENNETT-WELLS: Yes, ma'am.

2 WENDY LEACH: Right. And that's  
3 what makes all the difference, doesn't it?

4 CARLA BENNETT-WELLS: Yes.

5 WENDY LEACH: Okay. Great. All  
6 right.

7 DOUG DRETKE: I'd love -- Michael  
8 one of the things that when we met and I had  
9 the opportunity to visit you that day, to me  
10 is someone unique would use a contract  
11 facility.

12 So we -- yesterday I had testimony  
13 from -- yesterday we had testimony from the  
14 State of Florida and a contract facility but  
15 they only served juveniles from the Florida  
16 Department of Juvenile Justice.

17 Your facility is fairly unique where  
18 you have kids through your contract with TJJD  
19 and that -- but you also have kids with  
20 contracts through local juvenile probation  
21 jurisdiction, which and -- and Terri mentioned  
22 it and I'd love you and your comment to follow  
23 up on this that that includes an additional  
24 oversight from another agency that has some  
25 level of oversight with county contracts. I'd

1 love to hear a little more about that.

2 And then this very unique, I remember  
3 when I walked in, I had no idea that the  
4 Federal Bureau of Prisons had anything to do  
5 with juveniles, and so for the benefit of the  
6 panel and the hearing, I think there's a -- to  
7 understand that little bit. And then the  
8 oversight that's provided in your contracts  
9 with the counties and your contracts with the  
10 federal, what level of PREA oversight do they  
11 provide along with the very, very  
12 substantiative oversight that TJJD provides.

13 So -- and that just as we start is it  
14 Corner Stone owns your facility? It's not a  
15 state-owned facility; is that correct?

16 MICHAEL BREEDLOVE: No, sir. That  
17 actual, Garza County --

18 DOUG DRETKE: The county owns it.

19 MICHAEL BREEDLOVE: We simply  
20 manage.

21 DOUG DRETKE: Okay, okay.

22 MICHAEL BREEDLOVE: We simply manage  
23 and been partnership with (inaudible) since  
24 May of 2003. So we've been there a good deal  
25 of time.

1 DOUG DRETKE: Okay.

2 MICHAEL BREEDLOVE: And just to wrap  
3 up with what Carla was talking about. Yeah,  
4 that -- Carla was appointed -- I don't know  
5 when you were appointed as PREA coordinator --

6 CARLA BENNETT-WELLS: 2018.

7 MICHAEL BREEDLOVE: -- 2018 and it  
8 was the first time we actually had a PREA  
9 coordinator come out from the state and  
10 monitor and she's tough. And -- but we  
11 appreciate that.

12 And because of the multi-jurisdictional  
13 contracts we have with the federal government,  
14 with the 80-plus probation departments and of  
15 course, TJJD, you can imagine we're monitored  
16 very heavily. Up until last year, the federal  
17 government monitored us four times a year.

18 TJJD has two different teams that  
19 monitor us because we have a probation  
20 contract with the -- they have a probation  
21 team that provides an annual comprehensive  
22 review because we contract with those  
23 probation departments and TJJD also has a team  
24 that monitors towards the contract and  
25 contract compliance for the state offenders

1 that they send us.

2 So we got a lot of people in your  
3 house. As far as the contact oversight for  
4 PREA compliance, it is in every one of our  
5 contracts. So I think I have a total of close  
6 to a hundred contracts that I have on file  
7 right now with the 80 individual, 80-plus  
8 individual probation departments with the  
9 federal government and with TJJD themselves.

10 The departments themselves, individual  
11 probation departments actually send probation  
12 staff in to monitor, to visit with their kids.  
13 And at the time that they're monitoring,  
14 they're looking for copies of the PREA  
15 certificate making sure that we're compliant.  
16 Asking questions on compliance, and of course,  
17 Carla visits our facilities.

18 Well, let me just tell you through her  
19 vigilance and our partnership, we've been able  
20 to sew up some small gaps that we didn't have  
21 in place. Mainly, not posting stuff, I think,  
22 for our same address and there's telephone  
23 number.

24 CARLA BENNETT-WELLS: Yeah.

25 MICHAEL BREEDLOVE: That kind of

1 stuff, yeah. Both in our handbook and in the  
2 front lobby where it was displayed conspicuously.

3 So yeah. I mean, we just -- we have --  
4 we just -- we are seeing constantly and our  
5 approach has always been, whether it is ACA,  
6 PREA, or contract compliance, that whenever  
7 you have a member of those monitoring teams  
8 come in, they're there for our benefit.  
9 They're there for the kids' benefit.

10 And PREA in particular, we're mandated  
11 and we have a responsibility to protect our  
12 kids and create a sexually safe culture in our  
13 facilities. And it's not always a pleasant  
14 conversation to have. A lot of people get  
15 kind of nervous when you talk about that kind  
16 of thing. But it has to be had.

17 DOUG DRETKE: Right.

18 MICHAEL BREEDLOVE: It has to be  
19 had. We get kids that are -- they're broken  
20 to come into our programs. And the last thing  
21 we want to do is send them back into their  
22 communities broken any further. We want to  
23 really make sure that they're where we put  
24 them in a position to be able to go back in  
25 and transition to become productive members of

1 society.

2 We cannot have any kind of sexually  
3 active (inaudible) in our facilities and  
4 that's our take on it and that's our approach.  
5 And having Carla and the team from TJJD or BOP  
6 or whoever comes in and asks those questions,  
7 it's an opportunity for us to shine, quite  
8 honestly.

9 And with regard to your question about  
10 the Federal Bureau of Prisons, yeah. The feds  
11 don't run any of their own juvenile  
12 facilities. And so they have to contract out  
13 for those services, and we're fortunate that  
14 they've put enough trust in us and we've been  
15 able to provide services to their satisfaction  
16 that they keep on contracting with us.

17 But again, they're very tough on their  
18 comprehensive reviews. We just finished one  
19 at the end of March, I believe. And they go  
20 through it all. And PREA is a part of that.  
21 They also contractually obligate us to be ACA  
22 certified as well. So I think I've answered  
23 those questions. But --

24 DOUG DRETKE: Thank you.

25 PETER PERRONCELLO: Do you think

1 there's a correlation from your high levels of  
2 vigilance that you receive not only by the  
3 state but by other agencies, including ACA and  
4 others that you're involved with that  
5 correlates to your, you know, really a zero,  
6 zero, zero incidents of victimization during  
7 the survey?

8 MICHAEL BREEDLOVE: Well, I think  
9 that certainly lends some assistance to that  
10 and definitely put a, you know, whenever  
11 you're obligated to do something, our -- I  
12 mean, our perspective is you do it to the best  
13 of your ability.

14 But I think for us, we're -- you know,  
15 my company doesn't or our company doesn't  
16 contract with a lot of adult services. We are  
17 strictly juvenile justice company that does  
18 business with at-risk youth both in the  
19 community and in secure settings.

20 And so we are really honed in on making  
21 sure that kids are safe because nothing else  
22 that comes about in a facility where there is  
23 treatment, whether it's education, whether --  
24 any type of programming isn't going to be  
25 effective if kids don't feel safe from any

1 type of abuse, whether it's physical, mental,  
2 harassing, or sexual abuse.

3 But certainly, that oversight by those  
4 different agencies certainly puts a fire under  
5 the seat for sure and you definitely want to  
6 be compliant with all those requirements and  
7 stuff. But for us, fundamentally, we have  
8 to -- it's very important for me personally  
9 and then, you know, then it permeates down to  
10 our staff. That's where it starts.

11 PETER PERRONCELLO: Yeah, I think we  
12 view it as, you know, your staff is probably  
13 used to having so many people from different  
14 agencies --

15 MICHAEL BREEDLOVE: Yes.

16 PETER PERRONCELLO: -- come through  
17 that for them, it's normal and there's a  
18 couple things we want to push towards the  
19 positive with these hearings is working on  
20 this (inaudible) from your experience where  
21 hidden one of the, you know, greatest facility  
22 in the country with, you know, lowest, low-  
23 levels of victimization. And, you know, what  
24 we're looking at is there something you can  
25 tell other people to make them as -- I hate to

1 use this euphemism as good as you guys are.

2 MICHAEL BREEDLOVE: Yes, sir. And I  
3 think, that's a great point. We -- a lot of  
4 folks, you know, when they have guests in  
5 their house and they're looking, you know,  
6 under ever rock and opening every closet door  
7 and looking in desk drawers and that kind of  
8 stuff, I mean, I think people get a little bit  
9 intimidated by that or turned off by that.

10 But, yeah. I think it's crucial that,  
11 especially for a private matter, that the  
12 agencies they contracted with, that there is a  
13 lot of interaction with those agencies. And I  
14 can tell you that in our facility,  
15 specifically, I know in the State of Texas  
16 with TJJD, they're in their houses quite a bit  
17 and I think it does, you know. Our staff  
18 feels very comfortable talking to monitors.  
19 Our staff aren't intimidated. They don't walk  
20 away. You know, if they don't have an answer  
21 on something particular, they know where to go  
22 and get it then come back to the auditor.

23 But I think the partnership is crucial  
24 in particular with PREA. Ms. -- again, not a  
25 lot of people like talking about this kind of

1 thing and, you know, on the surface, but once  
2 you get past that, you know, it's not that  
3 hard to keep it in compliance. I mean, I --  
4 you know, you still have a people certain  
5 aspect of it and if anything can go sideways  
6 at any time. But you know, we just want to  
7 make sure that we're doing things the right  
8 way.

9 But, you know, having -- it's  
10 incredible how many people from the outside  
11 agencies are in practically every day. I  
12 mean, it's just that's the way it goes. Uh-  
13 huh.

14 WENDY LEACH: I have a few  
15 questions. We've been talking to a lot of  
16 folks about the challenges of staffing  
17 facilities. And this is for any of the three  
18 of you.

19 Folks have had a lot of challenges  
20 with -- and some of it is COVID but it was  
21 starting to happen before COVID even. And now  
22 the real challenge is being able to pay people  
23 enough to come in and work with sometimes very  
24 difficult kids. I'm getting the right people.  
25 So not just a warm body but great people. And

1 we wanted to kind of get your perspective.

2 Do you have any staffing challenges at  
3 your facility? How have you tackled some of  
4 those? And then if you could, probably talk  
5 through that, because I know you guys are  
6 located in a pretty remote, rural area. Isn't  
7 that correct? In Texas?

8 MICHAEL BREEDLOVE: That's correct.

9 WENDY LEACH: Has that made it  
10 harder? Is it actually easier? Has the local  
11 folks all work there? What challenges does  
12 that present? If you could kind of wrap some  
13 of that together, we'd appreciate it.

14 MICHAEL BREEDLOVE: Yeah, sure. I  
15 mean, I think for us, you know, with the  
16 pandemic, we really saw staffing, you know,  
17 and -- for different reasons. As the pandemic  
18 hit and I can't speak for the orientation unit  
19 for TJJD, but as those were froze, sort of  
20 started to slow down, you know, the population  
21 dropped as well. And as staff left --  
22 for various reasons take on other positions or  
23 retire. We had a few that retired as well.

24 Backfilling those positions with the  
25 lower population for a private provider is

1 challenging. Because you have to -- we still  
2 have to, you know, pay the bills and that kind  
3 of stuff. So as we didn't hire through  
4 attrition, and then as we progress through the  
5 pandemic and we started getting more hurdles  
6 and that kind of stuff, it became challenging.

7 What we've done is we looked the  
8 processes that we had in place and not all of  
9 it is PREA related. But we looked at our  
10 hiring processes. We looked at our on-  
11 boarding systems and those type of things to  
12 see if there was something that we could  
13 change in those areas because it's like you  
14 said, Wendy, you talked about not only hiring  
15 people but not even having them on the bus,  
16 but having them on the right seat on that bus.  
17 And that's been -- that's challenging at  
18 times.

19 We've made some administrative changes  
20 in our leadership. And I've been there, gosh,  
21 December will be 18 years. I know I don't  
22 look it but I mean, yeah. But we had  
23 a couple of folks that left. One for medical  
24 reasons and one because, you know, it was just  
25 time for him to go.

1           And so we've turned it over. I have  
2 two new deputies and looking at the culture of  
3 our program and how we have things in place to  
4 support staff and make them feel appreciated.  
5 That's a big thing for us right now.

6           Yeah, I remember when I first started,  
7 war story here back in '94, listening to my  
8 wardens and those guys talking about how, you  
9 know, this generation is this. This  
10 generation is that. It's stuff they don't  
11 know how to work. Blah-blah-blah. I'm, like,  
12 gosh, this sounds old. And now, I'm 49 and  
13 I've been doing this almost 30 years and it's  
14 been really challenge -- this whole time  
15 period has been tough.

16           And, you know, we'll have a, you know,  
17 ads out on Facebook and social media because  
18 that's now. Now, it's you don't advertise in  
19 newspapers and even really TV anymore. It's  
20 all social media based. We have might have  
21 from 30 people that schedule interview and  
22 have five show up.

23           So it's frustrating but what you do --  
24 what you are able to bring in, you can try to  
25 keep and make sure that they're appropriately

1 placed and that there's appropriate folks to  
2 do -- to do the job. But in --

3 WENDY LEACH: Can I ask a quick  
4 follow up?

5 MICHAEL BREEDLOVE: Sure.

6 WENDY LEACH: You mentioned changes  
7 to the hiring and onboarding process and then  
8 you also mentioned putting (inaudible) to  
9 support staff. Can you describe a little bit  
10 on both of those?

11 MICHAEL BREEDLOVE: Sure. So one of  
12 the things that we've had done traditionally  
13 was having applicants come in and talk to one  
14 person.

15 WENDY LEACH: Uh-huh.

16 MICHAEL BREEDLOVE: You know, they  
17 go through the interview process with one  
18 person. And so one of the things we decided  
19 to do was have a couple of more sets of eyes  
20 and have a couple of those people to look at  
21 that prospect -- prospective employee and see  
22 some things that maybe another person that  
23 they were just doing one interview to see.

24 And so we were able to kind of weed out  
25 applicants that may not have been successful

1 in our program. You know, so when we have a  
2 panel interview for instance, we're able to get  
3 people to follow up on questions maybe, you  
4 know, answers to questions that maybe the  
5 first person who asked didn't match.

6 And so it just -- it shows us a little  
7 bit better to be able to have that panel able  
8 to ask those question and to kind of see if  
9 that person is the right fit. And if they are  
10 the right fit, are they going to be good on  
11 our morning shift? Are they going to be, you  
12 know, good on our afternoon shift or would  
13 they be better served, you know, on our  
14 overnight shift? So having that diversity on  
15 that panel has served us a little bit better.

16 We've been more successful in hiring  
17 and retaining staff at this point since we've  
18 done that. And then the appreciation  
19 important part of it is looking at  
20 supervision. Looking at management. Looking  
21 at administrative interaction with our staff  
22 and our kids. What's our presence on the  
23 floor? Have, you know, taking a look also at  
24 our mentorship program because we, you know,  
25 have -- you know, we talk about FTOs and that

1 kind of stuff, having a field training  
2 officer.

3 But having a mentor program in place  
4 allows for a staff member who is brand new  
5 doesn't know, you know, (inaudible) doesn't  
6 know all the ropes, to be able to talk to  
7 somebody that's not on the supervisory level.  
8 Not in a management level so that they're less  
9 intimidated to ask questions.

10 And we have found feedback from our  
11 newer staff, and even some of the people we've  
12 had to place in this -- in those mentorship  
13 positions, that staff are learning a lot more  
14 efficiently. They know their jobs a little  
15 better. And I think because they do and they  
16 feel the support of a mentor and then having  
17 supervisors and mid-level managers and  
18 administrative team present, really makes it  
19 feel supported. And they don't -- they're not  
20 afraid to ask questions.

21 So that's part of it. And of course,  
22 the appreciation piece. Like, what was it?  
23 Mass -- two weeks ago we had correctional  
24 officers' week and nurse's week and educator's  
25 week. And recognizing those folks through the

1 entire week and having different things and  
2 different activities for them. And then we  
3 have two employees. One for our treatment  
4 side of the house. One for our security and  
5 operations side of the house. Those things go  
6 a long way.

7 And it's not always about money.  
8 We've, I think over the course of the last  
9 four, maybe five years, we've revised our  
10 start wage scale. We just did that, I think  
11 in June for our direct care staff.

12 DOUG DRETKE: Did -- hi. We had  
13 a -- with that, some of the questions during  
14 staffing we had one or two facilities and we  
15 know that much of our work is shift  
16 (inaudible) but actually we started looking  
17 all type of different flux in the schedules to  
18 help retain staff and track staff, as well as  
19 part time. What do they call it, a gig?

20 WENDY LEACH: Gig worker.

21 MICHAEL BREEDLOVE: I do.

22 DOUG DRETKE: Gig worker. And so  
23 wondering if those are also some of your  
24 strategies that you have been able to use.

25 MICHAEL BREEDLOVE: Yeah, we have

1 flexible scheduling, typically with our -- for  
2 the caseworkers and support service staff.  
3 And we also try to work our shift worker  
4 folks, our direct care staff, as much as  
5 possible to be able to be as flexible as we  
6 possibly can. I kind of tried -- I've tried  
7 to change some work and personal life balance  
8 as much as we possibly can.

9 And so we've done that. We do, we have  
10 a part-time program. We don't have a whole  
11 lot of takers with that for various reasons.  
12 And I think we have a total of two right now  
13 that are in direct care that are working part  
14 time and they give us about three shifts a  
15 week a piece.

16 WENDY LEACH: Do you know if your  
17 staffing levels at Garza are any different  
18 from staffing levels at other -- like, the  
19 PJJD facilities around the state? And I'm not  
20 sure if you all know that. But I'm interested  
21 if your staffing levels may be -- I'm not sure  
22 of percentage, you know, your positions are  
23 filled, but maybe better than, say, facilities  
24 that are parts of Texas or are they -- do you  
25 think they're pretty much the same or do you

1 know?

2           MICHAEL BREEDLOVE: I think with  
3 compliance and adherence with PREA I think  
4 they're the same. I think everybody is  
5 working through that one 138 during the waking  
6 shift and the 116 at night. I can't speak --  
7 so I know that under care.

8           So I can't really speak about with the  
9 other facilities they're doing. I know for my  
10 program, having more eyes and boots on, you  
11 know, on the ground is imperative.

12           So we have two levels of direct care.  
13 We have what we call a youth advisory, which  
14 is, you know, the initial coming in and  
15 hiring. We also have the senior youth  
16 advisory.

17           So there is two levels of direct care.  
18 And that senior youth advisor is typically a  
19 more seasoned person either in juvenile  
20 justice or they had some other type of an  
21 experience in the corrections setting. So  
22 that lends us to be able to kind of develop  
23 the -- that first line.

24           We also -- we have shift supervisors  
25 that run our different shifts but we also

1 incorporated the unit management system.  
2 Not quite like the Federal Bureau of Prisons  
3 has but it lends just another level of  
4 supervision and administrative support, you  
5 know, to be able to provide whatever  
6 assistance or development all those other  
7 levels of supervision are required, and as  
8 well as interacting with youth. It's just --  
9 there's a lot more resources for the kids to  
10 be able to access, so.

11 WENDY LEACH: We touched on this  
12 briefly and I'm going to give an opportunity  
13 to answer, but any challenges with your rural  
14 location? You're in Post, Texas right?

15 MICHAEL BREEDLOVE: We are in Post,  
16 Texas. But we are 30 miles south of Lubbock.  
17 So we have some resources that most rural  
18 facilities don't have in that we have -- let  
19 me think. There is four, three or four  
20 universities in Lubbock. Texas Tech, Lubbock  
21 Christian University, and Wayland Baptist  
22 University. And they also we also have a  
23 junior college. There's South Plains College.

24 And so we've got more resources to draw  
25 from in a relatively short distance. I would

1 venture to guess, if I had to give you a  
2 percentage, it's probably about 35 to 40  
3 percent of our workforce is local from Post,  
4 Garza County, and the rest comes from either  
5 Lubbock or the surrounding area.

6 So we've been able to have success in  
7 staffing, even though we're kind of a small  
8 facility that's a little bit further away from  
9 a metropolitan center. So I mean, we've been  
10 able to draw folks in and so we've been pretty  
11 lucky. Although, we're not at full  
12 compliment. We're still -- it's very  
13 challenging right now to get anybody to come  
14 out and work and I think that's across the  
15 board, not just in juvenile justice but it's  
16 been challenging. We've got, I think right  
17 now we've got four or five in orientation  
18 right now, so.

19 DOUG DRETKE: As you talked about  
20 orientation and what -- something you said  
21 that's very interesting to me is I think  
22 you're the first facility.

23 You're the superintendent, the director  
24 of the facility. Then you also identify  
25 yourself as the PREA coordinator. And so

1 that's not a separate staff (inaudible) as it  
2 is. And so we'd love to hear a little bit  
3 more about that and your thoughts about you  
4 serving that role.

5 MICHAEL BREEDLOVE: Yeah. Well,  
6 next time it's soon to be Carla's.

7 I think for our facility, we're a small  
8 facility, and when I was, you know, offered  
9 the director position in 2013, it was at a  
10 time where we were in flux. We had  
11 (inaudible) audits we were preparing for. I  
12 think right after I was promoted, we went  
13 through our first ACA accreditation, which  
14 isn't -- which is pretty involved. And then  
15 right behind that, we had our first PREA. We  
16 were getting ready for our PREA certification  
17 in December of 2015.

18 And so as I moved up from the assistant  
19 facility director, I was already the PREA  
20 coordinator at that point. It just stuck.  
21 But I will say that after our next  
22 certification, which is going to be in August,  
23 that role will be passed on to one of our  
24 deputy directors.

25 Simply put, it's challenging with all

1 the -- with the changing -- every changing  
2 field in juvenile justice, particularly in  
3 Texas with the federal government and the way  
4 things lay right now for me to be able to  
5 dedicate the time that I need in that role.  
6 And so that will be my (inaudible) transition  
7 over.

8 DOUG DRETKE: Okay. With that, and  
9 it's with your background as the PREA  
10 coordinator during your deputy and I'd like  
11 you to think about -- so being recognized as  
12 one of our facilities across the United States  
13 with the lowest rates is certainly important.

14 And so one of the things I'd like you  
15 ask you to think about is think about your  
16 tenure as deputy director and then as director,  
17 what do you think is maybe the worst thing  
18 that you did, implemented, whether it was an  
19 activity, a policy, a procedure, practice --  
20 worst (inaudible) that you did and that had a  
21 negative impact on your PREA in compliance.

22 And then what do you think is the best  
23 (inaudible) that you have done or are doing  
24 towards PREA compliance and protecting your  
25 children?

1                   MICHAEL BREEDLOVE: Wow. Let me  
2 start off with I think one of the things that,  
3 I wouldn't say hindered us, but might have  
4 been a misstep for us. I think initially for  
5 us I would have to say that it was the  
6 technology aspect.

7                   When I first got -- when I first  
8 arrived at the Garza in December of '04, we  
9 had a total of 17 cameras all black and white  
10 analog with no ability to record. And so if  
11 I'm not mistaken, I think the majority of  
12 those cameras were on our perimeter. It was  
13 more about escape prevention and that kind of  
14 stuff than it was about anything else.

15                  And I think I -- and one of the, and  
16 I'm guessing to the best of my ability here, I  
17 want to say we transitioned away from that  
18 system and, gosh, it might have been eight  
19 years ago. It might have been ten years ago.  
20 I can't remember. But relatively in that  
21 timeframe, we updated and went to a  
22 system where we had HD cameras and HD, you  
23 know, monitors and we were able to record.  
24 And I think, initially, we got 32 cameras.  
25 Right now, I'm -- I believe, I can't probably

1 (inaudible) back to this. But I think we are  
2 around about 100, maybe just a little bit less  
3 than that now. I think the -- I think if I  
4 had to point to one thing, it was not getting  
5 that stuff in there fast enough.

6 And what I mean by that is not being  
7 able to monitor remotely and go back and look  
8 at the feed that we had recorded to see what,  
9 if anything, we were doing that would not put  
10 us in compliance and would put kids in  
11 jeopardy, the staff in jeopardy with regard to  
12 PREA.

13 And virtually, the things we were doing  
14 right. Catching staff doing the right thing.  
15 Body positioning, that kind of stuff. And so  
16 as -- I think hesitancy or kind of a not being  
17 fast enough to incorporate better technology  
18 into our program, I think, off the top would  
19 be one of the things that rings to me.

20 But I think (inaudible) too, is just  
21 the whole, you know, in 2003, like I said, I  
22 remember when it was passed and kind of like  
23 the aww, man kind of thing that went on across  
24 the board. I think just implementation of it,  
25 I think too, was kind of intimidating.

1           And -- but I think we did a really good  
2 job at doing that and you think with our  
3 partnership with TJJD and even with our PREA  
4 monitors from DOJ, that went pretty well.

5           Yeah, the -- and the second part of  
6 your question was what do we do right or who  
7 do we think was a better success. I think  
8 getting the buy in. Because at that point  
9 when we were initially implementing, it was  
10 kind of slow kind of thing. And maybe it was,  
11 with the other PREA coordinator you get it  
12 done kind of thing. And, you know, you're  
13 kind of thrown to the wolves a little bit and  
14 it corrects you as you typically are and  
15 you are put out there to do your thing.

16           And but I think when I was able to get  
17 a team concept going where -- and I think  
18 that's part also the reason why, Doug, that  
19 when you were asking me about being the PREA  
20 coordinator, it's near and dear to my heart,  
21 honestly. Because it's been my baby since  
22 inception in our program. Getting everybody  
23 to buy into it and getting everybody to  
24 understand the importance of in -- getting  
25 everybody to talking about it and that

1 includes kids. It's not just about staff  
2 because as you train staff you train kids.

3 And it doesn't matter whatever you're  
4 doing, whether it's PREA, abuse, neglect,  
5 exploitation, for right now. Right now, for  
6 instance, Texas, the heat index. You know,  
7 it's knowing when it's too hot to go outside.  
8 Kids need to know that. Staffing need to know  
9 that.

10 So I think getting everybody's buy in  
11 and really listening to our team whenever they  
12 had a question. Do we really need a camera  
13 there? I really do think we need to do this.  
14 I really do think we need to do that. If  
15 there's a line-of-sight question, as far as  
16 something that might interrupt our ability to  
17 directly see to a certain area working with  
18 our maintenance team to do that.

19 So I think when everybody bought in,  
20 you know, and everybody had the ability to  
21 speak about PREA and not making a decision  
22 about anything -- new activities. You know,  
23 we put up an external stand-alone maintenance  
24 shop outside of our secure perimeter last  
25 year. You haven't been there since we've done

1 that. But, you know, we took a look at the  
2 things that would -- kids aren't going in  
3 there. We're not going to have kids out  
4 there.

5 But, like Carla said, you just never  
6 know. All you need is a rogue staff member  
7 doing something that they're not supposed to  
8 do and then boom. You got something. So do  
9 we have appropriate camera coverage. Those  
10 are all the things that our maintenance team  
11 brought to the table in our facility review  
12 panel -- or excuse me, our facility review  
13 team did, which consists of the two deputies,  
14 our HR person, our medical staff. Those type  
15 of people. And I mean, we're always talking  
16 about those type of things.

17 And whether or not we have a find, you  
18 know, like a find, a true finding or an  
19 allegation is found and we're still looking at  
20 the things that could potentially happen on  
21 those issues. And being able to speak about  
22 those things.

23 So I think for me, personally, as the  
24 PREA coordinator and as the director,  
25 getting everyone to think about those things,

1 you know, even if we're looking at revising  
2 policy.

3 Whether it's dress code or whether it's  
4 classification or whatever the case may be, we  
5 have to incorporate all these elements with  
6 PREA because every one of our policies, not  
7 just a PREA policy, has to support a zero  
8 tolerance. It has to, it has to support a  
9 sexually safe culture.

