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HEARING THREE  
COMMISSION ON SAFETY AND ABUSE  
IN AMERICA'S PRISONS

DATE: November 1, 2005  
TIME: 8:30 a.m. to 3:37 p.m.  
PLACE: Washington University School of Law  
Anheuser-Busch Hall, Room 310  
St. Louis, Missouri 63130

Volume I  
Pages 1-244

# Commission on Safety and Abuse in America's Prisons: Hearing 3

## Day 1—Complete Transcript

2

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2

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25

# Commission on Safety and Abuse in America's Prisons: Hearing 3

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1 (The proceedings commenced at 8:30 a.m.)

2 MR. WRIGHTON: Good morning, everyone.

3 Distinguished commissioners, welcome to Washington  
4 University in St. Louis. I'm very proud that Margo  
5 Schlanger is among you, and appreciate her inviting me  
6 to make a few opening comments and a welcome to  
7 Washington University.

8 Let me first indicate that the work you're  
9 doing is certainly extremely important. I think no  
10 one in America can escape the importance that your  
11 commission represents, and I'm grateful that you have  
12 taken the time to come to St. Louis and come to  
13 Washington University School of Law for one of your  
14 public hearings.

15 From the information that's been provided  
16 to me, surely the numbers of individuals who are  
17 incarcerated in a year, over two million, and those  
18 who spend some time incarcerated in a year, over  
19 thirteen million, is a troubling fact that this  
20 country has to face. Those involved in law  
21 enforcement certainly have huge challenges, and I can  
22 assure you that every chief executive of America's  
23 universities are concerned about crime and the  
24 consequences for us directly.

25 But as a country we face important

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1 challenges. The costs are obviously extraordinary  
2 high, and it may interest you to know that the number  
3 of people that are at least at one time or another  
4 during a year incarcerated is approximately the number  
5 of students enrolled in higher education in the United  
6 States.

7 I'd like to see the numbers decline in  
8 connection with those incarcerated, and those enrolled  
9 in colleges and universities increasing. Only about  
10 55 percent of America's high school graduates take up  
11 higher education, and I can tell you that our country  
12 needs to increase its commitment to higher education,  
13 which I think will be an important contribution to  
14 lowering crime rates.

15 But let me say a few words about where you  
16 are. You're on the campus of Washington University in  
17 St. Louis, not to be confused with the eighteen or  
18 twenty other colleges or universities with the word  
19 Washington in their name. And I try to provide  
20 information about the university so that people  
21 remember why we are called Washington University.

22 We were founded over 150 years ago by a St.  
23 Louis-based legislature, a state legislature by the  
24 name of Wayman Crow. He wrote the charter for the  
25 university and had it signed by the governor, brought

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1 it home to his pastor, William Greenleaf Eliot, a  
2 Unitarian pastor, and said, "I founded a university,  
3 Eliot Seminary. Now it's yours. Make it something."

4 He had the vision that there would be a  
5 university here in St. Louis for St. Louisans, and  
6 Eliot was a modest person. He said, "I haven't done  
7 anything. Of course, there are no buildings,  
8 students, faculty, no programs, and so I would like  
9 not to have this named after me." He noticed the  
10 charter was signed on February 22nd, 1853, hence the  
11 name Washington.

12 We're very proud of that association, and  
13 it is an important name, of course, in the United  
14 States. The campus that you're on today is not the  
15 original location. In fact, at one time we were in  
16 downtown St. Louis, and in about 1895 a man by the  
17 name of Robert S. Brookings was a member of the board  
18 and had an unusual position. He was called president  
19 of the corporation, and looking back on it, I think he  
20 was serving both as the chairman of the board of  
21 trustees and as chancellor or chief executive of the  
22 university.

23 But he was a persuasive and very successful  
24 business leader, and identified the property that we  
25 now have here as the new location for the university.

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1 He persuaded the other trustees to engage in the  
2 purchase, and Robert S. Brookings was critical to the  
3 development of this location.

4 In 1904 the campus was becoming -- and at  
5 that time in St. Louis history the World's Fair was  
6 held in Forest Park, and indeed this campus played an  
7 important role as in that era the Olympics were held  
8 at the same time as the World's Fair, and our athletic  
9 field, which includes a concrete stadium, the first  
10 west of the Mississippi, was the site of the 1904  
11 Olympics.

12 Robert Brookings was a very successful  
13 business leader, and persuaded those involved with the  
14 Fair that they could use the administration building  
15 for a year to run the Fair in return for the athletic  
16 complex, the library, and a couple of other buildings.  
17 So this turned out to be a wonderful reward for us.  
18 And some among you will probably be more familiar with  
19 the Brookings Institution in Washington than  
20 Washington University in St. Louis. Brookings  
21 Institution was founded by Robert S. Brookings, so we  
22 have a common benefactor.

23 We're fortunate that that was founded.  
24 It's an important institution, but part of the history  
25 is that the Brookings Institution was originally the

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1 graduate's arm for social sciences at Washington  
2 University. But a lawyer, a member of our faculty,  
3 read the charter that was crafted by Wayman Crow, and  
4 in his interpretation of this charter we were not  
5 empowered to do any work engaging in educational  
6 programs outside of the state of Missouri. So we  
7 severed the relationship with the Brookings  
8 Institution early in its history, and today perhaps we  
9 would relish the opportunity to be repartnered because  
10 of the importance of that institution and the  
11 importance of Washington D.C. to our students.

12           But we have a long and strong history now  
13 on this campus, and I'm very pleased that we have a  
14 great school of law, and a program like you're  
15 conducting today is an important opportunity for our  
16 students and faculty. Our school of law is especially  
17 strong in its clinical programs, one of the strongest  
18 research faculties, and I know that they can make an  
19 important contribution to the issues that we face.

20           In addition, I'm pleased to note to you  
21 that we happen to have one of the strongest schools of  
22 social work in the United States. The George Warren  
23 Brown School of Social Work was founded here more than  
24 75 years ago, and indeed, the building that we have  
25 for social work, the first building, is the first

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1 building dedicated to social work education in the  
2 United States. I see that most of you are comparable  
3 in age, perhaps to myself, and can remember Buster  
4 Brown shoes. Same Brown.

5 MR. SESSIONS: But we aren't comparable in  
6 age.

7 MR. WRIGHTON: George Warren Brown is the  
8 Brown of Buster Brown shoes, and the Brown Shoe  
9 Company is still headquartered here in St. Louis, and  
10 we're fortunate to have this great program here in  
11 social work, a group dedicated to social justice, the  
12 law school legal justice perhaps, but in social work I  
13 believe our faculty and students can address some of  
14 the social issues that give rise to crime and the  
15 complications that ensue.

16 So I'm doubly appreciative that the  
17 commission has decided to hold a public hearing here  
18 on the campus of Washington University with our school  
19 of law and the school of social work. I hope you have  
20 a rewarding day here, and those who have participated  
21 I know will look forward to your report that will come  
22 out early next year, and I will certainly appreciate  
23 having a copy when it's available. Thank you very  
24 much for being with us.

25 MR. SESSIONS: Thank you.

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1                   MR. KATZENBACH: Thank you, Chancellor  
2 Wright. Thank you also for this beautiful weather to  
3 go along with your --

4                   MR. WRIGHTON: You're welcome.

5                   MR. KATZENBACH: -- remarks and with the  
6 beautiful campus that we're on.

7                   MR. WRIGHTON: Thank you.

8                   MR. KATZENBACH: As co-chair of the  
9 Commission on Safety and Abuse in America's Prisons,  
10 I'd like to welcome everyone to the commission's third  
11 public hearing. I'd also like to thank Washington  
12 University and the law school in particular for  
13 hosting.

14                   Special thanks to Margo Schlanger, member  
15 of this commission and professor at the law school for  
16 her enthusiasm, for her work among her colleagues and  
17 students. And also a warm thanks to Dean Daniel  
18 Keating for his support. I'd also like to acknowledge  
19 the warm welcome that we've received from governmental  
20 figures, members of the corrections community, leaders  
21 in St. Louis, and throughout the state of Missouri.

22                   Finally, I'd like to thank all of you  
23 gathered in this room. There are many ways to go  
24 about understanding and overcoming challenges facing  
25 corrections today, and many, many individuals and

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1 organizations are engaged in that effort. For this  
2 commission it's crucial to have an audience in this  
3 room and throughout the country because one of our  
4 greatest ambitions is to encourage and inform public  
5 discussion about the most serious problems inside  
6 prisons, jails, and how hopefully to solve them.

7                   It can't be said too many times, in a given  
8 year an estimated thirteen and a half million people  
9 spend time in jail or prison, and nearly all of them,  
10 95 percent, return to the community. In addition,  
11 hundreds of thousands of men and women work in our  
12 jails and prisons, who journey home to their families  
13 and communities at the end the shift. With numbers  
14 that large, it's impossible to say that what happens  
15 inside correction facilities does not affect us all.

16                   Too often the issues of safety and abuse  
17 inside correctional facilities are viewed only from  
18 the point of view of those who are incarcerated. We  
19 forget about the people who work in these same  
20 facilities, and when we do look closely, what we're  
21 seeing is a vast, yet poorly understood work force  
22 that shoulders tremendous responsibilities many times  
23 without adequate leadership, training, or resources.  
24 These failures harm prisoners, put officers in  
25 jeopardy, and ultimately have an impact on our

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1 society.

2 Over the next two days we'll all learn a  
3 great deal about corrections officers, their working  
4 conditions that put both staff and prisoners at risk.  
5 We'll hear from front line officers and labor leaders,  
6 state corrections commissioners, and researchers,  
7 former prisoners, and others with direct experience  
8 from behind -- life behind bars.

9 Let me tell you about just a few of them.  
10 Ronald Kaschak was an employee of Mahoning County Jail  
11 in Youngstown, Ohio for three years, put three years  
12 on the job when senior supervisors ordered him and  
13 other officers to beat an inmate as an act of revenge,  
14 and then not to report the incident. His story  
15 starkly illustrates what compels officers to follow  
16 even inappropriate orders, and also a need for good  
17 leadership.

18 Lou West will testify to the difficulty of  
19 working as a corrections officer even under good  
20 circumstances in a facility where leadership is  
21 strong. In the St. Louis jail where Mr. West works,  
22 he supervises 67 people out in the open, and feels  
23 called upon to be everything from a psychiatric aid to  
24 a father figure.

25 Echoing Lou West, Theodis Beck, who heads

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1 the North Carolina Department of Corrections, will  
2 describe changes in the job of a corrections officer  
3 as the prison and jail population has expanded and  
4 grown more diverse and troubled, pointing out cultural  
5 differences between officers and inmates that can be  
6 as wide as the Grand Canyon. And officers who must  
7 speak multiple languages, know gang signs and colors,  
8 understand the aging inmate population, and recognize  
9 suicidal behavior.

10                   And if those challenges weren't enough,  
11 Elaine Lord, former superintendent of Bedford Hills  
12 Prison in New York will talk about the price of making  
13 a single mistake on the job, to serious injuries, to  
14 the loss of a career, and the pressure that places on  
15 officers and managers. As we hear from more and more  
16 witnesses, what may be the most striking are the views  
17 they have in common.

18                   Eddie Ellis has spent 25 years in various  
19 New York prisons. He'll talk about an "us versus  
20 them" mentality and resulting code of silence that  
21 persists in correctional facilities today.

22                   Kathleen Dennehy, Commissioner of  
23 Corrections in Massachusetts, who expressed concern  
24 about the same self-defeating dynamics and what she's  
25 doing to change them.

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1 California labor leader Lance Corcoran, who  
2 worked as a corrections officer, and Patrick McManus,  
3 an expert on the use of force and a court-appointed  
4 monitor of facilities around the country will express  
5 some of the same words. They include low pay, minimum  
6 training, hostile work environment, and a glaring lack  
7 of appreciation and respect for the work of  
8 corrections officers.

9 As Commissioner Dennehy from Massachusetts  
10 will tell us, the field of corrections is growing more  
11 rapidly than any other sector of government. It  
12 continues to grow in the number of defenders, in the  
13 number of staff, and in the expense. We have to get  
14 it right. In their every day work the witnesses at  
15 this hearing are trying to do just that.

16 Well, let's get started. I want to turn  
17 now to Larry Crawford, director of the Missouri  
18 Department of Corrections. Director Crawford, I want  
19 to thank you for welcoming us to Missouri, and for  
20 taking the time to briefly reflect on the challenges  
21 and opportunities in your state.

22 MR. CRAWFORD: Thank you, Mr. Chairman,  
23 members of the committee. I do appreciate the  
24 opportunity to welcome you, and I would like to take  
25 credit as I was driving in this morning, got up very,

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1 very early to drive in, and I notice what a beautiful  
2 day it was as the sun rises, and I would like to take  
3 credit for the weather here and welcome you to the  
4 Show-Me State to the beautiful city of St. Louis.

5                   And I would like to talk a little bit about  
6 your role and my past role. I look at you as a  
7 committee and a commission on a fact-finding mission,  
8 and just last year and the years before I served as a  
9 state legislator in the Missouri General Assembly and  
10 had many of these meetings, and it's challenging and  
11 it's important and there's a lot of information to be  
12 gleaned from these meetings.

13                   I guess -- I guess I feel for you a little  
14 bit because it is really a hard job to separate  
15 testimony and establish fact and come to the true  
16 conclusion. It takes a lot of time and research, a  
17 lot more than just all your time that I know you're  
18 spending in these hearings.

19                   Actually, I did the same thing throughout  
20 state government and was very active on correction  
21 issues, advocating many times for the tough jobs that  
22 our employees do in the Department of Corrections,  
23 carrying some legislation to -- for correctional  
24 officer certification, to raise the bar, to enhance  
25 their ability to get paid overtime as they many times

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1 are forced to work overtime, and actually an audit  
2 committee is helpful in some cases.

3           We have an increasing problem in the  
4 Missouri Department of Corrections with offenders many  
5 times that are -- have AIDS or HIV positive throwing  
6 body fluids and feces on our officers. I carried that  
7 bill unsuccessfully, but it was passed this year to  
8 make that a crime, of course, to try to prevent those  
9 kinds of conduct inside prisons. One of my fellow  
10 legislators did pass that, and it was signed by our  
11 governor, Matt Blunt, this year. So I was pleased to  
12 see that.

13           So I realize now that I'm Director of the  
14 Department of Corrections that as a state legislator,  
15 I was sort of in a 30,000 foot snapshot view of the  
16 Department of Corrections. And so I'm very pleased  
17 today that you are looking into our most valuable  
18 resource in the Missouri Department of Corrections,  
19 and that is are employees. And even though we have  
20 over 11,000 employees, we have a good structure and  
21 management.

22           I really hope that you look at our front  
23 line employees, our correctional officers, and that  
24 doesn't exclude the cooks and maintenance folks, even  
25 the caseworkers that have that direct contact, the

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1 direct care access that provide the safety for the  
2 citizens of this state of Missouri, safety for the  
3 inmates that have been convicted of a felony and we're  
4 in care and custody of, and a very tough job they do.

5           Now, they are trained professionals. They  
6 have four weeks of training after they go through a  
7 screening and employment process. Each year every  
8 employee in the Department of Corrections has forty  
9 hours per year of recurrent training. And I say  
10 recurrent. Part of that's recurrent in new issues.  
11 I'm working on enhancing career development as part of  
12 our additional curriculum on that.

13           But Missouri is challenged with the growth  
14 of our system. Back in 1983 we had about 5,000  
15 inmates incarcerated in the state of Missouri. Now  
16 just a little over twenty years later we have over  
17 30,000 inmates incarcerated in the state of Missouri,  
18 and we're also responsible for anywhere between sixty  
19 and 70,000 felons that are on community corrections or  
20 supervision of our probation programs. We're  
21 responsible for that too. These are the folks that  
22 are living amongst them, some of you sitting here  
23 today that we're responsible for. We take our job  
24 very, very seriously.

25           We have twenty -- we have twenty prisons.

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1 Closed one last year due to budget constraints, and so  
2 our prison system is pretty full. We went -- in 1994  
3 we ranked 18th in the rate of incarceration in the  
4 nation. By 2004, just ten years later, Missouri had  
5 moved up to eighth in the national ranking. So we've  
6 had to grow. Our employees' population has grown,  
7 have over 11,000 of them. I mentioned over 8,000 of  
8 them are in the Division of Adult Institutions or the  
9 prison systems alone.

10 So career advancement and continuing to  
11 find new and qualified employees has been and is a  
12 challenge, but they rise to that. Pay is low. All  
13 our state employees are paid low in Missouri. In  
14 fact, a local government magazine just mentioned that  
15 we were 50th out of fifty states in pay. That's for  
16 all state employees, and I would guess that our  
17 correctional officers don't fare a bit better than  
18 that. My guess would be -- I haven't -- you know,  
19 figures change, but they're probably fifty out of  
20 fifty also.

21 But I would like to recognize the great job  
22 they do. In September each year we have -- each month  
23 we have an employee of the month. Adrian Barnes, if  
24 you would stand, was our September -- October, excuse  
25 me, October employee of the month. He is a functional

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1 unit manager, actually known as a FUM affectionately,  
2 as a FUM at Missouri Eastern, which is close to here  
3 in Pacific, Missouri. It's a lower level institution.  
4 The average stay for the inmates are about six months.

5 But he arrived at this situation after some  
6 bad things that had happened. One of the inmates had  
7 assaulted one of our officers and the inmate was  
8 actually bleeding, and he was HIV positive. That  
9 situation, he was put back in his cell. Our  
10 correctional officer was treated, and as per policy  
11 our medical staff needed to draw a blood sample of the  
12 offender to see if they had hepatitis or other  
13 infectious disease.

14 The offender became -- the inmate became  
15 increasingly agitated, had a -- had a cup of urine  
16 that he was threatening to throw, spit, bite, and  
17 assault whoever came in there. And the nurse, she  
18 knew it was difficult enough to draw blood when people  
19 were willing when you're HIV positive.

20 So as per regulation our emergency squad  
21 suited up with special gear to protect themselves from  
22 body fluid. They were pretty nervous about this, but  
23 the social superintendent called Adrian Barnes, who  
24 was known for great communicative skills. In fact, he  
25 had a calming effect on the inmates and been very

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1 successful in working on them. And just a short time  
2 before he had actually been trained on hostage  
3 negotiation.

4           Adrian came into the situation without  
5 knowing all the history that I just gave you, and  
6 there was an open food port there, and he began  
7 talking and calming this inmate, and the good thing  
8 is, as Adrian said, the guy finally got some sense and  
9 agreed voluntarily to let the blood be drawn and  
10 without any further incident. Our officer wasn't  
11 injured very much, and that's a good outcome. That is  
12 the tough things that our officers face every day.

13           I met -- I met a lady, Sergeant Catherine  
14 Miller, if you would stand up, at Bonne Terre just a  
15 couple months ago. She's a three and a half year  
16 tenured employee with the Missouri Department of  
17 Corrections, and I was actually asked to meet her by  
18 her lieutenant, her immediate supervisor, because he  
19 thought he and her were being treated unfairly by some  
20 of our other staff.

21           Actually, a staff grievance, part of my job  
22 too. I'm not -- I'm a very hands-on person and I'm  
23 learning, so I traveled and met with them and listened  
24 to their grievance, and in passing, the reason I  
25 brought her here today, she's had no recognition. The

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1 lieutenant said, "Oh, yes, and she broke up an  
2 assault," and immediately I'm concerned about safety  
3 of everybody at prison, our employees as well as the  
4 inmates as well as the citizens we're charged with  
5 keeping safe.

6 I questioned that and I remember the  
7 incident, but I didn't know -- I didn't know it was  
8 her. I didn't even remember that it was a lady that  
9 broke this up, but an inmate, this is a level five,  
10 very serious offenders, very dangerous folks here, and  
11 one of them had lured one of our correctional officers  
12 in the back, assaulted him, succeeded in stunning him,  
13 pretty much incapacitating him at least momentarily.  
14 Another officer came to his defense, but was losing  
15 the battle so to speak, and she came and broke it up.

16 And I looked at this lady and I just talked  
17 to her, and she's got a great demeanor. I'm kind of  
18 like "Did you use pepper spray?" And I'll never  
19 forget the look on her face. I guess she thought that  
20 she couldn't do her job. She said, "Well, they were  
21 spraying pepper spray all over the place, but it  
22 wasn't effective." She really didn't go ahead and  
23 tell me the rest of the story, but from what I hear  
24 that our officers are well-trained and she took  
25 control of the situation, and in this case no one was

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1 real seriously hurt.

2                   But it's a challenging job. Because at the  
3 same time we expect them to implement our Missouri  
4 Reentry Process. I'm told by national leaders that  
5 Missouri is leading the country in our reentry  
6 process, which does recognize the fact that 95 or we  
7 think maybe 97 percent of our inmates will go back out  
8 into society, and we should pool all our state  
9 resources towards a home plan of preparing them to go  
10 back in society.

11                   Then making sure they are successful in not  
12 committing another crime and committing another circle  
13 of victims around them as they -- as they become a  
14 higher-level felon. So anyway, she has to change  
15 gears real quickly to protect her fellow officers and  
16 herself and yet be responsive to the inmates' needs.

17                   Not all of these stories come out quite as  
18 well. In September I got an E-mail from Charles  
19 Fleming, a CO-1 at Farmington. He had -- he had been  
20 called in where we had an offender that had assaulted  
21 another officer, and actually made contact with this  
22 offender. Now, he's my age, about within a year of my  
23 age. I looked it up, and when he went in the officer  
24 went low as we would say in football, took out his  
25 knee and broke his leg in several places.

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1                   In September he E-mailed me and said he had  
2   been off four months, had used up most of his sick  
3   leave, been through three operations, was most likely  
4   to have another one or more to repair nerve damage,  
5   but he wasn't complaining. He was proud -- he was  
6   proud of his job, but what he was complaining about  
7   and wanted to see if I could do anything about was  
8   during these four months the inmate that had assaulted  
9   him hadn't been charged by the local prosecutor, and  
10  he was a little concerned that we were more caring  
11  about inmates than we were our employees. Difficult  
12  situation.

13                   I've got three -- and these are my last  
14  ones that I'll mention here, but I've got three  
15  officers that obtained our highest reward. If you  
16  would stand up, this is the Award of valor, and  
17  they're Officer Benjamin Cosgrove, Officer Lance --  
18  and I'm sorry, I should have written it down. Looking  
19  at my scribbly notes here. I'm sorry. I don't have  
20  your first name and don't remember, and Officer Travis  
21  Berkert.

22                   Officer Berkert was assaulted by several  
23  inmates at Potosi, which is another one of our maximum  
24  security prisons, and actually was surrounded and not  
25  faring very well when the other two officers

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1 responded, and they were immediately assaulted by a  
2 number of inmates.

3 I mean, when you put this in context, in  
4 all of our prisons we are working with our officers  
5 outnumbered between fifty and 150, and we keep peace  
6 and we do communicate and we do try to do this. If  
7 they turn violent, this is what our folks take. They  
8 worked together, back to back, and used their training  
9 and managed to actually fight their way out of this.  
10 Travis, Officer Berkert, did sustain a concussion, a  
11 broken wrist, and a broken nose in this, but they were  
12 awarded the Award of Valor for -- for saving each  
13 other.

14 Case after case of times when our officers  
15 are in jeopardy. But on the other side of this, since  
16 I've been director just since the first of the year,  
17 by the way, I have given out numerous Lifesaver  
18 Awards, and the bulk of these Lifesaver Awards are our  
19 officers acting quickly to save a life of an offender.

20 There were 38 incidents I think involving  
21 81 of our employees. Let me read here. Yeah, there  
22 were -- there were eighteen Heimlich maneuvers. Some  
23 of those where they were choking on food, also could  
24 be when they were choking on balloons that are  
25 containing drugs that are passed by mouth from visitor

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1 to inmates in the visiting rooms.

2                   And anyway, there were eighteen Heimlich  
3 maneuvers, several suicide attempts where they  
4 actually cut down people who use their bed sheets to  
5 take their life. Seven CPRs, and other rescues from  
6 assaults and falls and other means of offenders.

7                   And I guess the point I try to make is that  
8 our officers deal with conflicting personalities in  
9 prisons. They deal with the ones that are weak and  
10 are preyed on by other inmates. They deal with strong  
11 that want to be stronger. They deal with people that  
12 wish to harm them. They deal with people that wish to  
13 escape so they can do harm to citizens. They deal  
14 with people who just don't really want to be there and  
15 would like to obtain our help to come back into  
16 society successfully. And yet they have to support  
17 each other.

18                   One moment they're defending themselves.  
19 One moment they're defending another offender, another  
20 inmate, and then we are saying you've got to implement  
21 these programs. You've got to make sure these people  
22 get their GED. You've got to make sure they have a  
23 good home plan. You got to make sure they are allowed  
24 to go out on work release or go out on vocational  
25 training so that they can become good citizens. It's

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1 a tough job, and they do a great job of it.

2 I might mention one thing that I thought  
3 about on Sunday here, I guess, just to close. I was  
4 actually in Sunday school class, and I'm not going to  
5 preach to you or anything, but our book was "Being  
6 holy in an unholy world." I thought this was kind of  
7 unusual, following God's example how can I be more  
8 godly?

9 I'll just read you one verse that's out of  
10 Ephesians. Above it says implementing continuing  
11 change. And Ephesians four, verse 28 says, "The thief  
12 must no longer steal. Instead, he must do honest work  
13 with his own hands so that he has something to share  
14 with anyone in need."

15 This doesn't necessarily pertain to our  
16 employees, but it takes our employees to implement  
17 that, but I think that sums up a lot of what my  
18 philosophy was before I was Director of the Department  
19 of Corrections as a legislator.

20 And when I mention thieves, we have people  
21 that have committed all kind of crimes in prisons, but  
22 a snapshot, eighty percent of them coming in the front  
23 door have an identifiable substance abuse problem.  
24 Ten to eleven percent of them are seriously mentally  
25 ill, and many of them are charged with crimes of

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1 theft, burglary, and maybe more violent things, but  
2 they were in the process of doing this to earn their  
3 keep the best way they knew how or the way they chose  
4 to do I guess I should say.

5                   And I did feel strongly before I was  
6 director that we needed more resources to teach them  
7 work skills, to teach them trades to make sure they  
8 keep busy, and I think -- I hope some of you and the  
9 press and anyone gets the time to talk to any of our  
10 officers. We're an open book in the Department of  
11 Corrections.

12                   They will tell you their thoughts too, and  
13 I haven't talked to them about this, but they'll tell  
14 you that idle time is not good for inmates. And we're  
15 very proud and we have seventeen vocational jobs in  
16 Missouri Department of Corrections, but we have 30,000  
17 plus inmates also. So even though we're proud of the  
18 jobs we have, there's not enough to go around. We  
19 give them jobs, but these are meaningful jobs where  
20 they go to work and actually get paid to do that.

21                   Thank you for your time. Thank you for  
22 your attention. I know you've got a tough job. I  
23 hope you do it diligently because it's important.  
24 It's important for the public safety of the state of  
25 Missouri and the United States.

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1                   MR. KATZENBACH: Thank you very much,  
2 Commissioner. Appreciate you coming up. We'll begin  
3 our first panel then.

4                   DR. DUDLEY: Good morning. We've begun  
5 each of our hearings with a kind of a personal account  
6 where we've taken an opportunity to hear from  
7 individuals who have a very deeply personal experience  
8 related to the theme of each hearing. We were going  
9 to continue that this time. The four panelists for  
10 our personal accounts panel include Mr. Lou West,  
11 Reverend Jackie Means, Ms. Asha Bandele, and Ronald  
12 Kaschak.

13                   Mr. West is a corrections officer, I think  
14 as you heard already, in St. Louis Justice Center,  
15 who's worked in the field for 25 years. He will  
16 describe for us how St. Louis is working in a direct  
17 supervision environment and will talk about the  
18 positive impact of that as it relates to inmates as  
19 well as officer safety.

20                   Our second speaker will be the Reverend  
21 Jackie Means, who is the director of prison ministry  
22 for the Episcopal church. She'll address various  
23 issues associated with working in the prisons and her  
24 observations in that regard as well as her experiences  
25 as a mother of a female corrections officer and

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1 balancing those experiences.

2                   Our third speaker and witness will be  
3 Ms. Asha Bandele. She is the author of The Prisoner's  
4 Wife and a staff member of the Drug Policy Alliance.  
5 She'll describe some of the difficulties that she's  
6 encountered in maintaining a relationship with her  
7 husband, who's a New York State prisoner, and the  
8 importance of prison superintendents in trying to  
9 mitigate or making more difficult the challenges of  
10 maintaining a family when one of its members is  
11 incarcerated.

12                   Then our fourth witness, Mr. Ron Kaschak,  
13 is a former deputy sheriff at the Mahoning County Jail  
14 in Youngstown, Ohio, who obeyed a supervisor's orders  
15 to beat an inmate and then cover up the beating. He  
16 later assisted authorities in the prosecution of the  
17 supervisors, and will talk to us about his experience  
18 in that regard. Mr. West.

19                   MR. WEST: Good morning. I'm here today to  
20 shed some perspective and insight on some of the  
21 experiences of working in the jails past and present.  
22 The first experience of working in a linear style  
23 institutions, I was there in the 1980s, and probably  
24 the best description that I can give how the inmates  
25 felt came from a quote from the author George Louis

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1 Jackson, who was a member of the California State  
2 Penitentiary in the seventies who said that, "Try to  
3 think about the worst day of your life. That is how I  
4 feel all the time."

5           The physical structure of the jail set the  
6 tempo and the stage for the aggression and violence  
7 that was always present in this environment. Even  
8 though I grew up in the streets of St. Louis, there  
9 was nothing to prepare me for the graphic violence  
10 that was experienced on an everyday experience.

11           Some days just in taking the count in  
12 coming in to work, you would immediately view inmates  
13 trying to destroy each other with all the might and  
14 aggression that they could muster. The despair and  
15 desperation was increased whenever there was any hint  
16 of injustice or opportunities taken away that always  
17 seemed to increase.

18           In this environment the officer was like a  
19 human buffer for all of the aggression and stress that  
20 the inmates had manufactured by the fact that they  
21 were facing a lot of time. It seemed like everything  
22 was done in intense anger, and it caused a personal  
23 reaction for me also in my home life, outbursts of  
24 anger for no seemingly reason at all.

25           I knew it was a reflection of where I

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1 worked, and many times I found myself being disturbed  
2 in my sleep because I always felt the presence of  
3 something evil coming towards me. So it was always  
4 the escapism of trying to be prepared and fight, and  
5 I've torn up many a stereo equipment and personally  
6 have grabbed my wife on occasion in the early part of  
7 my career.

8                   So this environment dealing with the safety  
9 of the inmates basically was understood that we had to  
10 make periodic tours of the jail. They were -- all the  
11 cells were all lined up side by side. But we were  
12 never required to just stay in front of the cell. So  
13 those inmates who experienced charges dealing with  
14 women and children, which were very hostile in the  
15 jail environment, were the ones that faced probably  
16 the most harm for their safety, and anytime the five  
17 o'clock news came on and their pictures were able to  
18 be flashed across the screen, we had extreme violence.

19                   So the number one instrument of safety that  
20 I employed that I used was a concept called the  
21 interpersonal communications skills. And this meant  
22 your ability to personally relate and communicate to  
23 all those that were involved on your walk. I always  
24 felt that if you know the person there, know what  
25 they're feeling, know some of the problems that they

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1 were going through, you could personally address this  
2 on a human issue, and it will cause you to have a lot  
3 of feedback and cooperation.

4           Now, this concept in turn was frowned upon  
5 back in the early days for fear of becoming too  
6 familiar or being manipulated by persuasive inmates  
7 who had that power and ability. But I always felt  
8 that if you knew what a man was going through, if you  
9 understood that the jail system was probably the worst  
10 place that a human being could ever be in his life, if  
11 you came in there on a positive note and the inmates  
12 knew that you were not there to add to the tension,  
13 add to the chaos, it created an atmosphere of peace.

14           Now, this did not always work because  
15 problems and situations came up all the time that  
16 always seemed to strip a man of his human dignity.  
17 There was always a fight for what was right and what  
18 was belonging to them, and the only line of defense  
19 between the inmates and the staff was the line  
20 officer, the correction officer that worked back there  
21 on the tier.

22           You could stop many a problem or conflict  
23 by just listening to what the problem was, and being  
24 able to articulate it to your supervisors in a  
25 peaceful manner. Because back in those days we did

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1 not have the mace and all the high-powered equipment  
2 that we had, and any time you opened those gates and  
3 went in there and had to deal with them, it was like  
4 hand-to-hand combat.

5                   This concept probably resulted in the early  
6 1990s with one of the worst riots we had in county  
7 jail history, where the SWAT team had to actually come  
8 in when we were in stage one of our more fierce  
9 battles at night because of the institution of not  
10 having smoking in the institution. It caused a great  
11 deal of chaos and stress. That night came to a  
12 conclusion with the SWAT team surrounding the  
13 building, and finally the prisoners gave up. And we  
14 believe because of that riot, there was several more  
15 before that, that this is what led to direct  
16 supervision.

17                   Now, direct supervision style is a more  
18 humane setting for the prisoners. We do not have any  
19 bars. The inmates are allowed to come and sit in a  
20 day room area, watch television, interact with each  
21 other without that confinement placed upon them. The  
22 safety of the inmates was dramatically increased  
23 because the officer now was inside the pod with them,  
24 whereas in the other style we were allowed to sit on  
25 the outside.

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1                   The problem is the officer was now on  
2 complete display, and we probably like to describe it  
3 as customer service in hell because it seemed like as  
4 soon as you open the gates, 67 men would approach you  
5 at different times, not with the courtesy that you  
6 might have working in a retail store, but with all of  
7 their frustrations and aggravations on front street  
8 irregardless of the man next to them.

9                   So an officer required on a number of  
10 professional roles to be a psychiatrist, trying to  
11 figure out some of the personality disorders that  
12 inmates had. A constant social worker. Have to  
13 constantly provide the needs, the paperwork, the  
14 hygiene items. A role model, a father figure, a  
15 humanitarian, a disciplinarian, an academy award  
16 winning actor, and a fireman because you had to  
17 constantly put out conflicts.

18                   While all this was going on, at the same  
19 time you had to maintain a computer and make sure that  
20 you know where each and every one of these men were at  
21 any given time of the day, and it always seemed like  
22 everything happened at the same time. On any given  
23 day they would call for the courts at the same time,  
24 the clinic people, the GED, and this constant moving,  
25 constant motion always calls the officers to have a

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1 great deal of ability to be an actor.

2                   Now, I use that word actor because if you  
3 can just place yourself in a situation that every  
4 single day that you came to work you were faced with  
5 extreme problems of 67 grown children who wanted you  
6 to be their caretaker and solve everything that they  
7 had. And even though we are not required to be legal  
8 consultants, the inmates never trusted themselves.  
9 They were always asking you or running over their  
10 scenario of their case and how they were innocent just  
11 to see how it sounded even to themselves.

12                   So the opportunity to say that I would  
13 never compare a correction officer's job with the  
14 police officer's, but I do believe that we are the  
15 first cousins of the law enforcement police officers.  
16 This is why a correction officer is really offended by  
17 the media when they refer to us as jail guards because  
18 if all we had to do was sit and watch something, we  
19 would be in very good shape indeed.

20                   A correction officer is required to have a  
21 multi-facet of skills that he must call upon every  
22 single day that he works. And the very same people  
23 that the police officers arrest, have to subdue or  
24 shoot at, we live with them on a daily basis unarmed.  
25 And there's nothing but air and opportunity that will

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1 prevent them or yourself from being taken hostages.

2                   Now, as I mentioned before, the technique  
3 that worked in the linear style jail is the exact  
4 technique that still works to this day, and I know it  
5 to be effective, and that is your ability to relate to  
6 your fellow man and emphasize and put yourself in his  
7 situation. By you being able to do this, you are not  
8 adding to the stress and tension that's always there.

9                   We always said don't never go looking for a  
10 fight in correction. The environment exists. All you  
11 have to do is just be prepared. But it seemed like  
12 when things happened, even though we have a timely  
13 system where officers arrive, it takes only a matter  
14 of seconds before things can become a complete chaos.

15                   Now, I wanted to close in saying that maybe  
16 the general public is not aware, but most of the  
17 members of our society who have committed crimes are  
18 usually in the same category as me and you. Usually  
19 five or ten minutes of anger can change the course of  
20 a person's whole life. And if you're able to  
21 understand that only by the grace of God have you been  
22 blessed to not be in this situation, if you can relate  
23 that to them, this is the number one thing that keeps  
24 your safety intact. Because you are not viewed as a  
25 hostile opponent of the system. You are viewed

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1 exactly what your title says, correctional officer,  
2 which means "to make right."

3 MR. SESSIONS: What's linear style jail?

4 MR. WEST: The linear style jail is the  
5 symbolic that you see on television with the bars and  
6 the locking of the doors and the racking. That is  
7 considered linear. Where direct supervision is in an  
8 open setting, or open seating.

9 DR. DUDLEY: You described the benefits of  
10 this direct supervision model. I was wondering if you  
11 had any thoughts that you wanted to add about how  
12 corrections officers could be trained so they would be  
13 better prepared to handle this sort of model, and/or  
14 any other sorts of things that can be done to make the  
15 direct supervisor model any less stressful for the  
16 officers working there.

17 MR. WEST: We have an excellent training  
18 staff that prepares us on a number of topics and  
19 issues dealing with human behavior and different  
20 dynamics of situations, but there's some -- some  
21 things that cannot be trained. If you know your  
22 personality is not going to deal with a lot of other  
23 people's problems, that you are -- maybe you are  
24 impatient in regards to having a vulnerability to  
25 listening and just hearing complaints all the time, it

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1 makes it somewhat difficult. But you can acquire that  
2 immune system by being able to just kind of relate and  
3 put emphasis on how you would feel in that situation.

4 I said myself if somebody was in my family  
5 that was incarcerated, I would certainly hope that  
6 somebody would take the time out to turn them around  
7 and show them a positive influence in jail. There are  
8 techniques and training measures and classes that you  
9 can take in dealing with the human behavior, but it's  
10 something that has to be inside you as you have to  
11 willingly want to explore because if you don't have  
12 it, the job can be extremely difficult.

13 DR. DUDLEY: Are you saying recruitment and  
14 selection of corrections officers is equally as  
15 important?

16 MR. WEST: Yes, it is. It's hard when  
17 you're interviewing people for the job to really  
18 determine what type of personality they have that can  
19 really endure this because even the most patient of  
20 people have problems in this setting. No matter what  
21 style of management you have, just being in an  
22 environment where you're constantly in demand has its  
23 drawbacks.

24 So it's really to difficult to determine --  
25 and it really has nothing to do with size. Some of

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1 the biggest guys that we ever had, they run clean down  
2 the street dealing with all the personality that we  
3 have. Some of the smallest officers in the building  
4 have a presence and a command that they can convey to  
5 the inmates that lets them know that they're in charge  
6 and they are professional. So it's really difficult  
7 to determine exactly who is fit for the job.

8 DR. DUDLEY: Thank you very much. Reverend  
9 Means?

10 MS. MEANS: I think I want to thank you for  
11 giving me the time this morning to speak to you. I'll  
12 let you know later. As you know, my name is the  
13 Reverend Jackie Means. I'm currently director of  
14 prison ministries for the Episcopal Church in the USA.  
15 I spent the last 35 years ministering prisoners,  
16 staff, correctional officers, and families of both, a  
17 calling that became even more personal when my  
18 daughter made the decision to become a corrections  
19 officer more than twenty years ago.

20 In the early 1970s I was doing a semester  
21 of field work at the Marion County Jail in  
22 Indianapolis, Indiana in the women's section, and  
23 after hearing the stories about the atrocities at the  
24 women's prison, knowing it is indeed the oldest  
25 women's prison in the United States, I decided I'd

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1 take a peek inside and see what it really looked like.  
2 In those days the women were still using slop jars and  
3 were not allowed to use telephones. They had no  
4 privileges.

5                   Knowing that they didn't have a chapel and  
6 they were the only prison in the state of Indiana that  
7 didn't have a chaplain, the first time I went into the  
8 institution I snuck in behind the Catholic chaplain  
9 that was doing mass and his singers. They thought I  
10 was a singer. They didn't check very much in those  
11 days. Of course, they didn't let many people in the  
12 prison system in those days.

13                   I slipped in right through his coattail,  
14 and I felt pretty good about it until I got inside and  
15 realized that all those women looked just like me.  
16 They didn't have uniforms on. And all I could think  
17 was what am I going to do if I don't get out of here  
18 and they do count tonight and they have one extra  
19 person. How do I explain that?

20                   Soon after going in with him I made an  
21 appointment with the warden of the prison, and asked  
22 if I could begin coming in and doing some chaplain  
23 work for the women. And I also went to the Episcopal  
24 church and to my bishop, and soon afterwards I was put  
25 in the budget and I was paid as a full-time chaplain

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1 at the Indiana Women's Prison.

2 I was there for twelve years, and in the  
3 meantime my daughter, as I said before, became  
4 interested in being an officer, and just as I was  
5 leaving my position as the chaplain she began her job  
6 at the prison. For the very first few months she had  
7 a real hard time because our jobs were different.  
8 They knew that she was my daughter.

9 We look almost exactly alike, and the  
10 officers, the staff, would also compare her to me.  
11 But anyway, especially the inmates. And they'd say,  
12 "You're not like your mother." And of course, she --  
13 her job was different than her mother's. My job was  
14 not to make sure they were locked up. My job was  
15 there as a spiritual advisor. And I think that that  
16 bothers her still to this day. She still has that  
17 position.