10 And, you know, we talk about it during  
11 turnouts. We think about it during management  
12 meetings, operation meetings where it's always  
13 at the forefront of what we're doing. And  
14 sometimes we feel like we're brow beating our  
15 staff, but, I mean, if they don't have it on  
16 their mind, then they're not going to know how  
17 to act. You know, and I'll shut up after  
18 this.

19 But I -- one of the things that I do in  
20 our training regimen is that I'm the only one  
21 that teaches PREA. I'm the only one that  
22 teaches abuse, neglect, exploitation, juvenile  
23 rights, code of ethics because ultimately, if  
24 somebody violates these policies, who they're  
25 going to come? They're going to come see me

1 for discipline and I never want a staff member  
2 to come and say to me I didn't know I couldn't  
3 do that. Didn't know that I could -- you  
4 know, I didn't know that. No, you did,  
5 because I teach it in orientation, and I teach  
6 it in in-service every year. And that's not  
7 going to change even though the role may shift  
8 to one of the deputies, I'm still going to  
9 teach those.

10 WENDY LEACH: Well, that dovetails  
11 perfectly into my next question that goes  
12 around training.

13 MICHAEL BREEDLOVE: Okay.

14 WENDY LEACH: And I would love to  
15 hear from both of you, actually, on this  
16 topic.

17 So I was going to ask a little bit  
18 about what your PREA training was like. I'm  
19 sure it's fabulous if you're doing it, right?  
20 But it's, you know, a lot of PREA training for  
21 us was a little dry and very pro forma. And  
22 was done by unmotivated trainers. They're  
23 just (inaudible). There's nothing really  
24 substantive on professional boundaries. It's  
25 really what kids do and don't do and how those

1 relationships can sometimes merge in  
2 facilities in the wrong way. And we've seen  
3 good, I've seen good PREA training and I've  
4 seen very poor PREA training.

5 So I know we talked some more about  
6 sexual safety overall, but what kind of --  
7 what have you done to ensure that your staff  
8 really, in a rock-solid way understand not  
9 only PREA, the standard, but more the  
10 interactions with kids and staff and do you  
11 know that -- and how to notice red flags and  
12 how to notice when you should keep an eye on  
13 two kids, maybe we need to separate  
14 them, how do they learn that kind of stuff so  
15 that you can have that sexually safe facility  
16 culture (inaudible)?

17 MICHAEL BREEDLOVE: Well, I think we  
18 have four values with (inaudible) programs and  
19 two of them that stick out to me (inaudible)  
20 communications. And that piece is so  
21 fundamental in anything we do, whether we're  
22 talking about PREA, whether we're talking  
23 about -- whatever, the kid not doing his  
24 homework or whatever the case may be, or a kid  
25 may be depressed, and giving that information

1 to the appropriate person.

2 So open communication is critical.  
3 It's one of our core values, and it's one of  
4 the things that makes everything (inaudible).  
5 So we're talking about -- I facilitate those  
6 four trainings, and they all dovetail into  
7 each other. (Inaudible), with our staff,  
8 which is a standardized curriculum that is  
9 kind of been developed is mandated by the  
10 Texas Juvenile Justice Department.

11 All four of those topics that I teach  
12 are mandated and they're standardized  
13 curriculum that every facility in the State of  
14 Texas has to present. And of course, we  
15 incorporate our local policies. But there's  
16 nuances to all of this stuff. And teaching  
17 direct care staff as well as kitchen staff and  
18 case management staff, maintenance staff, in  
19 particular, people that around our kids the  
20 most, those nuances, whether it's an  
21 extroverted kid now all of a sudden becomes  
22 introverted. What's driving it?

23 A kid that might normally be around  
24 staff all of a sudden isn't around a  
25 particular staff. And seeing those types of

1 red flags and questioning, always questioning,  
2 whether you ask the kid, hey, how's it going,  
3 what's, you know, you have something going on,  
4 you want to talk about anything, and the kid's  
5 saying no, and maybe being closed off.

6 Bumping that up to a shift supervisor and  
7 maybe even going to one of our therapists and  
8 saying, hey, you might want to talk to this  
9 kid because I'm noticing these subtle things  
10 with him, and he's just not going to open up  
11 to me. And asking the kid, is there someone  
12 you would rather speak to than me.

13 DOUG DRETKE: To further follow up on  
14 Wendy's question and these boundaries, I mean,  
15 is that just -- do you have a specific  
16 training on professional boundaries, or do you  
17 weave it into your core mandated training? Is  
18 professional boundaries its own training or --

19 MICHAEL BREEDLOVE: It's a training  
20 broken down -- the Texas Administrative Code  
21 actually is a codified standard that we have  
22 to present, and it talks about what staff are  
23 legally allowed to do to ensure youth rights,  
24 that type of thing and what we can't do. And  
25 obviously, sexual safety and that kind of

1 thing is in that professional boundaries.

2 We also incorporate our own policies as  
3 far as a code of ethics in the Bureau of  
4 Prisons standard of conduct. All of those  
5 things are stand alone. We teach those at the  
6 time that I'm teaching the code of ethics to  
7 our staff. We actually have our staff -- we  
8 issue our policy, they acknowledge it through  
9 signature, and we put that in their training  
10 file. And if we ever have to refer back to it  
11 again for any purposes, we're able to do that,  
12 as well.

13 WENDY LEACH: Yeah, it makes a  
14 difference in training to have a motivated  
15 trainer and somebody who really understands  
16 kind of what they're trying to get through to  
17 people because, I think, you can tell stories  
18 and use scenarios --

19 MICHAEL BREEDLOVE: Yeah.

20 WENDY LEACH: -- and have other things  
21 that makes it real for people. It sounds like  
22 you leave things like that in to make it more  
23 day to day -- this is your day-to-day  
24 (inaudible) and I'm going to make it make  
25 sense for you.

1           MICHAEL BREEDLOVE: Well, I think our  
2 staff will tell you that I never shut off when  
3 I'm doing those trainings because I have so  
4 many stories, and I think it's maybe less when  
5 you talk about policies and procedures and  
6 really if you go through a lesson plan without  
7 having to -- people don't understand how could  
8 somebody do this, how could somebody do that.  
9 And you know, unfortunately, you work in this  
10 business long enough, you see people that you  
11 never thought would do something unethical,  
12 and so yeah, it does, it does make a  
13 difference.

14           The other thing that we have as far as  
15 making sure staff -- you know, we have a  
16 trainer that's been certified by TJJD and  
17 their training division to tackle things as --  
18 with gender identity and gender nonconforming  
19 youth that may come into our program. And how  
20 do we tackle those things and how do we make  
21 staff comfortable with those things because we  
22 are in a rural community, and so we're not  
23 exposed to a lot of the things that are  
24 happening in urban areas and that type of  
25 thing. And so it slowly bleeds in.

1           So with the inevitability of us getting  
2 a kid in like that, how do we prepare  
3 ourselves and how do we try to, you know, make  
4 the staff (inaudible) these are kids, they're  
5 people, and we have to, you know, understand  
6 what's going on with them so that we can  
7 adequately serve them.

8           DOUG DRETKE: Carla, (inaudible), how  
9 does -- so Michael's led a number of those  
10 trainings were mandated by TJJD through your  
11 contract, but how do you monitor that, that  
12 the training was completed, and it was  
13 effective?

14           CARLA BENNETT-WELLS: When I go monitor  
15 the contracts and compliance, I'm looking at  
16 training records. (Inaudible) when I go  
17 (inaudible), when I go to monitor (inaudible)  
18 compliance, I'm looking at training records.  
19 So we'll do, like, a random sampling of that  
20 and then pull the training records to see what  
21 training they've had and then try to pull  
22 curriculum to see what the training all  
23 entailed.

24           And then, I'm measuring that against  
25 the standards to see if it meets all the

1 elements. And of course, I think a lot of  
2 times, people can get -- training is one  
3 thing, but the standard also asks for  
4 acknowledgement, understanding, like, you want  
5 to see some type of signature or something  
6 that staff acknowledges and understands. So  
7 my -- for instance, like, with TJJD, all of  
8 our staff, (inaudible) specific training  
9 (inaudible) and it specifically says that I  
10 acknowledge, and I understand.

11 So for me, I'm extremely passionate  
12 about PREA, extremely, more than Mike. And so  
13 we have, you know, TJJD trainers, PREA. Our  
14 staff teaches to go through new orientation,  
15 and they have in-service training every year.

16 But I have compliance managers that  
17 handle that, and I do training with them, and  
18 I encourage them to do what I like to call  
19 refresher training out of the box training  
20 because sometimes they'll be training on  
21 (inaudible). I don't want anybody to be gun shy  
22 when something happens.

23 I do training on standard (inaudible),  
24 a lot about cross gender (inaudible) in which  
25 I found a lot of times people get that

1 confused (inaudible). And so I do a lot of --  
2 a lot of training so that they understand all  
3 of the ins and outs of that standard because  
4 it can come up, whether you have (inaudible)  
5 or not. It's all (inaudible) gender. So we  
6 make sure they understand the ins and outs of  
7 that.

8 We do -- we have (inaudible) training  
9 on gender and sexuality that the training  
10 department does. And I touch on that a  
11 little, just so they understand how it's  
12 (inaudible) standard. So I'm very (inaudible)  
13 enthusiastic about PREA and when I  
14 (inaudible), I did PREA bingo day, I  
15 just feel (inaudible) -- anything that  
16 refreshes the staff and youth involved.  
17 Because if it's something you only touch on  
18 once a year, it's not (inaudible). And I want  
19 all my staff and employees to be vigilant. My  
20 (inaudible) important. (Inaudible). They  
21 know all the different ways to report. They  
22 know all the different entities they can use  
23 to report.

24 And there's something that I like to  
25 always remind people (inaudible). I think

1 that's knowledge and suspicion of. I think  
2 that's a big thing. And suspicion of is a big  
3 thing. You don't have to know something to  
4 report it. You report it so everybody can be  
5 safe. You report it so that we can make sure  
6 where there's smoke, there's no fire.

7 And so training that part is making  
8 (inaudible) about making sure that you're  
9 keeping kids safe or -- and when you speak  
10 about boundaries, that's ingrained in our PREA  
11 training, as well.

12 WENDY LEACH: (Inaudible) because one  
13 of the things that you both touched on this --  
14 one of the things you mentioned was that  
15 sometimes there (inaudible) that you didn't  
16 think would. And we all know, too, that a lot  
17 of stuff happened through this training. So  
18 they've been through training, the boundaries  
19 training, they know what they're not supposed  
20 to do, and then, sometimes, they do.

21 And one of the problems we've asked  
22 everybody about is the issue of female staff  
23 with male juveniles. It has been,  
24 unfortunately, nationally a major problem.

25 CARLA BENNETT-WELLS: Um-hum.

1           WENDY LEACH: Obviously, we've seen it  
2 in schools, too, but in juvenile facilities,  
3 it's pretty substantial the number of adult  
4 females who are getting involved with male  
5 juveniles.

6           And so I wonder, first of all, do you  
7 have any ways to sort of think about that? Is  
8 there any way to figure out who those people  
9 might be, how to train to make sure that they  
10 don't do something like that? What red flags  
11 would you suggest people look out for because  
12 it is -- something we've learned, too, about  
13 backgrounds of women who (inaudible) the  
14 recent breakout of the inmate at the jail,  
15 same thing, she was having a relationship with  
16 the inmate, they're alleging.

17           Is there anything that you've seen in  
18 your work (inaudible) juveniles and through  
19 training or whatever you've been able to do  
20 that might impact that problem for others?

21           CARLA BENNETT-WELLS: Sure. I would  
22 say having staff (inaudible) as well, if a kid  
23 victimized it is all of our problems, not just who  
24 is directly involved in the victimization. So  
25 if they can be aware of -- (inaudible), and

1 like I said, that suspicion part. If you see  
2 something that doesn't look right,  
3 (inaudible). Like what does that look like?

4 If a staff is spending too much time  
5 with a particular kid, why is that? Ask  
6 questions, don't be afraid to ask questions of  
7 other staff or bring it to a supervisor's  
8 attention and train them on (inaudible) to the  
9 kids. The kids don't need to know about your  
10 personal life. (Inaudible) very easy to cross  
11 those lines because you're spending a lot of  
12 time with a kid, but these are not your kids.  
13 They have to keep that in mind.

14 Like, a kid should not know more about  
15 you than I do. It's just, you know, making  
16 sure that you're accountable for the  
17 information that you provide. And (inaudible)  
18 everybody aware that it's all of their  
19 responsibility. If you see something, say  
20 something, inquire, ask questions because you  
21 want to protect that kid. It could have been  
22 your friend, but if you something is  
23 going on with the staff, then, make sure  
24 you're extra guarded (inaudible) information  
25 they're providing.

1           (Inaudible) what's the word, we like to  
2 be (inaudible) go to. We have (inaudible).  
3 If you need -- if you go to (inaudible) so  
4 they can get counseling and these types of  
5 things. The kid shouldn't be your counselor,  
6 you know.

7           WENDY LEACH: I was going to ask, what  
8 (inaudible), in other words, do we do just HR  
9 (inaudible) wellness, everything going okay,  
10 (inaudible) so that (inaudible) constant  
11 contact with one kid for a long period of  
12 time. What do we do to try to prevent it from  
13 even (inaudible)?

14           MICHAEL BREEDLOVE: A couple of things.  
15 I want to echo what I was saying, I think  
16 it's a failure -- (inaudible) failure on  
17 my part, a small failure on my part whenever  
18 we do have these, whether it's abuse (inaudible).  
19 That's the way I feel, and I think (inaudible)  
20 training, that's what I talk about. It should  
21 feel like a failure on all our parts because  
22 nobody walks into a facility, day 1, and has a  
23 sexual relationship with a kid. That doesn't  
24 happen. That is a process through grooming  
25 that takes place. Staff has to be able to see

1 that. Kids have to be able to see that. And  
2 I can tell you that there's been instances in  
3 our program where we've had kids tell us, hey,  
4 watch this staff member because it looks like  
5 he's getting too close to this kid.

6 And sure enough, we look at the cameras,  
7 and there he is, something. So we'll pull the  
8 staff in. We'll talk to him. If nothing  
9 substantial has happened -- I can give you a  
10 story (inaudible). I was looking -- I was  
11 reviewing video (inaudible) couple years back,  
12 and nothing going on, everything seemed fine.  
13 And then, we had one of our kids ask to borrow  
14 another staff pen. (Inaudible) give that pen back.  
15 back. Well, eventually he does he gives it back  
16 to her, whatever, but not after, you know, she  
17 kind of goes to the back of the dorm, whatever.  
18 Nothing inappropriate happened.

19 But in viewing that video footage, one  
20 of the things I did was I (inaudible) called  
21 the staff in, and I played the video for her.  
22 I said, listen, what do you see here? You  
23 know, she's sitting the chair you know just  
24 kind of slouching. I said, you understand  
25 what it looks like, right? You understand

1 that, you know, this kid's starting to  
2 inaudible) a little bit, he's trying to  
3 take you away from the group, he's trying to  
4 spend more time with you. He's doing  
5 something that he knows he's not supposed to  
6 do (inaudible). And so he's moving  
7 (inaudible) thing. And so we brought it to  
8 her attention. Never had an issue again. She  
9 was very mindful it was going on.

10 But the other side (inaudible) video  
11 footage. (Inaudible) how are things going.  
12 Oh great, Mr. Breedlove (inaudible). Let me  
13 show you something. So I show him the video  
14 footage, and he just puts his head down. I said,  
15 you know what you're doing, right? Yes, sir.  
16 Okay. I said it doesn't need to happen again  
17 because, and if it does, we're going to have a  
18 separate discussion.

19 So I think bringing awareness to both  
20 staff and youth that, hey, we're watching.  
21 This is a program that (inaudible) PREA  
22 program, we want to make sure we're doing  
23 everything to be vigilant about this. And  
24 when you see something before it becomes an  
25 issue, you act on it. You're not complacent.

1           You know, you remove doubt in your  
2 favor, and you do the things that you're  
3 supposed to do to, you know -- like Carla  
4 said, it doesn't have be anything. It doesn't  
5 have to be a legitimate allegation or an  
6 incident, but acting on that lets people know  
7 you're watching, they know there's veracity to  
8 your program.

9           And one of the things that -- to  
10 your -- I'm sorry, to answer your question,  
11 yeah, having worked (inaudible), there's  
12 always (inaudible) attest to this, as well,  
13 there was always a male (inaudible) because of  
14 the, you know, propensity (inaudible) juvenile  
15 side, seeing the percentages of females  
16 getting involved with youth was pretty  
17 alarming.

18           When we do hire staff, either female or  
19 male, but in particular, female, we're looking  
20 at age. Are they closer to the age of the  
21 kids? And if so -- and even males the same  
22 way -- but if so, maybe we need to start them  
23 on our overnight shift, where there's  
24 less, you know, contact or less interaction  
25 and then build them up that way. But if

1 there's any question, if you feel like this is  
2 not going to be the right fit, we just don't  
3 hire.

4 But really hammering in training and in  
5 the discussions we have with our in-briefing  
6 and out-briefing, if there's something that  
7 doesn't feel right, if somebody's going on break  
8 from another dorm and comes into your dorm to talk  
9 to one of your kids, why? And as the dorm staff,  
10 nobody should pull a kid out of your own housing  
11 area without telling you they're doing that and  
12 telling you the specific reason why and then  
13 you calling that into the control center, so  
14 we know where everybody is and everything's on  
15 the up and up. Those things are critical.

16 Yet, it goes back to (inaudible)  
17 communications (inaudible) we had, the talking  
18 and informing so that we know what's going on.

19 CARLA BENNETT-WELLS: I just want to  
20 say one thing that I'm really big on is  
21 (inaudible). I think that's a great way --  
22 and especially on late nights, like, I don't  
23 want to see a lot of unannounced (inaudible).  
24 I want to see that you're going in there in  
25 the wee hours of the morning when nobody's

1 expecting you. So (inaudible). (Inaudible)  
2 late night shift would just ignore it.  
3 (Inaudible) facilities and I go and I do my  
4 monitoring, I (inaudible) to see what's really  
5 going on, what's happening when administrators  
6 aren't here because that's when things tend to  
7 (inaudible) but (inaudible).

8 (Inaudible) late-night shift? Are they  
9 (inaudible) paying attention when they take  
10 them out for bathroom breaks? What's  
11 happening? And I (inaudible) monitor cameras  
12 (inaudible). And so, like, for our  
13 (inaudible), they have (inaudible).  
14 (Inaudible) know everything that's going on  
15 (inaudible). Yeah, I think cameras are a good  
16 way (inaudible). (Inaudible) because I think  
17 people forget one of the main reasons for that  
18 (inaudible) see things like that (inaudible)  
19 boundary that is being crossed (inaudible)  
20 staff that aren't expected to be here.  
21 Perhaps (inaudible).

22 PETER PERRONCELLO: But (inaudible)  
23 that your use of the video technology  
24 specifically (inaudible) more cameras in an  
25 area that there's not a lot of kids running

1 around like the maintenance shop you referred  
2 to in your last remarks -- allows you to  
3 better, you know, (inaudible) sets the climate  
4 of your facility, test the limit by using some  
5 of what you see to further refine and act upon  
6 (inaudible) boundaries and boundaries of  
7 potential boundary issues that may be viewed  
8 by (inaudible).

9 CARLA BENNETT-WELLS: Yes, (inaudible).

10 PETER PERRONCELLO: So obviously,  
11 (inaudible) directors not (inaudible) at some  
12 point, but the baseline, if there's one thing  
13 that you can tell others who are -- will be  
14 coming before you and after you here today and  
15 were here yesterday, for the next, let's say,  
16 decade (inaudible), (inaudible) zero tolerance  
17 in juvenile facilities, what would it be?  
18 What would you tell your colleagues, some are  
19 in the back of the room, some have yet to  
20 testify here today.

21 MICHAEL BREEDLOVE: You have to be  
22 involved, and you have to be intimately  
23 involved in what's going on with PREA  
24 compliance. And that means you have to have  
25 the buy-in of every person, from the newest

1 person to the person that's been there the  
2 longest. You have to have their input. You  
3 have to value feedback. You have to welcome  
4 suggestions. Even if they don't pan out in  
5 communicating those things, but you have to be  
6 involved.

7 Even when implemented, and I'll tell  
8 you like this, we've been certified for a  
9 while, and all it takes is one person to  
10 (inaudible). All it takes is one manager, one  
11 critical case of (inaudible) and you could be  
12 back at square 1 if you're not careful. So  
13 you have to have (inaudible). You have to  
14 have (inaudible).

15 So (inaudible), teaching it, talking  
16 about it, and keeping it forefront as an  
17 administrator among -- and a mid-level  
18 manager, (inaudible), whatever the case may  
19 be, even a case supervisor, you have to be  
20 intimately involved at every (inaudible)  
21 because if you're not, it just won't stand.  
22 At some point, you're going to get bitten.

23 And even in the best-case scenario, you  
24 probably there is some potential for that but  
25 being proactive allows us (inaudible) and it

1 eliminates a lot of things before they become,  
2 you know, (inaudible).

3 DOUG DRETKE: (Inaudible). The three  
4 words you're talking about. Our time is about  
5 up. So real quick, (inaudible) don't have  
6 this opportunity but you have a 95-bed  
7 facility that you -- from what I hear  
8 (inaudible), you choose keep it at a lower  
9 level, and part of that is so you can better  
10 meet required staffing ratios, 1:8.

11 But how does that, also, having smaller  
12 numbers feed into your staff view, you know,  
13 as we talked about from a leadership  
14 (inaudible), really know everything,  
15 understanding red flags. You talked about,  
16 you know, recognizing if a child that is  
17 extroverted behavior as normal behavior, and  
18 all of a sudden, you see a substantive  
19 difference.

20 Talk about why it's important, from  
21 your perspective, to keep a lower number of  
22 kids.

23 MICHAEL BREEDLOVE: Well, I've worked  
24 on the adult side. I've worked -- I was an  
25 administrator at a 1600 bed facility in Arizona.

1 And typically, adult inmates (inaudible) for the  
2 most part (inaudible) and that kind of stuff.  
3 But I think any time you have the opportunity  
4 to manage a smaller group of offenders, you  
5 get better outcomes.

6 Kids need their own room. Kids need  
7 space. And when you have the opportunity to  
8 control your numbers to a lower level, I think  
9 the kids feel, number one, more supported.  
10 There's more staff around. Instead of having  
11 a staff member for instance have -- watching 12  
12 kids, they're watching 8. And not that our  
13 kids always enjoy that scrutiny. They don't.  
14 But they crave it. They want to feel safe.  
15 And so you get better outcomes by being able  
16 to do that.

17 And I've been in the facility when  
18 we've had only six beds full. It's tough on  
19 the staff, and it's tough on the furniture.  
20 Let me just say that.

21 But yeah, I have seven dorms. And  
22 right now, I think I have -- I think I have  
23 four open at the moment, maybe five. And  
24 that's okay. I think, ultimately, when we're  
25 working with kids, we want better outcomes

1 with them, and so you're able to manage a  
2 smaller number. You're able to monitor a  
3 whole heck of a lot better. And they're able  
4 to engage with your staff better. And because  
5 of that, that rapport, that appropriate  
6 rapport and the appropriate boundaries, you  
7 know, if they're set, and you get a lot more  
8 out of your kids, and your kids feel more  
9 inclined to tell you what's going on.

10 DOUG DRETKE: What's interesting about  
11 the facility is there, from your perspective,  
12 is there -- at what point do you have too many  
13 children and from the facility side?

14 MICHAEL BREEDLOVE: Man. When kids  
15 start not being able to interact with staff.  
16 When that communication begins to wither.  
17 When kids begin to feel more -- when they're  
18 focusing more on surviving and keeping  
19 themselves safe and not getting things stolen  
20 or not getting abused by peers, which, you  
21 know, opens the door sometimes for staff to be  
22 able to victimize kids. When you get to that  
23 tipping point where you're just not getting  
24 that interaction from the kid, you're not  
25 getting -- and you see it. You see in (inaudible)

1 grades. You see it in non-participation  
2 in therapy and treatment and that kind of  
3 stuff, and you have more overt behavioral  
4 issues, that's when. And once you get that  
5 feeling that, you know, these kids are no  
6 longer engaged in what's going on, it's  
7 (inaudible).

8 DOUG DRETKE: I want to kind of, as we  
9 wrap up, the final -- you talked about some of  
10 the information you've provided back to us I  
11 think when we visited that you implemented a  
12 risk assessment for the kids when they come  
13 there. Is that your own risk assessment you  
14 developed? Is it a TJJD risk assessment or  
15 what exactly is that instrument or tool?

16 MICHAEL BREEDLOVE: Well, we have a  
17 couple of risk assessments but the primary one  
18 we use for sexual safety and victimization was  
19 developed in partnership with TJJD. It's  
20 something that we put together, and  
21 through their feedback and in their review, we  
22 kind of honed it to what we needed, and it  
23 basically assesses kids' propensity for  
24 victimization or for perpetrating, you know,  
25 sexually or even physically other kids. and

1 so it allows us to take a look at what's going  
2 on and make a decision based on housing and  
3 even incorporating safety plans or, you know,  
4 higher level of supervision and stuff with the  
5 kids.

6 But it is something that we developed  
7 in partnership with TJJD, and it's also  
8 something that -- that's been -- it's kind of  
9 (inaudible) document, so to speak. So when we  
10 have a PREA coordinator come in or -- that  
11 takes a look at it and might want to refine it  
12 a little bit, we're open to it. And so I  
13 think a lot of that is in partnership.

14 And also, we're one facility. We're  
15 not multiple facilities that are across the  
16 state. We're (inaudible) so we're not seeing  
17 some of the trends happening outside of our  
18 program. And so when we have somebody come in  
19 and say, hey, you might want to consider this  
20 because of X, Y, and Z, this is what we're  
21 seeing or even the PREA resource center  
22 (inaudible).

23 (Inaudible) at least mull that stuff  
24 over and maybe incorporate it in those  
25 documents or even in our practices. (inaudible).

1           DOUG DRETKE: Okay. (Inaudible).  
2 Okay. All right. Sorry that you had  
3 (inaudible) difficulties this morning and --  
4 but we absolutely want to thank you for coming  
5 out and sharing with us some of the very good  
6 stuff you're doing and again encourage that  
7 you continue to do an incredible job.

8           And Carla, you're amazing. Probably you'd  
9 be fabulous working at any (inaudible) with  
10 any of our facilities. So congratulations to  
11 you. Terri, thank you so much for joining us  
12 virtually, and we look forward to continuing  
13 to hear more and learn from you.

14           So we're going to take a recess till  
15 12:45, and then we will begin again.  
16 (Inaudible).

17           (A recess was taken)

18           DOUG DRETKE: I think we are all back  
19 after a quick lunch break, and we are ready  
20 to call our next witness. Jason Szanyi.  
21 Jason, am I saying that correctly?

22           JASON SZANYI: Believe it or not, you  
23 are. So well done.

24           DOUG DRETKE: Well, I was coached well.  
25 So I'm going to thank Wendy for that. So

1     anyway, Jason, I'm assuming you have the  
2     agenda where you know who each of us are.  
3     Doug Dretke and Wendy Leach and Peter  
4     Perroncello. We are so grateful that you are  
5     taking your time to visit with us for a quick  
6     30 minutes, and we are especially grateful  
7     that you are willing to be very flexible in  
8     your schedule with us. So thank you for that.

9             I think you know as much or more about  
10    the panel (inaudible) panel and so forth. You  
11    have submitted a wonderful statement that  
12    we've all read. And so what we'll do, in the  
13    interest of time, after I administer the oath,  
14    we will get started immediately with  
15    questions, if that's okay with you, and then  
16    providing you the opportunity to help us  
17    understand better the dynamics around the PREA  
18    dynamics.

19            So if you would, please, as we start,  
20    raise your right hand. And I will -- do you  
21    swear or affirm to tell the truth, the whole  
22    truth, to the best of your ability?

23            JASON SZANYI: I do, sir.

24            DOUG DRETKE: So with that, Jason, I  
25    would like to turn it over to Wendy to get us

1 all kicked off.

2 WENDY LEACH: Okay, Jason, thank you  
3 for being here today talking to a screen. But  
4 I guess we've all gotten used to that in the  
5 Zoom world. I think our first question was,  
6 from your perspective, you listed the Center  
7 for Children's Law and Policy. We're familiar  
8 with your organization. And you kind of work  
9 around the country, and you talk to lots of  
10 folks. What would you say has the greatest  
11 impact to reduce sexual abuse in juvenile  
12 facilities? Or the potential to have the  
13 greatest impact to reduce sexual abuse in our  
14 juvenile facilities?

15 JASON SZANYI: Thank you for that  
16 question, Wendy, and Doug, Wendy, Peter, it's  
17 great to be with you. I'm just really honored  
18 to appear before this expert panel. I am  
19 sorry to not be doing it in person. My entire  
20 family has come down with COVID as of earlier  
21 this week. So I live only 20 minutes away. I  
22 was really hoping to be there in person, but I  
23 want to thank the Department of Justice and  
24 y'all for being flexible.

25 Wendy, I would say -- and I think this

1 has been reflected in some of the testimony  
2 that I've been able to listen in on as I've  
3 been juggling childcare, I really do believe  
4 firmly that adequate staffing and having the  
5 right staff working in youth facilities is --  
6 is just critical. I won't belabor the points  
7 that have been made by your practitioners who  
8 have rightly pointed out the severe staffing  
9 challenges that existed, frankly, prior to the  
10 pandemic and that have been just really  
11 exacerbated by COVID-19.

12 We're very concerned with not just  
13 ensuring the facilities are able to comply  
14 with the provisions of the PREA standards and  
15 have a solid approach to prevention,  
16 detection, and response to sexual abuse and  
17 sexual harassment. We're concerned that  
18 facilities are not even positioned to operate  
19 from a basic safety and security standpoint.

20 So I know that hiring and retention has  
21 just been a bear. I currently work with the  
22 PREA resource center and Impact Justice as  
23 part of a project funded by DOJ called PREA  
24 TIPS, Targeted Implementation, Planning, and  
25 Support. My colleague Jenny Lutz and I are

1 working with about a dozen locally operated  
2 youth facilities around the country, and we've  
3 gotten an earful, rightly so, about how  
4 challenging things have been.

5 So we were really pushing facilities to  
6 beef up their staffing and to think about who  
7 they were hiring and how they could attract  
8 folks who are really invested not just in  
9 being guards or corrections professionals but  
10 folks who really have an investment in the  
11 well-being of kids. And those aren't mutually  
12 exclusive. I don't mean to suggest that.

13 But I think for a long time, the hiring  
14 profile for workers in youth facilities has  
15 been focused more on the correctional end of  
16 the spectrum and less on the social work end.  
17 And I think there's obviously a balance,  
18 especially when you're talking about a secure  
19 facility. But I think we need to do much more  
20 as a field and as a country to make these jobs  
21 attractive because they're incredibly  
22 difficult. They're incredibly taxing on the  
23 staff members themselves, but they can also be  
24 incredibly rewarding.

25 It's really frustrating to me

1 oftentimes we're hearing the worst of the  
2 worst in terms of media coverage. And I think  
3 that just makes it even harder to hire for  
4 positions in youth detention facility or a  
5 placement facility. But there are success  
6 stories coming out of those facilities.

7 So my hope would be that we continue to  
8 try to be innovative with staffing, bring  
9 salaries up to the level that we believe they  
10 should be at for -- given the very challenging  
11 nature of this work and also work on, I think,  
12 acknowledging staff members who are doing an  
13 exemplary job, providing those upward pathways  
14 towards management and leadership and finding  
15 ways to retain folks who really get it and can  
16 make that connection with youth.

17 I really appreciated Michael's point  
18 just before the break about how they keep  
19 their units not -- they don't have young  
20 people across all their units and don't keep  
21 everything full because they want to have that  
22 staff/youth relationship where it's not just  
23 staff and young people feeling like the staff  
24 are just there to make sure a fight doesn't  
25 break out or that there isn't an incident, but

1 the staff are actually invested in the success  
2 of the young people who are there and really  
3 believe that they want them to be successful  
4 once they depart.

5 DOUG DRETKE: Jason, kind of staying on  
6 that same line and this need for competent,  
7 educated, direct care workforce, well-suited  
8 for not only this compliance with PREA but a  
9 belief that we're working with the kids to  
10 make them better, and on and on. And are you  
11 aware with the work -- since you do a lot of  
12 work around the nation and you've been in this  
13 arena for a very long time, are there some  
14 best practice jurisdictions that you might  
15 even point to, well, they have it going, they  
16 have figured it out how to attract and keep  
17 the best and the brightest, well suited to  
18 working within the juvenile justice arena?

19 JASON SZANYI: That's a great question,  
20 Doug. And we're always a little hesitant to  
21 call out any jurisdiction because,  
22 unfortunately, things change, can change on a  
23 dime. But a couple of things I want to share  
24 that I think are kind of on the more  
25 innovative end.

1           Here in the District of Columbia, the  
2 Department of Youth Rehabilitation Services,  
3 one of the things that they are doing is  
4 bringing in credible messengers that are going  
5 to be working with young people after their  
6 release and may have been working with them  
7 prior to their incarceration or placement, and  
8 those credible messengers are actually  
9 spending time at the facilities with the young  
10 people and with the staff.

11           And my understanding is that the staff  
12 and the young people have really appreciated  
13 those outside support folks coming in to  
14 really help troubleshoot, and it's just made  
15 the environment more conducive to really  
16 supporting young people as opposed to putting  
17 that all on the direct care staff, who have a  
18 zillion responsibilities, you know, keeping  
19 the facility safe, movement, making sure the  
20 kids are getting their minimum number of  
21 minutes of education. So --

22           WENDY LEACH: Jason, just for the  
23 record, sorry to interrupt. This is Wendy.  
24 Can you explain -- I know what credible  
25 messengers are, but everyone might not know

1 about these are formerly incarcerated folks  
2 who have been vetted. So if you could just  
3 quickly explain that so people understand what  
4 that means.

5 JASON SZANYI: Thank you for pausing me  
6 on that, Wendy. Absolutely. So credible  
7 messengers, the general concept is these are  
8 folks who have lived experience, to some  
9 degree, with the justice system or criminal  
10 legal system, who have had their own share of  
11 struggles, are likely to be from some of the  
12 same neighborhoods, and have faced the same  
13 challenges that young people coming into  
14 facilities have faced in their own communities  
15 but have changed their lives around and are no  
16 longer connected to criminal activity and are  
17 really invested in helping stem the tide and  
18 really prevent criminal activity from becoming  
19 this intergenerational cycle.

20 So they're folks who are vetted, who  
21 work with organizations that provide them with  
22 the support and oversight that they need, and  
23 we see them used in a variety of contexts.  
24 Oftentimes, it's to help support young people  
25 who are on probation or some form of community

1 supervision who are at a higher risk for  
2 coming back into the system. And so the  
3 credible messengers will meet with them on a  
4 regular basis, will be on call to talk to  
5 them, if they're encountering a challenge, may  
6 help them ensure that they're making it to and  
7 from school after their release when we know  
8 that's a really fragile time to reengage with  
9 -- and education.

10 And so DYRS in D.C. has really adopted  
11 that credible messenger approach as a core  
12 pillar of their approach to youth justice, and  
13 they want it to be infused throughout the  
14 youth's entire experience. So those credible  
15 messengers -- again, they're vetted. They  
16 have background checks. They have regular  
17 supervision from the organizations that  
18 they're working for.

19 But we find that they can interact and  
20 speak to young people in a way that frankly I  
21 never was able to do as a public defender in  
22 the District. And my office was in the  
23 detention facility. I was there every day  
24 talking to young people. But they would hear  
25 things differently from folks who had that

1 lived experience.

2 So I think being able to hire folks  
3 with that background, again, so long as we're  
4 doing the appropriate background checks, can  
5 be a real asset. But I think bringing in  
6 outside programming that can help young people  
7 engage with new strategies, new tools to help  
8 manage their behavior so that it's not all  
9 falling on the folks who are in the facility  
10 on a day to day basis is something that we've  
11 seen provide some real benefit to the young  
12 people as well as the staff charged with their  
13 care.

14 WENDY LEACH: Yeah, I really like ideas  
15 like that because I think they're very  
16 creative. And I think what it does,  
17 especially in a low staffing situation, is it  
18 adds adults in the room. You know, there are  
19 adults that are talking to the kids to give  
20 the kids another outlet, someone to talk to,  
21 but it adds another adult person in the room,  
22 a little bit more supervision and oversight,  
23 and allows the facility to sort of get things  
24 done because even if they're at a low staffing  
25 level, they have this extra person in there to

1 provide a little bit of support.

2 So I think any time we can think of  
3 creative ways to improve staffing because it's  
4 such a problem nationally, that's one of them  
5 that I think is a good one. I think it's nice  
6 that people are starting to think a little  
7 differently about how do we fill in these  
8 gaps.

9 DOUG DRETKE: Yeah, absolutely. Thank  
10 you for that. I think that we as a  
11 correctional industry have to -- those that  
12 have lived experiences can have so much value  
13 in making our facilities better, safer, and  
14 better outcomes.

15 Hey, in your statement, Jason,  
16 yesterday we spent some time and today a  
17 little bit talking about appropriate  
18 boundaries and training. And you actually --  
19 one of your comments in your statement that  
20 your belief is that this is maintaining  
21 appropriate boundaries, guided support  
22 training is an unmet need in many of our youth  
23 facilities and agencies around the country,  
24 which is a little bit concerning.

25 And so what should be done to be

1 implemented for direct care staff in managing  
2 professional boundaries and addressing the  
3 trauma associated with witnessing  
4 inappropriate sexual behavior and so forth?  
5 But we'd like you to maybe talk a little bit  
6 more your thoughts on appropriate boundaries  
7 and managing, training, and so forth around  
8 that dynamic.

9 JASON SZANYI: I'm happy to, and that's  
10 a great question, Doug, and I really  
11 appreciate that y'all have been asking very  
12 thoughtful questions on this. And I think  
13 this is not an easy area, as you've heard from  
14 the practitioners who are running agencies and  
15 facilities.

16 From our perspective, primarily as a  
17 technical assistance provider, we just see  
18 facilities really struggle to articulate for  
19 their staff where the lines are. And as I say  
20 in my statement, you can't anticipate every  
21 single scenario, but you can certainly  
22 anticipate some of the more challenging  
23 situations that are likely to arise. A young  
24 person making an inappropriate statement or  
25 just inquiring about a staff member's romantic

1 relationships.

2 Staff want to know -- our experience is  
3 staff want to know what to do in those  
4 situations, and it's not enough to just say  
5 don't do this, don't do this. They really  
6 want some specifics about how to handle those  
7 situations because those are situations that  
8 can lead to discipline and termination.

9 And so what -- we don't have all the  
10 answers. I know those boundaries vary from  
11 agency to agency and facility to facility.  
12 But I do think trying to figure out where that  
13 middle ground is, where you're not so distant  
14 that you are not providing the support needed  
15 to achieve the rehabilitative mission of the  
16 justice system, but you're not so over-  
17 involved that you are treading into the  
18 behaviors that we know are predicates for  
19 sexual abuse is a helpful framework.

20 And so I think specifics, I think -- I  
21 forget who was asking yesterday -- it may have  
22 been you, Doug -- about scenario-based  
23 training. And I do think that is absolutely  
24 the way to go.

25 When we go into facilities to provide

1 technical assistance, we want to talk to line  
2 staff first because we want to hear what their  
3 perspectives are and what the needs are and  
4 what the gaps are. And oftentimes, they'll  
5 share we feel like we get a ton of training on  
6 the letter of the PREA standards, for example,  
7 but we get relatively little on how to apply  
8 those standards.

9 And both are important, but it's really  
10 the experiential kind of learning that is more  
11 conducive to most adult learners and that I  
12 think really starts to have folks understand  
13 the why of why it's important to maintain  
14 these boundaries.

15 I also think that there is much more  
16 that needs to be done to educate staff about  
17 the trauma histories of the young people in  
18 their care and how that manifests in terms of  
19 their behaviors as well as helping staff  
20 understand the trauma that they may have  
21 experienced that they are potentially bringing  
22 to the work and the trauma that they will  
23 experience, unfortunately, from working with  
24 young people who are going through significant  
25 challenges.

1           Those are very real. I know that's  
2           come up over the course of the last day and a  
3           half. But I feel like it goes to the  
4           retention and the ability to recruit staff.  
5           To ask someone to do this very difficult work  
6           and to stay in the game, we need to recognize  
7           how challenging these environments are and  
8           provide the supports that those folks need to  
9           do their very best work.

10           PETER PERRONCELLO: Do you have any  
11           examples that you could cite as this panel  
12           will look forward for the next decade of how  
13           we can improve upon what you just kind of said  
14           with respect to boundaries training,  
15           whether it's like the former director  
16           testified before lunch from Garza, the  
17           use of the video tapes or the use of going  
18           over some of the incidents that they see or  
19           act upon before things become a boundary  
20           issue? Are there any tips that you could  
21           provide some of the agencies or us so we could  
22           put it in our report?

23           JASON SZANYI: That's a great question,  
24           Peter, and I appreciate it. So I would say a  
25           couple of things. I think having the

1 examples, the videos, that's absolutely great.  
2 I think it's also really important and I will  
3 concede that this can be challenging,  
4 depending on the culture of an agency or  
5 facility and the training culture.

6 But we've found that some of the best  
7 kind of engagement with training around  
8 boundaries is where you're able to get staff  
9 talking and where it may not be that there's a  
10 clear right or wrong answer in this situation  
11 because it's a close call. And you obviously  
12 want staff to walk away understanding how they  
13 should handle that situation. And you don't  
14 want to make staff feel like they're put on  
15 the spot and that they're giving wrong answers  
16 that are going to get them in trouble down the  
17 line.

18 But I think there are easy scenarios  
19 where you could say, whoa, that's stepping  
20 over the line. That's not okay. But it's  
21 really the tougher calls. Those are where you  
22 start to see blurring of boundaries and  
23 boundary crossing.

24 So I think scenarios that are on the  
25 tougher end can actually be more helpful in

1 terms of understanding the dynamics here. I  
2 also think -- and I know you heard from folks  
3 at BJS -- we have found, at least in the  
4 jurisdictions that we have worked, that folks  
5 are not necessarily using the great wealth of  
6 BJS data around the causes and correlates of  
7 victimization in their trainings. And it may  
8 be because folks find that information  
9 overwhelming.

10 I do think BJS does their best to  
11 package it so that it's accessible, but I  
12 think more could be done on that front, and I  
13 know we've encouraged the PRC to consider kind  
14 of making that data more accessible and making  
15 it engaging in a way that can be incorporated  
16 in training so that folks can understand kind  
17 of there is data behind some of these red  
18 flags, some of these things that we want to  
19 try to prevent.

20 So I do think that those are two areas  
21 I would consider looking to, and I think  
22 looking to folks who do feel like they have a  
23 solid approach with respect to training on  
24 boundaries. I know you're going to hear from  
25 the fine folks at the Missouri Department of

1 Youth Services soon, and the kind of zone of  
2 helpfulness, that middle ground that I  
3 referenced in my written statement, I believe  
4 we actually poached that from them many, many  
5 years ago when they were sharing how they  
6 approached trying to educate their staff on  
7 appropriate boundaries.

8 So I don't know if that's still the  
9 framework that they're using, but we've  
10 certainly found it to be a helpful one.

11 And then the last thing I will say is  
12 that educating youth and making sure that  
13 youth have access to reporting channels that  
14 work and that are trusted is essential because  
15 I know the panelists have highlighted some of  
16 the challenges in terms of staff reporting,  
17 potentially problematic behavior of their  
18 colleagues, and I think that's a real --  
19 that's a real dynamic, and that's one that has  
20 to be contended with. But that's a reason why  
21 we have multiple avenues for information to  
22 come in about potential problems.

23 So I think figuring out how to make  
24 that training on boundaries accessible for  
25 youth and so that they can understand -- and

1 again, not to abuse that knowledge but to be  
2 able to report things that are occurring.  
3 Youth won't report in every situation, but we  
4 certainly should have a system set up so that  
5 they feel empowered to do so and ensure that  
6 that system is responsive and can do a quick  
7 and rigorous investigation when any kind of  
8 information like that comes in.

9 WENDY LEACH: Jason, I think we're  
10 getting close toward the end of our time  
11 together, but I do have a quick question. It  
12 was a bit related to something you just  
13 mentioned about using the BJS data in snippets  
14 and taking that out and connecting it to  
15 training. I think that's a great idea.

16 I think when people have call-out boxes  
17 and short bits of data and information that  
18 are connected to an actual training topic that  
19 they can use, that would be a really nice way,  
20 especially for the PRC, to help make training,  
21 you know, kind of come alive using the survey  
22 data.

23 But my question is also around that,  
24 which is we're going to end up writing a  
25 report at the end of all this. And people

1 don't read reports. They especially don't  
2 read lengthy reports with lots of information,  
3 just like they don't read, necessarily,  
4 everything in the BJS survey data because it's  
5 a lot. How can we create a report or help  
6 have a report in place that is helpful?

7 We've talked about doing useful,  
8 practical, actionable recommendations for  
9 facilities around all of the things we've  
10 learned from all of our work across the  
11 country. Is there anything else that you feel  
12 would be helpful for us to include or not  
13 include to make it a useful report?

14 JASON SZANYI: Well, I really  
15 appreciate that question, Wendy, and believe  
16 me, we struggle with that, too, because we do  
17 our fair share of report writing. But we  
18 also -- one of the things we've tried to take  
19 on as much as we can at CCLP is trying to do  
20 fact sheets on the BJS studies when they come  
21 out and to summarize and kind of package  
22 material in a way that is useful.

23 So I think your inclination to focus on  
24 the very practical, actionable things that  
25 facilities can do and kind of pop that out in

1 a way that is digestible absolutely makes  
2 sense from my perspective. I don't know what  
3 the bandwidth or capacity is for -- for y'all  
4 to work on materials. I think folks always  
5 love to have examples of jurisdictions, as  
6 some of the questions have gone to today.

7 I know that can be tricky because  
8 things change on the ground. But to the  
9 extent that you have confidence in a  
10 jurisdiction, you know, maybe it's possible to  
11 get some short video testimonials from some of  
12 the folks who you've spoken to or some of the  
13 folks who are in jurisdictions that are doing  
14 great work.

15 I know oftentimes folks want to hear  
16 from practitioners in the jurisdictions who  
17 are currently doing this work and doing it  
18 well. And so one of our roles at CCLP is to  
19 make those connections.

20 So to the extent that you may have some  
21 multi-media capabilities to go alongside the  
22 report, I do think video snippets or short  
23 testimonials can just be really helpful and  
24 can underscore that there's a real benefit to  
25 doing some of these things, and there's a real

1 danger in not heeding the cautions that we  
2 know folks should be aware of.

3 So I'm really glad that the panel's  
4 considering thinking along those lines. We've  
5 tried to, so please -- I hope you'll consider  
6 CCLP to be a resource in that, if we can be  
7 helpful. We'd love to maximize the impact of  
8 the panel's work. I certainly appreciate all  
9 of your questions, your perspectives, all that  
10 you're investing, as well as your many decades  
11 of experience. So we want to make sure that  
12 gets out to the field.

13 WENDY LEACH: Thanks, Jason.

14 DOUG DRETKE: Thanks. Jason, thank you  
15 so much, and I want to just comment, as we  
16 close out. I really enjoyed, as well, reading  
17 your comments about staffing, about staffing  
18 ratios. As you've heard, we've had a lot of  
19 conversation about that and especially your  
20 illustrations of facilities with good staffing  
21 levels and their rates of sexual victimization  
22 and facilities with very low staffing  
23 compliance and their higher rates. So really  
24 like that illustration, how critical that is.

25 I want to -- we are keeping the record

1 open for seven days. And so I think in line  
2 with Peter and Wendy's questioning, as we move  
3 from these hearings into the recommendation  
4 stage, you have so much expertise, and we  
5 would appreciate any follow-ups in some of the  
6 things we maybe have touched on, as you think  
7 about that that could help inform us as we  
8 start to think about recommendations.

9 Because as Wendy said, we want to do  
10 something that has a positive impact on the  
11 field and profession of juvenile justice,  
12 focusing on our kids. So thank you so much  
13 for your time, for submitting your report, and  
14 absolutely we will keep you on our phone list  
15 as one of the incredible resources.

16 So have a great day, and hope that you  
17 stay safe and healthy through the COVID  
18 experience.

19 WENDY LEACH: Yes, good luck with all  
20 of that fun. Hope everyone's well.

21 JASON SZANYI: Doug, Wendy, and Peter,  
22 thank you so much. And you know, if this did  
23 nothing else for me, it gave me a chance to be  
24 my best dressed during quarantine. So thank  
25 you all for your work. I really appreciate

1 it.

2 WENDY LEACH: Thank you.

3 DOUG DRETKE: Thank you. Bye-bye.

4 (Off the record)

5 DOUG DRETKE: We would love Missouri to  
6 come on up to the table. Okay. We're going  
7 to continue to move forward. Get comfortable.  
8 I'm going to -- just a few things regarding  
9 serving as a witness with us today. So  
10 actually, first of all, thank you. Thank you  
11 so much for being here. We are really looking  
12 forward to your testimony today. I will  
13 administer the oath in just a minute.

14 But some things that we mentioned to  
15 our witnesses earlier today, I just want to  
16 include, you know, the purpose of who we are  
17 and what we're about.

18 Yesterday, we focused on three  
19 facilities that, through the Bureau of Justice  
20 Statistics Report represented some of our  
21 facilities with the highest rates of sexual  
22 victimization in the U.S., and today, along  
23 with some experts like Jason, we have invited  
24 two facilities this morning -- Texas and now  
25 you all in Missouri -- representing facilities

1 with the lowest rates of incidents with sexual  
2 victimization.

3 And so our whole purpose is to learn  
4 from each other, both yesterday and today, are  
5 what are some of the things that we need to  
6 continue to better understand that will then  
7 help inform our peers who serve in juvenile  
8 justice across our country.

9 Couple of things on -- as far as the  
10 witness, serving as a witness. We ask you to,  
11 if you have written statements, certainly, if  
12 you need to read some of that, but we  
13 certainly like it when you paraphrase and  
14 visit. We do think of this more of a  
15 discussion and an open discussion. Please  
16 define any acronyms or Missouri slang that any  
17 of us or people online may have trouble  
18 understanding.

19 The more specific, succinct, and  
20 direct, the better. So while your testimony  
21 will be under oath, this is not a criminal  
22 inquest. We are looking for what works and  
23 what does not, what is associated with high or  
24 low incidence of sexual victimization in our  
25 juvenile facilities. So we want you to feel

1 as comfortable as you can. And with that, I  
2 am going to administer the oath, and then  
3 we'll turn it over to you, Director, if you're  
4 going to start, but just for the record, I  
5 will quickly -- we have Scott Odum, the  
6 director of Division of Youth Services out of  
7 Missouri, Department of Social Services here,  
8 and Jennifer Hanes, the human resource manager  
9 with the Division of Youth Services, Michael  
10 Burchard, he serves as the facility manager of  
11 the Sears Youth Center, and Brian Hicks,  
12 assistant regional administer with the  
13 Division of Youth Services.

14 So thank you all for being here, and  
15 will you please raise your right hand? Do you  
16 swear or affirm to tell the truth, the whole  
17 truth, to the best of your ability?

18 MULTIPLE PEOPLE: (I do).

19 DOUG DRETKE: Okay. And with that, I  
20 don't know if, Director, you're going to kick  
21 it off or --

22 SCOTT ODUM: So good afternoon, and  
23 thanks to the panel members who are here  
24 before you today. (inaudible). I'm the  
25 director. I graduated in 1993. (inaudible)

1 began my career in 1993 with our division and  
2 remained employed there throughout. I've held  
3 multiple operative and administrative positions  
4 across the state. Been a director since  
5 January 2019. I appreciate the opportunity to  
6 speak with you today about the success of the  
7 programs within DYS, which include our W.E.  
8 Sears Youth Center in Southeast Missouri.

9           Joining me today is Sears Youth Center  
10 facility manager Michael Burchard, DYS  
11 Southeast assistant regional administrator  
12 Brian Hicks, and DYS human resource director  
13 Jennifer Hanes.

14           I also want to note that Judy Parrett,  
15 who is our former HR manager and also our  
16 subject matter expert on PREA implementation,  
17 she is retired and back working with us hourly  
18 and incremental, and she's been -- she remains  
19 our subject matter expert, as Jennifer  
20 transitions into that role. She's appearing  
21 on video conference. So she's going to be a  
22 great resource to this conversation and will  
23 have quite a bit to add to it. So thanks for  
24 that accommodation.

25           MICHAEL BURCHARD:'s been with the

1 division for 14 years and worked in direct  
2 care capacities at Sears Youth Center,  
3 formerly served as the youth facility manager  
4 at another DYS program in New Madrid,  
5 Missouri, returned to Sears Youth Center as  
6 the manager in 2019. MICHAEL BURCHARD: has a  
7 general studies degree from Three Rivers  
8 Community College there in Poplar Bluff,  
9 Missouri.

10 Mr. Hicks, with us for 23 years, and  
11 worked in direct care capacities at the Sears  
12 Youth Center, though now he has  
13 responsibilities across the Southeast region  
14 as an assistant regional administrator. Mr.  
15 Hick was there for ten years before becoming  
16 the assistant regional administrator. He has  
17 a bachelor's of science degree in sociology, a  
18 minor in criminal justice studies from  
19 Missouri State University in Springfield,  
20 Missouri.

21 Ms. Hanes is currently the human  
22 resource manager. She's the human resource  
23 manager for DYS. She began with DYS in June  
24 of 2020. So right in the middle of the  
25 pandemic. And is getting her legs under her

1 on the operational side.

2 I just want to note, we experienced,  
3 because of -- within the pandemic budget,  
4 declining commitment rates, we had our biggest  
5 reduction in force. So over the course  
6 of the last two years, where we made decisions  
7 to right size our operation, and we were able  
8 to close, effectively, six sites during that  
9 time. And so Jennifer joined us at a time  
10 where we had our biggest personnel moves in  
11 probably 30 years in the State of Missouri.

12 So it's been a heavy lift on that  
13 front. Judy Parrett was instrumental in  
14 assisting with that. In addition to her HR  
15 manager role, she serves as the PREA  
16 coordinator with the help of our retired Judy  
17 Parrett. Jennifer previously (inaudible)  
18 Missouri State employment having worked for  
19 the Department of Mental Health. So again,  
20 congregate care settings, taking care of  
21 vulnerable people for almost five years for  
22 the Department of Social Services and the human  
23 resource center for over four years as the  
24 personnel officer.

25 As the personnel officer, Jennifer held

1 oversight of civil rights and diversity  
2 programs, ensuring that all DSS staff received  
3 training -- that's Department of Social  
4 Services -- regarding sexual harassment in the  
5 workplace. So you know, vulnerability and  
6 poor behavior and that category is not foreign  
7 to Jennifer. She spent 20 years of human  
8 resource experience in both the public and  
9 private sector, mainly in the healthcare  
10 industry.

11 The Missouri Division of Youth Services  
12 is one of seven divisions within our  
13 Departments of Social Services, and I think  
14 that's a pretty unique positioning of note.  
15 We do not lie within the Department of  
16 Corrections. So philosophically and  
17 foundationally, having youth services  
18 (inaudible) juvenile justice system in  
19 Missouri sit within social services, by  
20 definition makes us a little bit unique and  
21 frames our approach to the work. I think that  
22 matters as a foundational piece.