18 I can't blame her position as an officer  
19 for the drinking problem that she developed. The  
20 stress of the job and the lack of support for the  
21 officers didn't help the situation. There are  
22 statistics that say divorce and alcoholism are the  
23 major problems facing officers. Then when you have  
24 reached the top, whatever that means in corrections,  
25 maybe it's being a warden, this changes to heart

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1 problems.

2                   There's also a study that shows one year --  
3 or one year after retirement, one year before and one  
4 year after retirement, the incidents of death from  
5 heart attacks are very high. As I was talking to a  
6 warden just last week, he told me that he was one year  
7 from retirement, and was also -- always and was that  
8 day becoming anxious about his health and was he going  
9 to survive the retirement. Not the job. The  
10 retirement.

11                   The prison system is like no other in the  
12 world. It is militaristic, and those in charge for  
13 many years kept the secular world out as much as they  
14 could. This frame of mind continued until the  
15 population explosion in the '80s and continues even as  
16 the crime rate has gone down.

17                   As the mother of someone working in the  
18 prison culture, I watched my daughter as time went by  
19 becoming more like an inmate every day. Staff  
20 snitches on staff. Inmates snitch -- snitch on each  
21 other and staff, and it becomes a vicious circle. The  
22 sense of collegiality does not often exist. Then you  
23 add in the families and friends of the inmates and  
24 they too are a source of contention.

25                   They, like the inmates, have their own

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1 issues to deal with: A sense of guilt, anger at the  
2 situation, and the feeling of helplessness. Not  
3 knowing who to believe, they are frustrated at the  
4 system that is not likely to change. Generally  
5 speaking, the officers are not offered any continuing  
6 education, nor do they have any choice in overtime.  
7 It is mandatory. My daughter works twelve-hour  
8 shifts, and for a single parent this is very  
9 difficult.

10 I had a conversation with a female officer  
11 at a male facility who was around fifty years old.

12 She has a hard time on her third day on rotation. She  
13 says she's completely fatigued and wore completely  
14 out.

15 There are more safety issues. In a  
16 conversation with a superintendent of two prisons in  
17 the Midwest, I learned that his main concern was the  
18 lack of adequate staff. He has dorms of 400 men with  
19 three officers per shift. This is bad enough, but  
20 when these men are a mixture of long-timers, lifers,  
21 child molesters and those with short time, in the  
22 prison culture it is usually the young, short-timers  
23 who cause ninety percent of the problems. The  
24 superintendent is very concerned for the safety of his  
25 officers and the inmates.

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1                   There have been instances where an inmate  
2 has been accused and filed a complaint against an  
3 officer accusing him or her of inappropriate behavior.  
4 There is a hearing and also an investigation done by  
5 staff members that is either done in a hurry and  
6 sometimes not at all.

7                   And the officer's job is on the line. If  
8 an officer does a good job and follows procedures to a  
9 T, inmates are frustrated and often set the officer  
10 up. That is not to say that officers are good or bad  
11 people, but sometimes there is a fine line between the  
12 inmate and the staff.

13                   In most states if the officer is the head  
14 of the house, has a family and is the only one  
15 working, they can and have qualified for welfare.  
16 When I was at the Indiana Women's Prison, because they  
17 were not paying my salary, I was able to do some very  
18 interesting things. I had a friend who was a  
19 prominent wealthy lawyer in Indianapolis who made the  
20 mistake of how he might help me.

21                   So I played on his guilt because he was  
22 very rich and very prominent. He took two cases where  
23 both women were doing life, both black, and both could  
24 not read or write at the time of their crimes. One  
25 women was convicted of shooting her boyfriend, no

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1     weapon was ever found on the scene, and there were no  
2     witnesses. My friend took the case back to court and  
3     she was released immediately. And the judge  
4     apologized to her for the thirteen years she had spent  
5     in prison.

6                     The other woman was sent to prison for  
7     strangling her infant two days after she was released  
8     from a mental hospital for severe postpartum  
9     depression. When my friend took her case, he was very  
10    doubtful that anything could be done because an infant  
11    was involved. He said to me on the way to Evansville,  
12    Indiana, "Baby, I don't think we're going to win this  
13    one."

14                    When doing research on the transcript of  
15    the trial, he discovered that it was the medicine that  
16    was prescribed during her hospitalization that put her  
17    in a psychotic state, and that's when she strangled  
18    her baby. She did fourteen years and was released  
19    immediately by the judge.

20                    Both of these women are still out and doing  
21    well after seventeen years. They could today still be  
22    behind bars if someone had not spoken out on their  
23    behalf. And by the way, they both got the basic  
24    education GED while they were in prison.

25                    Had I been an employee of the Department of

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1 Corrections, I could not have intervened. I spent a  
2 lot of my time talking to the staff being aware that  
3 the women inmates resented the time I spent with them.  
4 It's a lonely profession. Generally speaking they  
5 have very few people to talk to that understand the  
6 stress and pressure of the job. They also have a lack  
7 of trust as to the inmates.

8                   A woman at the Indiana Women's Prison was  
9 doing life. The woman had been on death row. At a  
10 time of high stress in her life many, many years ago  
11 she had shot eight people. The governor commuted her  
12 sentence from execution to life, and she had been in  
13 the Indiana Women's Prison 23 years when I first went  
14 there as chaplain.

15                   Every day as I walked to my office, she was  
16 out in the yard working. This is what she did. She  
17 put flowers and she took care of the yard. I always  
18 greeted her with a big hello and got no response, not  
19 even a nod, for four years. I took her on as a  
20 challenge.

21                   Then one day as I walked in the prison she  
22 looked up at me and said, "Good morning, chaplain." I  
23 almost fainted. I went over to speak with her and  
24 asked why today of all days she finally acknowledged  
25 my presence. She looked me straight in the eye and

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1 told me she finally figured out that I wasn't like all  
2 the do-gooders, that I was what I said and nothing  
3 kept me away. And in other words, I could be trusted.  
4 I want to add a note to that that she had come up for  
5 parole for several times during the time of her  
6 incarceration, and every time she came up was denied.

7                   The women in the prison supported her and  
8 they were -- they were like her children. She was  
9 like a mother to everybody. One evening I was privy  
10 to have dinner with a member of the parole board, told  
11 her about this lady, said, "I wish you would give her  
12 more consideration. I think that she -- I don't think  
13 she would hurt a thing. She's been there forever."  
14 Like how much -- how much time do you spend, how --  
15 how long do we have to pay?

16                   When she finally went up for parole  
17 hearing, all the women in the prison were waiting  
18 because they waited for her for so many years and she  
19 came out and she'd been crying. Well, when she came  
20 out this time she was screaming and she was laughing  
21 and she had tears, and all the women in the prison  
22 came out in the yard. I remember at this time we only  
23 had about 120 women, and they were all so joyful. She  
24 was released. And she still is doing well.

25                   The frustration that I felt was a sense of

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1 dealing with a system that was not fair and was most  
2 certainly racist and sexist. Because of its small  
3 size, the Women's Prison then only had three  
4 vocational classes, an ABE and GED. The vocational  
5 classes were such that even if they were completed,  
6 there was not a job that was much better than working  
7 at Wendy's.

8                   No. Okay. Now what do I do? What do I  
9 do?

10                   DR. DUDLEY: You're almost out of time.

11                   MS. MEANS: I know it. I want to say two  
12 things shortly. There are two things of my main  
13 concern. One is the maximum security and super  
14 maximum. One of the projects that I've taken on  
15 recently is having a camp for children who have  
16 parents in prison. And this camp allows each child,  
17 maybe sometimes for the first time in their life, to  
18 be in a place where they're loved and they're special  
19 and they're respected.

20                   We're doing these now in ten states, and  
21 it's been very successful. We know that if a child  
22 has someone in prison, their chances of going are  
23 about seven out of ten. If they have both parents,  
24 which is sometimes the case, it's 9.5. So hopefully  
25 we look at maybe breaking the cycle of incarceration

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1 and give these children a better life than their  
2 parents. Thank you and God bless you for what you've  
3 done.

4 DR. DUDLEY: Thank you. Before we let you  
5 go, though, any other thoughts of what might make the  
6 environment or the experience with the corrections  
7 officers --

8 MS. MEANS: I think they're underpaid.  
9 They're not very well respected. I believe that  
10 people, especially when they work in the shoe and  
11 super-max prisons should have more time off and they  
12 should be rotated through. That was my recommendation  
13 when I visited super-max and shoe.

14 And I also really believe that correctional  
15 officers should be encouraged continually to take  
16 credit courses or to take classes that will make their  
17 jobs better and easier. And I think that one of the  
18 problems I'm seeing now is that there are changes  
19 being made to the system. You have some new people  
20 coming in on the scene. It is hard for those that  
21 have worked there for a long time to change. That's  
22 the big challenge today I think for superintendents  
23 and wardens.

24 DR. DUDLEY: Thank you.

25 MR. SESSIONS: Reverend Means, do you have

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1 a -- you're one employee of the church?

2 MS. MEANS: Yes, I am.

3 MR. SESSIONS: Are there others like you?

4 MS. MEANS: In the other denominations?

5 MR. SESSIONS: No, just in the church

6 alone?

7 MS. MEANS: No, I'm it for the Episcopal

8 church.

9 MR. SESSIONS: Are there in every state --

10 DR. DUDLEY: We've got to --

11 MS. MEANS: We can talk later.

12 MR. SESSIONS: Thank you.

13 MS. MEANS: I hope.

14 DR. DUDLEY: Ms. Bandele?

15 MS. BANDELE: Good morning, and thank you

16 for the opportunity to speak with you about my

17 experiences with specifically New York State's

18 Department of Corrections, which I first came in

19 contact with in 1990. I was a student volunteer, a

20 member of a campus club, and we wanted to create

21 relationships with people who would be returning to

22 the neighborhoods in which we lived.

23 In New York State most prisoners come from

24 seven distinct neighborhoods. Most of us at the City

25 University of New York lived in that neighborhood --

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1 lived in those neighborhoods, and it made sense to us  
2 that these men and women who were invested into the  
3 community in which they are returning their  
4 engagement, that it would be quite different than  
5 their previous one. So to that end we visited  
6 regularly, we did poetry reading, we ate, we shared  
7 our living experiences with one another, and it was a  
8 period of tremendous growth for me.

9                   No one ushered that period along with more  
10 impact than a man named Rashid. He was serving twenty  
11 years to life for a murder he participated in when he  
12 was seventeen years old. We developed a personal  
13 relationship after two years, and then three years  
14 after that we got married.

15                   Let me say this before I go further: I  
16 think it's important to continually recognize that  
17 prisoners are not a monolith any more than all judges  
18 are one thing, all doctors are one thing, all writers  
19 or mothers. And I think that the view of prisoners as  
20 a monolith really tends to dissolve the opportunity to  
21 make the corrections system better. My own husband,  
22 you know -- for example, you know, has a master's  
23 degree in theology.

24                   The men who grow through that program at  
25 Sing Sing have a recidivism rate so low it doesn't

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1 even rank. And so that all prisoners do not need to  
2 be infantilized or directed to do every single little  
3 thing. It's just not true, and I really think it's  
4 important to note that.

5                   But in any case, I never thought that  
6 negotiating a relationship with a man in prison would  
7 be easy, but you know, I was 23. I was very young.  
8 Had a lot hope for our future and, you know, realistic  
9 belief that he would be released. And what we didn't  
10 notice was that our relationship was being slowly and  
11 in a very calculated way undermined.

12                   We weren't undermined so much by the fixed  
13 rules of prison life. You know, you read that and you  
14 accept that and behave accordingly. We were  
15 undermined as people, as individuals, as a family by  
16 rules that were selectively enforced by guards, and  
17 they were so selective you either didn't know they  
18 existed, or there would be these sudden capricious new  
19 rulings that would guide, you know, your interaction  
20 with your loved one in the facility.

21                   So one of the ones that we wives and  
22 mothers complained about the most were sudden changes  
23 in dress codes. So what you wore last week, you  
24 know -- literally I had pictures -- I would wear two  
25 weeks later and that now it's unacceptable. In the

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1 manner in which you're told that it's unacceptable is  
2 humiliating and has the collateral consequence of  
3 making a very vulgar sexual implication about you.

4 You wind up feeling like you're being sexually  
5 harassed. Whether or not that's the intention, that's  
6 what it feels like.

7                   So it was -- hard as this was to take prior  
8 to becoming a mother, it was nearly impossible to take  
9 once I became a mother because I always have to be  
10 aware of what I'm modeling for my daughter, and what  
11 does it mean for her to look at her mother being  
12 humiliated in this particular way and have no  
13 recourse. What is she learning about how to negotiate  
14 her space in the world as a woman and, you know, that  
15 fear began to envelope me and really make me want to  
16 limit my interaction with the facility because, you  
17 know, it wasn't okay to have her mother's private  
18 parts openly discussed and disparaged.

19                   So the most egregious example was this  
20 summer. It was maybe, I don't know, 98 degrees. It's  
21 July in New York. I had on a dress that was down to  
22 my ankles with a collar that was up here, but I had  
23 these very sexy naked arms in this 95 degree weather  
24 and so did my daughter. And they literally ran from  
25 the room where you process in and said, "You can't

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1     come any further" and stopped -- and we were stopped.

2     And, "Look at you, your arms are all out here."

3                     So luckily there were Muslims there who had  
4     seven layers of clothes on. They gave them to us and  
5     we were able to go in. But you know, other than that,  
6     we wouldn't have been allowed. The reason that was  
7     enforced was there was a new deputy superintendent, a  
8     woman, who decided that naked arms would cause the men  
9     to riot, and she walked around the facility that day  
10    in a tank top and shorts.

11                    Incidents like these would send me  
12    spiraling back to the office searches that took place  
13    when I would go on conjugal visits. And when the  
14    guard would sift through my clothes and would often  
15    pull your underwear up and shake it out as though I  
16    could hide something in it. They do it while a  
17    company of men were walking by. I will never be  
18    convinced this made the facility more secure. Indeed,  
19    the treatment of family members has the potential to  
20    make the facility less secure because it can lead to  
21    severe tension between a prisoner and a guard who  
22    humiliated or otherwise violated his wife.

23                    From the time I became a mother,  
24    maltreatment by guards seemed to intensify. Perhaps  
25    this was because it wasn't just me, but my infant



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1 anymore, and then have that be the reason you would be  
2 paroled. And, you know, just forced us to live with a  
3 certain amount of fear about what was coming next,  
4 what would the next day hold. And I think that, you  
5 know, if you walk away with anything, I really want to  
6 stress that we know intact families are a strong  
7 contributing factor to a prisoner successfully  
8 reentering society. We know that children who were  
9 provided a measure of safety, security, and stability  
10 grow into happy and productive adults. The prison  
11 system, as I experienced it, works completely to  
12 undermine both of these ideals.

13                   It's not true of all facilities. I  
14 certainly experienced two in which the leadership, the  
15 superintendent in one case, Robert Kuhlmann, in other  
16 case I have a lot of hope for William Brown, who is  
17 now running Eastern Correctional facility. Their  
18 leadership was one of respect for families of  
19 prisoners and for staff and that flowed. There were  
20 very few instances of violence and the like.

21                   So it makes me wonder, you know, why then  
22 when there is actual and anecdotal data to suggest  
23 that respectfully running the facility makes  
24 everyone's lives easier would there be people who  
25 chose to go another route. My conjecture is that they

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1    come into work with sets of prejudices, and those  
2    prejudices are not at regular intervals being trained  
3    out them.

4                    So for example, you see people constantly  
5    in family situations treated really badly.  If you  
6    have a mixed race couple, especially if the man is  
7    white and the partner is black, staffers who leave the  
8    facility because they fall in love with prisoners are  
9    treated very badly, same sex couples.  You know, women  
10   like me who was fairly prominent, you know, an author,  
11   you know, appeared to have some means, you know,  
12   Rashid was told, you know, basically, "She will be  
13   brought down to her level.  She's no better."

14                   One of the guards said something about me  
15   while he was strip searching my husband, you know,  
16   obviously looking to provoke an already tense  
17   situation.  So -- which is a huge problem in that  
18   they -- often the people who are in the visiting room  
19   monitoring us are the most hostile people you can ever  
20   meet.  Which in a place already ripe with emotion, it  
21   seems to confound, you know, me why that's there.

22                   So the confluence of all of these factors  
23   combined with my ineffectiveness when it came to  
24   protecting and advocating for my husband contributed  
25   to the dissolution of my marriage.  Earlier this year,

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1 for example, my husband broke his hand while playing  
2 basketball. It took fully 25 days for him to be  
3 diagnosed, three months to have any kind of real  
4 treatment. No painkillers. And I was helpless. I  
5 couldn't do anything.

6 I couldn't do anything when he was molested  
7 by a guard at Attica who during -- when he was being  
8 pat -- pat-frisked, you know, grabbed his testicles  
9 and penis. It happened on more than one occasion, and  
10 I think that I'll close by saying, you know, something  
11 about being a witness to abuse, especially of someone  
12 you love, when you're helpless. That is deeply  
13 scarring.

14 You know, it's from this place of  
15 depression, of helplessness and hopelessness that I'm  
16 asked to raise a happy and well-adjusted little girl.  
17 And I do my best, but you know, there are no crutches.  
18 There are no processes for families of the  
19 incarcerated, and when the prison population is  
20 hovering at over two million, what does it mean for  
21 our society at large to have so many walking wounded  
22 among us, and what does it mean for our children?  
23 Thank you.

24 DR. DUDLEY: Thank you. I was wondering  
25 before we let you go, you mentioned two places that

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1 you thought maybe things were better, and I was  
2 wondering if you wanted to mention or note anything  
3 specific about those places or any other thoughts that  
4 you've had about ways of doing things differently that  
5 were better.

6 MS. BANDELE: Sullivan Correctional  
7 Facility during the 1990s was run by a man named  
8 Robert Kuhlmann. He was an advocate for prisoner  
9 education and program. He encouraged interaction  
10 between prisoners and outside members of society. He  
11 ran a fair prison, a by-the-book prison in that, you  
12 know, you didn't get special favors or treatment, but  
13 you also didn't have these surprise shocking rules  
14 that didn't, you know, exist before.

15 So it was in that way a stable and  
16 predictable environment, and because it was stable and  
17 predictable everybody had a chance to sort of grow and  
18 mature and do better and think rationally without, you  
19 know, the unpredictable environment you're always  
20 thinking in this fear and defensive mode.

21 DR. DUDLEY: Thank you. Mr. Kaschak?

22 MR. KASCHAK: Good morning. I worked for  
23 Mahoning County Sheriff's Department for six years,  
24 from October of '98 to June of 2004. I held the  
25 position of deputy sheriff. I had several different

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1 responsibilities in the time that I worked for the  
2 sheriff's department. I worked at the correction  
3 division, the records and warrants, and I also worked  
4 patrol division.

5           The incident that I will be sharing with  
6 you happened while I was working in the corrections  
7 division of the MCSO. On December 28th, 2001 there  
8 was an incident that occurred that changed my life  
9 forever. On that Friday afternoon I was assigned to  
10 the float position of the jail. A float position  
11 means that you are there to help other deputies.

12           My shift began at two o'clock that day. At  
13 three o'clock in the afternoon I received a signal  
14 seven on my radio. A signal seven is a fight between  
15 inmates. The call came from the fourth floor housing  
16 unit, which is a felony floor in our facility. The  
17 fourth floor holds the most dangerous and violent  
18 criminals. This is where the rapists, murderers, and  
19 armed robbers are housed.

20           When we arrived on the scene, the fight had  
21 already been broken up and the inmates were going back  
22 to their cells. After the inmates were locked down in  
23 their cells, we then learned that a female deputy had  
24 been assaulted by an inmate. The female deputy had  
25 walked around the pod to point out which inmate had

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1 struck her. It was in P-32, which is where the deputy  
2 pointed out inmate twenty as the inmate who struck  
3 her.

4 At this point my supervisor instructed me  
5 to open his cell door. Two other deputies entered  
6 inmate Easterly's cell and escorted him downstairs.  
7 The two deputies along with five other deputies and a  
8 corporal, who is my supervisor, took the inmate into  
9 the gym. I did not go into the gym at this time  
10 because I did not believe it was inmate Easterly who  
11 had struck the female deputy. I later learned that  
12 the deputies had put a beating on inmate Easterly  
13 while he was in the gym.

14 After they were done in the gym with the  
15 inmate, they took him back into the pod and placed him  
16 into his cell. At this point I shut the inmate's door  
17 and went down to the booking area with the other  
18 deputies. I then went to find the female deputy who  
19 had been assaulted. While I was there, I learned from  
20 other inmates that it was indeed inmate Easterly who  
21 had struck the deputy at the time.