23 We operate 21 residential facilities  
24 and 6 day treatment programs that we just  
25 received funding through our budget process

1 this year to add another community-based day  
2 treatment operation in Central Missouri. So  
3 that'll take us to seven.

4 In 1970, we had a shift in philosophy  
5 emphasizing rehabilitation over punishment,  
6 with the development of the smaller  
7 facilities and a commitment to placing youth  
8 as close as possible to their families.

9 The Sears Youth Center opened in July  
10 of 1970 with 35 young men selected from the  
11 general population of the Reform School for  
12 Boys in Bonneville, Missouri. So we went from  
13 a big single campus that served the entire  
14 state and really made a shift in 1970 to go to  
15 small facilities to keep youth closer to home  
16 and connected with their families.

17 So 35 young men were selected from that  
18 general population and moved from Bonneville  
19 into that Sears campus. In 1973, the campus  
20 was named in honor of Wendall Sears, the DYS  
21 director from 1948 to 1971. So really stable  
22 leadership during that period of time and some  
23 significant reform on the back end of his  
24 career.

25 In 2008, DYS received the (inaudible)

1 Innovations in American Government award in  
2 child and family system reform from the Ash  
3 Institute Kennedy School of Government at  
4 Harvard.

5 Sears, just a little bit about the  
6 facility, the campus, a description, Sears  
7 Youth Center is 60 beds from moderate -- it's  
8 a moderately secure facility. So in Missouri,  
9 we have community-based residential, which is  
10 our lowest level of security. We have  
11 moderate secure programs, and then we have  
12 secure facilities, and Sears falls into the  
13 moderate secure framing.

14 It's located in the Mark Twain National  
15 Forest in Poplar Bluff. So really pretty  
16 setting. Not in sort of the residential zone  
17 National Forest. Sears Youth Center houses  
18 males ranging between the age between 12 and  
19 19, both committed to DYS by the juvenile  
20 court and those -- it's lesser used for this,  
21 but those convicted and sentenced through  
22 Missouri's dual jurisdiction process, which is  
23 a blending sentencing alternative in the adult  
24 criminal court, whereby a court may impose  
25 both a juvenile disposition such as a

1 commitment to Youth Services and an adult  
2 disposition at the same time to the Missouri  
3 Department of Corrections.

4 Sears Youth Center operates five  
5 individual groups of youth, averaging 10 to 12  
6 groups. So we have five dormitories, five  
7 separate living spaces, where groups of 10 to  
8 12 youth exist.

9 Two dormitories are attached to the  
10 main dining hall, and a third is located above  
11 the gymnasium on the west side of the 200-acre  
12 campus. Softball field is located in the  
13 center of the living area to provide  
14 additional activity and opportunity for youth.  
15 The facility administration building is  
16 located at the entrance of the property, which  
17 houses the education department, where the  
18 youth attend school.

19 So in effect, you have young people  
20 staying in their dormitories. They're moving  
21 freely across an open campus without fences,  
22 moving daily from those dormitories to a  
23 cafeteria to an eating area. So it requires a  
24 certain amount of trust and operating, and  
25 these guys will talk a little bit more about

1 that later.

2 But it's not a confining campus. It's  
3 set outside of a community nonresidential  
4 area. That provides some insulation and  
5 security, but we don't have fences around that  
6 campus.

7 The facility administration building is  
8 located at the entrance of the property. It  
9 houses the education department where youth  
10 attend school on a daily basis. Additionally,  
11 the education department utilizes three  
12 vocational buildings. They're on the east  
13 side of the property. The facility has a  
14 stress challenge ropes course located on a  
15 ridge west of the main campus. We employ an  
16 outdoor rehabilitation counselor to provide  
17 problem solving, teamwork, and confidence-  
18 building activities for kids on the rope  
19 course.

20 As with all DYS facilities, Sears Youth  
21 Center has a home-like atmosphere with youth-  
22 produced artwork on the walls and manicured  
23 campuses that the youth take pride in helping  
24 to maintain. So the kids are part of a  
25 facility community, they contribute to that

1 community, and make that space as home-like as  
2 possible.

3 So factors that led to the low  
4 incidence of sexual victimization at W.E.  
5 Sears Youth Center, safety is maintained at  
6 Sears Youth Center and all Missouri DYS  
7 programs through structure, supervision,  
8 relationships, and group process. A  
9 distinctive feature of DYS programming is  
10 building a firm cohesion through a  
11 culture of open communication.

12 Each group within the facility has 10  
13 to 12 youth who do everything together. Daily  
14 chores, school, activities, and group  
15 sessions. When a conflict or concern arises,  
16 the group circle is called by youth or staff  
17 on duty. Everyone stops what they are doing  
18 to share observations, feelings, discuss  
19 alternatives, and help each other achieve  
20 their goals.

21 Front line youth services workers and  
22 their supervisors, the group leaders, provide  
23 treatment 24 hours a day, 7 days a week,  
24 working as a team to support success and  
25 maintain this culture. In order to protect

1 youth from being sexually victimized in our  
2 programs, we address the issue systematically  
3 by creating a physically and emotionally safe  
4 environment that protects our youth from all  
5 forms of harm. That's emotional, verbal,  
6 sexual, physical.

7 Safety and security is enhanced by  
8 creating a humane culture of care. When youth  
9 are brought into this environment that is  
10 humane and structured, there's less likely to  
11 be abuse. The involvement with families,  
12 community groups, and youth and DYS programs  
13 also contributed to create a culture of  
14 openness, engagement, and transparency.

15 Youth are provided a variety of avenues  
16 for reporting concerns to include sexual  
17 abuse, such a filing a complaint anonymously,  
18 speaking to a personal advocate, facility  
19 manager, nurse, family member, service  
20 coordinator, which in our system is a case  
21 manager, volunteers that are frequently on and  
22 off campus, DYS staff person, or other trusted  
23 adults within the system.

24 On the first day of employment, our  
25 employees are provided and required to submit

1 a DYS fundamental practices form, which  
2 include nonnegotiable, bottom line  
3 expectations they must adhere to in order to  
4 work for the agency and notifies the staff of  
5 the zero tolerance for abuse and mandated  
6 reporting rules.

7 This includes expectations such as see,  
8 hear, and know, account for youth at all times  
9 by being present and actively engaged. Create  
10 and maintain a humane and therapeutic approach  
11 and environment, ensure healthy boundaries  
12 between and among youth and staff, practice  
13 all health and safety expectations, preserving  
14 the rights of every youth to live in a  
15 physically and emotionally safe environment,  
16 provide a friendly, respectful, informative  
17 atmosphere for parents, guardians, youth, and  
18 visitors.

19 DYS employees are required to utilize  
20 awareness supervision, which is defined by DYS  
21 policy as the ability to see, be seen by, to  
22 hear, and be heard by the youth at all times  
23 in order to be knowledgeable of the youth and  
24 their whereabouts and to be capable of swift,  
25 appropriate response to any situation.

1           DYS program supervision policy  
2 constitutes DYS's residential staffing plan  
3 for all facilities operated by DYS to include  
4 the Sears Youth Center. The policy sets forth  
5 the required minimum staff of each facility  
6 based on the security level.

7           Sears Youth Center is a moderate secure  
8 facility and maintains a 1:6 staff to youth  
9 ratio during waking hours and 1:10 ratio  
10 during sleep hours on overnights. A minimum  
11 of two direct care staff are with each youth  
12 group during waking hours and one direct care  
13 employee with each youth group during the  
14 overnight shift, along with a rover that  
15 floats between the groups, providing breaks  
16 for the staff that are on the shift and can be  
17 positioned, if there are anticipated or known  
18 sort of culture issues in a particular group,  
19 they may be positioned to assist through the  
20 evening.

21           Management review staff schedules,  
22 conducts periodic onsite checks during all  
23 shifts to ensure staffing levels are within  
24 the required levels. If an employee is unable  
25 to report for their scheduled shift, the

1 employee who is currently on, shift is  
2 required to remain at the facility until  
3 relieved in order to maintain required  
4 staffing.

5 Staff are provided extensive and  
6 ongoing training to include being trained to  
7 understand the basics of an environment free  
8 from harm through the Missouri DYS safety  
9 building blocks. These provide a  
10 foundation and key components of emotional and  
11 physical safety for the kids in care, and when  
12 in place, prevents and reduces all forms of  
13 abusive behaviors and allows youth to grow and  
14 make the changes necessary to become law  
15 abiding and productive citizens.

16 The safety building blocks focus on the  
17 following five areas. Basic expectations,  
18 norms created for the program environment and  
19 how staff and youth are expected to treat each  
20 other from day one. DYS works staff and  
21 youth on treating all in our system with  
22 respect, care, and dignity.

23 Our basic needs. Programs and services  
24 do not meet or help youth meet their basic  
25 needs in healthy ways that can lead to

1 bartering, hoarding, issues of power by youth  
2 and staff, and an environment of harm. Youth  
3 are taught self-care and provide an  
4 opportunity to belong to a group in a positive  
5 way, which builds their self-esteem and  
6 relationship skills and strengthens their  
7 ability to navigate and deal with potential  
8 detrimental situations.

9 Involving youth's family and  
10 community in the treatment process increases  
11 accountability and supports safe, humane, and  
12 productive environments. Our engaged  
13 supervision policy, it involves awareness  
14 supervision, which is strategic staff  
15 positioning for enhanced supervision.

16 Staff are expected to be actively  
17 engaged and involved in all group activities.  
18 By keeping youth productively engaged and  
19 structuring staff involvement, opportunities  
20 for unproductive or harmful interactions are  
21 decreased.

22 Establishing clear boundaries in  
23 communication. Clear guidance -- clear  
24 guidelines and boundaries directly relate to  
25 maintaining safety in relationships, both

1 within the facility and upon the youth's  
2 return to the community. It's critical to set  
3 clear boundaries and expectations as well as  
4 provide extensive training to staff on  
5 professional practices and standards. These  
6 include areas such as staff roles, ethical  
7 conduct, adolescent development and  
8 boundaries, indicators and slippery slopes,  
9 and team responsibility.

10 Staff are provided professional  
11 boundary training within their first three  
12 months of employment and a more advanced  
13 session within 3 to 12 months. Staff are  
14 empowered to give each other constructive  
15 feedback, utilizing the training provided.  
16 It's High Performance Transformational  
17 Coaching is the curriculum that we employ. So  
18 feedback is given up and down and laterally.  
19 So to your peers, to your supervisor, and we  
20 create a culture where that's okay in the  
21 organization. So free communication both  
22 laterally and vertically.

23 Unconditional policy (inaudible). DYS  
24 taps into the inherent dignity of all within  
25 the system, which creates a workforce that

1 does not tolerate hurtful behaviors. Youth  
2 entering DYS residential facilities, to include  
3 Youth Sears are held accountable but not  
4 judged, berated, or abused. DYS staff are  
5 expected to operate with unconditional  
6 positive regard for the youth and their  
7 families, to see beyond the problematic  
8 behavior and facilitate youth and families in  
9 addressing the core issues that brought them  
10 into the system. This important work cannot  
11 happen if safety isn't the foundation, if it's  
12 not in place.

13 So the measures Sears Youth Center has  
14 taken to reduce incidence, both youth-on-youth  
15 and staff-on-youth sexual assault. Our pre-  
16 employment background checks are conducted on  
17 all DYS applicants, volunteers, interns, and  
18 contractors. So candidates for employment,  
19 volunteers, interns, and contractors aren't  
20 permitted to enter or report for work until  
21 after background checks are completed.

22 DYS and our Department of Social  
23 Services began participating in the Missouri  
24 and National Rap Back programs on October  
25 9th of 2019. This program includes automatic

1 notification of DYS and (inaudible) DYS made  
2 by the Missouri State Highway Patrol when an  
3 employee has been arrested for a reported  
4 criminal arrest and the fingerprints for that  
5 arrest are forwarded to the central repository  
6 or the FBI from the arresting agency. So we  
7 get automatic notifications if our staff are  
8 involved in something outside of work.

9 An annual check of Missouri open  
10 criminal records is conducted on all  
11 employees, volunteers, and designated  
12 contracted staff. Current employees are also  
13 required to complete a background check prior  
14 to being placed in a position that provides  
15 direct service or care to youth.

16 Additional background checks may also  
17 be conducted as determined appropriate. Pre-  
18 employment and annual background checks  
19 include such checks as child abuse neglect  
20 records, or childcare facility and foster  
21 parent licensing records, criminal records,  
22 Department of Health and Senior Services  
23 employee disqualification list, Department of  
24 Mental Health employee disqualification  
25 registry, employment history and references,

1 Family Care Safety registry, and our sex  
2 offender registry.

3 DOUG DRETKE: Scott, can I -- we've  
4 been focusing a lot on staffing. So you're  
5 obviously doing some very proactive things.  
6 What are -- and your staffing ratio, which  
7 we'd already noted you used -- or use a higher  
8 ratio than is required by PREA, the 1:6 and  
9 the 1:10. What are your staffing numbers?

10 And there's always this dynamic across  
11 our country as we struggle with staffing  
12 everywhere, and especially in a lot of our  
13 juvenile and correctional facilities. And  
14 sometimes raising the bar higher, which we  
15 absolutely all know we need to do, actually  
16 can have a diminishing impact on available  
17 staff. So what are your actual number -- or  
18 is your staffing good --

19 SCOTT ODUM: Yeah, so it's interesting  
20 at this time. So as I sort of began my  
21 directorship in 2019, it was shortly after  
22 that that we entered the pandemic. And I've  
23 been my whole career with the Division of  
24 Youth Services. When I signed up to fill this  
25 role, it was not with the pandemic in mind at

1 all. It has shifted everything, and  
2 everybody's experienced that. No one's been  
3 immune to it.

4 So at this time, I feel like I'm the  
5 director of two different agencies. Our  
6 southeast and southwest part of the state, our  
7 staffing levels -- you know, they were hurt  
8 initially. We've maintained and to the credit  
9 of these guys and our managers at other sites  
10 across that southeast and southwestern part of  
11 the state. We've maintained pretty well and  
12 have been, I would say at this point,  
13 relatively unaffected long-term.

14 On the I-70 corridor, which splits --  
15 you know, traverses the state east to west,  
16 and St. Louis, Kansas City, and our Central  
17 Missouri, Columbia, Missouri, has been highly  
18 impacted with labor shortages.

19 And so in our system, the way we have  
20 combatted that, at least triaged it, our case  
21 management units, our family specialists are  
22 peripheral staff that serve all kids in a  
23 regions. So we're broken into five regions.  
24 We have made a practice of promoting from  
25 within. So if you're direct care staff

1 working in our residential centers, you might  
2 be interested in a case management position or  
3 a family specialist position. So I would say  
4 at a 95 percent clip, people in those roles  
5 have come out of experience in residential  
6 setting and typically have performed well  
7 because they have received a promotion.

8 So the strategy that we had to employ  
9 is those folks were asked to and have  
10 graciously moved back into those residential  
11 centers from those direct care positions. So  
12 that has taken a toll over time. That's the  
13 reality of it is that's not, you know,  
14 anybody's wish to move from the job they have,  
15 be forced back into a different setting.

16 Folks have been gracious and our  
17 culture has sustained us, where it really is -  
18 - you know, I think our work is one of -- it's  
19 nobody is signing up to do this to become  
20 wealthy. It's mission-driven, and I think it  
21 strikes people in different ways, and there's  
22 reasons people stay involved. These guys have  
23 been around 15 and 23 years. I've been with  
24 the organization for 30 years. We have a lot  
25 of that across the organization.

1           But you know, those folks have pitched  
2 in and really saved us for a period of time.  
3 That's not sustainable, and we're working like  
4 every other state to really work toward pay  
5 equity issues in that sort of how we can  
6 remain competitive not only, you know, on that  
7 national scene but just with -- amongst our  
8 other state agencies.

9           And so there's a lot of effort going on  
10 right now to examine sort of how we can better  
11 compensate, and we did one pay push already,  
12 and we're looking at trying to -- to do some  
13 more for folks.

14           WENDY LEACH: What else beyond pay do you  
15 think? We've asked people this question, and  
16 pay (inaudible) able to give stay bonuses --

17           SCOTT ODUM: For sure.

18           WENDY LEACH: -- retention type  
19 bonuses, you know, sign-on bonuses or extra  
20 pay in your paycheck. Some people are able to  
21 do full-on salary adjustments for folks. But  
22 that's not always enough. You know,  
23 especially in this field, as you said, we're  
24 not doing it for the pay. So you're trying to  
25 find meaningful people who want to stay with

1 this work and still be able to pay their  
2 bills. Do you have any other creative things  
3 you've tried or things you've done and maybe  
4 speak to your facility? Mr. Burchard, things  
5 you've tried or things you've done to not only  
6 get staff, but to keep staff.

7 SCOTT ODUM: Yes, I'll give this to  
8 Mike in just a second. I would say an  
9 overarching thing, one of the things we've had  
10 to reexamine across the state was really the  
11 scheduling piece and trying to become more  
12 flexible in our response to how we expect  
13 folks to manage their work week and how we  
14 schedule them.

15 We've examined things like four ten-  
16 hour shifts versus the five eight-hour shifts.  
17 We've done different things to try to be  
18 creative to really make that piece more family  
19 friendly for our direct care staff. Of course  
20 when you go down to a certain level, you're  
21 still asking those folks back in. But  
22 Mike can speak -- he's done a great job at  
23 Sears in maintaining his workforce and keeping  
24 people there even through the difficult  
25 pandemic.

1           MICHAEL BURCHARD: First off, thank you  
2 guys for having us here. It's an honor to be  
3 with you guys. But (inaudible) just talked  
4 about it, it's really finding people that  
5 feels a passion to be in the job we're in  
6 because it's more than just a job. It's a  
7 career. And we're trying to weed them people  
8 out on day one in the interview process and  
9 set up our interview questions to make sure  
10 people are in line with our beliefs and  
11 philosophies, and they're there to help kids.

12           And if they've got a passion and that  
13 single-handedly will keep them there, but it's  
14 also having them equipped with support and  
15 knowledge. We've provide 240 hours of  
16 training within our first two years with all of  
17 our employees. So a childcare package to make  
18 sure they're equipped with the knowledge and  
19 also the management team supporting there --  
20 and being there with them, showing up on  
21 evenings, showing up on third shift.

22           We have night supervisors every day of  
23 the week, and that way when youth specialists  
24 are in them tough situations, they have  
25 support from a long-term employee that's had

1 10, 15, 20 years of experience and they're  
2 there to support and walk them through some of  
3 them situations that might cause a lot of  
4 stress or maybe they want to look other places  
5 but trying to alleviate that stress through  
6 support, knowledge, and training-based  
7 techniques. I don't know if you want to add  
8 any to that.

9 BRIAN HICKS: One thing they've done  
10 real well is (inaudible) -- one thing they've  
11 done real well at Sears is just, you know,  
12 showing at work how well staff are doing.  
13 They do a quarterly employee of the quarter  
14 thing but sometimes, I know it's a little  
15 cheesy, but I've witnessed those staff when  
16 they get told that. It just brightens their  
17 whole day and makes them feel like they've  
18 accomplished something.

19 When our kids leave the program, Mike  
20 or (inaudible), the assistant manager, do an  
21 exit interview. One of those questions is  
22 about the staff and who impacted you the most  
23 and who helped you the most. And every time  
24 that youth answers that question, Mike sends  
25 those staff an email congratulating them and

1 talking to them about how well they've  
2 impacted that kid. So that has some boost.

3 MICHAEL BURCHARD: And then we do  
4 employ appreciation meals, where we have the  
5 whole facility a part of that. And we honor  
6 our staff at one year, five-year, ten-year,  
7 fifteen. And it's small things because, you  
8 know, we don't have the budget to do -- we'd  
9 like to do a lot more for them, but it's  
10 really about being present, showing that you  
11 appreciate them, showing that you care, and  
12 that's from the top down. And you'll see  
13 Brian in the facilities. You know, I'm with  
14 the kids every day. The assistant manager and  
15 night supervisors, I think it's just showing  
16 people that you care about them. Just being  
17 there, being present.

18 DOUG DRETKE: So Michael, have you been  
19 able to maintain that 1:6, 1:10 ratio?

20 MICHAEL BURCHARD: Absolutely. Yeah,  
21 that's not -- that's a standard -- a minimum  
22 standard that we meet, no matter what.

23 DOUG DRETKE: Let me ask you about that  
24 since most jurisdictions and states that we  
25 visit, they use the PREA 1:8, and there's

1 discussion on that it should be more to the  
2 1:6 with children. Was that an initiative by  
3 DYS? I know you need legislative support  
4 because that's funding or was that mandated by  
5 your legislature? At what point did you go to  
6 1:6/1:10?

7 SCOTT ODUM: Yeah, so in Missouri, PREA  
8 didn't change -- I think it changed very  
9 little. Judy made a comment. She and I  
10 closely on pre implementation. I don't  
11 remember our staffing being affected by PREA.  
12 I know it was significant for some other states  
13 and folks that I worked across lines with, but  
14 that was not a significant factor for us.  
15 We've always had -- it might have hit us a  
16 little bit on the overnights where we had to  
17 make a minor adjustment in terms of what was  
18 required. But in waking hours, for sure, we  
19 were always -- you know, our idea of group size  
20 is anywhere from 8 to 12. 12's really pushing  
21 it, but we can go that high (inaudible) 120  
22 percent capacity, but we've always had a  
23 minimum of --

24 DOUG DRETKE: So you've been that  
25 1:6/1:10 for a long time.

1           SCOTT ODUM: We have, and we've  
2 actually -- we made a decision to have small  
3 facilities close to home operating, you know,  
4 ten kids at a time that two staff seemed the  
5 right thing to be able to do --

6           DOUG DRETKE: What's your largest  
7 facility by population?

8           SCOTT ODUM: Well, Sears probably --  
9 Sears and our Watkins Mill site have the  
10 capacity for 60 kids. And so those would be  
11 our largest. But again, even where we're  
12 large, those are broken down into really  
13 small, micro units that are independently sort  
14 of -- and Mike and his assistant manager  
15 would, you know, oversee that whole thing.  
16 But each one of those groups operate  
17 independently.

18           He could talk more about how often we  
19 integrate the kids or that they do things  
20 together, but it's really well thought out,  
21 intentional if that's going to happen. So  
22 those groups operate pretty independently.

23           DOUG DRETKE: Based on your all's  
24 expertise and perspectives in the juvenile  
25 justice (inaudible) -- based on your expertise

1 as juvenile justice professionals, I mean, you  
2 would say that a facility over 60 beds begins  
3 to be too large or what's your --

4 SCOTT ODUM: I have to say the model  
5 that we employee, yes, that would be more than  
6 I think we can responsibly manage with our  
7 model.

8 WENDY LEACH: What is the population of  
9 Sears today or --

10 MICHAEL BURCHARD: Right now, we're 50.  
11 We reduced our population when COVID hit, and  
12 that way we had a quarantine or if we had a  
13 kid that tested positive for COVID, we was  
14 able to safely maintain them on campus where  
15 we had staff and we'd see them in the dorm,  
16 and we had set up for that. And we would  
17 quarantine with the kids, you know,  
18 separately.

19 So if we had three kids that was  
20 positive, then that's where we would be with  
21 staff at plus the other four groups.

22 WENDY LEACH: So when (inaudible) one  
23 of the topics we've been talking to everybody  
24 about is training. Training staff,  
25 professional boundary training, how do we make

1 sure our staff are really prepared.

2 And one of the things we've heard from  
3 a lot of folks is PREA training is boring,  
4 it's repetitive. Maybe the person that  
5 delivers it isn't that excited about it.  
6 That's just something we have to do every  
7 year. It's a checkbox.

8 And then we've heard other folks say,  
9 no, we make it very dynamic. We have, you  
10 know, a lot of scenarios. We do a lot of  
11 these extra things to make our training much  
12 more robust and helpful and useful to the  
13 people that work here. And so I'm interested  
14 in how do you see that. What do you all for  
15 your facility, for example?

16 Most staff are usually trained once a  
17 year, sometimes once every two years for  
18 refreshers. I'm more interested in the  
19 content. What do you all do that you think is  
20 effective, and what do you think maybe you need  
21 to add, if so?

22 MICHAEL BURCHARD: Well, I think one of  
23 the things we do, just like with our groups,  
24 our trainings set up in small classrooms with  
25 10 to 12 staff, and that way, it's more of a

1 personal training that's more interactive,  
2 for staff and the trainer. Helpful to each  
3 other. We have two trainers. For the  
4 Southeast region, it's the same two people that  
5 are a part of most every training. So staff  
6 become more comfortable with them as they  
7 complete their childcare package.

8 Like I said before, training starts on  
9 day one, and it's 240 hours of required  
10 training, and then after that, we maintain 40  
11 a year.

12 But we try to continue to push that  
13 knowledge constantly in small snippets, and  
14 that way, they retain it. And we continue to  
15 train our students, too, our youth through  
16 group meetings, our safety packets on day one,  
17 where we go through how to report, our safety  
18 first packets, all of that. And it's just a  
19 continuous training.

20 DOUG DRETKE: Let me ask you on that -  
21 - first of all, Scott, (inaudible) you  
22 mentioned an employee has to sign a statement  
23 basically values, expectations. On day one,  
24 have they already had the training? So some of  
25 that, they may or may not even understand what

1 they're citing until they get training --

2 SCOTT ODUM: No, we revisit that  
3 throughout. I think -- I really appreciate  
4 what Mike had to say on the training. The  
5 other piece, I would say, for us -- and I just  
6 remember doing the work to do the pre-  
7 implementation, right, when the standards were  
8 released, and Judy and I were on a team, and  
9 we did that across the organization, had  
10 representation from a lot of different  
11 positional levels.

12 And what was critical to us -- because  
13 at the time, you know, we were coming off the  
14 Harvard Government award. We felt really good  
15 about what we were doing and how we were  
16 keeping kids safe and sort of how things were  
17 going.

18 You know, we knew there was value in  
19 the PREA piece, but we also knew we were  
20 already doing a lot of those things in our own  
21 way. So in our organizations, we started from  
22 the position of how do we honestly evaluate  
23 what the standards are, take an honest look at  
24 our own system, and how we are already, in our  
25 minds, meeting many of these things and not

1 wreck it, right? Because we had a pretty good  
2 thing going at the time. I just remember that  
3 being our mentality.

4 And so we really spent a lot of time  
5 incorporating the standards into our already  
6 existing system, and that meant changing  
7 language and policy, adding some additional  
8 forms that made us very intentional about some  
9 very PREA-specific things, particularly in  
10 placement, at the outset.

11 But one of the things that we were able  
12 to do is we took -- we already had a robust  
13 training package that focused heavily on  
14 professional boundaries in this line of work,  
15 right? And so as we mentioned in the  
16 testimony, it was a two-tier -- you get  
17 something in the first three months, and then  
18 you get a follow-up that's more intense.

19 And so that -- that training, we  
20 changed some of that curriculum to really  
21 incorporate some PREA-based language, PREA-  
22 based standards, but it didn't fundamentally  
23 change what our message was that existed  
24 already.

25 So I think in some ways, rather than --

1 and it really was philosophically. I just  
2 remember Judy and I sitting and having these  
3 discussions. Rather than PREA becoming a  
4 separate thing -- like we do our work, and then  
5 we have this PREA regulation that we have to  
6 subscribe to. It was really about underlaying  
7 those PREA standards into and incorporating  
8 them, implementing them, incorporating them  
9 into our system as it stood.

10 And so we didn't have to disrupt our  
11 culture of caring. We didn't have to disrupt  
12 or change a lot of the approach, where it was  
13 this thing that staff were -- and our  
14 frontline staff were saying, oh, well, we're  
15 making huge changes to our approach, our  
16 philosophy, these things. It was about  
17 overlaying that and really making people  
18 understand that these are great things, and  
19 it's going to be good across the country, and  
20 here's how it will help us.