22 At this point I had returned back to the  
23 booking area. While I was in the booking area I was  
24 sitting in the bridge, which is an office in the  
25 booking area. At the time I was speaking with

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1 Sergeant Blue, who told me that Major Bud had called  
2 downstairs and asked him, "Why the fuck is inmate  
3 Easterly not in the hospital?"

4 At this point the phone rang again. It was  
5 Major Orange. When the sergeant hung up the phone he  
6 said Major Bud -- Major Orange wants us to go upstairs  
7 and move inmate Easterly into the hole and take care  
8 of the situation. At this point the other deputies  
9 and myself went to his cell and instructed the deputy  
10 to open inmate Easterly's door. Deputies Yellow and  
11 Green went into the inmate's cell while another deputy  
12 and myself walked behind them.

13 When we left -- we left one pod to go to  
14 the other, it was there in the hallway that Deputies  
15 Yellow and Green took inmate Easterly to the floor  
16 while Deputy Purple and myself each held one of his  
17 legs down. Deputies Yellow and Green started punching  
18 inmate Easterly, and I delivered three knee strikes to  
19 his leg. At that point I stood up. The three other  
20 deputies continued beating inmate Easterly at the  
21 time. This continued going on for another minute.  
22 This is when they stopped.

23 The deputy working the pod came and opened  
24 the door to let us out of the hallway. Deputy Yellow  
25 and Green then stripped him of his clothes and drug

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1 him through the pod to his cell. Deputy Purple and  
2 myself stayed in the hallway. When the other two  
3 deputies placed him in his cell, Deputy Yellow yelled,  
4 "This is what happens when you strike a female  
5 deputy."

6                   The deputies involved and myself went  
7 downstairs, and no reports of this incident were  
8 written until September 2002, almost a year later. In  
9 August of '02 I went for a job interview with  
10 Austintown Police. At this point I was given a  
11 polygraph test. One of the questions was, "Have you  
12 ever struck an inmate while on duty?" I answered,  
13 "Yes, under a direct order."

14                   After the polygraph I went home. I  
15 received a call from Austintown Police and asked me to  
16 come back down. Approximately two hours later I went  
17 back down. They stated everything looked good, and  
18 all I needed to do was come back and clear up this  
19 question. When I went back to the station I told them  
20 about the incident. I never thought twice about it  
21 since the person administering the test I have known  
22 my whole life. My father had worked for the  
23 Austintown Police for nearly 25 years and had retired  
24 from the police department.

25                   After I left the Austintown Police

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1 Department contacted me again stating that they were  
2 going to send a letter to Sheriff Gray stating what I  
3 had told them during the polygraph test. A few weeks  
4 later Major Orange had called me into his office. He  
5 was the one who had ordered -- who ordered the assault  
6 on the prisoner. When I got there he was waving the  
7 letter in his hand. He looked at me and stated, "What  
8 the fuck am I supposed to do now that this is public  
9 record?" He was holding the letter from Austintown  
10 Police Department in his hand.

11 At this point he told me to write a report  
12 on the incident, and after I was done writing it he  
13 was going to arrest me for an assault. I replied that  
14 I would not write anything without my union rep  
15 present. He began yelling, "I am giving a direct  
16 order to write a report." I again told him that I  
17 wouldn't write it without representation.

18 At this point the major called Sergeant  
19 Silver into his office. When he arrived the major  
20 said I was being placed on administrative leave. He  
21 proceeded to take my gun, my badge, my access card,  
22 and my magazines. Sergeant Silver said I had to write  
23 a report or the major could fire me.

24 Major Orange then asked me one more time to  
25 write a report. At this point I agreed to write one.

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1 In the report I falsified it so I would not implicate  
2 the major. I said the inmate became aggressive and we  
3 had to use force to get him under control. I also  
4 never mentioned the major's name in my report.

5 When I got done with the report I took it  
6 over to his office and handed it to him. The major  
7 then wrote a report and handed it back and gave me  
8 back my gun, my badge, my access card, and my  
9 magazines. He then stated not to worry about  
10 anything, that it was over with, and go back to work.

11 In November of 2002 the FBI showed up and  
12 began asking me questions about the incident. Then  
13 almost a year and a half later I got a call from the  
14 U.S. Attorney General's office asking me to come in  
15 and talk. My attorney and myself met with them on  
16 several occasions. We did a proffer.

17 In March 2004 I made the toughest decision  
18 I ever had to make. I made a plea agreement with the  
19 government. I agreed to cross the blue line and  
20 testify against other cops. They were more to me than  
21 just my co-workers. They were also my friends. Many  
22 of them were at my wedding. I worked with them every  
23 day, and they were the people I trusted who had my  
24 back if I was ever in trouble.

25 Now I was about to send these people that I

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1 called my friends to prison. For me it came down to  
2 two reasons: Number one is my wife and daughter, and  
3 number two was it was the right thing to tell the  
4 truth. It was one of the toughest decisions, but also  
5 one of the easiest.

6 In June of '04 I resigned the Mahoning  
7 County Sheriff's Department after six years on the  
8 force. My whole life I wanted to be a police officer  
9 like my father. Because of me not thinking for myself  
10 I lost my career and my job. It's hard to explain to  
11 people everything I lost. I lost my career, my house,  
12 and a lot of my friends because I agreed to become a  
13 government witness and testify against other police  
14 officers.

15 One thing, I have become a parent, though,  
16 and those are the people who truly do care about you,  
17 my parents, my brother, my in-laws, and my wife. I  
18 also believe that even though this incident was a  
19 tragedy it made me a better person, a better husband,  
20 and more importantly, a better father.

21 I hope that my story can help other people  
22 or other police officers that are put in situations  
23 like I was. When a supervisor gives you a direct  
24 order, you either obey or you get fired. I hope this  
25 doesn't happen to anybody, but if it does, remember

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1 you do have a choice and you can just walk away.

2 I hope you never have to be in a situation  
3 where supervisor has lost perspective about why they  
4 are a police officer and gives a command that abuses  
5 their power. Remember, you still have a choice,  
6 though, so please don't make the same mistakes I made.  
7 You have too much to lose. Thank you for your time.

8 DR. DUDLEY: Thank you. I guess the  
9 question is, you know, in retrospect, is there  
10 anything that can be done with regard to being in a  
11 situation such as this?

12 MR. KASCHAK: It's the people in charge. I  
13 don't know, you know, like because the sheriff's  
14 department, you know, we change hands every four years  
15 and you never know who's going to be in charge. It's  
16 people that abuse the power. I don't really know what  
17 can be done with that to make that incident not  
18 happen.

19 DR. DUDLEY: Okay. I'd like to thank each  
20 of you for giving up your time to be with us this  
21 morning, and particularly for sharing such personal  
22 experiences with us. So please know that we are very  
23 grateful for your contribution to our work. Thank  
24 you.

25 MR. SESSIONS: Thank you.

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1                   MR. KATZENBACH: I think we'll resume again  
2 at 10:15. Take a ten minute break now.

3                   (WHEREIN, a recess was taken.)

4                   MS. ROBINSON: We're ready to start our  
5 second panel, and I'd like to welcome our witnesses to  
6 the second panel. If everyone could take their seats.  
7 Good morning. Our second panel is going to be  
8 addressing the issue of the work force and profession,  
9 and I'm very pleased to welcome our three witnesses,  
10 Theodis Beck, James Marquart, and Lance Corcoran, who  
11 are going to be providing an overview of corrections  
12 work force as well as issues relating to staffing  
13 generally of prisons and jails.

14                   This panel is going to be providing what I  
15 think will be relevant and very useful information  
16 that can serve as backgrounds for a number of the  
17 panels that are going to follow over the next day and  
18 a half. We know that recent years have brought very  
19 dramatic changes in the corrections work force as  
20 prison populations have grown substantially.

21                   And that in many instances that's created a  
22 situation where a work force with less training and  
23 less experience has been confronted with very great  
24 challenges, and in part the difficulties in  
25 recruiting, training, and retaining professional staff

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1 have also faced challenges such as budget constraints,  
2 the increasing use of incarceration, and a number of  
3 other factors. This panel is going to be discussing  
4 these issues, including looking at the differences  
5 between jails and state prisons.

6                   Theodis Beck has worked in corrections  
7 since 1975, and is currently secretary of the North  
8 Carolina Department of Corrections, a post he's held  
9 since 1999. Mr. Marquart is a professor of criminal  
10 justice at the University of Texas at Dallas and  
11 worked previously as a corrections officer early in  
12 his career. Mr. Corcoran is executive vice president  
13 of the California Correctional Peace Officers  
14 Association, and we're very pleased all of them are  
15 here today.

16                   For the introductory foundation which  
17 they'll build for us, we're very appreciative for  
18 their traveling here, and Secretary Beck, we'd like to  
19 start off with you.

20                   MR. BECK: Thank you, and good morning.  
21 Mr. Chairman, members of the commission, I've held my  
22 current position for six and a half years. I've  
23 worked for two governors. I have over thirty years of  
24 state employment, 28 of those years being with the  
25 Department of Corrections. What I will tell you is

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1 that I have never held a position of a correctional  
2 officer, but I have learned quite a bit about the role  
3 of that position serving as secretary and prior to  
4 this position as deputy secretary. So my comments are  
5 from the administrator's perspective, and I thank you  
6 for this opportunity.

7                   When all is said and done, the buck stops  
8 with the correctional officer. When we talk about  
9 prisons, it is the face of the correction officer that  
10 we see. Not only do we ask a lot of the people who  
11 perform this job, we demand it and the public expects  
12 nothing less. Within the criminal justice profession,  
13 the correctional officer position is that tireless,  
14 that endless, that often thankless job that has to be  
15 done.

16                   Again, the face of prisons is the  
17 correctional officer. As administrators we strive  
18 very hard to change negative perception and the  
19 stereotypes associated with that position. Today's  
20 correctional officer is more professional than ever  
21 before. I can think of no jurisdiction that does not  
22 have standards, require training requirements and high  
23 expectations of the men and women who fill the  
24 correctional officer position, and many of those  
25 jurisdictions have accredited staffs.

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1                   This position was once traditionally  
2 reserved for white males, but today these ranks are  
3 more diverse than ever before. In North Carolina we  
4 would be unable to man all of the required posts in  
5 our male facilities if it were not for female  
6 correctional officers. Not only do we think this  
7 diversity is good, it is also necessary.

8                   This has led to increased cross-gender  
9 issues that must be appropriately addressed with  
10 training, monitoring, and supervision. Diversity and  
11 cultural differences within the correctional officer  
12 ranks serves the profession and our system well.

13                   Cultural diversity training is essential to  
14 ensure that boundaries are well-defined, well known,  
15 and cultural differences are recognized, respected,  
16 and understood. A diverse correctional officer work  
17 force contributes to the safe and orderly operation of  
18 correctional facilities. This aspect of the job goes  
19 well beyond turning keys, conducting searches, and  
20 escorting inmates.

21                   Every correctional administrator is  
22 concerned about safety. Safety is a high priority in  
23 all that we do, and as a leader we must, to the extent  
24 possible, ensure staff and inmate safety. We have a  
25 duty to protect those assigned to our custody and

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1 control, and we take that duty seriously. We require  
2 correctional officers to show great restraint when  
3 those they are there to supervise, monitor, and  
4 protect would even wish them harm.

5           For all that we ask them to do, the  
6 correctional officer is underpaid, underrecognized,  
7 and often underappreciated. They are the final line  
8 of defense between dangerous chaos and safe  
9 communities. However, they are the front line of  
10 defense in our prisons when we hear there's a gun in  
11 the facility. There's a disturbance in the facility.  
12 There's a large sum of cash or drugs in the facility.  
13 Lock the unit down, shake the unit down, restrict all  
14 movement, these are the alerts that give  
15 administrators pause, and correctional officers are  
16 always there and always outnumbered.

17           Although most people don't think about it,  
18 our communities are safer because correctional  
19 officers are on the job 24 hours a day, seven days a  
20 week. Seemingly we take that for granted.  
21 Professionally we have come a long way, from prison  
22 guard to correctional officer. Our correctional  
23 officers are much better trained, more diverse, more  
24 professional, believe in their work, take their job  
25 seriously, come to work in spite of personal

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1 circumstance and natural disasters, and due good  
2 business for the taxpayer.

3           The vast majority of correctional officers  
4 are good, dependable, hard-working employees, but  
5 occasionally an employee may fall short of the mark.  
6 We don't try to sweep it under the rug, hide it, or  
7 deny it. If we know it, we deal with it, and deal  
8 with it appropriately. Correctional officers are,  
9 after all, human beings who work in often stressful  
10 and dangerous environments.

11           Recruitment and retention of correctional  
12 officers continues to be a challenge for every  
13 correctional administrator. As the inmate population  
14 continues to grow, it will require more bed capacity  
15 and that requires more staff. It is my belief that  
16 our prisons can be as safe as our citizens demand, and  
17 there is a direct correlation between safety in our  
18 nation's prisons and appropriate resources.

19           It appears that when it comes to the  
20 prisons, the loud voice of a constituency is silent.  
21 We must be vigilant because failure to recruit and  
22 retain good, qualified staff could be the making of  
23 the perfect storm where we see a meeting of the  
24 experienced inmate population versus an inexperienced  
25 correctional officer staff. Thank you.

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1                   MS. ROBINSON: Secretary Beck, thank you  
2 very much. I think we're going to hold all questions  
3 until we've heard from the entire panel. Professor  
4 Marquart?

5                   MR. MARQUART: Good morning. I do  
6 appreciate the opportunity to come and speak to the  
7 commission. When I look out at the landscape in terms  
8 of the American correctional officer, I think one word  
9 to me sums it up, and that's the word pressure. The  
10 environment to make diamonds or any other precious  
11 substance require tons of grinding pressure on an  
12 hourly, daily, and a monthly basis for years on end.  
13 And there can be no respite from that kind of pressure  
14 if you want to produce a precious commodity. I think  
15 that's a good metaphor to what goes on in American  
16 prisons today.

17                   I've worked as a correctional officer.  
18 It's good to come back to Missouri. I worked at Jeff  
19 City for four months while I was working on my  
20 master's degree, and I worked in the Texas prison  
21 system for two years. I visited many prisons  
22 throughout the United States, and the working  
23 environment for the average American prison officer  
24 today is just laden with pressure.

25                   They're constantly working under strain and

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1 I think the strain is growing, and I think that's what  
2 Theodis talked about is that it is growing in degree  
3 and in complexity. I think that's an issue that we  
4 might want to talk about later.

5                   Staff are pressured to admit new prisoners,  
6 find them appropriate housing, find them a job, find  
7 them clothes, find them programming when it was  
8 available, provide them food, showers, recreation  
9 activities, medication, and human interaction. As the  
10 correctional officers talked about in the previous  
11 panel, on a daily or an hourly basis.

12                   The prison officers are also under pressure  
13 to accomplish these daily tasks within a clean and  
14 safe living environment. Providing a secure living  
15 environment means that fortunately to some,  
16 unfortunately to others that malcontents must be  
17 removed and managed. And these offenders must also be  
18 cared for adding to the strain of the workday. More  
19 food, more housing, more things.

20                   And oftentimes the basic institutional  
21 tasks must be accomplished in the face of massive  
22 organizational change as a result of lawsuits, and I'm  
23 not going to say whether that's good or bad. It's  
24 reality. It's like my mother used to say, "Face it,  
25 that's just the way it is."

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1                   Security officers in California, for  
2     example, are faced with accomplishing racial  
3     integration within the reception centers and on the  
4     main line institutions. They have to accomplish all  
5     of those daily things, and at the same time bring on  
6     these other mandates, and that's a tremendous amount  
7     of pressure that they have to do. And I might add  
8     they're doing so in a confident and professional  
9     manner within a specified timetable.

10                  In football there's a penalty called piling  
11    on. In the department of corrections, the officer has  
12    been piled on. And as a result of a massive surge  
13    recently in prison admissions, everything in prison  
14    must be accomplished faster, faster. Like the typical  
15    American school day, our typical American lifestyle,  
16    every year more is squeezed into that 24-hour period.

17                  I guess the other knowledge would be what's  
18    going on in public education. More must be squeezed  
19    into an eight-hour day. There's only so many minutes  
20    of the day you can accomplish things. These issues  
21    have severely strained the American prison  
22    organization's ability to recruit competent officers,  
23    train them properly, keep them on track and out of  
24    trouble, avoiding boundary relations and develop a  
25    loyal work force.

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1                   And the issue is to retain them over a  
2 lengthy career because the veterans are the ones that  
3 are going to be able to train the next generation and  
4 bring them forward. Indeed, the best officers are  
5 veteran officers, and rather than pass on the kernels  
6 of wisdom that they have acquired over the years to  
7 help the newer generation of employees -- and I think  
8 somebody in the previous panel, the director from  
9 Missouri pointed out that veterans often seek to move  
10 on as fast as they can. We're losing that critical  
11 information about how to manage these institutions.

12                   Like most things in American society today,  
13 bigger and faster does not always translate into  
14 better. The expectations for the American  
15 correctional officer I think are at an all-time high,  
16 especially when the issue of public safety is there.  
17 Officers feel pressure from below or from the inmates  
18 to go easy or to be a good Jane or to be a good Joe.

19                   And they're also pressured from above, from  
20 the administrators to be firm, aloof, and  
21 professional, and also to watch out and to keep your  
22 distance. You know, you're expected to do many  
23 things. Something has to give. But the constant  
24 pressure associated with the ordinary workday will not  
25 go away.



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1 dorm, 224 men in total for my responsibility. These  
2 dorms were designed to hold twelve inmates. They had  
3 two commodes, two urinals, three sinks, and two shower  
4 heads. Dormitory with bunk beds and then a day room  
5 that had a television. I recognized very quickly that  
6 I was outnumbered 224 to one and that force or size or  
7 being intimidating was not an option. I had to  
8 communicate.

9                    Luckily in my background I came from the  
10 food service industry. I was a waiter. I was a  
11 bartender. I also worked in theater. And when I came  
12 in at 23 years old I had this chip on my shoulder that  
13 I thought that I had to be the baddest guy in the  
14 valley. And I recognized really quickly that that  
15 only made things more difficult as a correctional  
16 officer, that the most important tool we have is the  
17 ability to communicate.

18                    Throughout my career I was able to work  
19 with as a use of force instructor -- instructor,  
20 bridge safety officer. I got involved in negotiations  
21 management team, which was our hostage negotiation  
22 team, and eventually became the primarily negotiator  
23 for the team.

24                    The institution I went to was built in  
25 1963. It was in a small community of 6,800 people.

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1     Pretty much everyone knew each other or was related in  
2     some way. I was part of an activation of 1,000-bed  
3     unit there, and so I was an outsider. It took about  
4     three years to even get people to say good morning. I  
5     find now in my travels throughout California in the  
6     newer facilities that culture no longer exists.

7                     There's been such great turnover and growth  
8     that oftentimes in newer facilities newer staff are  
9     welcomed much more quickly than in the past. And I  
10    think that leads to this notion that there is, you  
11    know, of course the code of silence or this need to  
12    belong to a clique, and certainly that is an element  
13    correctional facilities and management must be aware  
14    of and I know that they are aware of and must realize  
15    as quickly as possible because it can lead to  
16    inappropriate activities. I've seen it in my  
17    representation of correctional officers.

18                    Specific to recruitment, if we are going to  
19    recruit the best quality candidate, the folks that may  
20    go to the deputy sheriff's department, the highway  
21    patrol, or the troopers, we must allow corrections to  
22    be competitive in both pay and benefits, and that is  
23    something that is sometimes not talked about.

24                    However, I can tell you I attend every  
25    academy in California. I talk to the cadets within

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1 their first week and I ask them all the same question  
2 on career day: Was it your lifelong dream to be a  
3 correctional officer? And I get one or two hands out  
4 of 600 candidates. I ask them if they're there for  
5 the pay and benefits, and I get 598 hands. The  
6 reality is that's why I came, but at the same time  
7 later on I found opportunities within corrections that  
8 gave me some job satisfaction because there's not just  
9 the recruitment. There is the retaining of qualified  
10 correctional officers, and you have to have  
11 opportunities for personal growth in the correctional  
12 system for both staff and inmates.

13           That leads me to my third R of recruitment,  
14 retention, and retirement. After a lifetime, 35 years  
15 working, you look back on your life's work and it's  
16 very difficult to take pride in what you've done.  
17 Society or the newspapers or whatever has told you  
18 that this is an awful profession and that you're a  
19 prison guard, and it can be very difficult to take any  
20 measure of pride.

21           I think that the one product that we have  
22 as correctional officers is safety. If we provide a  
23 safe living environment for inmates, if we provide a  
24 safe working environment for our peers, then we've  
25 done a very good job. I have got lots more to say,

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1 but my time is up. Thank you.

2 MS. ROBINSON: Let me start the questioning  
3 by zeroing in and asking each of you starting with  
4 Secretary Beck, if you were writing the  
5 recommendations in our final report, what would be the  
6 top two recommendations that you would urge us to  
7 include relating to this subject?

8 MR. BECK: Yes. From my perspective, I  
9 believe the recommendation would be that have  
10 compensating the line staff appropriately for the job  
11 we expect them to do. You know, you've heard earlier  
12 this morning how a day in the life of a correctional  
13 officer goes.

14 That is the only profession I know of where  
15 when you go to work and you report for your tour of  
16 duty, you have to raise to a level of intensity, and  
17 you have to remain there for the duration. It's not  
18 as easy as saying I'm going to go and take a break.  
19 You have to be relieved to go to the rest room. You  
20 can't leave post because one failure, a small failure  
21 can be very detrimental.

22 And we are asking more and more of these  
23 correctional officers. I think you heard what's been  
24 said thus far. It's something coming at you all the  
25 time. Direct supervision is one of those areas where

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1 correctional officers are often just bombarded because  
2 they are there right in the middle of all of those  
3 inmates, and the vast majority of our beds in the  
4 prison systems across this nation are dormitory style.  
5 Dormitory style. So we have correctional officers  
6 sitting in the eye of the storm all of the time, and  
7 it requires recognition of the sacrifices that they  
8 make.

9 MS. ROBINSON: So you want to just stick  
10 with the pay and benefits?

11 MR. BECK: I'm going to stick with pay and  
12 benefits, and I want the recognition.

13 MS. ROBINSON: And recognition.

14 MR. BECK: And the recognition that should  
15 go with that station.

16 MS. ROBINSON: Great. Professor Marquart?

17 MR. MARQUART: Well, I too echo the  
18 recognition and the creature comforts and all of those  
19 things to make a worthy occupation in our society, but  
20 another critical issue that I look for is that the  
21 correctional officers are like teachers. Those are  
22 the front line people, and who know more about people  
23 than teachers. It's not the administrators. Sorry.

24 It's the front line people, and I think the  
25 correctional officers, to me, are the stakeholders,

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1 and those are the people that need to be brought to  
2 the table and listened to and heeded and understood  
3 and to hear what they have to say about training,  
4 recruitment, and all those other things. Get them to  
5 have a buy into this as to what's going to happen.

6 MS. ROBINSON: Right. Mr. Corcoran?

7 MR. CORCORAN: I think only eight  
8 jurisdictions currently I believe have, quote, peace  
9 officer status for their corrections officers. I  
10 think if you're going to elevate the profession, if  
11 you're going to elevate the expectation of the  
12 profession, I think it needs peace officer status.

13 I think that it comes with a different  
14 standard of behavior of expectation. As a peace  
15 officer, if you're convicted of domestic violence, you  
16 can no longer carry a firearm. You can no longer be a  
17 peace officer. It's a different standard. If you're  
18 going to raise the bar, I think you have to start  
19 there.

20 Secondly, I think there needs to be  
21 honesty in recruitment. I see far too many times  
22 recruitment teams out -- for instance, in one  
23 particular incident they were talking about  
24 transportation jobs. Well, there's 31,000  
25 correctional officers in California with respect to

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1 all classifications. There are about 150  
2 transportation officers. They talked about K-9  
3 patrol. There are only two K-9 officers in the entire  
4 state of California.

5                   So if you're going to put that carrot out  
6 there, those things have to be available to them.  
7 Otherwise, you're lying to individuals, and as I tell  
8 the guys at the academy and the females there as well,  
9 I can't negotiate a pay and benefit package great  
10 enough to compensate you if you hate your job. And if  
11 individuals hate their jobs, that manifests themselves  
12 in negative behavior as well.

13                   MS. ROBINSON: Thank you.

14                   MR. LUTTRELL: The last two panels we've  
15 talked about the stresses of correction work, the  
16 various ways to address that. We talked about in the  
17 profession increased pay and benefits enhancing the  
18 profession. We talked about better leadership, better  
19 supervision. I'd like you to shift the focus just a  
20 little bit and let's look at the correctional officer.

21                   What can a correctional officer do to  
22 better manage his or her life so that they feel better  
23 about their work, they feel more professional? What  
24 can the individual officer do to contribute to this  
25 sense of professionalism and fighting this stress? I

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1 ask it to all of you.

2 MR. CORCORAN: I'll speak to that. In my  
3 written remarks I talked about the term low morale.  
4 In my entire career every year I hear this constantly:  
5 Morale has never been lower. Now, I don't know how  
6 low morale can go, but when low morale becomes a  
7 rallying point, that's problematic.

8 The other thing is I think that -- and I  
9 stated this in my remarks. I think we're looking to  
10 the wrong source. We keep looking to management to  
11 increase morale. I don't think management has sole  
12 responsibility for my individual morale. I think that  
13 you bring a zeal or a zest to the workplace, and you  
14 have to like your job, if you will. And I think you  
15 can find those opportunities.

16 As an individual correctional officer, I  
17 recognize that out of 224 men I didn't have great guys  
18 in every aspect, but there were individuals there that  
19 were trying to change their lives and, you know, as an  
20 individual correctional officer I was able to feed  
21 sometimes on their success to feel better about what I  
22 was doing. I don't know that everyone does that, and  
23 I don't know that the department reinforces that.

24 Additionally, some managers will look you  
25 in your eye and say your morale is in your paycheck.

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1 It's not. Your morale is not in your paycheck. Your  
2 morale comes from some type of job satisfaction. We  
3 have to reinforce and even sell back to officers that  
4 they're providing a service, that they're doing  
5 something that is good, that is providing a service to  
6 the taxpayers.

7 MR. MARQUART: I would agree with that. I  
8 talked about providing an avenue for correctional  
9 officers to be stakeholders, and they are. I think  
10 it's just absolutely essential that they become that,  
11 and I agree with what he says is that morale comes  
12 from inside. I think that was shared by a  
13 correctional officer that was talking earlier today.

14 MR. LUTTRELL: Can you elaborate on that?

15 MR. MARQUART: We can train them all day  
16 long, but in the end it's the passion and zeal that  
17 the person brings to the job. And we can pay them,  
18 you know, hundreds of thousands of dollars and they're  
19 still going to quit. But it's having an interest in  
20 what you do. It's having a passion in what you do.  
21 It's hard for me to preach about what they ought to  
22 do. That's what they're going to have to bring to the  
23 table and do that.

24 MR. BECK: One of the things is that this  
25 work is not for everybody, and only the individual can

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1 sort that out for themselves. Some remain in denial  
2 much longer than others, and that is tough. And I  
3 think all of the data suggests that pay is probably  
4 not the leading reason for turnover. It is certainly  
5 a large contributing factor.

6 But at the end of the day I think it comes  
7 from within, and the belief that you have made a  
8 significant contribution to society, that your work is  
9 meaningful, that it's valued, and that you are doing  
10 your part to keep the community safe.

11 MR. MARQUART: I'd like to add something  
12 about the external environment and its impact on  
13 correctional officers. I come from the state of  
14 Texas. There's 27,000 correctional officers, and  
15 Lance said there's 31,000. That's 50,000 employees.  
16 To give a pay raise to correctional officers in the  
17 state of Texas, how -- that's a political issue. You  
18 know, so how are you going to do that?

19 I don't know because you're talking about  
20 tens of millions of dollars that it's going to cost  
21 the state to give those people a pay raise. It's just  
22 not going to happen. Maybe once in a while, but in  
23 terms of compensating what -- police officers or  
24 troopers, that's just not going to happen. So it's  
25 going to have to come from within that they're doing

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1 the job that they feel is a valued public service.

2 MS. ROBINSON: Dr. Dudley?

3 DR. DUDLEY: You're all alluding to  
4 something that I would like to address more  
5 explicitly, and that is you appear to be saying that  
6 there's something about the role of responsibility or  
7 something that's a part of the definition of what is a  
8 good corrections officer or what the job is about,  
9 something about the concept of the profession of being  
10 a corrections officer that would make the job more  
11 meaningful and allow corrections officers to engage in  
12 a different sort of way. I'm wondering if any of you  
13 want to comment on what you think that should be.

14 MR. CORCORAN: I think that unfortunately  
15 correction officers -- when I was in the academy they  
16 used to shave our heads, and so it looked like you  
17 were in the military, and I got liberty one Saturday  
18 and I went to a video store and a friend of mine that  
19 I had known from high school was working there, and he  
20 asked me if I was in the military. And I said, "No,  
21 I'm becoming a correctional officer."

22 He said, "No, you mean a prison guard."

23 I said, "No." That was taboo. You never  
24 said PG, I'm telling you.

25 So I said, "No, it's correctional officer."

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1                   He said, "What is that like, the difference  
2 between a garbage man and sanitation engineer?"

3                   And unfortunately we have not been able as  
4 a profession to change the terminology, and it may be  
5 semantical, but you never hear the term stewardess  
6 anymore. You never see it in an editorial. They're  
7 flight attendants. They're safety personnel. Now,  
8 they're still serving cocktails just as they were when  
9 they were stewardesses, but they no longer -- that  
10 term is no longer used.

11                  How can I get folks to change just the  
12 vernacular of what we do from prison guard and all of  
13 the negative connotations that come with that to  
14 correctional officer, and we've got polling data to  
15 show that "prison guard" is viewed negatively.  
16 Correctional officer used in the same poll, numbers go  
17 up. If we can change the way we think about people  
18 and hold people to that expectation, then I think that  
19 you'll get correctional officers as opposed to prison  
20 guards.

21                  MR. BECK: Let me speak just a minute to  
22 this issue of the external environment and the impact  
23 on the correctional officer. I think we at best send  
24 a mixed message to correctional officers. You know,  
25 most platforms in recent memory have been related to

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1 get tough on crime. Punishment, punitive, lock them  
2 up, throw the key away.

3                   And then we flip the switch and we say now  
4 we want you to rehabilitate. We want you to help  
5 prepare them for transition. We send mixed messages  
6 as a society to the people we ask to do these  
7 dangerous jobs. And it's not like stopping on a dime  
8 and turning and going in a different direction. We  
9 have molded a generation or generations of  
10 correctional officers into a mind set of what  
11 prisoners ought to be.

12                   There's oftentimes these comments about get  
13 the weights out of prisons, shouldn't be TV, no  
14 recreation, hard time. So it's like turning a big  
15 steamship, you know. You can't just do a ninety  
16 degree turn. You got to swing out and it takes time  
17 to turn. But what you're asking is for a cultural  
18 change, but that cultural change can only be brought  
19 about by the expectations of the external environment  
20 being clearly articulated to the correctional officer  
21 ranks as to what we as a public expect them to do with  
22 the people we send who have by and large and in many  
23 cases been everybody else's failures.

24                   MS. ROBINSON: Gary Maynard?

25                   MR. MAYNARD: You've all alluded to the

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1 fact that the majority, the vast majority of  
2 correctional officers do a good job under difficult  
3 situations, but we all know there's one out of 100 or  
4 one out of 200 that abuses people and takes advantage  
5 of the authority they have. How do we -- what do we  
6 do to identify and get those people out of the system?  
7 Anybody?

8 MR. MARQUART: Good question. I did some  
9 work with the Texas prison system on inappropriate  
10 relationships. It's a big problem. It's probably the  
11 number one issue, management issue in corrections  
12 today, inappropriate relationships. I was asked to  
13 take a look at that and study it and then provide  
14 recommendations back to the prison system.

15 You take the data and then you turn that  
16 into training, and I think that's the key. It's  
17 training, it's training, it's training, and you keep  
18 doing it. You know, I need to go back and see whether  
19 or not it's working, but the idea of blending the two,  
20 of taking the research and evaluation and the  
21 recognition that, hey, there is a problem, we need to  
22 do something about it, and bring training.

23 I believe in providing that kind of  
24 training to stop that, you're never going to eliminate  
25 it. It's just -- it's in policing. It's in every

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1 occupation, doctors, priests. It's everywhere. But  
2 in terms of correctional officers, I'm a firm believer  
3 in constant training.

4 MR. CORCORAN: I think consistent  
5 application of discipline at all levels. As a  
6 correction officer I should know that if I bring a  
7 complaint against a supervisor, that I will not later  
8 be targeted by individuals, and if I am targeted, I  
9 will be protected. We have a system now wherein I  
10 know at the rank and file level we have a great  
11 distrust of some of our management teams with respect  
12 to bringing forward issues for fear of retaliation.

13 I work for an organization that has been  
14 accused of fostering the code of silence. Nothing  
15 could be further from the truth. Our individuals are  
16 out there calling individuals to task over things that  
17 we don't agree with on a daily basis, and sometimes  
18 they are retaliated against.

19 I've got two individuals right now who  
20 serve as chapter presidents who have been terminated  
21 because of their bringing forward issues that were  
22 unpopular. Until we get a -- to a point where you  
23 can -- you trust the enforcement and the investigation  
24 of complaints, I think we're going to continue to have  
25 problems in corrections, particularly in terms of

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1 bringing forward allegations of abuse or cronyism or  
2 even fiscal manners.

3 MR. BECK: I believe that we have to work  
4 on that issue internally as well, and we have to have  
5 the correctional officers understand that safety is  
6 number one priority. Every time you have one of these  
7 failures so to speak, some degree of security is  
8 compromised. And whenever security is compromised by  
9 crossing the boundaries or bringing in contraband or  
10 anything along those lines, you compromise your safety  
11 and everybody else's safety that works in that  
12 institution. And I think that we have to hold a light  
13 of security high as it relates to those who would do  
14 things that are inappropriate.

15 MR. CORCORAN: I talked a great deal about  
16 the testimony of the former deputy this morning, and  
17 it showed great courage in coming forward. I thought  
18 as a young correction officer how I would have handled  
19 that situation. I know as -- in the position I am  
20 now -- you know, I swore an oath. I swore an oath to  
21 protect people from bullies, to protect individual's  
22 rights.

23 If I saw a situation that I didn't agree  
24 with, it's a bright line for me and I have an  
25 obligation as a peace officer to stop it. Not just

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1 report it, but to stop it from evening happening. But  
2 I can see as a young correctional officer wanting to  
3 go fit in, where without good leadership, without  
4 veterans who can say, "No, you're not going to do  
5 that."

6 Quick story. We were swerving chili and  
7 there was an inmate that raw jawed me every time I  
8 went by the cell. I didn't like him and he didn't  
9 like me. I was about 24 years old and I knew where he  
10 was at all times. They were serving chili and we were  
11 self-served. And I had ice cream. And I took the ice  
12 cream and I put it in his chili. There was a senior  
13 officer there and he said, "Oh, no, no, no. You're  
14 not going to do that because you know who he is and  
15 where he's at and he doesn't like you and you don't  
16 like him. But you know who's going to wear this  
17 chili, it's going to be some innocent officer."

18 If it wasn't for that intervention by a  
19 senior officer, I would have made a dumb rookie cop  
20 mistake because I was angry. That's the type of  
21 leadership that's necessary. You have to intervene.  
22 You can't just stop and report.

23 MS. ROBINSON: Gary, did you want to follow  
24 up at all? Okay. Margo Schlanger.

25 MS. SCHLANGER: I'm interested in something

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1 that Mr. Corcoran said in your initial testimony. You  
2 said you went in and you wanted to be the biggest,  
3 baddest guy there.

4 MR. CORCORAN: Well, yes, okay.

5 MS. SCHLANGER: I gather from what I've  
6 seen and what I've heard on this commission that  
7 that's not an uncommon initial approach to the job of  
8 correctional officer. And you talked about a  
9 transformation that happened in your relationship with  
10 your job, and you attributed that to some of your  
11 background.

12 So what I'm interested in is what do we do  
13 for the folks that don't have that background? How do  
14 we help them to make the transformation you talked  
15 about? How do we train people into -- how do we train  
16 people out of what is a very natural approach to what  
17 that job is and into something that maybe is a little  
18 more productive? What does that training look like?

19 MR. CORCORAN: I think it starts in the  
20 academy. One component in correctional academies I  
21 think is sort of lacking is a historical perspective  
22 on penitentiaries, on what models have been used, from  
23 the Auburn model to Pennsylvania model and the  
24 brutality never worked, and that the purpose of a  
25 correctional facility is to house an individual in a

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1 safe environment, but provide them opportunities so  
2 that less victims are created, and that cannot be done  
3 in a system where you have individuals who are solely  
4 there because they want power over other people's  
5 lives, and I think that needs to be hammered in from  
6 day one.

7 MR. MARQUART: That's an interesting  
8 question because it gets at a cultural change where  
9 there has to be -- a cultural shift has to take place.  
10 I know that in Texas years ago prior to intervention,  
11 that physical force, physical dominance was the way in  
12 which these institutions -- or that's the way they  
13 were led and that's the way the inmates were managed.

14 But as a result of intervention from the  
15 outside, there has been a generational change. Those  
16 people who were the carriers of that kind of a mindset  
17 were moved out and replaced with other -- with  
18 other -- with another tradition. Yeah, you hear about  
19 it, but it's not to the same extent that it used to  
20 be.

21 I think it's going to take time before the  
22 biggest baddest wolf on the block, that kind of  
23 mentality -- I think it's been reduced. I know it's  
24 been reduced in Texas because of a generational shift  
25 and change within that subculture. It's going to have

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1 to take a change within the subculture to make that  
2 kind of thing happen, but it can be done.

3 MR. BECK: As we continue to --

4 MR. MARQUART: It cannot be rewarded.

5 There you go.

6 MS. SCHLANGER: The other kind of behavior?

7 MR. MARQUART: The staff cannot be  
8 rewarded, the biggest, baddest on the block.

9 MR. BECK: As I mentioned earlier, you  
10 know, most jurisdictions have mandatory training  
11 requirements. As part of that training we continue to  
12 see more and more emphasis put on interpersonal  
13 communication skills. We are teaching staff how to  
14 communicate more effectively and better. And that it  
15 will serve you better in the long run because those  
16 big bodies, even the big bodies will wear down over  
17 time if you think you have to be physical with every  
18 situation.

19 MS. ROBINSON: Fred Schwartz.

20 MR. SCHWARTZ: I'm going to try to tie the  
21 last question and your answers to the earlier ones  
22 about job satisfaction at the correction officers.  
23 Now, most people in prison get out eventually, and  
24 society is clearly interested in how they do when they  
25 get out, whether they do well or badly. Atmosphere

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1 within the prison can affect what happens when they  
2 get out. Within the prison.

3 So if prisons were concentrated more on  
4 helping to make -- as part of their job, helping to  
5 make prisoners who get out do better as opposed to  
6 doing worse, would that change or that increase in  
7 emphasis affect the job satisfaction of correction  
8 officers?

9 MR. CORCORAN: There's a study out of UC  
10 San Diego by a professor by the name of Emil Kostenoff  
11 [phonetic]. And he did an analysis of staff who works  
12 in what's known as a 270 level three housing unit.  
13 Open dorms and the access to the officers, and it's  
14 cacophony all the time and it's pretty stressful. He  
15 did -- and he did basically surveys, focus groups  
16 between that working environment and officers at the  
17 same prison who were working in a drug treatment  
18 facility that -- where there was a carpet.

19 The housing units were more pods, you know,  
20 smaller units. There was a little bit of separation  
21 between the living area and the recreational area, and  
22 what he found was that the officers working in the  
23 drug treatment facility had a better mental  
24 self-image. They had less sick leave usage. They had  
25 less disciplinary problems, less discipline problems

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1 with the inmates, less assaults.

2                   And so certainly there is a correlation  
3 between prison design and job satisfaction because  
4 working in a unit where 250 men have access to you at  
5 all times, as has been testified to by a number of  
6 witnesses, is extremely stressful. You're responsible  
7 for their wants, needs, desires, and making sure that  
8 those don't interfere with other people's wants,  
9 needs, and desires. So it can be an extremely  
10 stressful situation. I think that the -- for my next  
11 magic trick. There is definitely a correlation  
12 between prison design and job satisfaction.

13                   MS. ROBINSON: Steve Bright.

14                   MR. BRIGHT: I want to make a quick comment  
15 about the discussion a moment ago about correctional  
16 officers and guards. I wonder if you wouldn't think  
17 that if you had with what the secretary talked about  
18 this tough on crime, one state here that changed the  
19 names of all the correctional facilities to prisons.  
20 Went around to every single one of them, tore  
21 correctional facility down, put prisons up. It seems  
22 to me much harder -- it's much easier I guess to call  
23 people correctional officers when they work at a  
24 correctional facility than when they work in a prison.

25                   MR. CORCORAN: It's prison officers and

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1 it's departments of prisons. We did an interesting  
2 thing in California in our youth correctional  
3 facilities. They used to be called schools. There  
4 was tough on crime late eighties, nineties. Changed  
5 them to youth correctional facilities and they're no  
6 longer called schools. The problem is -- and it's  
7 well documented, and you see what's happening in  
8 California youth authority. Jurisdictions lost faith.  
9 We had allegations and documented cases of abuse. The  
10 communities no longer have faith in the mission of the  
11 department.