21 And so we just overlaid that into  
22 what -- our already existing processes and our  
23 training pieces, where a big chunk of that  
24 professional boundaries probably were most  
25 impacted by that, is my guess. You guys might

1 have more comment on that.

2 DOUG DRETKE: Is training centrally  
3 done by DYS or do you and each responsible --  
4 facility responsible for the training?

5 SCOTT ODUM: Regionally responsible.  
6 And I'll point out -- sorry, it's regional,  
7 and so these guys -- Mike mentioned they have  
8 two trainers in their southwest region. Well,  
9 that exists in the other four regions as well.  
10 There's a team of trainers.

11 In almost every circumstance, those  
12 trainers have done the direct care work. So  
13 again, it's promotion from within. Folks  
14 start as direct care staff. So when  
15 they're teaching, they're very relatable  
16 because they have personal experience, often  
17 vast personal experience of being in these  
18 situations. So it's about the curriculum and  
19 the textbook stuff but also being able to  
20 relate and give anecdotal sort of support  
21 to -- and empathy to what our staff are  
22 experiencing. Small class sizes make a big  
23 difference because those, that dialogue that  
24 relationship builds. You're with your  
25 trainers in those first couple of years a whole

1 lot, and those trainers impacted.

2 WENDY LEACH: That's kind of what I  
3 wanted to ask, the relatability, and when you  
4 were talking about trainers in regions, I think  
5 that's great. Small class size. A lot of  
6 things you said sound wonderful. Professional  
7 boundaries training (inaudible) sometimes  
8 doesn't include all of the things that really  
9 people need to know about working every single  
10 day. This is what the kids might say to you.

11 SCOTT ODUM: Yeah.

12 WENDY LEACH: This is what you do and  
13 don't say back.

14 SCOTT ODUM: Right.

15 WENDY LEACH: This is what the kids  
16 might be doing --

17 SCOTT ODUM: We tackle all of that.

18 WENDY LEACH: Right. So scenario-  
19 based, training but not -- I keep  
20 moving my mic. Sorry about that.

21 I love that you do a three-month and  
22 then another one at 12 months. I wonder how  
23 you feel about a more ongoing level of  
24 professional boundaries training. Because one  
25 of the topics we've talked about -- and I'd

1 also like your perspective on this -- is these  
2 female staff getting involved with male  
3 juveniles. It's a trend that we've seen  
4 across the country.

5 SCOTT ODUM: Yeah.

6 WENDY LEACH: And so professional  
7 boundaries training isn't the solution.  
8 There's a lot more to it than that. It's  
9 interesting what staff can hear and continue  
10 to hear over and over again that might make a  
11 little bit of an impact.

12 And so is professional boundaries  
13 training and especially topics like that,  
14 is it something (inaudible) ongoing thing?  
15 Because you mentioned small snippets of  
16 material when you were discussing talking to  
17 staff and training with staff. Tell me your  
18 thoughts on that.

19 MICHAEL BURCHARD: So professional  
20 boundaries -- and there's a certain amount of  
21 trainings that are a constant refresh. We do  
22 a professional boundaries training. Each  
23 staff is required to do that every year. So  
24 that's a constant training.

25 And then as far as hands-on, some of

1 the other techniques that we do with our  
2 trainers is actually bring the classroom to  
3 the facility, and they practice what they've  
4 learned in the classroom. And then they go  
5 back to the classroom, and they process that.  
6 So they bring the trainings in with the  
7 groups, and the staff and the trainers observe  
8 how they interact with the kids, and they  
9 practice in these skills, and then they go  
10 back and process it again.

11 So a variety of different learning  
12 techniques so that we meet each staff, and  
13 hopefully they absorb the information.

14 WENDY LEACH: I love all of that. I  
15 mean, the struggle that (inaudible) staffing  
16 challenges, but you're able to meet your  
17 ratio. It's getting enough staff assembled to  
18 go to training and to make sure that they're  
19 there for the requisite amount of time. And  
20 all the things that you were just describing,  
21 which are terrific. They take time. You know,  
22 people have to sit there and spend the time to  
23 do it. So is there any -- I think that's the  
24 struggle I've seen people are having is how do  
25 I spend the time and (inaudible) worked my

1 four hours today, you know?

2 MICHAEL BURCHARD: We make it a top  
3 priority, and that's -- to me, training is one  
4 of the huge reasons that's we're so successful.  
5 If I have to go and work a shift to get staff  
6 to training, that's what we're going to do.  
7 It's not a -- well, I hope that they can make  
8 it. It's they're going to make it because  
9 that's a key to our success.

10 And it's just like meeting the minimal  
11 staff requirement. That's not an option.  
12 That is not something we try to do. It's  
13 something that we do do. And from the top  
14 down, if Brian and I have to go work a shift,  
15 that's what we're going to do to meet that  
16 requirement.

17 BRIAN HICKS: Part of the ongoing  
18 training is -- we spoke to earlier -- we do  
19 observation, whether it's me, Mike, or Rodney  
20 Kennedy or the group leaders, even  
21 supervisors, they're constantly pulling those  
22 staff back and saying, hey, we just saw this  
23 situation go here, or you were talking one-on-  
24 one with this kid over to the side. You  
25 probably need to -- and they go through

1 scenarios and review with them how that looks  
2 and how that can potentially be a red flag.  
3 And they're constantly watching these staff,  
4 too. You know, if you constantly have to talk  
5 to so and so about, hey, why are you always  
6 wanting to go off somewhere. You can't do  
7 that. So that's when we have (inaudible).

8 PETER PERRONCELLO: One of the things  
9 we have to do (inaudible) assessment, Wendy,  
10 is make some recommendations in the form of a  
11 report. And trainings been around for 2 years  
12 and we're taking a look at -- I think Wendy hit  
13 this when she talked to Jonathan last time on  
14 the video.

15 The baseline is that there's one thing  
16 that (inaudible) Missouri model could be shared  
17 with other people and why you're so successful  
18 with zero tolerance of the past, you know,  
19 three cycles. The BGA's census study, what  
20 would it be, if you could tell us and we could  
21 sit back and formulate part of what you may  
22 tell us into your report?

23 MICHAEL BURCHARD: Can you ask -- I  
24 didn't understand the question.

25 PETER PERRONCELLO: Well, we're going

1 to end up formulating a report, and  
2 (inaudible). I had the luxury of spending a  
3 day talking to you and your staff and your  
4 kids, and we had a very interesting discussion,  
5 and I was somewhat amazed at what you were able  
6 to accomplish there. Really from my  
7 perspective with very, very little resources.

8 And is there something that's made you  
9 guys so special that we could translate in  
10 something you or to other people and say, hey,  
11 take a  
12 look at it? Maybe it's how we do our boundary  
13 training. Maybe it's the fact that  
14 we're sitting here at that National Forest.  
15 Maybe it's the fact that we don't have any CCTV  
16 cameras. Maybe it's the fact that, you know,  
17 we don't want CCTV cameras. It'll change the  
18 perspective of how our staff treats the kids  
19 and maybe how the kids treat the staff. Is  
20 there one thing that you could point to about  
21 your success that we would take a look at?

22 MICHAEL BURCHARD: Yeah, I think the  
23 biggest thing is that when we moved away from  
24 corrections and we set up a therapeutic  
25 environment, the kids call me by first name.

1 We wear normal clothes. We build  
2 relationships. Our key to success is our  
3 relationship with the kids.

4 We believe that these are good kids  
5 that's made bad decisions, and over time, they  
6 believe that too. And providing the safety  
7 and security, consistency, each and every day  
8 is huge. And the relationships is how we're  
9 successful. No matter how many times that kid  
10 continues to be resistant to change, we're  
11 going to continue to be consistent, be the  
12 same person in that room, and over time when  
13 the barriers drop and they're able to work  
14 through the issues that led them to the  
15 division, that's where we see our success.

16 So I would say if you can take away  
17 anything, it's relationships. It's separating  
18 that correctional mentality and letting our  
19 guard down and go in there and show them that  
20 there's people that care about them.

21 PETER PERRONCELLO: Thank you.

22 MICHAEL BURCHARD: And let them be  
23 kids. Scott talked about earlier, we try to  
24 have them moments, too. Whether it's  
25 taking them fishing. We've got people in the

1 community that provide a lot of resources for  
2 us.

3 Just a month ago, we did a fishing fun  
4 day where we took the entire facility and we  
5 went fishing on a private lake. We had 50  
6 kids out there, and 30 of them had probably  
7 never caught a fish. And they got to  
8 (inaudible) that moment. And we do that  
9 throughout the program through basketball  
10 programs or artwork. You name it, we try to  
11 find what moment that kid missed, and we try  
12 to get that moment. Let them be kids.

13 WENDY LEACH: So you mentioned --  
14 actually, Peter just mentioned you don't have  
15 cameras at your facility. Do you have any  
16 cameras anywhere or none at all?

17 MICHAEL BURCHARD: We do not have any.  
18 Some facilities within the State of Missouri  
19 do. We do not. There's been talks about it,  
20 and there's a lot of positives, and there's a  
21 lot of negatives to -- our big push is we  
22 don't want to become corrections. We've been  
23 very successful without cameras because of our  
24 awareness supervision and our staffing.

25 So we've been pretty successful without

1     them, so we felt like there wasn't a need for  
2     it. I think Scott can talk a little bit more  
3     about it maybe but --

4             SCOTT ODUM: So I'm responsible for  
5     program operation across the state, and we  
6     have some with cameras, and we have some that  
7     don't. What I would tell you is that -- and  
8     I've worked in our system from a youth  
9     specialist now to the director for 30 years.  
10    Where we have cameras, people become very  
11    dependent on that. And if it's -- for me, in  
12    the mod settings, in particular, you know, I  
13    see the value in management being engaged and  
14    not management sitting behind a camera, right,  
15    and becoming dependent.

16            I think that's one of the struggles  
17    probably from Brian's level and up, that ARA  
18    position. Supervising is where you have the  
19    cameras and then you got to really coach  
20    people to not become so dependent on them,  
21    right, because once you have them, they do --  
22    and these guys are engaged, walking around with  
23    the kids, involved, and I think that's the  
24    best way to keep a finger on the pulse of  
25    what's happening in the programs.

1           WENDY LEACH: I actually agree. I  
2 think in-person supervision, being there is  
3 the way to do it. I think that cameras issue  
4 comes up more in investigations.

5           SCOTT ODUM: It does.

6           WENDY LEACH: Any police agency will  
7 tell you that cameras are invaluable to  
8 figuring out who the bad guy is. And in  
9 facilities, cameras can absolve staff of any  
10 false allegation maybe made by a kid or they  
11 can show that actually, yes, something was  
12 done, and we can then prosecute a staff. As a  
13 former prosecutor, I guess that comes up for  
14 me. We can prosecute a staff for sexual abuse  
15 and get them out of, not only your facility but  
16 working with kids ever again.

17           And so that's why I asked you about  
18 cameras. It's not necessarily just about  
19 supervision from my perspective. It's more  
20 about the investigation. So I wonder do your  
21 investigators have any struggles with looking  
22 into things without having any camera footage  
23 to rely on.

24           SCOTT ODUM: I mean, I would say I'm  
25 thankful that we haven't had a lot of

1 investigations under -- during my term as  
2 director, particularly in sites with no  
3 cameras. So I've not run into that situation  
4 where I've had to answer to that, the absence  
5 of cameras.

6 Where we do have them, they are  
7 certainly helpful from the law enforcement  
8 side and from the investigation side. We're  
9 able -- and our HR, perhaps, can maybe talk a  
10 little bit more about that, but we  
11 certainly -- very seldom have I been a part of  
12 anything where the cameras are about the kids.  
13 It's really about observing staff, and  
14 typically that's the way it has gone.

15 But I would say that, you know, at this  
16 time, there's not a plan, necessarily, like at  
17 our Sears campus to do anything with that.  
18 We're comfortable with the management and  
19 supervision and sort of the culture that's  
20 created without it.

21 I think Mike mentioned something very  
22 important. We don't want to move -- we just  
23 don't want to draw the lines between staff and  
24 kids because our system, our model is  
25 dependent upon the relationship that exist

1     there.

2             WENDY LEACH: So you guys haven't had a  
3     lot of PREA allegations that have had to be  
4     investigated, it sounds like.

5             SCOTT ODUM: In our Sears Youth Center,  
6     no.

7             WENDY LEACH: You have not. Okay. Do  
8     you know why maybe your numbers -- those PREA  
9     allegations, did any of them actually turn out  
10    to not be true, do you know why you  
11    would say you really don't have any at all?

12            MICHAEL BURCHARD: Well, I would say it  
13    goes back to the staffing. There's an  
14    accountability piece, and there's always two  
15    to three staff on every shift. Not only do  
16    you have the accountability of the 10 to 12  
17    kids there. They're together because we don't  
18    separate our pods. We have five groups of 10  
19    to 12 kids. They stay together all the time.  
20    We don't allow one staff to take two, three  
21    kids to a doctor's appointment, to anything  
22    that's -- there's double coverage, no matter  
23    what.

24            So when you have that, you have the  
25    accountability that of that other staff. We

1 have the night supervisors. I require all  
2 supervision, all supervisors in the facility  
3 to do random checks. We do unannounced  
4 program visits. I'll pop in at 3 o'clock in  
5 the morning or I may pop in at 8 o'clock at  
6 night. It's that consistent follow-up, and  
7 I've got five unit leaders that do the same  
8 that are night supervisors, the assistant  
9 manager, and also the assistant regional  
10 administrator, he also comes and does that.

11 So I think to stay constant --  
12 awareness and supervision, and that constant  
13 staffing plan that, no matter what, you know,  
14 we keep that in place.

15 WENDY LEACH: In your system or your  
16 facility at Sears, you guys use like a -- what  
17 I call a positive peer culture model so kids  
18 are responsible to hold kids accountable in a  
19 way. And that might be through some physical  
20 means, but it's also through group discussion  
21 and everything else that the kids are meant --  
22 I don't want to put words in your mouth -- to  
23 work things out amongst themselves, to figure  
24 it out. Is that fair to say?

25 MICHAEL BURCHARD: Yes. Yeah, our --

1 go ahead.

2 SCOTT ODUM: I would just say, too,  
3 that it's staff-led, staff-guided, right? So  
4 our staff are involved. The kids aren't just  
5 working it out amongst themselves. It's  
6 guided by the staff so that we can observe  
7 and --

8 WENDY LEACH: Yeah, because I -- I  
9 wondered if that model -- and I have no idea  
10 whether it's true or not -- but I wonder if  
11 that model has anything to do with -- kids are  
12 reluctant to report something like a PREA  
13 allegation among that group, that they're  
14 meant to sort of figure it out amongst  
15 themselves. And so would they be reluctant  
16 because of that model in any way?

17 MICHAEL BURCHARD: I don't think so  
18 because --

19 WENDY LEACH: To sort it out -- because  
20 you do have no allegations, which is very  
21 unusual. And so I'm just wondering your  
22 thoughts on that.

23 MICHAEL BURCHARD: We've set up a lot  
24 of different ways for them to deal with it  
25 privately, you know, disclose anything that's

1 happened. We've got a PREA box stationed  
2 in a general area that the kids walk by every  
3 day. The assistant manager, myself, and Brian  
4 are the only three that have a key to that.  
5 At any point, they're allowed to fill out a  
6 document and place that in the lockbox.

7           Within the first 24 hours, we go over  
8 the safety first packet and talk to them about  
9 different ways to report incidents. We have a  
10 separate phone in the night supervisor's  
11 offices where a student can go in and make  
12 that -- or make that report. And then we also  
13 have a grievance process that they can ask at  
14 any point with the youth specialist working.  
15 And they can give that to the night  
16 supervisor. Any -- anything that is reported,  
17 something little -- most of the time if we  
18 have anything, a grievance, it's something  
19 pretty little (inaudible) always sit down with  
20 that youth and encourage them that, hey, you  
21 know, is there anything else going on, just  
22 having that conversation with them.

23           But also what Brian talked about is  
24 that every kid that leaves that facility has a  
25 private interview with myself and assistant

1 manager, and it's questions like did you feel  
2 safe while you was here. Was staff  
3 professional with you? If you could make any  
4 changes to the facility, what would they be?

5 So we're constantly trying to pull  
6 information to improve our environment, and we  
7 do that through talking with the kids.

8 WENDY LEACH: Do you feel like with  
9 those reporting methods, a kid wouldn't feel  
10 that they're being outside the model? Maybe  
11 (inaudible).

12 MICHAEL BURCHARD: I don't think so  
13 just because it's a constant conversation.  
14 Our night supervisors have five meetings a  
15 week with just the students, the youth. So  
16 you're going to see a setting where it's the  
17 night supervisor and ten kids sitting in a  
18 room. The youth specialists step out, and  
19 that's another (inaudible) the night  
20 supervisor's talking about safety and  
21 security, talking about different issues and  
22 giving them an opportunity to even report  
23 during them situations.

24 WENDY LEACH: So if a kid can never be  
25 alone, how can they make a private report to a

1 staff?

2 MICHAEL BURCHARD: We have -- each kid  
3 has (inaudible) where they have private  
4 sessions. They are within the room, but if  
5 you've got a dorm like this and the group's  
6 here, then the student and the personal  
7 advocate may be from here to the gentleman  
8 over there, and they can have a private  
9 conversation. So there's still eyes-on  
10 supervision there, but they have an  
11 opportunity to talk to that advocate.

12 WENDY LEACH: I think (inaudible) and  
13 I'm not -- there's not criticism of it. I'm  
14 really just kind of talking it through because  
15 I think that there can be some barriers that  
16 maybe can be unintended, where a kid says,  
17 well, I'm not supposed to work this out with a  
18 staff person, so I'll go to my group first.  
19 And so just thinking about (inaudible) I love  
20 that. So it's just keeping that top of mind,  
21 the way kids perceive instruction is different  
22 from the way we do. So I just want to make  
23 sure kids feel very free to report, regardless  
24 of the model that they're living in.

25 SCOTT ODUM: (Inaudible) in our --

1 really at every one of our sites, though each  
2 is unique physical plant, but at Sears, other  
3 places, our kids are living in the dorm-style,  
4 open-room setting. So there aren't separate  
5 rooms for kids to go to. They stay together  
6 as a group in these open dorm-style settings.

7 So what Mike's describing, each kid as  
8 they come in, we choose to assign a personal  
9 advocate. So that's a youth specialist that's  
10 on the team that's responsible for their  
11 treatment trajectory, like going over their  
12 individual treatment plan with them, ensuring  
13 that they're meeting their goals, tracking  
14 progress, communicating with the families, and  
15 that advocate meets independently with that  
16 kid but it's within the dorm setting. Other  
17 kids would be in that same room. The other  
18 staff is in that same room. They're just set  
19 off to the side, visible, and within earshot.

20 DOUG DRETKE: I'd love you to talk a  
21 little more about -- I think this ties in  
22 about the cameras (inaudible) awareness  
23 supervision a number of times. So what is the  
24 training that you provide to your supervisors,  
25 your leadership training and how intensive is

1 that, what does that look like to make them  
2 effective in a pretty quick (inaudible)?

3 BRIAN HICKS: The best thing that we do  
4 is, like I said earlier, about the  
5 professional boundaries. That youth  
6 specialist, the first day or two, they do  
7 paperwork. And within a few days, they're  
8 working a shift. With a senior staff and  
9 with that night supervisor, and they're  
10 talking to them about, hey -- they're talking  
11 to them about, you know, here's the group.  
12 This is where you need to stand. This is  
13 where the doors are at. This is where you  
14 need to be at when they're moving.

15 I know our staff (inaudible) and they  
16 talked about rarely do you see one of them  
17 sitting. They're usually standing up.  
18 They're almost mirroring the kids. You know,  
19 they're walking around. They're always  
20 positioned well. So at Sears there are very  
21 few -- and I can't really think of any  
22 offhand -- blind spots. But you're always  
23 moving so that if the group does go to like a  
24 corner of a room, you're there with them. So  
25 there's no loss of sight, and we're constantly

1 talking about that.

2 DOUG DRETKE: (Inaudible).

3 MICHAEL BURCHARD: So as far as once  
4 you make that transition, just to piggyback --  
5 just to follow a little bit on the  
6 question you asked before. The biggest that  
7 we do is, not only we they have the training,  
8 but we're given an opportunity to practice  
9 what they have learned in the classroom. So  
10 throughout the child care package, we're  
11 constantly in that cottage in the dorm, working  
12 with these kids, and not only did we keep each  
13 kid in a certain pod, but we also have staff to  
14 better designated to that group.

15 So it's the same nine youth specialists  
16 working together on that team. They meet  
17 every Wednesday for a team meeting, where they  
18 can talk about different things. They can  
19 learn together. If there is an incident where  
20 maybe there's some mistakes made, they can  
21 have that meeting and talk about ways to  
22 improve and somebody from leadership comes to  
23 that meeting every week and talks about  
24 different techniques and different ways to  
25 coach the situation moving forward.

1           As far as the supervisor training, we  
2 do have extensive training beyond the  
3 childcare package, leadership -- situational  
4 leadership training that they go to, to help  
5 educate, as far as your supervisor role. But  
6 also, it comes from the top down as far as  
7 that's where Brian, Rodney, and I meet with  
8 them. We have a meeting every week with the  
9 supervisor team. And we talk about, you know,  
10 different strategies, different plans for the  
11 year and how are we going to be effective.  
12 What areas do we want to improve on? And I  
13 think the biggest factor is just  
14 communication. You could teach the knowledge  
15 in the classroom, but you've got to practice  
16 it.

17           And that's what we are really trying to  
18 focus on is how can we implement what you've  
19 learned in the classroom. But not implement  
20 it, observe it. And that's where Rodney and  
21 I, we're observing team meetings. We're  
22 observing group meetings. We're observing how  
23 they interact with -- with the youth. And  
24 we're having that constant feedback. That  
25 coaching.

1           But we also want the feedback from the  
2 bottom up. So we want our staff to feel  
3 confident and comfortable with us. Just like  
4 relationships are key with our students,  
5 they're key with our staff. So we're  
6 constantly having conversations and making  
7 sure that staff is comfortable talking to us.

8           PETER PERRONCELLO: One of the things  
9 we're also looking at -- we've asked this  
10 question several times of the folks that come  
11 up here. Do you folks or do you use at Sears  
12 a specified intake assessment tool to sort of  
13 classify and determine which housing unit you  
14 assign the kids to?

15           SCOTT ODUM: Yeah, so our model's a  
16 little bit different. I think there's  
17 variation across the nation about how this is  
18 done state to state, right? So we have a  
19 centralized or regional case management unit.  
20 Those case managers aren't part of the  
21 facility community. They're a separate  
22 community.

23           So when a young person is committed to  
24 our care, (inaudible) case managers somebody  
25 is assigned. A classification or an intake,

1 interview assessment is performed at the time  
2 of commitment. So the young person still  
3 sitting in a county-level detention. We're  
4 engaging with the family, with the young  
5 person. That -- that assessment is performed.

6 The PVIR form, so -- so that  
7 was -- that was a form that we developed in  
8 response to PREA and the standard, and that's  
9 at the site level. So we do our centralized  
10 intake on the young person, make decisions  
11 about the level of care that's needed. Decide  
12 that being a primary variable, which level of  
13 care. That intake is then forwarded to a  
14 specific program.

15 So within that program, decisions are  
16 made of the placement. And sort of the  
17 vulnerability level of the kid, which group  
18 dynamics is most appropriate to manage. If  
19 there is specific vulnerabilities or inherent  
20 vulnerabilities in the young person, then the  
21 team of management, along with the case  
22 managers, maybe the family's involved,  
23 depending on the circumstances, would be  
24 helping them make decisions using that  
25 screening that's done at the facility level or

1 in conjunction with the case managers.

2 PETER PERRONCELLO: So kind of what I'm  
3 hearing and understanding (inaudible)  
4 somewhere in the central regional office when  
5 someone either gets arrested or detained,  
6 (inaudible) or maybe Jackson County or  
7 whatever. They're in the system somewhere and  
8 their accessed by somebody at a regional office  
9 and then a decision is made and based on that,  
10 and I'm going to use the term initial  
11 assessment whether they're sort of at the  
12 classification level for being assigned  
13 to Sears or going to St. Louis or Columbia  
14 or wherever the hell they may go.

15 SCOTT ODUM: Yeah. So -- again,  
16 we're broken into five regions, so that's done  
17 at the regional level, right.

18 PETER PERRONCELLO: Okay.

19 SCOTT ODUM: An intake would get a  
20 commitment to youth services. We perform that  
21 intake. They go to the site. Additional  
22 screenings are done at the site to make  
23 determinations about where they best --

24 WENDY LEACH: The PREA risk screening I  
25 think you that you mentioned second in that

1 chain of things that happen at the facility,  
2 is that something that you came up with  
3 yourself or it's something that you got from  
4 another jurisdiction or --

5 SCOTT ODUM: No, so, Judy, this place  
6 where you might help with the history on that.  
7 But as I recall this was a new form that we  
8 created based on the standards -- (inaudible)  
9 assessment (inaudible).

10 DOUG DRETKE: The risk of (inaudible)  
11 limitation, perpetration, screening.

12 SCOTT ODUM: I think it's PVIR form.  
13 Judy, do you have that?

14 WENDY LEACH: Can you hear us, Judy?

15 SCOTT ODUM: She might be adjusting the  
16 mute.

17 WENDY LEACH: Judy, can you hear us?

18 DOUG DRETKE: Give her a second.

19 JUDY PARRETT: Okay. Can you hear me  
20 now?

21 SCOTT ODUM: Yeah, okay.

22 DOUG DRETKE: Judy, we weren't aware  
23 you were going to be with us. And I need to  
24 administer the oath before you speak. And then  
25 if you could fully identify yourself. So if

1 you would first, please raise your right hand.  
2 Do you swear or affirm to tell the truth, the  
3 whole truth to the best of your ability?

4 JUDY PARRETT: I do.

5 DOUG DRETKE: Thank you for that. So  
6 if you would, please, again, state your name  
7 and title just for the record.

8 JUDY PARRETT: My name is Judy Parrett,  
9 and I'm a project consultant, and I was the  
10 former PREA coordinator.

11 DOUG DRETKE: Thank you.

12 WENDY LEACH: And Judy, if you can  
13 speak up just as much as possible so we can  
14 hear you. Even if it feels like you're  
15 shouting. It's completely fine.

16 A question that asked was about the  
17 history of the PREA risk screening that you  
18 guys currently use and if it was something  
19 that was created by Missouri or if it was  
20 taken from another jurisdiction. Do you have  
21 any feedback on that?

22 JUDY PARRETT: Well, the -- we already  
23 had a comprehensive assessment package that --  
24 what Scott talked about that our case managers  
25 utilize that helps us to determine what level

1 of facility that a youth may be recommended  
2 for.

3 So what we did was we -- we had a work  
4 group that wanted to be able to have -- allow  
5 the managers the ability to look at everything  
6 that we already had. We already had a risk  
7 assessment, a needs assessment as part of that  
8 comprehensive need -- a comprehensive  
9 assessment that's done at the case management  
10 level.

11 So the -- PVIR, which is the PREA  
12 Vulnerability Assessment review form. So it's  
13 really more of a review form to look at the  
14 needs assessment, the risk assessment.  
15 There's a facility health assessment that's  
16 done on the first day of arrival. So that's  
17 looked at. There's an interview with the kid.  
18 And all of that is documented on that PVIR  
19 form.

20 SCOTT ODUM: So -- so it really is a  
21 place where -- what we tried to do was take  
22 all of these fragments that were scattered and  
23 narrow them into a consolidated document so  
24 that it was an easy look at the facility level  
25 so that they could best make the determination

1 where this young person would fit within the  
2 scope of their group dynamics to keep them  
3 most safe.

4 And so the facilities that they needed  
5 to could push back and say we don't have the  
6 dynamics here right now. They can -- is there  
7 another location that we need to think about.  
8 Or they're able to look at that consolidated,  
9 sort of, vulnerability information that's  
10 scattered throughout an intake packet in a  
11 more narrow form. So that we can very  
12 intentionally consider that.