12 So a name change can mean a great deal. I  
13 think that it may be semantical, but I think it's  
14 important.

15 MR. BRIGHT: Here's the question I had.  
16 That was just sort of a comment. You talked about one  
17 person for 224 inmates, Mr. Corcoran, and we haven't  
18 really talked about it to what extent. The problems  
19 and the pressure we talked about as a result of  
20 understaffing, that there are not enough correctional  
21 officers to staff a facility and therefore there's  
22 more pressure put on ones that are there.

23 And the second related question, when you  
24 have a correctional system that does not have adequate  
25 staff and then require those officers that are working

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1 to work overtime, to what extent should that ever be  
2 allowed or what extent it is a problem? Someone  
3 suggested in the earlier panel that people that have  
4 particularly high stress jobs might ought to get more  
5 time off because they're dealing with the stress and  
6 they're sort of like in battle, and therefore they  
7 might get an extra day off or something like that.  
8 What's your reaction to that?

9 MR. CORCORAN: Well, in California we  
10 actually have about 21,000 rank and file correctional  
11 officers working tiers. The night staff ratio is  
12 about eight inmates to every officer. That's just  
13 taking the total number and dividing it. It doesn't  
14 take into account shift work.

15 In New York they have about 72,000 inmates  
16 that have about 22,000 correctional officers. Their  
17 staff ratio is about 3.7 inmates to every officer. If  
18 you look at their assault rates from inmate to  
19 officers, they're one-third what we have in  
20 California. We had 6,000 inmate-on-inmate assaults  
21 last year. I think they had about around 1,500. We  
22 had 3,000 staff assaults. I think they had like 600  
23 documented staff assaults.

24 In California in particular all we're doing  
25 is reacting. We're not correcting anything. We don't

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1 have enough people when you've got numbers of 200 to  
2 one. You're reacting, you're responding, but you're  
3 certainly not correcting.

4                   And then when you mentioned overtime, we  
5 have a new phrase in California called evidence-based  
6 recidivism reduction programs. That's wonderful and I  
7 love it. It sounds great, but when you've got an  
8 officer who is working sixteen hours a day up to three  
9 shifts a week on an involuntary situation, they don't  
10 care anything about evidence-based recidivism  
11 reduction programs. They just want to go home.

12                   They know that, you know what, if they go  
13 to work and it's their kid's birthday, they're going  
14 to miss it. If it's a holiday they're damn sure going  
15 to miss it. And so if you've got a disgruntled staff  
16 that's overstressed, overcharged, if you will, the  
17 programs are doomed on their face because if the staff  
18 don't buy in, they don't translate it to the inmates  
19 and the inmates know that.

20                   MS. ROBINSON: Can I follow up on that,  
21 Mr. Corcoran, and just ask you are there solutions  
22 that are there by better management, or is this simply  
23 a question of dollars and cents? Is it that the state  
24 simply is struggling to do the best it can with the  
25 resources it has?

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1                   MR. CORCORAN: Mr. Beck nailed it. It is a  
2 dollars and cents argument in many cases. You've got  
3 an electorate and a citizenry that on one hand put  
4 people one away, but don't want them mollycoddled.

5 Well, that's a matter of perspective.

6                   You've got John Q. Taxpayer who's paying to  
7 send his kid to a trade school, but you've also got a  
8 convict who is getting an opportunity to go to a trade  
9 school, and they don't like their tax dollars to be  
10 spent that way. We have to educate the taxpayers.  
11 Wait, for an investment of three thousand dollars into  
12 this individual that may provide him an opportunity to  
13 not recidivate you're spending thirty thousand dollars  
14 to house them currently.

15                   That's just bad economics. And so until  
16 people have the political will to step forward and say  
17 if you want a better person at the end, you've got to  
18 invest in that person, we're spinning our wheels.

19                   MS. ROBINSON: Right. You're also telling  
20 us the impact it has on the individual officer, and  
21 it --

22                   MR. CORCORAN: Absolutely.

23                   MS. ROBINSON: And on him or her and their  
24 family?

25                   MR. CORCORAN: Uh-huh.

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1                   MR. MARQUART: Similar situation pertains  
2 in my own state. We have over 150,000 people that are  
3 incarcerated, twenty some thousand correctional  
4 officers. And then we argue we have exhausted the  
5 space, prison space.

6                   We're at that critical juncture in our  
7 state. Are we going to build more? We're one to two  
8 thousand correctional officers short. I believe we've  
9 exhausted the labor pool for competent staff. We're  
10 in competition with Wal-Mart and these other big  
11 retailers. That's where they're finding many of their  
12 staff because the labor pool -- I mean, we're at the  
13 point now of what are we going to do.

14                   Are we going to build more the way we did  
15 in the 1980s because if you build another institution  
16 that houses 2,000, 3,000 people, you're going to have  
17 to find 1,000 staff to work in that place. There we  
18 go again into that vicious cycle. So I'd like to  
19 leave it that the wolf is at the door once again.

20                   MS. ROBINSON: Right. Saul Green.

21                   MR. GREEN: To a certain extent the last  
22 two comments really went toward the question I wanted  
23 to ask. I mean, we've talked about a situation that  
24 isn't working well at times. It's irrational.

25                   Secretary Beck, you talk about in your

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1 comments public expectations and the stereotypes that  
2 we have to fight. I think this commission sees as a  
3 major challenge how we communicate afterwards to the  
4 public in a way that we get some kind of reaction that  
5 addresses all these issues.

6 I'm trying to figure out how we communicate  
7 these concerns in a way to make the public understand  
8 that this matters. And I don't know if within the  
9 system you work in there's ways that you try to reach  
10 out to the public where we ought to try to reach out  
11 to the public within the corrections system to say  
12 take a look or to have them experience or understand  
13 what is going on?

14 MR. BECK: Well, it is my hope that that is  
15 one of the outcomes of the work of this commission.  
16 You know, as administrators and those of us who work  
17 in corrections, it is difficult oftentimes to get the  
18 kind of exposure that would serve all of us well.  
19 Generally the stories that come out on corrections are  
20 when there are failures or when things go wrong.  
21 Oftentimes you don't hear about all of the good things  
22 that we do and the value that Lance spoke to. If we  
23 can cut down on recidivism, but our work -- it ends  
24 when the inmate walks out.

25 But we are held responsible for what

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1 doesn't happen once they are out. It's like we can  
2 put them through all kinds of educational programs,  
3 all kinds of vocational programs. But if there is no  
4 one to offer them a job or no one to provide  
5 affordable housing or provide the substance abuse  
6 treatment they may need to continue with, that's a  
7 failure on us as a profession because that person  
8 ultimately returns to prison.

9                   This is not a corrections problem. This is  
10 a community problem, and we've got to get folks  
11 involved and active on resolution. The biggest  
12 challenge I think that we face is how to articulate  
13 that message, how to get folks' attention, and how to  
14 enlist their support of the work that we're trying to  
15 do. I don't have an answer for you. I'm sorry,  
16 commissioner.

17                   MS. ROBINSON: Did either one of you want  
18 to address that?

19                   MR. CORCORAN: I think we can focus more on  
20 our positives. It's very difficult. I've taken  
21 numerous media tours, legislative tours through  
22 California prisons, and they -- we have a wonderful  
23 program in Folsom State Prison called Folsom State  
24 Project for the Vision Impaired. It is run by lifers  
25 and it is a 501(c)(3) nonprofit operating within the

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1 walls of Folsom State Prison. They do closed  
2 captioning for the hearing impaired for the Department  
3 of Rehabilitation.

4           They feel invested in the program because  
5 they feel it's a disenfranchised element of society  
6 that they're helping another disenfranchised part of  
7 society. They have the best computers in the state of  
8 California. They have two inmates that do nothing but  
9 write grants, not only for their own program, but for  
10 the Lions Club International. They write for  
11 nonprofits in Sacramento area. Not one column yet has  
12 been written on this program. Not one program has  
13 ever been done on this program, and unfortunately, no  
14 one seems to care.

15           One thing, I've been meeting with a group  
16 called Books Not Bars there in California. They're an  
17 anti-youth authority, but as we were dialoguing, I got  
18 a blinding flash of the obvious. We produce as an  
19 organization a million tapes that we send out to our  
20 members. It's marketing, talking about our  
21 profession, but we only seize on the incidents because  
22 that's what people want to know about generally.

23           It's my mother-in-law, what was the worst  
24 thing that happened to you? And in doing that we are  
25 demonizing, if you will, the inmate population. So in

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1 response what are the folks on the other side to do?  
2 Seize on the anomalies that are bad actors within the  
3 correctional profession and help to demonize the  
4 correctional peace officers.

5 As an organization we need to stop that.  
6 We need to recognize you know what, there are bad  
7 people in prison. They're painfully obvious. Their  
8 cases, they speak for themselves. We don't need to  
9 focus only on those. We need to focus not only on the  
10 successes of pro correctional programs, but the  
11 successes of individuals who have gone through the  
12 system as well.

13 MS. ROBINSON: Very interesting. Pat  
14 Nolan.

15 MR. NOLAN: Hi, Mr. Corcoran. On Thursday  
16 I will be testifying in Congress on the Second Chance  
17 Act aimed at trying to assist the states and the  
18 federal government prepare inmates for release. And  
19 Mr. Beck, you said that you need the cooperation of  
20 the community, and one of the points I'm going to make  
21 is that the community needs to own reentry. A judge  
22 once said to me, "I can pitch all the souls I want at  
23 the community, but if there's nobody there to catch  
24 them, they'll fall through the cracks."

25 We really need to gauge the community. One

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1 of the ways what Mr. Corcoran just said, we need to  
2 humanize inmates. These are people that we need to  
3 care about. One of the difficulties I'd like your  
4 comment on, one of the difficulties is relationships  
5 are what inmates need even better than programs.  
6 Somebody that cares about them, help them change  
7 through the system.

8                   Most prison systems have nonfraternization  
9 rules, so a religious person that comes into the  
10 prison to help them is prohibited from being in  
11 contact with them after they leave. The Federal  
12 Bureau of Prisons has that and most states do. And  
13 that really runs contrary to common sense, that -- and  
14 it's based on the idea that no relationship made in  
15 prison could ever be good, and anyway, I'd like your  
16 reactions to that because inherent in -- because if  
17 the relationship with a mentor only starts at the  
18 prison gate, most of the inmates are going to breeze  
19 right past this person.

20                   I can't tell you the number of instances,  
21 but if they hadn't known their mentor ahead of time  
22 and a few systems allow that, they would have seen  
23 this person standing there that they figure, "What  
24 angle are they trying to get up on me? They're  
25 standing between me and freedom" and blow right past



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1 prohibits a mentor that say continue that relationship  
2 on the outside?

3 MR. BECK: No, sir.

4 MR. NOLAN: That's it. That's great.

5 MR. CORCORAN: California does have such a  
6 policy. We're prohibited as officers from having such  
7 a relationship with an inmate, inmate families,  
8 business transaction, those type of things. And also  
9 parolees, parole is generally three years in  
10 California, and I know I sponsored as a staff sponsor  
11 the Alcoholics Anonymous and NA program, and there  
12 were individuals who I had a genuine care -- I cared  
13 about them, and I would have loved to have been able  
14 to follow up with them, but there certainly is risk  
15 there.

16 If there was a fraternization policy  
17 obviously it would have to be policed like anything  
18 else. I don't know that there is necessarily a  
19 negative, but certainly there's risks to both offender  
20 and to the staff member of manipulation because there  
21 are those that are not pure of heart.

22 MR. NOLAN: Isn't there a risk of cutting  
23 off those relationships?

24 MR. CORCORAN: Certainly. Like I said, I  
25 would have loved to have been able to follow up with

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1 some of the guys that were very successful in the  
2 program. But three years down the road I may have  
3 been able to do that, but I didn't know where they  
4 were at that point. Once they're off parole, there's  
5 nothing that precludes former offenders from --

6 MR. NOLAN: And if they they've made it  
7 that long, it would be nice to see them successful,  
8 but they've already made it.

9 MR. CORCORAN: Yeah.

10 MS. ROBINSON: Pat, would it make sense to  
11 explore this in some pilot programs or something, or  
12 is that being done somewhere?

13 MR. NOLAN: Or look at the states that do  
14 because there are several states that do, and from  
15 what I know, what I've never heard anybody in  
16 corrections explain is what is the risk of the  
17 fraternization. Yes, there's somebody that could take  
18 advantage of them, but frankly they can take advantage  
19 through correspondence, they can take advantage once  
20 they're out of other people. What are the risks that  
21 you fear?

22 MR. CORCORAN: I suppose you'd have to talk  
23 to the management of the Department of Corrections in  
24 California, but I mean you try, you know, and I've  
25 read about the culture change and all these things,

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1 but you're not supposed to get close. You're supposed  
2 to have empathy, but not sympathy. And that's  
3 trained. Unfortunately, I don't know that that's  
4 always appropriate.

5 MR. NOLAN: You're talking about staff, and  
6 you're right. There's a difference. A staff has to  
7 be an authority. But a mentor that comes in -- but  
8 most states, including California, prohibit that  
9 volunteer that comes in from continuing the  
10 relationship. They may work on a life plan, and when  
11 they walk through the gate that's cut off.

12 MR. CORCORAN: Actually, California does  
13 have a thing called match two, and what that is is  
14 where business individuals or mentors in the community  
15 can come in and actually visit an inmate, correspond  
16 and have a relationship along those lines. It's just  
17 we have very few volunteers. Your staff are readily  
18 available and often mentor through their actions, but  
19 we as staff are precluded from continuing that  
20 activity.

21 MR. NOLAN: Yeah. I was talking about  
22 volunteers -- volunteers, because some states do a  
23 tremendous job. In fact, some institutions have a  
24 number of volunteers coming in and others don't. I  
25 think it would be good to look at which ones are

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1 transparent and allow the volunteers in and which ones  
2 are more restrictive.

3 MR. CORCORAN: If I can speak to that just  
4 briefly, that really comes down to also where you're  
5 siting prisons. Obviously you have a great deal of  
6 volunteerism in San Quentin versus Susanville. Not  
7 going to get a lot of volunteers in Susanville.

8 MR. LUTTRELL: Secretary Beck, you  
9 mentioned something a while ago. You talked about  
10 tension. And Mr. Corcoran, you alluded to it as well.  
11 It's really something that this commission has  
12 struggled with I think from the very first meeting is  
13 how do we take these concerns and these issues we  
14 discuss and how do we sell this to the public in a way  
15 that we can gain support or gain interest or something  
16 to stimulate some dialogue on some of these issues we  
17 talked about. Now, you have a lot experience sitting  
18 at this table here, and this is something we talked  
19 about last night. And quite frankly, we're looking  
20 for some good advice. We got some real intellects  
21 here, so help us.

22 MR. BECK: I think every opportunity this  
23 commission with the standing that it has, the  
24 credibility that it brings forward, I think that your  
25 work will add value to what we are trying to do. I



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1 what my colleague is saying. And I look what  
2 happened. This is not new, you know, these  
3 commissions and committees looking at abuse or  
4 violence. It's not new. It's cyclical. You look at  
5 what happened in my own state, and I studied it right  
6 after World War II in Texas.

7                   The Texas prison system was known as the  
8 black hole of Calcutta. It was a violent, dangerous  
9 world. It was corrupt. Everything possible that went  
10 wrong did go wrong. The public was excluded from any  
11 kind of input, but that changed, and it changed as a  
12 result of leadership within the wider community.

13                   Prominent bankers, politicians, school  
14 teachers, university types came in and shone light on  
15 what was going on within that environment. That led  
16 to massive and I think good changes within the prison  
17 system in the 1950s and through the 1960s. I think  
18 there has to be some kind of a buy-in.

19                   We can talk all day long about what's good  
20 and what's bad and how to market the prison system or  
21 how to market a particular program, but we've got to  
22 get people, I think prominent people in our state or  
23 in any particular state to buy in that change is  
24 needed or what direction are we going. It takes that  
25 kind of a buy-in that I think is going to make

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1 something happen. We're at that moment right now  
2 where I think that leadership void is needing somebody  
3 to step in and take --

4 MR. BRIGHT: Why did that happen in Texas?  
5 Was it just so bad nobody could go on anymore?

6 MR. MARQUART: That's right. It was so bad  
7 that people finally recognized that it had bottomed  
8 out, and so instead of going left we needed to go  
9 right, and you had some prominent people that stepped  
10 up to the plate, bought into it and said by golly,  
11 this is a hell hole, and we need to do something about  
12 it. That was back then.

13 Today it's the same issue. We have 160,000  
14 people that are locked up. We bottomed out, you know.  
15 We can't build our way out of this. We need people  
16 that are going to come out and say enough is enough  
17 because it has to change in Austin. It has to change  
18 in Sacramento. Whoops, Raleigh. It has to change in  
19 Raleigh. That's where the change is going to take  
20 place.

21 MR. BRIGHT: Was there anybody that took  
22 some leadership in putting that group together in  
23 Texas?

24 MR. MARQUART: Yeah, it was the governor.

25 MR. BRIGHT: And is it not there today?

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1                   MR. MARQUART: It was the governor. At  
2 that point in time we needed to go in a different  
3 direction and brought in prominent people to make that  
4 happen. I think it was the neatest plan that ever  
5 happened. You know, you don't hear a heck of a lot  
6 about it, but that led to a deep change in the way in  
7 which people were going to be treated when they were  
8 in prison. And I look back and I look at that, and I  
9 think that's a model I think for what ought to be  
10 done.

11                   MR. CORCORAN: In terms of changing the  
12 public perspective, at every fair in California,  
13 whether it be county or state or a children's fair,  
14 they've got a CHP cruiser and they've got a car with a  
15 dummy in it that rolls over because they don't have  
16 their seat belt on. And the kids see this and they  
17 get to touch stuff and they feel good about it. They  
18 feel good about the highway patrol.

19                   I don't know what we would do as a prison  
20 system. Sign up for strip search. I don't know. I  
21 mean, yeah, I don't know what we can do at that level.  
22 I think since we can't take necessarily the prison  
23 into the community, I think we have to open the  
24 prisons to the community and allow them access. I  
25 think we need a much more transparent system.



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1 through how well those facilities function and the  
2 safety and security, the low assaults, the low  
3 infraction rates, those are the things that we really  
4 measure to determine how successful programs are  
5 operating. But you know, we also see that in every  
6 convening of the general assembly. There are  
7 sometimes hundreds of bills that are introduced, all  
8 of which have bed capacity implication, increased  
9 criminal penalties. So at some point we do bottom  
10 out.

11                   You know, in North Carolina we operate with  
12 about anywhere from 700 to 1,000 vacancies in the  
13 department all the time. And so, you know, unless  
14 there is a -- something has got to change to make this  
15 work a little more attractive, more meaningful, and  
16 get the public involved I would say because there is  
17 no constituency.

18                   MS. ROBINSON: Ray -- Ray Krone.

19                   MR. KRONE: Yeah, a lot of this has been  
20 covered in the last hour, this more and more money.  
21 For years and years the Department of Corrections have  
22 been asking we need more money for this, we need to  
23 build more prisons. After 20, 25 years you'd think  
24 the money would have caught up to it. Obviously it  
25 keeps outgrowing that problem.

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1                   As we were talking earlier, I mean about --  
2 is it the time for public scrutiny? Is it time for a  
3 different entity other than DOCs within that state to  
4 try to correct the problems? It's time for a new look  
5 at it, a fresh outlook at it for somebody to come in  
6 and say here's where we can -- if we can't get some  
7 money, here's where we can save money. And now open  
8 it up to more of a public or more as in our case a  
9 commission. And will that be receptive do you think  
10 in your co-workers in the department of corrections?  
11 Can those doors be open? The good as well as the bad  
12 be shown and exposed and be willing to change that?

13                   MR. BECK: Well, I think we are very  
14 accountable and very open in terms of how we run these  
15 departments. Most of the states have gone through  
16 extreme budget situations. In 2001, the first act of  
17 our current government was declared a budget crisis.  
18 The department of corrections was one of the places  
19 that budgets were reduced.

20                   In my six years there has not been many  
21 years that our budget has not been reduced. I think  
22 what we have learned is that we -- we have learned how  
23 to be more efficient, and I think we've done a good  
24 job in managing the overtime and holding down the meal  
25 costs, but here are the drivers. The drivers come

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1 from increased medical costs, where we have an  
2 obligation to provide a community level of care. More  
3 inmates have mental health issues. There are more  
4 inmates with disease. These inmates are coming to us  
5 sick because of unhappy lifestyles or whatever the  
6 case may be.

7                   What I have seen most recently is an  
8 increase in our younger population of inmates who are  
9 borderline diabetics. These costs won't go away, and  
10 as inmates stay longer, they get older and the costs  
11 continues to drive. The things that we can control  
12 is what I'm saying is I think we've done a good job in  
13 getting down the average daily cost for meals.

14                   We are looking at staff ratios. We're  
15 reducing the number of officers to inmates, work  
16 programs are being eliminated, but the costs that are  
17 really driving this train are things that are beyond  
18 our control, but we look for opportunities to partner  
19 with the private sector. Most jurisdictions have some  
20 type of relationship, be it food service, maintenance,  
21 or even providing beds. So I think that we are doing  
22 a pretty good job, and I think we are in the eye of a  
23 lot of folks all the time.

24                   MR. MARQUART: I like his reference to the  
25 train. It is a train that is going downhill without

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1 an engineer in the front. You're alluding to the  
2 costs, and it is very expensive, and a lot of this is  
3 it far exceeds the costs of sending somebody to  
4 school. We've heard that before. It's the political  
5 will to change it and is that going to change. I have  
6 never heard a legislature say I'm going to vote  
7 against X law or Y law. Until that changes, this  
8 train is going to continue to go downhill faster and  
9 faster and faster.

10 MR. CORCORAN: I think corrections need to  
11 stop being the catch-all for those that society  
12 doesn't want to do it. In 1995 Pete Wilson, during  
13 the budget crisis, eliminated outpatient mental health  
14 clinics. It was a six million dollar decision in a  
15 billion, multi-billion dollar budget. We're talking  
16 about an accounting error.

17 Those were guys that were maybe living  
18 under a bridge, but they had a clinic where they could  
19 go and get their meds. They closed those. So where  
20 do they go? The prison system. So instead of  
21 spending an investment to provide services to them on  
22 the streets, we're now housing them at 30,000 dollars  
23 a year. I think we can do far more in a mental health  
24 for all society, and it doesn't have to come directly  
25 to the prison system, but that's a decision for those

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1 above me.

2 MS. ROBINSON: Jim Gilligan.

3 MR. GILLIGAN: Yes. I wanted to follow up  
4 on something that you alluded to earlier,  
5 Mr. Corcoran. In the European Union and in the United  
6 Kingdom there are inspectorates of prisons. In the  
7 European Union there's a system where task forces can  
8 come into and inspect any prison without any advance  
9 notice at any time of day or night. A staff of people  
10 from countries other than the nation in which the  
11 prison exists.

12 So these are really independent commissions  
13 kind of operating on the notion, I think, that  
14 sunshine is the best disinfectant and that  
15 transparency and openness are in general one of the  
16 best ways to assure that the standards that people  
17 think should exist in fact do exist.

18 Can -- is that the kind of thing that you  
19 would think could work in this country or be any  
20 reason we should not have such a system, and if it  
21 would be a good idea, is it something say the three of  
22 you or we as a commission should be advocating for?

23 MR. CORCORAN: I think as long as we took  
24 out cultural differences and looked at operations,  
25 cleanliness of facilities, staffing levels, those

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1 types of things, it can definitely be positive. But  
2 the reason I bring up culture, which obviously Europe  
3 has no death penalty. Different jurisdictions here  
4 do. As long as those types of judgments weren't made  
5 and spoke to operations, I think it can be incredibly  
6 positive.

7 MS. ROBINSON: Tim Ryan.

8 MR. RYAN: Gentlemen, one of the things I  
9 want to focus on is what we now do. I'll give you a  
10 model of some of the things we now do for officers to  
11 try to do the best we can to get the best officers we  
12 can. It's a long list that I've been making while  
13 we're sitting here.

14 But in recruiting, my agency recruits one  
15 out of every 43 -- one out of over 43 applicants for  
16 the job. They have a psychiatric test. They have a  
17 polygraph test. They have a test, an oral board. One  
18 out of 43.

19 On their first week, first day they see a  
20 video which says if you commit six sins in our  
21 operation, lying, cheating, taking drugs, use  
22 discrimination in any fashion, racial terms, you're  
23 going to be fired. They see a videotape and have to  
24 sign for that.

25 They go to an academy. The academy is

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1 sixteen weeks. The first hour of that academy, the  
2 first four hours of that academy is on what the  
3 expectation is, to tell the truth, be part of what  
4 life is all about in the prison system, and so we have  
5 sixteen weeks of that.

6                   At the end of that they have to graduate.  
7 At that time they take a test, a certification test  
8 for licensing. They have to pass that test in order  
9 to become a licensed correctional officer. During  
10 that first week after they have passed that test  
11 they're required to go into an orientation program.  
12 Part of that orientation program is to go to the  
13 Holocaust museum and show what the issues are between  
14 officers and citizens as to what is important in their  
15 recognition of what it means to wear a uniform.

16                   They have an FTO program. The FTO program  
17 is twelve weeks. The twelfth week they have an  
18 officer who trains and gets you through that first  
19 twelve weeks to tell you what it's like to be an  
20 officer in this department. We have a probationary  
21 period of sixteen months in which they work through  
22 that and they deal with that.

23                   We have annual training of forty hours in  
24 which we deal with the issues of prominent issues and  
25 also the ongoing issues and use-of-force issues. We

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1 have supervision training for their supervisors and  
2 sergeants as to what it is to be a leader and what to  
3 work in them. We have senior officers that if you  
4 have a problem they can go and talk to them.

5 We have an examination of officers to give  
6 them -- if they've had more than one or two  
7 use-of-force events and we want to just talk about  
8 that. Was it appropriate, what did you do, what was  
9 right on that.

10 We have quarterly reports where we come out  
11 and we show discipline for officers. One of the  
12 things that you mentioned was fairness and  
13 reasonableness and that and some -- we tell officers  
14 what you get in trouble for. We try to have  
15 consistent discipline. We have employment assistance  
16 programs. If you don't want to talk to us, you can go  
17 to somebody else and talk to them.

18 We have award ceremonies for not only the  
19 individuals that do well for us in this review, but  
20 also for their families. We have a promotion  
21 ceremony. We have a fitness center, wellness program  
22 in order to be able to get off some of the stress that  
23 you have.

24 And we videotape every use-of-force event  
25 unless it's one that happens in which it can't be

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1 videotaped. What's missing in the list? What should  
2 we be doing that we're not doing today?

3 MR. CORCORAN: Do you want -- I would love  
4 to have you come to California. The vast majority of  
5 that list we do the same thing, we have a 16-week  
6 academy, we have an annual requirement of 52 weeks of  
7 training. Ethics is an enormous portion of their  
8 training. We do not have a wellness program,  
9 unfortunately. That's called a snack bar. Too many  
10 members of take advantage of that.

11 I mean, that's an incredible list. I can  
12 think of only thing. If you had an oversight  
13 commission that examined training standards to ensure  
14 that they're the most current, that type thing, but  
15 other than that, that's a very good list.

16 MR. RYAN: Thank you.

17 MR. MARQUART: It sounds very unusual. I  
18 mean, I tried to make note of it, but you spoke too  
19 fast. I couldn't get everything down. It sounds  
20 incredibly intensive to me. What state is this from?

21 MR. RYAN: It's in Florida right now. I  
22 used it in California, but I think what I'm asking of  
23 the commission here is we're looking for  
24 recommendations as to what should we be doing. What  
25 sort of model should be out there? What

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1 recommendations should we be doing if we were to do  
2 anything? What should that be? What do we need to  
3 do?

4 MR. CORCORAN: Everything on your list is  
5 wonderful, particularly the wellness program.  
6 Oftentimes it's overlooked and poo-pooed by people,  
7 but it's an important component because the stress --  
8 as a corrections officer you're supposed to have a  
9 facade and never crack, not only in front of your  
10 family but in front of your peers, and especially not  
11 in front of the inmates. That's not reality. We're  
12 all human beings and we all have emotions and that can  
13 be problematic.

14 When we were negotiating use of force in  
15 California and we were negotiating the implications of  
16 the policy, not the policy itself, but I wanted a  
17 requirement by the department that in any deadly force  
18 incident the officer mandatorily attend the employee  
19 assistance program. At least three sessions even if  
20 they sat there twiddling their thumbs mandatorily.

21 I had to fight my own side and ultimately I  
22 got shot down. Well, I didn't understand that. One  
23 of the guys that was there with me said, "I shot and I  
24 didn't need it." I looked at him and I thought,  
25 "Chuck, you sure did. You still do."

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1                   But the reality is unless -- if there's  
2 always going to be an onus of weakness, and you know  
3 in the jails and prison that term can kill you if  
4 you're weak. Well, the reality is, you know, when  
5 sometimes you don't even recognize that you need help,  
6 and I think that there's nothing wrong with forcing  
7 folks to go to an outsider on occasion.

8                   MR. MARQUART: I like the component of the  
9 FTO, field training officer. I would advocate that  
10 because that senior officer is available and that's  
11 experience that can pass on the important information  
12 to the -- to that next generation. I think that's  
13 really where the rubber meets the road where you take  
14 somebody that's been there for many, many years and  
15 training somebody and bringing them along.

16                   I think that's what's going to make that  
17 whole program successful or not is that officer going  
18 to stick with the agency, the organization, because  
19 that's what you want is retention. You know, I would  
20 say and advocate clearly that it's getting those  
21 veterans in touch with new people to bring them along  
22 to show them the ups, the downs, what to do and what  
23 not to do, use of force, boundary violations, all  
24 those kind of things. I mean, I'm a strong believer  
25 of that FTO program. I think it's great.

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1                   MS. ROBINSON: Secretary Beck, I don't know  
2 if Tim Ryan's list scared you off or if you wanted to  
3 comment on that.

4                   MR. BECK: Thank you.

5                   MS. ROBINSON: Well, I think the time for  
6 our panel has ended. This has just been a terrific  
7 panel. I want to thank each one of you on behalf of  
8 the commission. You've been terrific. I think we  
9 could keep going for another hour or two if we had the  
10 time. On behalf of all of us our deep thanks for your  
11 being here and for the information that you provided  
12 us this morning.

13                   MR. KATZENBACH: You were so persuasive  
14 that maybe you should be sitting up here.

15                   (WHEREIN, a lunch recess was taken from  
16 11:45 a.m. until 12:45 p.m.)

17                   MR. KATZENBACH: Could I have your  
18 attention? Before we begin this afternoon on the  
19 panel, I want to mention what I should have mentioned  
20 this morning, and express the appreciation of the  
21 commission for the assistance that has been given to  
22 the commission in preparing.

23                   The large group of attorneys from the  
24 Washington firm Arnold & Porter have helped to prepare  
25 the -- or have prepared, in fact, all volunteers, put

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1 in hours preparing a lot of the material which has  
2 been background for the commission on this, and  
3 they've done a magnificent job spending hours  
4 interviewing people and interviewing witnesses, and I  
5 just wanted to express the appreciation of the  
6 commission for that work and for the many, many hours  
7 that they volunteered for this in the best tradition  
8 of the bar to do it, and I thank you very, very much.  
9 We all do.

10 MR. SESSIONS: Can we applaud them?

11 (General applause.)

12 MR. MAYNARD: Our next panel will address  
13 the implications of the interpersonal dynamics among  
14 and between corrections officers and the people they  
15 are charged with supervising. To shed light on these  
16 important issues I'm pleased today to introduce our  
17 three witnesses, Elaine Lord, Eddie Ellis, and  
18 Kathleen Dennehy.

19 The psychological forces that act on people  
20 who supervise others in a closed society can have a  
21 substantial impact on officer behavior. So too can  
22 the dynamics that operate between officers and  
23 incarcerated people, potentially leading officers to  
24 abuse their authority and prisoners to resist rightful  
25 authority. This panel will try to identify these

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1 dynamics and their sources and will explore ways to  
2 assure the potential negative consequences are  
3 minimized.

4 Elaine Lord is a former superintendent at  
5 Bedford Hills Prison for Women in New York, and has a  
6 specific interest in cross-gender relations in  
7 correctional environments.

8 Eddie Ellis was incarcerated for 25 years  
9 in various New York State prisons. He currently  
10 directs the NuLeadership Policy Group at Medgar Evers  
11 College, part of the City University of New York,  
12 which brings together individuals who have been  
13 incarcerated in order to influence criminal justice  
14 policy.

15 Kathleen Dennehy is the current  
16 commissioner of the Massachusetts Department of  
17 Corrections. In that capacity she has focused on,  
18 among other important matters, breaking down the  
19 so-called code of silence among officers. I'd like to  
20 thank all three of the witnesses for being here today,  
21 and we'll begin with Superintendent Lord.

22 MS. LORD: Good morning -- good afternoon.  
23 It's my pleasure to be here. I was a warden of a  
24 maximum security prison for women for nearly twenty  
25 years. I loved my job, but I retired. I retired when

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1 I came to believe that I could not adequately protect  
2 the female inmates in my custody. I couldn't protect  
3 them from being sexually preyed upon.

4                   Women have different needs and different  
5 vulnerabilities than men. We know women coming to  
6 prison have extensive histories of serial abuse as  
7 children and as adults, including sexual abuse and  
8 physical violence. Many are serious and mentally ill  
9 and drug and alcohol are involved. A vast majority  
10 have children. For the most part, their experiences  
11 of violence have occurred in family situations and in  
12 relationships. They are also people of many words,  
13 and this is probably the greatest stressor in a  
14 women's prison.

15                   Despite these realities, we can't create an  
16 unreal situation by trying to move all male officers  
17 out of women's prisons. These staff have rights as  
18 employees just as inmates should have rights to  
19 privacy. I certainly have had my share of inmates who  
20 have said the men should go, but on the other hand,  
21 I've had many inmates who have said male officers are  
22 calmer and more at ease with their power.

23                   When I look back, one of the best officers  
24 I ever had on the nursery unit with mothers and  
25 newborn babies was a man. We live in a two-sex

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1 society and male staff can provide good models. They  
2 can be decent, fair, and humane. They can listen and  
3 they can learn. I don't believe that cross-gender  
4 supervision is a precipitating factor in sex between  
5 staff and inmates. This is a caricature of a far more  
6 complex reality.

7                   Male officers contribute positively to a  
8 female prison's operations just as female correction  
9 officers do in male prisons. Further, they are not  
10 the only group that commit harassment or sexual abuse.  
11 Maintenance staff, cooks, and other civilians have  
12 also been involved.

13                   As a further complication, women's staff  
14 can and do get filed for inappropriate sexual  
15 activities in women's prisons as well as in male  
16 prisons. Staff must be trained and retrained that any  
17 sexual behavior by staff towards an inmate in prison  
18 is predatory and violent. The staff -- then the staff  
19 who don't act appropriately must be dealt with, but we  
20 must remember that they come in many different  
21 varieties. We cannot most importantly run humane  
22 systems if we continue to discount any information  
23 that an inmate provides for lack of corroboration from  
24 an employee.

25                   I have listened to inmates for many years

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1 and sometimes they are telling the truth. And as  
2 administrators, we cannot be stripped of our ability  
3 to manage and protect inmates by unions. Prisons are  
4 not places where we can have unionized staff that own  
5 posts. In such cases the ability of a superintendent  
6 to manage has been eroded, and the ability to protect  
7 inmates by relocating the staff person is nonexistent.

8                   We must go back and look at how we  
9 characterize inmates as a society. I thought about  
10 that at this morning's session. An inmate may have  
11 committed a criminal act, but it is not a steady  
12 state. They are not monsters. They are not subhuman.  
13 They are us.

14                   But as long as we have such a subservient  
15 class overseen by us as a dominating force, we will  
16 struggle with violence and sinful issues. Sometimes  
17 even the most experienced among us learn from  
18 outsiders or from history. In New Jack, Ted Conover  
19 filed a legislative report written in 1851. It said,  
20 "To become a good officer requires much more knowledge  
21 and experience than is generally supposed. And it is  
22 a long time after a new officer enters upon his or her  
23 duty before" -- I added the he or she, "he or she  
24 become even under the most favorable circumstances  
25 fully competent to discharge it. It is not like a man

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1 or a woman driving a herd of oxen or working a piece  
2 of machinery, the whole mechanism of which she or he  
3 can learn in a short time.

4 "But it is controlling the minds of men and  
5 women, no two of which are alike. It is curbing their  
6 tempers whose manifestations are infinitely varied.  
7 It is directing their motives which are as diverse as  
8 their personal appearance or physical confirmation,  
9 and it requires an intimate knowledge, if not of human  
10 nature at large, at least the habits, tempers, and  
11 dispositions of men and women immediately under their  
12 charge."

13 This consideration so evidently dictative  
14 of good sense seems to be entirely overlooked in the  
15 government of our prisons and changes occur among  
16 officers from whim, caprice, or political motives with  
17 a frequency that is utterly subversive of good  
18 government. We have to remember that as we try to fix  
19 things in prisons, too often we become more punitive.  
20 Especially toward the inmate. Thank you.

21 MR. MAYNARD: Thank you, Superintendent  
22 Lord. Mr. Ellis.

23 MR. ELLIS: Thank you very much. And thank  
24 this commission for allowing me the opportunity to  
25 present here. As was mentioned, my name is Eddie

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1 Ellis. I served 25 years in prison in New York State,  
2 approximately a dozen houses -- approximately a dozen  
3 prisons, including eighteen years in maximum security  
4 and five years in medium security, and two years in  
5 minimum security work release programs.

6 I've got to tell you, as a result of coming  
7 here today and being among this distinguished group of  
8 prison administrators and officials and officers, I'm  
9 beginning to feel a little bit like the Lone Ranger  
10 here. Only inasmuch as the perspective and voice of  
11 formerly incarcerated people is generally  
12 underrepresented in forums of this type, and I think  
13 that the forums suffer as a result of that perspective  
14 being lacking.

15 I'd like to make -- in the five minutes, in  
16 addition to everything else that I am a radio talk  
17 show host, so I tend to be loquacious and speak on the  
18 long side, but in the five minutes that I have I'd  
19 like to make a couple of general observations and make  
20 a comment on some of the things that I heard earlier  
21 this morning in relationship to the statement I'm  
22 making.

23 I think it should be noted that prisons are  
24 really not nice places, and that no matter what we do  
25 to perhaps attempt to humanize them, they will always

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1 be places in which very violent and very aggressive  
2 men and women are housed as well as the people who are  
3 charged with their care and custody. The one thing  
4 that is most outstanding for me, particularly that I  
5 was listening to the testimony this morning, was the  
6 complete absence of any discussion of the question of  
7 race or class in relationship to people in prison and  
8 people who are charged with their supervision.

9           The race, class question I think underlies  
10 many of the tensions that exist in the prisons,  
11 particularly as it relates to the question of violence  
12 and the question of safety, and I think that we  
13 perhaps do ourselves a disservice by not engaging in  
14 that discussion.

15           And lastly, I think that we've heard a lot  
16 this morning about prisons being understaffed, and  
17 that the ratio of correctional officers to prisoners  
18 are very disproportionate. I would venture to say  
19 that prisons are not understaffed at all. In fact,  
20 the real problem are that prisons are overpopulated,  
21 and one of the ways in which to deal with that  
22 so-called understaffing problem would be the massive  
23 decarceration of many of the people who are currently  
24 in prison who perhaps could be better served in other  
25 areas.

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1                   I think it was Mr. Corcoran who mentioned  
2 that about eighty percent of the people who were  
3 incarcerated in California prisons were people who had  
4 substance abuse problems. Many of them are probably  
5 nonviolent crimes that did not involve violence and  
6 could probably be let out of the system with no  
7 measurable or appreciable threat to public safety.

8                   Lastly, I think that -- I think that the  
9 question of language and the way in which we refer to  
10 people, there was some discussions this morning about  
11 it, and the discussion centered on whether or not we  
12 should talk about defining the people who are -- have  
13 control and custody of people incarcerated as prison  
14 guards or correctional officers. For the longest time  
15 I maintained that for the most part they were prison  
16 guards, and that the corrections part of definition of  
17 their titles was almost nonexistent.

18                   But after this morning, after listening to  
19 some of the arguments I think that they are perhaps,  
20 that perhaps we need to -- at least I need to maybe  
21 rethink that definition of them, but concurrently with  
22 that rethinking I think also that the language that we  
23 use particularly as we relate to offenders and  
24 prisoners and convicts and inmates dehumanize the  
25 people in prison to such an extent that we begin to

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1 treat them in a very dehumanizing way, and that  
2 results I think in much of the aggression and violence  
3 that is so prevalent in the prison system.

4 I would like to make three basic points in  
5 the little bit of time that I think that I have left.  
6 One of the points -- the primary point is that because  
7 of the insular and paramilitary nature of prisons, I  
8 think that there has developed both nationally as well  
9 as at the state levels in prison organizations the  
10 kind of organizational culture that is -- that is  
11 elitist, that is very aggressive, that is violent when  
12 the most part it's racist and it's quite sexist.

13 That prison culture we've been led to  
14 believe exists and views itself in many instances as  
15 being somewhat above the law. I think that we've  
16 encouraged that kind of organizational culture because  
17 we very rarely punish people who are involved in it  
18 who transgress the law.