13 WENDY LEACH: So is it part of that or  
14 all of the PREA at risk screening questions  
15 that are in 341 -- ?

16 SCOTT ODUM: Yeah.

17 WENDY LEACH: -- the eleven questions.  
18 Great.

19 (Multiple voices speaking at once)

20 JUDY PARRETT: Sorry.

21 WENDY LEACH: Go ahead, please. Judy.

22 JUDY PARRETT: Yeah, it's a PREA -- I'm  
23 sorry. It's a PREA vulnerability assessment  
24 review. IR, I'm sorry. PREA Vulnerability --

25 SCOTT ODUM: Intake Review, maybe.

1           JUDY PARRETT: -- Intake Review, yes.  
2       Yeah, I apologize I don't have that in front  
3       of me. But the exact name of it. But -- one  
4       of the things I wanted to say about it though,  
5       is that, like, Mike would receive that  
6       comprehensive assessment package which  
7       includes, you know, the juvenile court  
8       history, the commitment orders, and all the  
9       assessments that were done by the case  
10      manager.

11           And so ideally, he's responsible for  
12      starting that PVIR review prior to the kid  
13      even coming to the facility, which is what  
14      Scott talked about. That gives Mike the  
15      ability to say, hey, we're not able to work  
16      with this kid. Can we look at a different  
17      facility? But it also allows, then, Mike and  
18      his team to take a day or two to decide what  
19      group that youth will go into. And allow that  
20      night manager and the assistant manager time  
21      to look at and prepare for that youth's  
22      arrival.

23           WENDY LEACH: Thank you so much, Judy.

24           JUDY PARRETT: Yeah. And if I could --  
25      not to go back. But in -- just in talking

1 about professional boundaries and the -- the  
2 youth's comfortableness at reporting, and Mike  
3 can speak to this, as well, I think too. One  
4 of the things that we do with our -- our staff  
5 are not allowed, by policy, to work unless we  
6 have at least one experienced staff. So if  
7 it's double coverage, one of those staff has  
8 to be an experienced staff. And so a staff  
9 can't work -- we have zero-to-three-month  
10 training, so they cannot work -- we can't put  
11 two new -- two new staff together. I think  
12 that helps.

13 And then, one of the openness,  
14 especially at Sears Youth Center, is the  
15 extensive family involvement that they have  
16 and they kind of created this culture of  
17 openness. And I think that's what helps to  
18 make kids comfortable in reporting. Also our  
19 case managers are assigned from commitment to  
20 discharge. And so they're constantly at the  
21 facility visiting, also. We -- they have  
22 pretty open family visit policies and things  
23 like that that creates that culture. Thank  
24 you.

25 MICHAEL BURCHARD: Well just a follow

1 up. You talked about different ways that they  
2 can report. Judy brought up a good point.  
3 Our service coordinator, the case worker, that  
4 is a part of the process before they come to  
5 the facility. They're also part of the  
6 process while they're in the facility. And  
7 they come once a month and meet with the  
8 youth. That's another opportunity for the  
9 kids to build a rapport because they already  
10 have a rapport with that service coordinator  
11 because they done the intake. They met with  
12 the family. They have a relationship. They  
13 not only meet with that youth every month, but  
14 they meet with the parents or the legal  
15 guardians. So there's just another  
16 opportunity, another avenue for them to feel  
17 comfortable reporting something.

18 DOUG DRETKE: Thanks to Judy and Mike  
19 for bringing that up because looking at some  
20 of our notes with some of the things you  
21 turn -- turned in was focusing on building  
22 this positive, professional relationship with  
23 the family. And so I'd like to -- to learn a  
24 little bit more about that.

25 I think one of your advantages is that

1 you assign kids -- you try to assign kids  
2 geographically to a program. Is that correct,  
3 to allow for family relationships? I'd love  
4 to hear some of your comments about what you  
5 do with family and how you allow them to be a  
6 part of --

7 SCOTT ODUM: Yeah.

8 MICHAEL BURCHARD: Obviously, COVID  
9 changed things quite a bit. So prior to  
10 COVID, things were a lot different. And we're  
11 starting to get back to normal. But one of  
12 the ways that we place youth, as close as  
13 proximity to home. Because it's key that that  
14 relationship, not only continues, but it  
15 improves. It's key for the kids to be  
16 successful when they get back to the  
17 community.

18 So different things that we do is the  
19 youth advocate that we talked about earlier,  
20 will call the legal guardian every week. And  
21 go over the progress of the youth. We allow  
22 visits throughout the youth's stay. Prior to  
23 COVID, we would do family fun days. We have  
24 family specialists that will provide, not only  
25 individual sessions with the youth, but

1 they'll bring the family in and build on  
2 different struggles that they have within the  
3 home and try to improve that. So that way  
4 some of them barriers are not barriers when  
5 the kids go back home. I don't know, maybe,  
6 you two can speak a little bit more to that.  
7 But.

8 SCOTT ODUM: Well, I would just add,  
9 like, so -- broader context not specific to  
10 SEARS but just overarchingly. Our case  
11 management philosophy, and that was done, I  
12 want to say, in the early '90s, really to  
13 decentralize, that to get out the facility's  
14 specific locations and make that case manager.  
15 We want a healthy tension between case  
16 management and the facility community, right?

17 Like so, when we are evaluating young  
18 people's progress, we want that case manager  
19 as an advocate for the youth and the family,  
20 relative to the facility personnel. So  
21 there's often meetings that would incorporate  
22 both. And each has their own perspective on,  
23 sort of, progress -- what's going on. That  
24 healthy tension creates transparency,  
25 opportunities, somebody sitting outside the

1 facility life to advocate for the young person  
2 that's still within the organization, but it  
3 is not integrated in that same way. And I  
4 think that healthy tension often produces good  
5 results.

6 And so we decided on a case management  
7 philosophy back in the '90s that was same case  
8 worker from commitment, so while young persons  
9 under supervision from the local judicial  
10 court, on probation, when they get committed  
11 to state custody following that local -- which  
12 we are not responsible for, I don't have  
13 anything to do that local probation area,  
14 right.

15 So once they're committed to youth  
16 services, we assign a case manager -- or what  
17 we call service coordinator, and in theory  
18 that case manager stays with the young person  
19 through the residential stay, out on to  
20 aftercare. So we are responsible for  
21 aftercare. So beyond facility, the release to  
22 community, the oversight for months in the  
23 community -- that transition and sort of the  
24 work in the community, that case manager is  
25 with that family and that youth from commit to

1 discharge.

2           And that's a very important element for  
3 the detention with the facility, right. Like  
4 when we're deciding release determinations.  
5 We don't have, thankfully, a ton of  
6 determinate sentences. We have indeterminate  
7 sentences. So we make decisions about release  
8 for young people. And the courts have  
9 entrusted us for that. We -- we report to the  
10 court, but we have the authority to make  
11 decisions about release to the community.

12           So when we're making weighty decisions  
13 like that, family, case manager, facility, all  
14 convene to arrive at what's -- in the best  
15 interest of the young person. And where they  
16 are at on their trajectory. So that --  
17 that's, sort of, the broad overlay and the  
18 value we see in that commit to discharge with  
19 the case manager. And then that being, sort  
20 of, integrated into that facility.

21           WENDY LEACH: This is a different  
22 question. And it's actually to Jennifer. I  
23 thought I heard in the beginning of our  
24 conversation, that you're the HR manager for  
25 the agency. Is that correct?

1                   JENNIFER HANES: Correct, for the  
2 division.

3                   WENDY LEACH: And also the PREA  
4 coordinator?

5                   JENNIFER HANES: Correct, that's part  
6 of the role. Um-hum.

7                   WENDY LEACH: Okay. So how -- do you  
8 find it difficult to have both of those big  
9 responsibilities because they're both really  
10 big responsibilities.

11                  JENNIFER HANES: They are and that's  
12 why we have the -- the luxury of having Judy  
13 help us out then with the PREA piece. She's  
14 like --

15                  WENDY LEACH: Yeah.

16                  JENNIFER HANES: -- Scott said, our  
17 subject matter expert. So I rely heavily on  
18 her to help me with those pieces. She's been  
19 training me throughout with my role.

20                  WENDY LEACH: So she's going to be with  
21 you for a little while and then you're going  
22 to be on your own?

23                  JENNIFER HANES: Well -- we'll keep her  
24 as long as we can.

25                  MALE VOICE: (inaudible)

1           JENNIFER HANES:  Yep, we'll keep her as  
2 long as we can.

3           WENDY LEACH:  Yeah, and so because the  
4 PREA coordinator role is a big role.  I mean,  
5 obviously, it's a big responsibility.  But I  
6 know HR managers and I know how busy they are  
7 and I'm wondering how -- have you -- work your  
8 time.  Do you do 20 percent PREA, 80 percent  
9 HR?  Is that -- whatever time you allocate,  
10 and you can let me know what that is.  Is it  
11 enough because it seems it's a really big --  
12 if you don't mind?

13          JENNIFER HANES:  Yeah, it is.  They're  
14 both big roles.  But -- that I undertake.  And  
15 that's why I do have Judy.  She works with us.  
16 She gives 20 hours a week to us and probably  
17 over half of that is with us dealing with --  
18 with PREA.  Just keeping up with, you know,  
19 with the maintenance with the training and  
20 making sure that we stay on task.  And we're  
21 ready to do our auditing and (inaudible) to.  
22 So, yeah, so they're both big roles.  I don't  
23 that I would say I spend 80 -- you know,  
24 80/20.  It's probably -- more like, I probably  
25 do 90 percent HR and 10 percent, PREA at this

1 point. With Judy doing (inaudible) on that.

2 WENDY LEACH: So when Judy's --

3 SCOTT ODUM: So we have another FTE  
4 that's also responsible. So we -- so we've  
5 taken on the responsibility of our own  
6 program. So just 21 residential centers  
7 across the state. All right. We have a  
8 centralized PREA coordinator, who is Jennifer.  
9 Beneath her, we have Judy, who served in that  
10 role and subject matter expert for years. We  
11 also have another employee Amy Sacs, who is  
12 responsible for our courts because aside from  
13 certifying compliance for our sites, we also  
14 certify for the local judicial circuits, their  
15 detention centers.

16 We work with them, provide them the  
17 instruction oversight and compliance, sort of,  
18 review prior to the audit. So we're working  
19 very closely with those juvenile courts, and I  
20 think there's eleven detention centers. I  
21 might have that number wrong. But I think  
22 there's eleven around the state. And so we  
23 have another full time equivalent that a  
24 portion of their duties is working  
25 specifically with those juvenile courts and

1 assisting us with our training needs and  
2 getting folks out.

3 Beyond that, we have managers at each  
4 site who are designated as the PREA site  
5 coordinators. So we have centralized with  
6 Judy, we have two people out of our central  
7 office in -- Amy Sacs and Judy Parrett, and  
8 then each of our managers at the 21 sites are  
9 responsible for the upkeep there locally, at  
10 the residence.

11 WENDY LEACH: Yeah, it's just an area  
12 that's created that a lot of people don't talk  
13 about in audits. They see the -- (inaudible)  
14 do you have enough time to do your  
15 responsibilities. I think it's 3:11 --

16 SCOTT ODUM: Yeah.

17 WENDY LEACH: -- and everybody's says,  
18 yes. And the auditor moves on. Do you ever  
19 have an auditor say, you have -- you don't have  
20 enough -- a person with enough time, not  
21 saying you don't, I'm just wondering. Because  
22 when you are splitting duties like this, if  
23 your other FT, I can't remember her name,  
24 (inaudible) started with an S.

25 SCOTT ODUM: Amy --

1           WENDY LEACH: Courts, at the courts.  
2           And you have a part time person who is not  
3           going to be here forever.

4           SCOTT ODUM: Correct.

5           WENDY LEACH: And -- is there a long-  
6           term plan to have one PREA Coordinator who has  
7           the responsibility of the entire state and  
8           --

9           SCOTT ODUM: It's interesting at the  
10          time that PREA was implemented, we did not  
11          have a -- would say a landscape of that  
12          allowed additional FTE at the time. So that  
13          would be something we'd have to consider as  
14          our, you know, we do have indicators that are  
15          resources. We're not going to be able to be  
16          sustained as they are -- or as people's time  
17          was not -- wasn't available to manage the  
18          process. And certainly we would like at  
19          another FTE and, frankly, right now because of  
20          the pandemic and as everybody has identified  
21          the staff shortages, it wouldn't be hard to  
22          convert -- a vacate --

23          WENDY LEACH: Sure.

24          SCOTT ODUM: -- FTE right now to be  
25          dedicated to that resource.

1 WENDY LEACH: Yeah.

2 SCOTT ODUM: So -- that's something we  
3 would look at.

4 DOUG DRETKE: Kind of, related to --  
5 the PREA coordinator and so forth. You were  
6 mentioning a PREA audit coming up, that's on  
7 the three year -- every three-year audit. How  
8 often, Michael, do you get inspected -- go  
9 through -- we've had a lot of conversation  
10 about mock PREA audits that we believe can be  
11 absolutely beneficial. And -- and since more  
12 than that every three-year window. Some --  
13 what are your systems processes at your  
14 facility to ensure you, that you're fully  
15 compliant.

16 MICHAEL BURCHARD: Right. You know,  
17 it's not just on me. Robin Kennedy, our  
18 assistant manager also has a lot to do with  
19 PREA. And then I have two clerical that are  
20 also involved in that process. Judy does a  
21 great job of staying involved and engaged with  
22 us.

23 Anytime new information comes out, any  
24 new standards that we have to meet, we're on a  
25 conference call together. We go through the

1 files. Typically, about once a year, give or  
2 take, Judy and I, Brian, everybody on that  
3 team will break through and go through that  
4 entire file to make sure that we're -- we're  
5 up to date on all standards. PREA is  
6 something that's not just every three years,  
7 it's a constant. You know, constant  
8 information, constant review.

9 Any time a youth comes in, we've  
10 mentioned the PVIR, the safety first. It's a  
11 topic throughout our program. So -- so I  
12 think that's how we stay sharp with meeting  
13 our standards. I don't know, Brian, if you  
14 want to do a little more on that. But --

15 BRIAN HICKS: Well, I have to do my  
16 observation. And, you know, I'm checking what  
17 we call PREA box, which is where they can  
18 leave grievances. But we also have boards --  
19 billboards across the facility that has  
20 information. And I'm always checking those  
21 boards, making sure they're up to date. And I  
22 do periodic checks to (inaudible) on --

23 WENDY LEACH: Seems like practice  
24 audit, though. Like an audit that you  
25 mentioned going through files and making sure

1 you have everything. But as you know, and I  
2 know, in facilities we don't -- we don't  
3 always know if people are doing something  
4 unless we really put our eyes on it. So  
5 inspecting while you expect is what everybody  
6 would like to say. And be that --

7 MICHAEL BURCHARD: Yeah the follow up  
8 is, that's when we talked earlier about  
9 unannounced program visits. All that is  
10 related to PREA. And we fill out them  
11 unannounced program visits, each time that  
12 I'm on campus outside of my normal hours, each  
13 time any supervisor is on that campus outside  
14 of their normal hours, we have a form that's  
15 an unannounced program visit. And we -- it's  
16 a checkbox, but there's also a  
17 brief summary of how that team -- how each  
18 staff met PREA standards while we were on that  
19 unannounced program visit. We also had people  
20 that come outside of the facility and do that  
21 as well. And we require at least one per  
22 supervisor per quarter.

23 WENDY LEACH: So related to that --

24 MICHAEL BURCHARD: All three shifts.  
25 I'm sorry.

1           WENDY LEACH: Okay. No, sorry to  
2 interrupt. Unrelated to that we've asked  
3 everybody about oversight. We've asked  
4 everyone a little bit about, what kind of  
5 oversight do you have? How much is enough?  
6 How much too much? What frequency? Who needs  
7 to do it? What does it need to relay? What  
8 kind of feedback does there need to be? I'm  
9 interested in your thoughts on that. On --  
10 generally, on oversight in the facilities.  
11 You can talk about what you currently do or  
12 maybe what you would like to be doing?

13           MICHAEL BURCHARD: Yeah, like I  
14 mentioned -- our minimum standards -- each  
15 supervisor does an unannounced program does it  
16 on each shift. We have an 8 to 4, 4 to 12,  
17 and 12 to 8 a.m. shift. That's a minimum  
18 standard but that's not where we're at. We  
19 try to keep that standard high and go above  
20 that minimum standard. So there's really not  
21 a number. I don't think that you can pop in  
22 enough.

23           So our supervisor team, seven people,  
24 so you've got seven people constantly popping  
25 in at different times on all three shifts

1 including Brian, the other assistant regional  
2 administrator. Constantly keeping that system  
3 honest by just being present. Being present  
4 and having follow up. And I don't think you  
5 can do that too much. Because there's no way  
6 of knowing that our staff are meeting them  
7 standards unless we lay eyes on it. And  
8 that's what -- that's what we do. We lay eyes  
9 on them. We see it ourselves. So.

10 WENDY LEACH: Do you have any other  
11 external oversight bodies or anyone else who,  
12 sort of, keeps an eye on things from a -- an  
13 ombudsman or an SOP or anyone else that does  
14 any oversight work?

15 SCOTT ODUM: No. So -- so we have an  
16 advisory board that's central to DYS. And  
17 each -- so the advisory board members come  
18 from the regions that, you know, they're  
19 divided out by region. And I believe it's a  
20 five-year standard, so they compile and create  
21 it. It's not PREA direct, but a review of our  
22 programs.

23 So on a five-year rotation, those  
24 advisory board members are in and out of our  
25 programs in a way that they are evaluating

1 from their perspective and submitting a  
2 report. That report is provided to the  
3 legislature.

4 Judy, are you aware of any -- any  
5 additional, sort of, oversight that would,  
6 sort of, meet that criteria?

7 JUDY PARRETT: No, not that I'm aware  
8 of, Scott. Thank you. I know that in --  
9 in -- helping to monitor PREA, we have  
10 identified people in each of our regions in  
11 addition to the managers and assistant  
12 managers. And in the Southeast, we have two  
13 ARAs. Brian is one. And we have a second one  
14 and they are also knowledgeable in PREA and so  
15 they are constantly checking our PREA  
16 documents and things like that.

17 So when I was in Jennifer's position,  
18 it was a lot to do both jobs. But I was able  
19 to train up and have at least two people in  
20 the region in addition to the compliance  
21 managers that were also doing monitoring and  
22 could help train new managers. And the PREA -  
23 - the PVIR, I wanted to give you the actual --  
24 what the acronym stood for.

25 WENDY LEACH: I already got it but go

1 ahead.

2 JUDY PARRETT: PREA Vulnerability  
3 Information Review form. I apologize --

4 WENDY LEACH: Thank you.

5 JUDY PARRETT: -- for not knowing that.

6 WENDY LEACH: The mystery is solved.

7 JUDY PARRETT: Yes.

8 WENDY LEACH: Thanks, Judy. So in  
9 terms of -- oh, sorry.

10 DOUG DRETKE: Go ahead.

11 WENDY LEACH: Just following up with  
12 that. So there's no internal quality  
13 assurance department in your agency? There's  
14 no external quality assurance or --

15 SCOTT ODUM: No, the internal piece is  
16 our deputy director. So I have a team of  
17 three deputy directors that are --

18 WENDY LEACH: Okay.

19 SCOTT ODUM: -- responsible for  
20 regional oversight, and they're doing program  
21 reviews on a regular basis. So --

22 WENDY LEACH: Are there teams that help  
23 them, or they just go in on their own?

24 SCOTT ODUM: They do it individually or  
25 with one another. So it's not uncommon for us

1 to have a deputy director from another region  
2 support the existing deputy director going in  
3 to look at their program. Or if they're  
4 struggling, for sure, you know, might be a  
5 prescribed thing or it might just be on a  
6 cadent of regularity.

7 WENDY LEACH: Got it.

8 SCOTT ODUM: So, Mike, had another  
9 comment to make about just external, sort of,  
10 obligations that we have or, you know, again  
11 tension that we -- we, of course, have a  
12 bifurcated system so the courts operate that  
13 front end and the probation, and the judiciary  
14 sends us the kids. And so you want to talk --

15 MICHAEL BURCHARD: Yeah, you know, just  
16 like when these two gentlemen come and visit  
17 our facility, we keep a very open system. We  
18 have a lot of tours, where our juvenile  
19 officers or judges in our circuits that we  
20 serve, will come, and tour the facility.  
21 They'll meet with the kids that are in their  
22 circuit. So that's just another -- another  
23 way to ensure that -- that we have an honest  
24 system.

25 Anytime, I would say, in the past two

1 months, we've probably had seven, eight tours  
2 through different circuits where they'll come  
3 in. And we actually have the kids run them  
4 programs. So if you come into our facility,  
5 the kids are actually going to be the ones  
6 that's going to go through and talk about the  
7 program, talk about the benefits, the  
8 different resources, how they work through  
9 their treatment program. And that way you get  
10 it from their perspective. And you're not  
11 just getting us coming in and talking about  
12 the program. You're actually getting it from  
13 the ones that are receiving it.

14 WENDY LEACH: Good practice for them,  
15 for tour guide.

16 MICHAEL BURCHARD: Yeah, yeah.

17 DOUG DRETKE: That's a great practice.  
18 I love that. Judy, this is probably best  
19 question for you since Jennifer, you are --  
20 recently inheriting this. But if we heard  
21 from PREA, one of -- from the first state this  
22 morning, the PREA coordinator. She has gone  
23 through and become a DOJ certified PREA  
24 auditor. Are you a -- Judy, are you -- have  
25 you gone through that training?

1 SCOTT ODUM: She should be.

2 JUDY PARRETT: Yeah -- I have not. Amy  
3 Sacs, that Scott mentioned, she actually -- I  
4 was approaching retirement and didn't have the  
5 luxury of -- of going down that road. But,  
6 Amy Sacs, who oversees our detention centers,  
7 she actually does have that certification.

8 DOUG DRETKE: Okay.

9 JUDY PARRETT: Now, our --  
10 department -- yeah. And so we -- we've looked  
11 at doing circular audits and some of those  
12 type things but decided that was not good for  
13 us. Our Department of Corrections does do  
14 that, their PREA coordinator and some of their  
15 teams are actually certified.

16 DOUG DRETKE: Well that's good to hear.  
17 Some one on your team. I think that's  
18 something we hadn't -- spent a lot of time  
19 exploring. This -- but hearing that thinking  
20 how much value that can have for your agency,  
21 PREA coordinators to actually be DOJ  
22 certified.

23 So we have -- we're about to wrap up.  
24 We'd love you to, just kind of with a closing  
25 comment, what -- what recommendation, and

1 Peter eluded to this kind of a question  
2 earlier on, but -- that you think based on  
3 your experience, you're showing up as one of  
4 our facilities, what could be in our  
5 recommendation, single recommendation, that  
6 would serve the field based on your practice,  
7 your experience and expertise?

8 SCOTT ODUM: Yeah, so -- I mean, in  
9 summary, I'll just piggyback on what Mike  
10 said. I think our culture of caring really --  
11 and walking along side young people verses --  
12 we're very intentional about not creating an  
13 adversarial relationship between the kids and  
14 our staff. That starts with the idea that we  
15 sit in social services and not in corrections,  
16 like that's again, the foundation of that.  
17 And it allows our staff to really join a team  
18 and an approach where they're here to help  
19 kids, and it's not about punishment for us.  
20 It's just has never been. And it's about  
21 walking along side kids, taking them from --  
22 in a space where they've made poor choices,  
23 recognizing the good in them.  
24 The (inaudible) belief that, you know,  
25 behavior has a purpose. It's an underlying

1 tenant of much of our approach and training.  
2 And so kids are getting their needs met.  
3 Maybe not in the healthiest ways but finding  
4 the strength in where they're at and walking  
5 alongside them and trying to help them make  
6 decisions that are different than that. I  
7 think, you know, Mike and his team down there,  
8 have done that for a long time. And I've --  
9 feels like a privilege to sit next to them  
10 knowing how much they've impacted the kids down  
11 there in our southeast part of our state.

12 DOUG DRETKE: So I like how we've --  
13 we've kind of closed this -- this on talking  
14 about culture because I think that is a such a  
15 critical, critical dynamic. And --

16 SCOTT ODUM: It is.

17 DOUG DRETKE: -- safe and secure  
18 facilities for our kids.

19 WENDY LEACH: Thank you all so much for  
20 joining us. Judy, thank you for joining us  
21 via video. We sure appreciate it. We know  
22 that's never easy. We appreciate your time.

23 SCOTT ODUM: Thank you for that.

24 JUDY PARRETT: Thank you very much.

25 MALE VOICE: Thank you all so much.

1 MALE VOICE: Thank you very much.

2 DOUG DRETKE: We are going to stretch  
3 our legs, five minutes, and we will have the  
4 honor and opportune visit with Dr. David Roush  
5 next. So, five minutes.

6 (A brief recess was taken)

7 DOUG DRETKE: Hello, Dr. Roush, how are  
8 you doing?

9 DAVID ROUSH: I'm doing fine. Thank  
10 you very much.

11 DOUG DRETKE: Okay. Well we respect  
12 your time and in the interest time, we will  
13 continue to move forward and -- so, Dr. Roush,  
14 I'm Doug Dretke and I think you know most of  
15 our panel well, Wendy Leach and Peter  
16 Perroncello. So we are so pleased that you're  
17 willing to take some time to visit with us. And  
18 help guide the work that we're doing as a  
19 panel.

20 And so as we quickly get started, we  
21 have your -- your very nice outline brief that  
22 you submitted and we thank you for that. And  
23 really are excited about your comments and  
24 some of your expertise in guiding the work  
25 that -- that we are doing. So thank you for

1 that.

2 I would just very quickly, if -- like  
3 to -- since this is a hearing of the PREA  
4 review -- PREA review panel, ask if you would  
5 raise your right hand so I can administer an  
6 oath? Do you swear or affirm to tell the  
7 truth, the whole truth to the best of your  
8 ability?

9 DAVID ROUSH: I do.

10 DOUG DRETKE: Okay. Thank you for  
11 that, sir. And we would -- I don't know,  
12 Wendy, do you want to -- open it up?

13 WENDY LEACH: I'm happy to open it up.  
14 Dr. Roush, how are you? It's so wonderful to  
15 see to you, again. You're my top pick of  
16 experts too. I had a list of two and you are  
17 one of them, the other one is sitting in the room.  
18 So I'm absolutely thrilled you guys are here.  
19 And we -- we really had a few questions, but  
20 we're actually really interested in -- if  
21 you'd like expound on something, we would like  
22 to hear it.

23 I'm -- what we're looking for is -- as  
24 a panel, we've talked about this. It's to  
25 create good relationships with the facilities

1 we visited so that they would speak to  
2 us and be open with us. And I think that we  
3 have been able to do that which I think has  
4 been a great success and we're all very happy  
5 about that.

6 The other thing we're trying to do is  
7 we're -- create a report. It's not just  
8 create a report that nobody reads. You know,  
9 we want it to be something that's actually  
10 helpful and practical. Recommendations that  
11 are actionable by facilities that they can  
12 actually say I'm going to try that. I could  
13 do that. Or that's makes sense to me. Or I  
14 don't like Number 1 but I like Number 2. So  
15 we're -- we're really looking to create a  
16 report that's really helpful to the field.

17 So as we go through a couple of  
18 questions with you, if you have something  
19 you'd like to talk about that we don't ask you  
20 about, please -- please do so. We're happy to  
21 have you talk about whatever you're interested  
22 in.

23 But my initial, kind of, question was  
24 coming from the earlier discussion we had with  
25 you in our orientation. One of the things you

1 indicated to us, and this has been a big topic  
2 of conversation is the inclination of -- on  
3 staff and youth relationships that sometimes  
4 happen in facilities. It's obviously abuse.  
5 But it happens. And they might -- the kids  
6 might be inclined in the juvenile justice  
7 setting to enter into one of those  
8 relationships with a staff member. So I'm  
9 sort of interested in why you think that that  
10 is -- the kids in those settings are more  
11 inclined to do that possibly and anything that  
12 you would give in terms of recommendations to  
13 facilities in understanding the  
14 characteristics of kids and those  
15 inclinations.

16 DAVID ROUSH: Well, let me start by  
17 thanking you for the opportunity to have some  
18 input. First of all, I appreciate the work  
19 that the Commission does and -- and really  
20 think that PREA has been a wonderful addition  
21 to the field. It's also good to talk to you  
22 again, Wendy, and it's -- it's great to see  
23 Peter. I have not seen him for a while. And  
24 I've -- have always valued his work. And,  
25 Doug, I don't -- I don't think -- I'm not sure

1 our paths have crossed in terms of  
2 professional activities. But I also  
3 appreciate what you've done.

4 With that said, wow. I -- I have  
5 listened in on Jason's comments and on  
6 Missouri's -- the Missouri folks' comments  
7 and -- Jason knocked it out of the park. And  
8 the Missouri folks knocked it out of the  
9 country. Those may have been two really  
10 special and relevant and -- and just really,  
11 really spot on comments about how to address  
12 the issue of sexual misconduct and -- sexual  
13 abuse.

14 But one of the things that I think  
15 is -- is very important is -- is the idea that  
16 there's a difference between adults and  
17 juveniles in every aspect of what we do on the  
18 juvenile justice side. And part the thing that  
19 or at least the temptation is to assume that the  
20 juveniles -- youth, really children in many  
21 ways respond to things in a similar fashion as  
22 do adults.

23 And so as adults, you know, we tend to  
24 make that mistake. And the idea that -- I  
25 mean, I think the best way for me to describe

1 that is to use Marty Byers' concept of  
2 immaturity. And, you know, so as adults we're  
3 dealing with remarkably immature young people  
4 whose risk reward calculus or ratio is so  
5 distorted that the whole idea of reward almost  
6 negates an understanding or consideration of  
7 the risks involved.

8 And so you've got young people in -- in  
9 the throes of, you know, sexual development  
10 and then you've got situations that, you know,  
11 trigger sexual arousal, and then we expect  
12 that there's going to be a rational and  
13 reasonable response about what to do in that  
14 situation.

15 And so, in many ways, it's similar to  
16 suicide prevention and what you would do in a  
17 trauma responsive program. And that is -- you  
18 know, with the -- with a trauma perspective,  
19 you know, we've got a -- an event in a  
20 particular situation that triggers an  
21 automatic response. And sometimes that  
22 response is inappropriate for the situation.  
23 Sometimes it's -- it's appropriate.

24 Sometimes it works for survival,  
25 sometimes it creates, when it's inappropriate,

1 it creates more and more problems. And -- in  
2 situations with an immature youth, then it's  
3 the responsibility of staff to be able to have  
4 enough influence over the circumstances over  
5 the situation. To be able to calm down the --  
6 the emotional response on the part of the  
7 youth.

8 As so the -- the concern then becomes  
9 similar to suicide prevention. And that is  
10 that the immature nature of youth means that  
11 they may engage in certain types of behaviors  
12 that can easily get out of control or lead  
13 to -- to serious harm. And subsequently,  
14 in juvenile facilities, you know, train  
15 staff to understand that they're the ones that  
16 are responsible for helping youth avoid those  
17 types of situations or terminate those types  
18 of situations or provide alternative  
19 strategies for dealing with, you know, with  
20 the -- with the emotions in a healthier way.  
21 And so I think that's -- that's the key. And  
22 I loved what the -- what the Missouri folks  
23 said about that. I thought that was, again,  
24 you know, exactly what you want to hear moving  
25 forward.

1           WENDY LEACH: So we talked a little bit  
2 to some of the jurisdictions about a  
3 professional development and about how to  
4 train staff to know and understand some of the  
5 things that you just described. And we've  
6 gotten some, you know, mixed comments. I  
7 think that we've seen -- we've talked to  
8 people that they're different people doing  
9 different things. But some folks are doing  
10 more than others in terms of making things  
11 real life scenarios, making it very  
12 personable -- or personal -- having really  
13 good trainers who really understand this stuff  
14 and can really explain it people and make it  
15 real for them. But then you've also got to  
16 have that culture that supports it. And  
17 you've got to have oversight that has eyes on  
18 everyone. There are so many pieces of the  
19 puzzle when it comes to staff on youth  
20 relationships. And I think the youth  
21 development piece is one piece of it.

22           But what do you see as one of the most  
23 important things that a facility has to kind  
24 of keep in mind in trying to limit that kind  
25 of thing from happening?

1           DAVID ROUSH: Well I don't think  
2 there's any real chance of preventing sexual  
3 misbehaviors if you -- if you don't have,  
4 first of all, a safe environment. And then --  
5 and I think that almost goes without --  
6 without saying. Every -- everything I've seen  
7 and read in the past in terms of -- of people  
8 who have talked to you, they consistently talk  
9 about that. And safety takes many forms in  
10 youth. You've dealt with that in terms of  
11 access and reporting and -- and things of that  
12 nature.

13           And then the other thing, of course,  
14 is -- is good people. And -- what I didn't  
15 hear though, was an emphasis on -- on the --  
16 on the leadership. And I think part of the  
17 reason that may not have been emphasized to my  
18 satisfaction by the -- by the Missouri  
19 presentation is because you have really good  
20 leaders there. And it -- Missouri has had  
21 a -- a long line of excellent leadership.  
22 And -- and so from that perspective, it makes  
23 the recruitment of good people more likely.  
24 And -- and I think, you know, those are the  
25 things that you need in terms of -- of

1 building a culture.

2 Now, in terms of the training aspect,  
3 one of the things that -- that we did when --  
4 when Earl Dunlap was the transitional  
5 administrator or receiver in Cook County is,  
6 you know, we talked about the idea of -- what  
7 do you do to prepare for reform. And so we --  
8 we talked to staff, and we talked to the powers  
9 that be about the similarities between  
10 building house. And so one of the things you  
11 look at are strong footers for your  
12 foundation.

13 And -- and those in addition to having  
14 an adequate number of well-trained good people  
15 who's had to do with the good policies and  
16 procedures, good supervision, you know, good  
17 training programs, so right down the line. So  
18 one of the initial parts of that was -- was  
19 training development. And part of the whole  
20 idea is that you have a, sometimes, a talking  
21 head approach to training where someone gets  
22 up and -- and just kind of says, okay, this  
23 is -- this is what you need to know and I'm  
24 going to read this to you and you've got to --  
25 in there's a follow along.

1           But what -- what we tried to do was to  
2 bring in some of the -- the best thinking  
3 about training for trainers. And used a lot  
4 of the materials from -- from NIC (inaudible).  
5 And in particular use the structural theory  
6 under practice, I Tip Model. And when you do  
7 that, what you find is that it really opens  
8 things up to the use of scenarios, to the use  
9 of case studies, things of this nature, that a  
10 lot of times, you have great quality of  
11 materials in your training curriculum. But  
12 what you don't have are good trainers that --  
13 that can really allow participants the  
14 opportunity to get maximum benefit out of  
15 that -- that whole thing.

16           The other issue, too, is that -- and  
17 this is -- this is a concern of mine, you're  
18 concerned about -- writing a report that  
19 people will read. My concern is -- is even  
20 much -- much more basic. I want people  
21 working in this field who can read.

22           And so one of the things that -- one  
23 of the -- issues that comes up is the idea of  
24 how many people simply do not, you know,  
25 investigate things, read things, or -- or take

1 a look at what's already in writing. You  
2 know, the Missouri model is -- is old school.  
3 The Missouri model is -- it, you know, comes  
4 out of concepts, you know, in the 1960s. And  
5 the -- and they were -- they were marvelous  
6 back then but, you know, that -- no one paid  
7 much attention, no one read much about it,  
8 and, you know, fortunately, Mark Stuart,  
9 would -- you know, say I'm going to run with  
10 this and my goodness, look -- look what's  
11 happened.

12 You know, what the -- the whole idea  
13 that -- I know, I for one, and those of us in  
14 Michigan, when PREA came out, we went, oh no,  
15 oh no, don't. No, no. Here comes another  
16 watering down of the staffing ratio. And --  
17 and, you know, good for -- good for Missouri,  
18 they refused to budge. You know, good for  
19 Connecticut, good for Pennsylvania, good for  
20 places like that who said, no, one to six.  
21 One to six is -- is what we want.

22 And so I think -- this is a long way  
23 around your question, but I think the idea  
24 that -- that you have good training. The  
25 training comes from a really solid curriculum

1 that addresses the issues of boundaries and  
2 relationships. That you have a code of ethics  
3 training in there. And all of the  
4 professional groups have a code of ethics training.

5 And, you know, then -- then you pull  
6 this together with -- with an adequate number  
7 of staff so that you can provide enough  
8 supervision that the probability of being  
9 caught increases to the point that the adults  
10 in the situation understand, hey, look, no --  
11 there's no way you can do anything that would  
12 even be questionable or would even -- even be  
13 outside of the -- you know, the -- the four  
14 corners of policy and procedure. So, anyway,  
15 I'll -- I'm sure -- a long answer to a short  
16 question.

17 WENDY LEACH: No, good answer. We  
18 actually discussed that at lunch. We talked a  
19 little bit about how oversight and having lots  
20 of people looking in on you, that may be a  
21 little annoying every once in a while, but  
22 having as many inside and outside groups as  
23 possible, keeping an eye on things that you  
24 have a lot of management oversight.

25 But you also have internal and external

1 oversight. Child predators do not like to  
2 live in those situations. They don't -- they  
3 don't feel comfortable there because they  
4 can't do what they want do. So people who  
5 would be inclined to do something like that to  
6 your point, can't, because there's just too  
7 many eyes all around and too many expectations  
8 and too much structure for that to be allowed  
9 to happen. So agree.

10 DAVID ROUSH: Yep.

11 DOUG DRETKE: Yeah, Dr. Roush do you  
12 have a perspective you may have heard some of  
13 our questions about size of facility, based on  
14 all of your work and expertise. Do you have  
15 any thoughts on the size of a facility and  
16 their ability to be fully PREA compliant, be  
17 safe for the kids?

18 DAVID ROUSH: Yes. And but I don't  
19 think I'm able to be prescriptive and say that  
20 there's a certain facility size. My concern  
21 is more living unit size. And so let me kind  
22 of share with you the brilliance of Earl  
23 Dunlap when he was put in charge of a 498-bed  
24 facility. And that is beyond excessive in  
25 terms of the size of the facility. So the

1 first thing he did was to use a concept that  
2 he called centers within a center.

3 And so what he told staff is that, okay  
4 the physical plant itself is going to be the  
5 same as the State of Illinois. And what we're  
6 going to do is that we're going to break  
7 floors into regions, and then within the  
8 floors, we're going to create individual  
9 detention centers on each floor. And then  
10 within that, we're going to have three small  
11 living units for each detention center. And  
12 so what he did organizationally was to create  
13 or move from large and overwhelmingly large to  
14 small and manageable.

15 And so, you know, from that  
16 perspective, you know, it kind of neutralized  
17 the idea or the criticism that many folks had  
18 that you can't do anything with the 498-bed  
19 facility it's way too big, et cetera.

20 But Earl showed that, you know, look if  
21 you're dealing with then living units of, you  
22 know, maybe 15 at max and you have 3 of them  
23 together, that's a 45 bed facility, and that's  
24 about an average size detention facility and  
25 it's a workable and manageable facility. And

1 then you staff accordingly. So I would say  
2 that's the important thing is living unit  
3 size.

4 DOUG DRETKE: Yeah. Thank you for  
5 that. Hey, I think that's an excellent  
6 breakdown. Hey, you know, I was looking at my  
7 notes from your role in our orientation from I  
8 guess a year and a half ago or more. One of  
9 my notes that I'd love you -- is we now are  
10 about to be concluded with our hearings and  
11 start the next phase of our process. And  
12 we'll probably have, in our short time left a  
13 number of questions about your final comments  
14 about recommendations.

15 But one of the notes I wrote, and I'm  
16 wondering if I captured it all, but you stated  
17 I -- now this isn't your quote. This is what  
18 I wrote in my notes. I wrote, you said, hope  
19 the review panel can look at loopholes. And  
20 then I have in my notes dot, dot, dot. So I  
21 would love if you remember that comment or  
22 what you were addressing as we start to think  
23 about recommendations, would love the, some  
24 comments on loopholes as you were referencing  
25 them.

1           DAVID ROUSH: Well, I wish I recalled  
2 specifically what loopholes we were -- we were  
3 discussing. But I would think, you know, I'm  
4 hard pressed at this point. Do you have other  
5 reminders?

6           DOUG DRETKE: No --

7           WENDY LEECH: He has incomplete notes,  
8 Doc. Very incomplete notes.

9           DOUG DRETKE: Yeah. The context before  
10 that, I mean, you spoke to us about the work  
11 that (inaudible) had done, red flags and that  
12 was good work and this, you know, making sure  
13 we saw zero tolerance for things like  
14 inappropriate language disrespectful,  
15 offensive language and so forth and very  
16 culture related.

17           And then my next note was this  
18 loophole. And so trying to think if that was  
19 facilities within our corrections spectrum,  
20 that don't feel PREA -- applies to them. So  
21 I'm not sure if that's what maybe that was  
22 referencing.

23           DAVID ROUSH: Well, one of the things  
24 that that I experienced a couple of years ago  
25 was the whole idea that, you know, there were

1 states that were not going to participate.

2 DOUG DRETKE: Right.

3 DAVID ROUSH: And that may have been  
4 the issue on the loopholes. And my concern at  
5 that point in time was how can you opt out and  
6 be a responsible professional and take the  
7 whole idea of youth and staff safety  
8 seriously.

9 The other place where I think there are  
10 massive loopholes, and this is my own  
11 particular bias has to do with collective  
12 bargaining agreements.

13 And, you know, when you look at well,  
14 there's going to be a webinar coming up I  
15 believe tomorrow out of Columbia University  
16 Social Work talking about just exactly what  
17 does it take to reform a system. And does it  
18 take a receiver? Does it take the full force  
19 and authority of the courts to deal with  
20 certain things?

21 And the experience in Chicago was very  
22 clear. You know, you had individuals who were  
23 placed back in the facility who had a  
24 substantiated child sexual abuse finding by a  
25 bona fide government agency. And yet an

1 arbiter put him back you know, on the on the  
2 on the, on the unit or in the, in the  
3 facility, you know, within close proximity of  
4 the youth that was the was the victim.

5 And I don't know what can be done to  
6 remedy that sort of thing. You know,  
7 fortunately Dunlap had the power of the court  
8 to be able to say, no, you can't work here.  
9 You can't work in this particular setting or  
10 in any proximity to that particular youth. So  
11 again, those are, I would say, a couple of the  
12 things allowing agencies or institutions to  
13 opt out and also the idea --

14 WENDY LEECH: They're grappling with  
15 that New York City right now as well. So the  
16 receivership option. Yeah. Peter, did you  
17 have anything?

18 PETER PERRONCELLO: Yeah, yeah, I do.  
19 Okay. Can we close out? Yeah. Hey, Dave, if  
20 you were to give us like one recommendation to  
21 go forward, as we, you know, try to compose  
22 some notes and put together a report with the  
23 DOJ staff, besides some of the things you said  
24 about boundary training, and going back to the  
25 days when things used to be different with

1 NIC providing training for trainers training,  
2 which they haven't done in decades, what would  
3 that one thing be as we take a look at going  
4 forth with the next decade of PREA.

5 Because we're coming up in a 20-year  
6 anniversary and we want our report as Wendy's  
7 stated it and Doug many times here today. We  
8 want it to be somewhat simplistic, readable,  
9 understandable, and something that people  
10 aren't just going to put in a shelf and  
11 collect dust. So could you just toss us one  
12 thing, one tidbit out of your great mind that  
13 we could perhaps take a look at putting in the  
14 report?

15 DAVID ROUSH: Well you've -- thanks,  
16 Peter. That's it you've, I think you've  
17 gotten remarkably good information so far.  
18 And so for me to comment about one thing out  
19 of that would be redundant, but so let me just  
20 add one point and that is, there are many ways  
21 to look at things. And one of the things that  
22 I would hope that that you would talk about is  
23 the idea that there have been a lot of  
24 comments about we don't have enough staff. My  
25 question to you would be this. Why aren't

1 people talking about it from this angle?

2 We've got too many kids.

3 No, I've just stopped there for a  
4 second. You want to get back to a really good  
5 staffing ratio. There are two ways, add more  
6 staff or incarcerate fewer kids.

7 DOUG DRETKE: Pretty simple.

8 WENDY LEECH: think that's a perfect  
9 way to end it.

10 DOUG DRETKE: I do. I thank you for  
11 that. And, and that, that's always  
12 interesting. We heard at least one facility  
13 actually was able to reduce numbers of  
14 juvenile to match staffing because they were  
15 having staffing issues. So excellent point  
16 excellent way.

17 And I think in our discussion around  
18 staffing that we should with, with your  
19 comments, think about how we can, can mention  
20 that, but that's also a positive response in  
21 dealing with staffing numbers and staffing  
22 ratios.

23 Dr. Roush, we will continue to keep you  
24 on our hotline as we go forward, if you are  
25 willing. We are so grateful for your -- your

1 time with us today, as short as it was. And  
2 just again we are keeping this record open for  
3 seven days. So anything else that you would  
4 like to submit absolutely do so; otherwise we  
5 may just be calling you as we start our next  
6 stage of the panel. So thank you so much,  
7 sir.

8 DAVID ROUSH: Well, keep up the good  
9 work. Yep. Thank you all.

10 DOUG DRETKE: All right. We want to  
11 now welcome professor Brenda Smith from the  
12 Washington College of Law American University.  
13 It's an incredible honor that you're here with  
14 us and thank you so much. You actually  
15 represent our final witness. These two days  
16 it's been incredibly powerful and  
17 enlightening, and you get to kind of shape the  
18 work for our next stage as we start to think  
19 about all of this and recommendations.

20 So just real quickly thank you for  
21 everything that you've submitted to us. We  
22 look forward to your testimony. I do need to  
23 administer the oath, if that is -- so if you  
24 would please raise your right hand. Do you  
25 swear or affirm to tell the truth, the whole

1 truth to the best of your ability?

2 BRENDA SMITH: Yes, I do.

3 DOUG DRETKE: All right. Well, thank  
4 you for that. And just as I mentioned to  
5 Professor Smith not long ago, I feel she has a  
6 lot of responsibility for the honor of my role  
7 in this review panel. I don't know how many  
8 years ago maybe would be frightening to say  
9 for me. But my very first training that  
10 National Institute of Corrections put on  
11 before PREA was actually passed in 2003. And  
12 actually held a training on addressing staff  
13 sexual misconduct with those under our  
14 supervision, and I had the honor to attend that  
15 and met Professor Smith many years ago. And  
16 I've had the honor to do a webinar with NIC  
17 focusing on PREA as that started to become a  
18 reality for us within corrections.

19 And so I feel very much that she had a  
20 substantive and significant impact on me and  
21 my role as a criminal justice professional in  
22 addressing and, and recognizing how critical  
23 PREA was to running safe facilities that were  
24 healthy for the men and women and the  
25 juveniles under our supervision in custody.

1 So with that, I'm going to -- we're going to  
2 jump right in recognizing respect your time  
3 and the time less. So I'm going to turn it  
4 over to Wendy to kick it off.

5 WENDY LEECH: Good afternoon, Professor  
6 Smith. So great to have you here today. One  
7 of the areas I mentioned to Dr. Roush was  
8 something that he said in the orientation and  
9 you were in our orientation as well. So  
10 reflecting back on my notes from there, one of  
11 the things you said was that disorder is where  
12 sexual abuse breeds. And I thought that was  
13 such a perfect, concise statement. And I'm  
14 wondering if you can give us some of the  
15 markers of disorder and which ones would be  
16 easiest for a facility to tackle first.

17 BRENDA SMITH: So first of all, thank  
18 you for the invitation. It's wonderful to  
19 appear before this group. And one of the  
20 things that I -- it's actually interesting  
21 because I have some -- I, I obviously have  
22 prepared testimony, which I was told to read,  
23 but what I'm sensing is, no, and I'm fine with  
24 that.

25 WENDY LEECH: Well, you're not sensing

1 wrong exactly. But we realized we only had a  
2 half an hour with our experts, and we really  
3 wanted to dig into questions. And so they've  
4 allowed us to sort of change the agenda a bit.

5 BRENDA SMITH: Okay, great.

6 WENDY LEECH: But anything that you  
7 have that you've prepared, we're happy to  
8 submit into the record and would like to do  
9 so, so please let us know.

10 BRENDA SMITH: I've already submitted  
11 my testimony. I shortened it a bit for this,  
12 but let's go right into the questions.  
13 Because this is actually, you know, I think  
14 the place to start.

15 So when we talk about disorder, you  
16 know, it's sort of one of those things that we  
17 all think that we can recognize when we see  
18 it. And I believe that we've already talked  
19 about some of them.

20 I mean, some of them one of -- a big one  
21 is the whole notion that the rules are not the  
22 rules, right. Which is that this is just, this  
23 is what the rules are, but this is actually  
24 how we do it. And the fact that that's --  
25 that no one ever says anything about that.

1 And it becomes a situation where people don't  
2 even know what the rules are.

3 I think a second -- and I think the  
4 issue of following rules is true not only for  
5 staff, for youth, because we always think  
6 about the rules for youth or the people who  
7 are less powerful.

8 I think that that, that whole notion of  
9 following rules applies from the top to the  
10 bottom, because the fact is that on the  
11 pecking order, people are always looking at  
12 the person who is above them. They're also  
13 looking at the treatment of people who are  
14 similar to them, are on the same level. And  
15 then for some of us, we look at how people who  
16 have less status are treated.

17 And so when we talk about the rules,  
18 we're talking about being consistent with the  
19 kids in terms of what the rules are, and they  
20 should follow them, being consistent with the  
21 staff about what the rules are. And also for  
22 leadership doing that as well. We are talking  
23 about favoritism and cronyism between, you  
24 know, around administration. There's  
25 favoritism also with regard to youth.

1           Oftentimes what happens is our kids  
2           come from places of disorder where there are  
3           no rules. And so if the rules aren't  
4           followed, if they're not consistent for the  
5           kids and they're not consistent for the staff,  
6           then what happens is it creates the  
7           opportunity for people to say that you don't  
8           have to follow the rules, which deals directly  
9           with the conversation that you had before,  
10          which is about culture. You know. I hope  
11          that responds to your question.

12          WENDY LEECH: It does. I think it's  
13          when you said kids come from disorder and then  
14          when they walk into a facility that also has  
15          disorder.

16          BRENDA SMITH: Exactly.

17          WENDY LEECH: What's their incentive to  
18          improve or to listen, to listen to what you  
19          have to say and rehabilitate themselves? They  
20          just kind of go back to what they knew before  
21          and do things that way. So you're never  
22          changing the kids' mindset; you can't in that  
23          environment.

24          BRENDA SMITH: And the fact is that, you  
25          know, one of the things about people who come

1 into the justice system, whether they're kids  
2 or adults, most of them have an experience of  
3 trauma. And one of the experiences of trauma  
4 is actually trying to work around that and  
5 figuring out ways around trauma and one of  
6 that, and you get kids who are so resilient  
7 and creative, right?

8 Like they can come up with stuff that  
9 you are like, wow, how did you come up with  
10 that? And some of that is a survival  
11 mechanism. And the fact is one of the best  
12 things that we can do for our kids and also  
13 train our staff on is the importance of  
14 consistency, transparency, and accountability.  
15 That's how you deal with issues of disorder.

16 And I also think one of the other  
17 things that's important, and I'm speaking  
18 about this from the point of view of somebody  
19 who's right in the middle of grading, right,  
20 my students. Is admitting when you are wrong  
21 or when something doesn't work and engaging  
22 people and figuring out what the solution is  
23 to it.

24 Our kids and our staff are often the  
25 best experts on what is working, what's not

1 working and what the vulnerabilities are  
2 because they know, and oftentimes we're not  
3 engaging them in that conversation. And also  
4 in terms of the quality control and giving us  
5 ideas because they actually know.

6 WENDY LEECH: So in a typical  
7 disordered facility, what, what do you think  
8 you'd see?

9 BRENDA SMITH: What I  
10 think I would see is I would see people who --  
11 I'd see a lot of chit chat and banner at  
12 entrances and departures, right. People not  
13 taking seriously the responsibility to sort of  
14 search and also to inform people of what the  
15 rules are. What I would also see is people  
16 not where they are supposed to be not doing  
17 their rounds. What I would see is I would see  
18 kids and staff playing favorites in terms of  
19 knowing, okay, I can go to this person and I  
20 can get one result and I can go to somebody  
21 else and I can get the other result.

22 I'd see that. I would also see a lot  
23 of disrespect between staff and kids. I'd see  
24 disrespect between kids and kids. And I see  
25 disrespect between staff and their superiors.

1 You know, the fact of the matter is, is if  
2 you're not walking the walk and living the  
3 life that you want your staff and the staff to  
4 follow, they know that as well.

5 What I'd see is I'd see poor and  
6 inconsistent communication. What happens is  
7 rules are passed down. People don't really  
8 know what the rules are for why they got that  
9 way, even though you may not be able to say  
10 why it is, you know, you can explain for  
11 whatever reason, we're not able to talk about  
12 this, but this is what happened. Right.

13 I think you see a lot of fear, you  
14 know, of a lot of fear. Which is when it's  
15 time for an inspection, it's, it's sort of  
16 like when your mother-in-law is coming to  
17 visit, right, and you are calling in, you  
18 know, cleaning people and, you know, you're  
19 cleaning up the yard and everything. And the  
20 fact is, is what -- that that's a feature of  
21 this order, which is we're acting in a crisis  
22 way. We're not sort of thinking forward. And  
23 we're also not doing after incident review,  
24 and there's a lot of pointing fingers, right. And  
25 nobody taking responsibility.

1           DOUG DRETKE: How would -- as I look  
2 back at your notes, you actually, one of the  
3 things that, that you talked about in our  
4 orientation is potentially address the lack of  
5 rigor in some audits and things of that  
6 nature. And so I would around those comments  
7 on, on chaos and disorder and facilities, and  
8 absolutely agree with you and how would  
9 potentially either the BJS survey or the PREA  
10 audit, can it potentially see some of those  
11 dynamics to -- one is to better hold  
12 facilities accountable towards that, but also  
13 be able to provide information and data so  
14 that some of that can be addressed.

15           BRENDA SMITH: So one of the things  
16 that I -- okay, so in terms of the reviews,  
17 you know, obviously, and some of this is  
18 around time as well, because I've heard a  
19 complaint that in doing the audits, people  
20 just don't have a lot of time, you know? And  
21 so perhaps more time would be useful and  
22 looking at different kinds of things,  
23 obviously look at the data around complaints,  
24 right?

25           But also for example, one of the

1 suggestions that I made is, you know, also  
2 look at what's going on in terms of the news,  
3 right? And also in terms of case law and  
4 litigation, that's also, that's not something  
5 that you necessarily have. And so for  
6 example, an exercise that might be useful is  
7 if somebody is -- if there's an institution  
8 that's being audited, do a search of what's  
9 going on in the newspaper specifically related  
10 to that facility.

11 WENDY LEECH: Some context and  
12 background.

13 BRENDA SMITH: Some context and  
14 background. And also there's a lot of  
15 information out there in terms of litigation,  
16 whether it's employment litigation or whether  
17 it's actually litigation around an assault  
18 that occurred around sexual abuse, around sex  
19 discrimination. And so those are some of the  
20 markers of disorder, which let you know that  
21 you need to deal dig a bit deeper.

22 WENDY LEECH: Yeah, there was a lot of  
23 discussion yesterday, and also in your  
24 orientation testimony and actually pretty much  
25 in many circles, I kind of run in about the

1 PREA audits and the BJS survey data. And we  
2 talked about the fact that a lot of the folks  
3 were kind of surprised to be on the high  
4 incidence reported list when they had a clean  
5 PREA audit and have had several clean PREA  
6 audits in a row. And we can all discuss why  
7 we think that is.

8 But our concern was if you're getting  
9 SSV data, BJS survey data, and PREA audit  
10 data, and none of that's really looking the  
11 same, then how can you be sure you're a low  
12 incidence facility or a high incidence  
13 facility, for sure. I mean, we, we are  
14 guessing based on the survey and I'm not  
15 trying to pick on anybody's methodology, but  
16 what is the best way for us to figure out  
17 which facility is the more maybe troubled  
18 facility? Because without getting into the  
19 PREA audit process, I'm with you that there  
20 are gaps. And I think --

21 BRENDA SMITH: Inconsistency.

22 WENDY LEECH: Inconsistencies and folks  
23 have passed all kinds of audits and  
24 CRIPA cases come up and they were ACA  
25 accredited, or they had just passed an audit.

1 And now they're being sued for civil rights  
2 violations. So somehow we're missing  
3 something in this audit process. And I don't  
4 know if you want to speak to that at all.

5 BRENDA SMITH: So I guess what I would  
6 do is I give an example, which is a great  
7 example. I'd say about three years ago I got  
8 a phone call from one of our alums who said,  
9 can you come up and testify at a hearing in  
10 New Jersey, you know, about sexual abuse in  
11 custody? I was like, okay, sure, sure, sure,  
12 sure. I'll come. And I brought one of my  
13 students with me and my husband drove us up  
14 there and all of that.

15 And we got there and it was this huge  
16 hearing with all kinds of folks there. And  
17 one of the things that had happened is that  
18 they had an audit, they had 26,000 people, I  
19 think at the time. And literally what  
20 happened, what came back in terms of incidents  
21 was like zero, like, you know, year to year 0,  
22 2, 0, nothing. That is a red flag to you.

23 WENDY LEECH: Yes.

24 BRENDA SMITH: But that, I mean,  
25 nothing happened with that. Nobody actually

1 came back and looked at it. And what happened  
2 was people were like, whew, that's great. And  
3 what that ended up being is that ended up  
4 being the (inaudible) facility, right. Where  
5 there's been legislation that's been passed  
6 there's litigation, that's going on. Right.  
7 And so what I would say is that it is, you  
8 know, we have to go behind the numbers because  
9 the numbers, everyone knows the numbers that  
10 we are getting in the audits are not  
11 sufficient to give you a warning about what's  
12 really going on in a facility.

13 WENDY LEECH: And I have concerns that  
14 some folks are using that as their quality  
15 assurance that they're sort of saying, well, I  
16 passed an audit. We're fine. And then they  
17 don't have any other internal, external  
18 quality assurance methods. No one's really  
19 providing any other oversight. And if they  
20 have a clean audit, they feel that they're  
21 fine, they're relying on it.

22 BRENDA SMITH: And my question would  
23 be, what was your insurance before PREA, your  
24 assurance before PREA? That's not the only  
25 thing that you should be looking at in terms

1 of figuring out whether you're running a good  
2 facility or whether you're running a  
3 constitutionally adequate facility. What you  
4 should be looking at is you should be looking  
5 at your complaints. Right? And not just your  
6 PREA complaints.

7 WENDY LEECH: Yeah.

8 BRENDA SMITH: You know, because, you  
9 know, there's other stuff that's going on  
10 besides PREA, you should also be looking at  
11 your complaints from your staff. Okay. So,  
12 you know, one of the questions you guys asked  
13 me to reflect upon was about the involvement  
14 of female staff in these incidents. Ok.

15 And so a real red flag is when you have  
16 staff who are complaining about sexual  
17 harassment, you know, inappropriate comments,  
18 and often what you will find in many of these  
19 incidents in many of these cases is that  
20 prisoners are filing litigation and staff are  
21 filing litigation in the same place. And so  
22 that's another place to look in terms of  
23 disorder and whether this is a safe facility  
24 and also look at, you know, look at fights,  
25 you know, look at disciplinary.

1           One of the other matters you told me to  
2 take a look at is also around the exhaustion  
3 requirement. You know, one of the case that I  
4 actually mentioned to you is an interesting  
5 case and instructive because it actually  
6 tracks what I just said. It was involving the  
7 Michigan Department of Corrections, which has  
8 had litigation by its female staff.

9           It's had litigation by its female  
10 inmates. It's also just recently settled this  
11 \$80 million case involving juveniles in  
12 custody. And one of the big findings of the  
13 Sixth Circuit was that the grievance process  
14 just didn't exist.

15           WENDY LEECH: So we could talk about  
16 this all day. I love that topic because I  
17 helped credit to the State of Delaware. After  
18 they had some really terrible things happen,  
19 they asked us to come in and look at their  
20 grievance process. So we completely redid  
21 Delaware's grievance process because they  
22 recognized that no one was listening to the  
23 inmate complaints. No one was taking them  
24 seriously. No one was following through. And  
25 so they needed to have a completely different

1 process.

2 And again, credit to them, they're  
3 doing a great job. It's a great group up in  
4 Delaware, but it's a good example because we  
5 talked about, we talked to someone yesterday  
6 and it was Idaho that's right.

7 It was Joe Blume from Idaho. And he  
8 indicated one of the top things that he thinks  
9 is most important is a response. He said, for  
10 culture support, it's a response. If I say  
11 something you're going to respond. If I write  
12 something you're going to respond, if I call  
13 you, you're going to respond. And it was so  
14 simple, but so true.

15 Grievance processes like that, that  
16 don't function, that aren't reliable, that  
17 kids can't get to for whatever reason aren't,  
18 that means kids aren't reporting it. If  
19 they're not reporting there's things going on  
20 in the background that you don't know about.  
21 And we never want to not know what's going on  
22 in facilities.

23 So I think you just hit on something  
24 that was really a great point. And I think  
25 something that we really need to consider.

1           PETER PERRONCELLO: I think the  
2 question I'd like to interject here is, do you  
3 feel confident that the current PREA standards  
4 address some of those issues you brought up?  
5 Because I don't. I mean, I think you're  
6 talking about other standards of other  
7 organizations, but, you know, you got  
8 facilities that maybe like some of the people  
9 that have testified before us you know, like  
10 Doug said, and Wendy said that, you know, they  
11 get 0, 0, 0 incidences.

12           They have homicides in the facilities.  
13 They've got people, you know, traumatized from  
14 being named from, you know, staff (inaudible)  
15 staff assaults. They've got bad records of  
16 harassment, not only in employees, but on  
17 inmates and it's not just females, its  
18 transgenders and others.

19           And, and, and I think for us to make  
20 some recommendations and I'm going to reflect  
21 back what the deputy attorney general said  
22 yesterday. They have no intent or whatever  
23 agency he was from to change the standards  
24 right now. And my feeling is the current  
25 standards do not address some of those, those

1 indicators, those flags that you just talk  
2 about, professor.

3 BRENDA SMITH: Yeah. I would agree.  
4 Now I, I, and what I would ask is I would ask  
5 people to think back to the initial days of  
6 the prison rape elimination act and the, and the  
7 standard process. Right? So I think, and  
8 there were many things that were negotiated  
9 and (inaudible) out of those standards. And I  
10 absolutely think those standards could have  
11 been stronger. But I guess the notion is that  
12 hindsight is 20/20. And so reality is we're  
13 coming up to 20 year.

14 WENDY LEECH: We have to press your  
15 microphone. Again, it goes off on a timer.  
16 Go ahead.

17 BRENDA SMITH: We're coming up to a  
18 20-year anniversary. Hindsight 2020.

19 DOUG DRETKE: Well, that, that's a  
20 perfect comment that something that we are  
21 really thinking through, recognize in the 20  
22 years, and that's why it's so appropriate with  
23 you as one of the commissioners of the prison,  
24 right, elimination act. I think I testified  
25 in front of you two times back in my former

1 role. So something we think about, we have  
2 this incredible opportunity to look back at 20  
3 years and what may have been frightening in  
4 the standards through the negotiation process  
5 then may be no, that's what we should include.

6 And so we've been wondering, how do we  
7 use this 20 year our recommendation to look  
8 back and then to look forward to the next 20  
9 years, and how do we strengthen what we're  
10 doing? So would love some of your, your  
11 comments. That was a perfect segue into  
12 receiving some of your thoughts and guidance  
13 around the next 20.

14 BRENDA SMITH: You know, one of the  
15 matters that is very clear is really  
16 definitely doing something. I mean, we talked  
17 about the Michigan case, and it's interesting  
18 that the court talked about the prison  
19 litigation reform act and complaint, and just  
20 said, well, you know, in your standards, you  
21 say that there is no time period, right, for  
22 being able to file a complaint, but in looking  
23 at the litigation, right, that is honored more  
24 in the breach than in the adherence.

25 I think dealing with at least with

1 regard to claims of sexual abuse, you know,  
2 having a specific carve-out related to claims  
3 of sexual abuse in prison cases that would  
4 with regard to the exhaustion requirement. So  
5 I think that that's certainly one.

6 We also -- I'm trying to think of  
7 another one, cross gender supervision, you  
8 know, and also monitoring. I don't think that  
9 men and women need to be taken out of sort of  
10 different gender facilities, but the fact is  
11 their placement needs to be appropriate to the  
12 population.

13 You know men should not be wondering in  
14 and out of women and girls' institutions.  
15 They should not have that access, right. I  
16 also think training, much more training for  
17 staff and also for you.

18 WENDY LEECH: Do you feel the same  
19 about female staff moving in and out of boys  
20 juvenile?

21 BRENDA SMITH: I do. Yeah.

22 WENDY LEECH: I think that that's a great  
23 point that I think we've seen and learned a  
24 lot in 20 years.

25 BRENDA SMITH: Yeah. And, and that's not to

1 say that people don't need to be working in  
2 those facilities, but the fact is it needs to be  
3 appropriate. Right. We have also constructed  
4 women as the universal nurturers that's, you  
5 know, that that's okay, right.

6 But the fact of the matter is, is there  
7 are other kinds of interactions that female  
8 staff do not need to be in involved in. And I  
9 think that there's the whole dignity and  
10 privacy piece. Not only we're talking about  
11 juveniles here, but I think also for adults as  
12 well.

13 WENDY LEECH: It's such a challenge in  
14 jurisdictions because they have sometimes only  
15 female staff, male facility, or a lot of  
16 female staff, and they don't have enough male  
17 staff to actually post on a unit. And they  
18 really struggle with having enough male staff  
19 at some places I've been, that's tough. But I  
20 agree with your sentiment on that.

21 I think the other thing is, are there  
22 anything else in the PREA standards that you  
23 feel like there are no plans to change them?  
24 Apparently, although I can think of a million  
25 changes I might make if I had to map the magic

1 wand, but something like LGBT and screening, I  
2 was actually going to.

3 BRENDA SMITH: I was actually going to  
4 talk about that as well. And which is, which  
5 is, I think is as we think about, and also  
6 another place that we also need to pay  
7 attention that we haven't talked about here is  
8 immigration.

9 DOUG DRETKE: Yeah.

10 BRENDA SMITH: I was part of a matter  
11 where a, a staff member who did transfer of  
12 women and they were bonding out, pled sexually  
13 assaulting over a hundred women on the way to  
14 the bus station when he was dropping them off  
15 at the bus station. Okay. And that is the  
16 place where we haven't paid attention. We  
17 also haven't looked at immigration detention,  
18 which again --

19 WENDY LEECH: You are opening all kinds  
20 of cans of worms.

21 BRENDA SMITH: I'm sorry. I'm sorry.  
22 But if you talk about --

23 DOUG DRETKE: It may been one of those  
24 loopholes you were talking about. It may have  
25 been one of those loopholes that Dr. Roush --

1           BRENDA SMITH: Yeah. And what's going  
2 on, you know, at our borders because it's such  
3 an issue. Yeah. And I could have missed it,  
4 but I haven't seen anything looking at  
5 immigration detention.

6           WENDY LEECH: I haven't either.

7           BRENDA SMITH: So I think that and also  
8 we're talk about immigrant children as well.

9           WENDY LEECH: Yeah. I think there's  
10 things within the PREA standard that I think a  
11 lot of folks in the field would like to see  
12 looked at again. Certain things strengthen,  
13 maybe a few things we found out really don't  
14 make much of an impact and could be either  
15 changed. Like again, I'm mentioning the LGBT  
16 screening -- girls might not be as lesbians as  
17 prone to sexual victimization as a gay boy in  
18 a juvenile facility. Maybe we need to look a  
19 little differently about that. But my concern  
20 is that as you look forward, these facilities  
21 are relying on these standards and on what  
22 they're supposed to do.

23           And they're trying to all follow the  
24 rules. And the rules have to work for them.  
25 And we have to move a little faster, I think

1 sometimes to really help them out. I don't  
2 know if you've gotten any feeling from  
3 facilities or folks you talk to that feel a  
4 little bit like we need things to move along a  
5 little faster. We need the guidance to move  
6 faster. We need a little bit more information  
7 here.

8 BRENDA SMITH: If those are good. If  
9 you've got facilities coming to you and saying  
10 that, then that's great. Yeah. You know,  
11 because it says that they're doing something.  
12 I'm concerned about facilities I'm not hearing  
13 about. I mean, it's kind of like in class  
14 where my students don't make eye contact  
15 because they don't want to be called on. And  
16 so I feel like there's a lot of that going on.  
17 So I'd welcome that.

18 In terms of what suggestions I would  
19 make, you know, I think there's so many what I  
20 think it's that there actually needs to be a  
21 process for reevaluating them, right. Or at  
22 least the conversation about that --

23 DOUG DRETKE: You're referencing the  
24 standards, the reevaluation.

25 BRENDA SMITH: Taking a look at the

1 standards.

2 WENDY LEECH: I mean, a half of the DOJ  
3 just got heartburn right now, hearing you say  
4 that, I think it's a great suggestion.

5 BRENDA SMITH: You know, you know, 20  
6 minutes later, it's not 20 minutes, 20 years  
7 later, even though it feels like 20 minutes  
8 actually. Because the pace that we've been  
9 going is so quick. I think taking a look at  
10 what has worked and what hasn't and why. I  
11 think that standards themselves are an  
12 incredible achievement, and I'm not just  
13 saying that because I spent 10 years working.  
14 I think that they are incredible to  
15 achievement given what the barriers were at  
16 the time to even moving forward.

17 So let's be clear about that. Where  
18 now here you're like, yeah. But it wasn't  
19 like that back then. And so, yeah. I mean,  
20 it would be great to reassess them and to hear  
21 about what's working, what's not, and also why  
22 not?

23 You know, there's some things that have  
24 changed, like for example you don't have as  
25 many kids who are in who are an adult

1 setting. Right. And that's good and that's a  
2 huge plus, but what we are hearing is we are  
3 hearing, and we are seeing, you know, sort of  
4 repeat institutions, institutions that are  
5 always in crisis. You're, you know, you go  
6 through, you know, sort of one situation where  
7 everything is okay. And then there's a flare  
8 up and it would be interesting to figure out  
9 why, and there are a number of very troubled  
10 facilities that fit that criteria.

11 WENDY LEECH: Yeah. So lack of  
12 sustainability of reform, a lot of folks do  
13 okay and then can't sustain it.

14 BRENDA SMITH: And they do reform as  
15 long as there's somebody there watching and  
16 supervising, but yeah. And at the same time  
17 they really push to be free from oversight.

18 WENDY LEECH: I wonder, too, you  
19 mentioned, there's not as many kids in adult  
20 setting, adult kids starts with adults in  
21 kids, in a juvenile setting. Right. That's  
22 true because of a lot of different laws and  
23 changes around the country, the population of  
24 kids has also changed a great deal. So we  
25 have more of a much smaller group of, but very

1 super concentrated, mentally ill, silent,  
2 sometimes aggressive trauma, lots of trauma,  
3 lots of challenges that staff are having a  
4 tough time even managing.

5 So you hand the PREA standards and  
6 they're looking at you like, I've got this  
7 other problem over here to worry about. But  
8 I'm wondering if any of the PREA standards can  
9 sort of think about so difficult and  
10 challenging is to supervise these kids today  
11 in the same way as it was 20 years ago when  
12 the law was passed 10 years ago in the  
13 standards were passed.

14 BRENDA SMITH: You know, I think, you  
15 know, I guess I push back and say, you know,  
16 what happened to those kids? That they are  
17 different kids from the kids, from the kids 10  
18 or 20 years ago. One thing that certainly  
19 happened was COVID. Okay. Yeah. And I'm  
20 actually thinking of a particular facility  
21 that I've actually been working with.

22 And what I see a lot of is I see that a  
23 lot of kids, rather than kids being -- a lot  
24 of kids are going into facilities and those  
25 facilities don't have the services to deal

1 with them. You know, to deal with their  
2 needs. So they don't have special education.  
3 They don't have the kinds of services that you  
4 need to deal with kids who have complex  
5 histories of trauma.

6 In fact, the settings that they are in,  
7 in terms of some of the ones that I've looked  
8 in, I've been in that are modular, concrete  
9 they are prison-like. They are prison-like.  
10 And I do recall recently working in a facility  
11 where there was a question from leadership,  
12 which, again, which is a question that I had  
13 hoped that I would not ever hear again, but  
14 the question of why would it be, why would it  
15 be a problem for boys to be sexually  
16 victimized by female staff? What would be the  
17 problem with that? Like, why is that wrong?

18 WENDY LEECH: I appreciate their  
19 honesty. I've actually heard somebody say the  
20 same thing.

21 BRENDA SMITH: Yeah.

22 WENDY LEECH: Because it's a felony. But  
23 there there's a cultural, there's a cultural,  
24 something that's still kind of getting there  
25 where people kind of go, well, you know, where

1 that it was a male with a little girl they'd  
2 feel really differently, but there's something  
3 about that.

4 BRENDA SMITH: Maybe.

5 WENDY LEECH: Maybe, but there is  
6 something about the other direction that I  
7 hear a little bit more about. It's almost like  
8 passive acceptance though.

9 BRENDA SMITH: Right. And we didn't talk as  
10 much about that, about the sort of female  
11 staff piece. But I do think that I do think  
12 that a sort of review or sort of a look back  
13 would be great.

14 DOUG DRETKE: I wonder when you say  
15 that, and we're about to adjourn. I really  
16 like where we have ended this panel hearing.  
17 And so when you think about this process to  
18 reevaluate, what very specifically, you served  
19 on the commission for a number of years and  
20 have really been a part of all of this. What  
21 kind of from a very practical, specific  
22 process would you think about that could have  
23 value in looking back look, revaluating  
24 standards, looking at what's worked, what's  
25 not. I love -- and then you added why not? And

1 to strengthen, cause our goal is let's be  
2 better than we ever have been.

3 BRENDA SMITH: And also, what are the  
4 surprises? I mean, I think that it sounds to  
5 me like a look back on evaluation of sort of  
6 what, what are the successes would be useful?  
7 I think that would be a useful exercise. And  
8 what are the areas that are still problematic?

9 One of the things that I will say to  
10 you as somebody who monitors the litigation,  
11 there's a lot more litigation, which is  
12 actually in my view, I mean, of course this  
13 is, it might sound self-serving, but as  
14 lawyer, I think that's a good thing. Yeah. I  
15 mean, I actually think it's a good thing  
16 because it says that people are struggling or  
17 are trying to come to terms with this and that  
18 there is awareness out there.

19 And so that's one thing that I think  
20 that we can really claim victory on. Which is  
21 a rise in the level of awareness. And from a  
22 rising level of awareness, what things have  
23 changed? Well, fewer kids in adult prisons  
24 and jail, right.

25 The courts starting to sort of figure

1 out, you know, maybe we need to do something  
2 different around prison litigation reform act.  
3 You know and this exhaustion requirement.  
4 Okay.

5 And I also think that even if there  
6 needs to be a lot more work on these audits, I  
7 think that that's something that we know that  
8 there needs to be like real audits. Okay.  
9 We know that and really taking pains at that and  
10 also following where the data and the  
11 information lead us.

12 I also think, and I say this and I'm  
13 sure that Allen is probably somewhere saying,  
14 don't you say anything else about what Bureau  
15 Justice Statistics needs to do. I think these  
16 big studies are good, but what happens is  
17 because of their rigor, it doesn't, you know,  
18 if there's a big gap right there just is.  
19 And, but it would be great to look at some  
20 smaller studies as well.

21 You know, is there a way to do smaller  
22 studies in smaller cohorts and to look at  
23 particular issues? I think that that would be  
24 very, very useful.

25 WENDY LEECH: I love that suggestion.

1 We've talked about that it's 2018 data that  
2 we're talking about from this survey. And it  
3 is a gigantic undertaking. Each data  
4 collection, I think they, Dr. Beck said was \$8  
5 to \$10 million for one data collection.

6 BRENDA SMITH: Yeah.

7 WENDY LEECH: And so, yeah. And so  
8 if we do it on a smaller scale, tighten up  
9 the questions and really get an idea and maybe  
10 perhaps look at whether we pull out facilities  
11 or whether we just look at things overall in a  
12 different way, I think there's lots of good  
13 conversations that could be had around that.

14 DOUG DRETKE: That's a tremendous --  
15 and I'll tell you, professor, we listened  
16 yesterday because of the facilities that ended  
17 up on the high incidence, they did some  
18 amazing things in response to that. And so we  
19 were starting to think that's 10 facilities  
20 and how many more, but others that weren't  
21 named maybe saw no reason to do rehab.

22 BRENDA SMITH: And the fact is you can  
23 be high for good reasons.

24 DOUG DRETKE: Absolutely.

25 BRENDA SMITH: And you can be low for

1 some not so good reason. Okay. Those are my  
2 experience.

3 DOUG DRETKE: We are going, as I told  
4 Dr. Roush, and I told Jason, keep you on our  
5 red hot phone list and your passion, your  
6 commitment to PREA has always led, I think,  
7 all of us in the field. And so for you, we're  
8 eternally grateful, and if you allow us, we'll  
9 continue to bother you, get your guidance as  
10 we go forward.

11 BRENDA SMITH: Thank you. It is not a  
12 bother. It's very helpful. And, you know, we  
13 sort of try to tease out and think about these  
14 issues because we all need to be thinking  
15 about them in order to change them.

16 WENDY LEECH: So we appreciate you.  
17 Thank you.

18 DOUG DRETKE: As always, we said  
19 earlier, the record will stay open for seven  
20 days. So anything that you want continue to  
21 submit as we put everything together and make  
22 final recommendation, we very grateful for  
23 that. Thank you for coming and spending some  
24 time with us. And on that note let me start  
25 with you closing remarks. Thank you for that,

1 Wendy.

2 PETER PERRONCELLO: My closing remarks  
3 are, first of all, I, again also want to thank  
4 you. And for some of the things you've said  
5 here. As I said this morning after the first  
6 day, and as I will say again, after the second  
7 day, being the jail guy on the panel, I've  
8 learned a lot. I've had kids in the adult  
9 setting until we lost chain to the great  
10 State of Massachusetts.

11 I have appreciated all of the testimony  
12 I've listened to and taken notes on. I can't  
13 wait to see what our follow-up is going to be  
14 when we brief with some of the PREA staff here  
15 at the DOJ and OJP about our draft report. I  
16 know it has to be somewhat put together within  
17 the next seven days, as Doug has reiterated,  
18 but I want to thank all the panelists,  
19 especially rapping and tagging and being sort  
20 of compressed in this short time and your  
21 commitment to the cause.

22 I tend to concur with my colleagues. A  
23 lot of this is about commitment. A lot of  
24 this is about leadership. A lot about this is  
25 about mentorship of the future leaders are

1 going to replace the folks that begin  
2 initiatives as Mr. Roush said.

3 And I think everything needs to be  
4 changed after two decades, you know, and  
5 everybody kind of knows when to say when, you  
6 know, after 40 years of being in the business,  
7 I kind of knew when to say when also. And,  
8 you know, I left with the opportunity to get  
9 my facilities PREA certified the second time.  
10 And it was, you know, a lot of work explaining  
11 to staff, why we were doing it, taking a look  
12 at the values of the culture within the  
13 facility. And I think what we need to take a  
14 look at are some of the specific things you  
15 brought up.

16 And I think immigration is a hot issue.  
17 I know no one wants to talk about it and I can  
18 tell you right now, I totally (inaudible)  
19 rampant abuses and getting people off the  
20 border and holding them in specific facilities  
21 and then running them around the country to  
22 hide them in different states, and things  
23 happen along the way in some of the  
24 places they are held at.

25 So that's just the tip of the iceberg

1 that you scratched. And I'm just appreciative  
2 of my colleagues for being part of this  
3 endeavor and the DOJ for making me a part of  
4 this panel. But thank you all. Thank you,  
5 Wendy. Thank you, Doug.

6 WENDY LEECH: My closing remarks are  
7 brief. I've appreciated everyone who has come  
8 before us. I will tell you that of the five  
9 facilities we heard from, three were in the  
10 high incidents reported, two were in the low  
11 incidents reported. I found pluses with all  
12 of them and I actually visited the three high  
13 incidence facilities myself. And as somebody  
14 who's been in facility after facility, after  
15 facility and seen every imaginable type, I can  
16 tell you that they're very well run facilities  
17 and with a lot of good people working there.

18 So when we look at survey data, with  
19 survey data, but really what we're going to do  
20 and what we want to do this whole time was open  
21 it up so that the facilities felt like they  
22 could talk to us that we were not coming at  
23 them, that they weren't being pointed at.

24 And so we really came at this as  
25 everybody was the same, all five facilities.

1 We just want to learn from you and talk to  
2 you. And I think we had great relationships  
3 with all of them. We built good, you know,  
4 bridges of connection. They've been honest  
5 with us about their challenges and struggles.  
6 And I hope that moving forward, the panel  
7 always looks this not as something  
8 contentious. This isn't a hearing where we  
9 have to accuse people of things we get  
10 insight. It's much better if you build a good  
11 relationship and learn and grow and get good  
12 exchange of information. So that's what I  
13 felt like we brought to this process. We  
14 talked about that a lot. I think we were able  
15 to do that and I've appreciated being on the  
16 panel.

17 DOUG DRETKE: Good. Thank you for  
18 that, Wendy. And, and it has been an honor  
19 to, to serve in this first hearing with both  
20 of you. And again, I want to thank our  
21 fabulous staff under the leadership of Michael  
22 Austin and Kimberly and Matthew and Joe for,  
23 for their work and their work they're  
24 continuing to do as we put all of this  
25 together, they're some incredible people to

1 have the honor to work with.

2           And again, just as Wendy and Peter  
3 said, thank you to all of our witnesses and  
4 panelists who've been a part of this. And I  
5 think both of them have explained our desire  
6 as we go forward is to put together some  
7 recommendations that will serve I think first  
8 the children under our supervision and  
9 communities from which they come from, also  
10 with this high focus of making our facilities  
11 more hopeful, safer, and places where kids,  
12 when they go back to their community are  
13 better for their experience under our  
14 supervision.

15           And so we're excited about the next  
16 step. And to all of you that joined us online  
17 as well I want to also provide you the opportunity  
18 to turn anything into us within these next seven  
19 days for us to consider as we work through the  
20 recommendations that we will submit and put  
21 together with a part of this report. And  
22 thank you all here, and thank you all online  
23 for being a part of this. And with this, I  
24 will now adjourn our hearing. Thank you.

25           (End of proceedings.)

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CERTIFICATE

I, Wendy Sawyer, do hereby certify that I was authorized to and transcribed the foregoing recorded proceedings and that the transcript is a true record, to the best of my ability.

DATED this 6th day of June, 2022.

WENDY SAWYER, CDLT

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