19 The organizational culture is seen by those  
20 who work within the prisons for the most part as  
21 necessary to the survival and effectiveness of the  
22 institution. In many, many instances notwithstanding  
23 much of what we heard this morning, violence and  
24 brutality is viewed as the primary ways in which  
25 people are disciplined and the primary ways in which

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1 people who run the institutions gain respect and  
2 maintain control.

3 I was moved most particularly by the  
4 testimony of the former sheriff whose -- whose  
5 supervisors instructed him to assault a person in  
6 prison as a retaliatory measure for whatever  
7 transgressions that person did. I think that that is  
8 perhaps symptomatic of the kinds of things that we  
9 have seen many, many times, and it is not to paint all  
10 the prison or correction officers with one fell swoop  
11 or one broad brush, but rather to say that the problem  
12 exists in an organization of cultural context, and  
13 that cultural context has been accepted and has been  
14 ingrained into the people who work in the prisons so  
15 that to -- it is very difficult to deal with it. I  
16 doubt very seriously if any amount of training will be  
17 able to make a measurable impact on it.

18 This elitist kind of a -- it's kind of a  
19 siege mentality of them against us. It's kind of a  
20 circling the wagons. It's we need the flexibility to  
21 do our jobs that sometimes involves crossing the line  
22 it and sometimes involves breaking the law.  
23 Nevertheless, because of the nature of the violent,  
24 aggressive populations that we work with we must have  
25 that kind of flexibility in order to do our job and do

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1 our jobs properly.

2                   And at the end of the day people in prison,  
3 particularly in the male prisons, but as I listen to  
4 Superintendent Lord increasingly in the women's  
5 prisons, that the only thing they ultimately  
6 understand and respect is violence and strength, and  
7 that of course we heard earlier today to be perceived  
8 as a weak person in prison, whether as a person  
9 incarcerated or as a correctional officer --

10                   MR. MAYNARD: Mr. Ellis, I hate to cut you  
11 off. We need to have time for questions later on.

12                   MR. ELLIS: I didn't see the five minute.  
13 Did I get the five minute? Oh. I am so sorry.

14                   MR. MAYNARD: That's all right.

15                   MR. ELLIS: I apologize.

16                   MR. MAYNARD: We'll come back to some  
17 questions later on.

18                   MR. ELLIS: I wanted to make mention of  
19 this, but I'll save it for later on, and that is what  
20 I think needs to happen in terms of some of the things  
21 that we might be able to deal with this organization  
22 of culture.

23                   MR. MAYNARD: Very good. Thank you.  
24 Commissioner Dennehy.

25                   MS. DENNEHY: Thanks for the invitation to

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1 provide testimony to the critical issues you all are  
2 examining. Correction officers clearly comprise the  
3 bulk of our work force. They perform a critical  
4 public safety function often under challenging and  
5 potentially dangerous circumstances.

6           It is understandable how a unique bond,  
7 camaraderie emerges within the rank and file.  
8 Officers may believe that they need the officers'  
9 subculture to survive the environment. One  
10 consequence of this psychological dynamic of being a  
11 correction officer is the tendency to see officers as  
12 us and all others as them, be they inmates, managers,  
13 treatment staff.

14           This aspect can play out in many ways, one  
15 of which is the institution of a code of silence on  
16 both the macro and the micro levels. Prisons are  
17 inscrutable, monolithic structures. Some staff  
18 believe, as they have expressed to me, what goes on  
19 behind prison walls should remain there, behind prison  
20 walls. On the individual level, there is a clear peer  
21 expectation of officers in this subculture.

22           In Massachusetts the correction officers'  
23 union has published their ten commandments which  
24 includes thou shalt not rat on a fellow employee.  
25 Thou shalt not place thy faith in managers. Thou

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1     shalt not surrender thyself to management. Thou shalt  
2     not bear witness against one another. As a result,  
3     any officer who violates these commandments is subject  
4     to union hearings, and they are in fact thrown out of  
5     the union.

6                     A system permeated by a code of silence  
7     reinforces negative behavior, ultimately increasing  
8     the risk to staff. The ultimate irony. If staff  
9     can't be held accountable, there is no consequence for  
10    bad behavior.

11                    How do we affect change in this culture?  
12    Correctional leadership needs to focus on our hiring  
13    practices, the development of relevant training, and  
14    building systems of accountability. For years our  
15    training has actually encouraged an us versus them  
16    mentality for the purpose of ensuring proper  
17    boundaries are established and maintained between  
18    staff and inmates.

19                    As professionals we have to have and we  
20    need to have clear boundaries. Staff realize that  
21    they have control over a segment of the population  
22    that is in fact despised by much of the public. As  
23    such, staff don't want to be seen as overidentifying  
24    with inmates, being called, quote, unquote, a con  
25    lover or being seen as an easy mark.

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1                   The need to establish boundaries if taken  
2 to an extreme can result in a dehumanization of  
3 inmates. By not seeing inmates as fully human, we  
4 miss opportunities to see, to gauge the shifts in  
5 inmate's demeanor and behavior.

6                   Experienced, well-trained officers can  
7 identify these subtle changes well before the inmate  
8 may even be aware. This quick intervention can reduce  
9 the likelihood of the inmate harming self or others.  
10 In Massachusetts as we move to implement the  
11 recommendation of Governor Romney's commission on  
12 correctional reform, we have focused on an overhaul of  
13 our training programs.

14                   Our nine-week basic training program has  
15 been completely redesigned to focus on building  
16 communications skills and increased role playing of  
17 real life interactions. The use of a mock institution  
18 allows recruits to practice and build these skills on  
19 a daily, if not hourly, basis. Significant time is  
20 spent addressing cultural issues.

21                   All recruits are required to read Ted  
22 Conover's book New Jack. A chat room has been  
23 established to provide an opportunity for daily  
24 discussion and analysis of those cultural issues. In  
25 training there is now a focus on the department's

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1 mission to reduce recidivism, the need to support  
2 successful reentry, and ethics.

3           Correctional staff must be positive role  
4 models of behavior. We have to be held to the highest  
5 standards of conduct. Establishing a culture of  
6 accountability, fairness, and moral order is  
7 imperative.

8           As we emerge from a decade or so where the  
9 mantra has been much about being tough on crime,  
10 collectively we have failed to operationalize what  
11 that means for our new young staff. And that can lead  
12 to an environment where the often conflicting goals of  
13 corrections deterrent, incapacitating punishment, and  
14 rehabilitation are out of balance or misunderstood.

15           Felons are sentenced to prison as  
16 punishment, not for additional punishment. When we  
17 fail to revise our training to reflect our philosophy,  
18 some staff can lose sight of that. As some staff have  
19 said to me, "Why do we provide medical care to  
20 inmates? Why do we provide food?" Totally missing  
21 the point.

22           In addition to greatly enhancing our staff  
23 education and training programs, there are other  
24 strategies that leaders can employ. Utilizing psyche  
25 screening of recruits. When I was the director of

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1 training about fifteen years ago, when I look back on  
2 my career I'm proud that we instituted psyche  
3 screening.

4           When I was at the training academy it often  
5 struck me as odd that we would require recruits to run  
6 a mile in a certain period of time to demonstrate  
7 their ability to do the job, but we hand them a weapon  
8 without checking their mental health. I think it's  
9 imperative that we have good psyche screening.

10           We need to explore, further explore the use  
11 of experienced, ethics-based field officers to support  
12 the work that the training academy is doing to enforce  
13 those new behaviors as new officers go out on the  
14 line. The use of technology I don't think can be  
15 overstated to hold staff and inmates accountable.

16           I think everyone would agree that all of us  
17 from the front line to the front office, when we know  
18 our conduct is being monitored, we tend to step it up  
19 a notch. We behave better. We need to develop  
20 strategies that enhance transparency and openness.

21           In Massachusetts if someone had told me  
22 that I would support the development of a citizens  
23 advisory council four or five years ago, I would have  
24 been disbelieving. I've come to believe in the power  
25 of an effective and well-oriented citizen advisory

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1 council. They have provided an important means to  
2 educate the public, the legislature who controls our  
3 budget, and they are advocates for reform and for  
4 resources.

5                   In Massachusetts we're also exploring the  
6 role of an inspector general's role, similar to what  
7 exists in Texas. We've also initiated several public  
8 information campaigns, one internal, one external. I  
9 think -- I look back. I've got thirty years next June  
10 in the prison system, and when I look back I think to  
11 be honest my first four or five years if someone had  
12 asked me who the commissioner was, I couldn't have  
13 told you, and frankly didn't care as long as I got my  
14 paycheck.

15                   We need to do a better job of informing  
16 staff as to what we're doing around the reform agenda.  
17 They are our most important and vital stakeholder.  
18 Similarly, we need to educate the public. And most  
19 importantly, we need to reward honest staff. It's  
20 very difficult for staff to step forward and do the  
21 right thing.

22                   When staff do to the extent that we can be  
23 flexible in our discipline without compromising the  
24 integrity of the organization, we need to be -- we  
25 need to develop some flexibility in our staff

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1 discipline in terms of respecting and encouraging  
2 staff coming forward to tell the truth. Those new  
3 service corrections professionals are aware of the  
4 enormous public safety responsibilities we hold.

5 All corrections professionals, from the  
6 front line to the front office, must demonstrate  
7 self-discipline, a concern for the public safety,  
8 respect for the rights of the inmates in our custody,  
9 and a respect for and adherence to the statutes and  
10 departmental policy. Anything less is unacceptable.

11 Shining the light of day on this  
12 misunderstood profession and mission presents a unique  
13 opportunity to deal with our issues openly and with a  
14 commitment to change. The creation of a citizens  
15 advisory council in Massachusetts has resulted in a  
16 committed, informed advocacy composed of academics,  
17 volunteers, etc.

18 All in all, the panel report has had -- I  
19 think those who have participated on the advisory  
20 council in Massachusetts would share with you if they  
21 could be here today their positive impression of the  
22 many men and women in the Massachusetts Department of  
23 Corrections, and that they would applaud their  
24 day-to-day efforts to advance their reform agenda.  
25 Thank you.

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1                   MR. MAYNARD: Thank you, Commissioner  
2 Dennehy. Thank all of you for your testimony. We  
3 have about twenty minutes now for questions from the  
4 commission. Anybody?

5                   MR. GREEN: Mr. Ellis, you noted that  
6 during our earlier panels we had not addressed the  
7 issue of race and class and the role it plays in terms  
8 of the conditions of our prison systems and the impact  
9 it has on those who are in that environment. Could  
10 you comment on that?

11                  MR. ELLIS: Yeah. I think that the  
12 question of race and class is one of those kind of  
13 questions that is very hard for to us wrap our arms  
14 around because of its enormity, but almost  
15 overwhelmingly we find particularly in those states  
16 with large urban areas that the majority of people who  
17 are in the prison system, the majority of the people  
18 who are incarcerated are people from urban areas, are  
19 people who are poor, people who are African American  
20 and Latino and between jobs, and many instances the  
21 exact opposite is true of the custodial staff.

22                  They generally came from rural areas.  
23 They're generally not young. They're generally not  
24 African American or Latino. And I think that  
25 dichotomy creates a built-in set of dynamic tensions

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1 that almost always arise, almost always result in a  
2 conflict situation that generally erupts into  
3 violence.

4 I think that the absence of the race  
5 discussion does a tremendous disservice inasmuch as we  
6 have to begin to think about, even talk about ways in  
7 which we modify that kind of a situation. I think  
8 that many, many prison systems throughout the country  
9 have instituted sensitivity and diversity training,  
10 but that training certainly falls far short of what is  
11 necessary in order to -- in order to eliminate the  
12 problem or at least minimize the problem.

13 I think the other thing is -- and that is  
14 what Ms. Dennehy talks about, and that is -- and part  
15 of my testimony is the them-against-us kind of  
16 mentality that is exacerbated by the race question.  
17 So much so that even in instances where the custodial  
18 staff are African American or Latino, because of the  
19 enormous peer pressure to conform to the  
20 organizational and cultural standard we find a  
21 enormous amount of abuse across racial lines. I think  
22 we need to focus some attention to that also.

23 MR. GREEN: And that attention takes what  
24 form? Are you talking training? What kind of things  
25 should we ought to be doing or emphasizing to deal

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1 with this?

2 MR. ELLIS: I think that one of the things  
3 that generally needs to happen is that we need to have  
4 a greater racial balance and diversity among staff,  
5 but most importantly for me as a person who spent as  
6 much time in prison as I did, I think that we really  
7 need to begin to think about ways in which we deal  
8 with this organization of them/us cultural mentality  
9 that exacerbates the entire -- that's pervasive  
10 throughout the entire system and exacerbates  
11 attention, and we have to deal with that.

12 MR. MAYNARD: Judge Sessions.

13 MR. SESSIONS: I had a question of the  
14 Commissioner about the ten commandments.

15 MS. DENNEHY: Yes.

16 MR. SESSIONS: Are you telling us that this  
17 is an actual union activity?

18 MS. DENNEHY: It was the ten commandments  
19 were published in the official union newsletter.

20 MR. SESSIONS: Is this adopted by the union  
21 itself?

22 MS. DENNEHY: Inasmuch as it's reflected on  
23 the front page and supported by the union leadership,  
24 yes, but I think it's important to always make a  
25 distinction between the leadership of a group and the

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1 rank and file.

2 MR. SESSIONS: Well, you know, there's such  
3 a thing as called aiding and abetting a criminal  
4 activity. I don't know. I think I'd be inclined to  
5 ask the attorney general of Massachusetts for an  
6 opinion as to what the adoption of that standard might  
7 mean in terms of criminal justice.

8 It's an embarrassing circumstance. I find  
9 it hard to believe that that would happen, but if it  
10 is, it ought to be explained and it ought to be looked  
11 into. It's none of my business, you understand me.

12 MS. DENNEHY: There's a forum in which we  
13 can take issue, and we have exercised that forum to  
14 take issue.

15 MR. SESSIONS: I would go further than  
16 taking issue. I would look to the legality of that  
17 sort of stance of encouraging sworn officers to engage  
18 in that activity.

19 MS. DENNEHY: I agree.

20 MR. MAYNARD: Mr. Dudley.

21 DR. DUDLEY: I have another question,  
22 actually, to you and to the other panelists as well.  
23 One thing that keeps coming to my mind is something  
24 that as you were talking ethics-based supervisors for  
25 I guess particularly during the period of when new

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1 officers are first working, and it would seem to me  
2 that even with great training around cultural  
3 sensitivity or those sorts of racial issues or  
4 training around gender sorts of issues, all that would  
5 have to be coupled with good supervision in order to  
6 actually operationalize whatever sort of training  
7 occurred. So we're talking about what happened at  
8 middle management versus on a supervisor level.

9                   So I'm interested in hearing from you and  
10 from everyone about if we're hoping for things to  
11 change and presumably people at a supervisory level  
12 that have been doing this for a while under the old  
13 way, where do we find these supervisors and how do we  
14 motivate them to buy into the kinds of changes that  
15 you're talking about.

16                   MS. DENNEHY: We do have a mandatory  
17 48-hour training program in effect for first line  
18 supervisors. Does that mean that that has been --  
19 that training has the same impact on all participants,  
20 no. But the curriculum for that program has also been  
21 significantly changed. Very lucky in that the  
22 training academy staff is really committed to doing  
23 this.

24                   They believe passionately in what they do,  
25 and they have been able to recruit some of the finest

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1 people in the department to really push their sleeves  
2 up and rewrite all of our curriculum. We do an  
3 enormous amount of training. It's going to take time  
4 to get the whole organization through those training  
5 cycles, but you're absolutely right. It starts at the  
6 top.

7                   The fish can rot from the top, and the  
8 executive staff, the superintendents, the supervisors,  
9 the line correction officers all have to be held to  
10 the same standards, and to the extent that we use  
11 training to indoctrinate those standards, all need to  
12 participate in it.

13                   MR. ELLIS: I would add to that that in  
14 addition to training and leadership fundamental to  
15 justice and I guess really is the rule of law, and I  
16 think particularly in prison settings one of the  
17 things that is most absent in the application of law  
18 in an equitable context. I think that people who work  
19 in prisons who break the law should be prosecuted. We  
20 should send really very clear signals vis-a-vis  
21 prosecution that the kind of behavior, this kind of  
22 abuse cannot be tolerated.

23                   I think all too often what happens in those  
24 situations, prisons as well as law enforcement  
25 generally is that the perpetrators kind of have a

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1 societal pass. You know, they broke the law, but  
2 they're -- they were in a tough situation. They're  
3 working real hard with criminal convicts. Maybe they  
4 need to be able to step across the law at some point  
5 in the performance of their duties.

6 I think that once we accept them, once  
7 we -- once we tolerate that kind of an attitude with  
8 relationship to people who break the law, whether  
9 they're correction officers or people in prison, then  
10 we set up a situation in which there is a diminished  
11 respect for law, and there is on the other hand the  
12 heightened attitude that it's okay to do this and that  
13 there won't be any real punishment or sanction. That  
14 I think real punishment and sanctions need to be  
15 coupled with training and leadership for the maximum  
16 benefit.

17 MS. LORD: I just wanted to make a couple  
18 remarks. First of all, I think when you try to run a  
19 humane prison, I think supervisors will come. They  
20 want to work under that setting. So they will find  
21 prison -- and I think that's what one of the women  
22 this morning was talking about. A prison where she  
23 had good experiences versus a prison where she didn't.  
24 Starts with the leadership and it does come down.

25 The other thing is I think that there is a

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1 societal problem when you go to arbitration or when we  
2 go before juries and we lose cases. It's because they  
3 carried that mentality that is caused or is part of  
4 that inappropriate behavior that we're seeing, whether  
5 it's physical violence or sexual violence or just  
6 sexual attitudes.

7                   And so too I once had a sergeant who was  
8 returned to me after he was out on disciplinary  
9 sanctions for nine months. We'd been trying to  
10 terminate him, and the arbitrator just didn't think  
11 that it was serious enough behavior and sent him back  
12 to the same facility. I mean, you know, we need to  
13 start there. I mean, start at those attitudes.

14                   MR. MAYNARD: Mrs. Robinson.

15                   MS. ROBINSON: Yes, I'd like to turn back  
16 again to Commissioner Dennehy. I was really  
17 interested in your comments about the citizens  
18 advisory council in light of the discussion we had  
19 earlier this morning about how do we connect with the  
20 public, and I'm curious. Was this set up as a result  
21 of the reform commission that Scott Harshbarger  
22 chaired? Did it come out of that setting?

23                   MS. DENNEHY: Actually, we've been  
24 over-commissioned. We have several commissions in  
25 Massachusetts. First one was the governor's

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1 commission on correctional reform, which was chaired  
2 by Scott Harshbarger. That in effect issued eighteen  
3 major recommendations for reform, everything from  
4 covering topics from leadership and accountability  
5 through fiscal management through basic systems  
6 grievance, investigation, classification. Those  
7 systems that inmates need to have confidence in.

8                   One of the recommendations -- one of the  
9 eighteen recommendations from that commission was the  
10 creation of a citizens advisory council, which we were  
11 able to convince Scott to continue to chair. So he  
12 currently chairs that council as well. The governor  
13 has just recently signed an executive order extending  
14 that commission for another year, and we are in the  
15 process of trying to convince Scott to continue his  
16 chairmanship.

17                   MS. ROBINSON: So the Citizen Advisory  
18 Council is a separate body from the commission?

19                   MS. DENNEHY: Yes.

20                   MS. ROBINSON: Yes. Because it seems to me  
21 that this Citizen Advisory Council could in theory  
22 serve some of the roles that we were exploring this  
23 morning about reaching to the public and creating some  
24 kind of better PR tool, if you will, of helping open  
25 the doors at least figuratively to the public about

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1 what goes on within correctional facilities.

2 MS. DENNEHY: One of the things that the  
3 CAC, the Citizens Advisory Council did, was it urged  
4 us to conduct -- when I say us, the Department of  
5 Corrections, it urged us to conduct two comprehensive  
6 external reviews. The key word there being external.  
7 Reported by the DOC, staffed by the DOC, but not  
8 necessarily led by the DOC. We were the conveners.

9 The two areas that the council particularly  
10 had interest in was the management of female offenders  
11 as well as the increasing impacts of mental and  
12 medical health in the area of corrections. With the  
13 help of the council we were able to bring together no  
14 fewer than about a 120 key stakeholders in the Boston  
15 metropolitan area, folks representing some of the best  
16 medical schools, folks with pharmaceutical  
17 backgrounds, advocates from a variety of backgrounds  
18 to work on the female offender group, to work on the  
19 medical and mental health group.

20 Much like this commission, the activities  
21 were very well organized, tasks were outlined, goals  
22 were assigned, committee assignments. The  
23 expectations were really clear. Those reports have  
24 been written and probably will be issued to the public  
25 within the next ten days or so. And we are in fact

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1 having those strategy discussions around how do we  
2 maximize the involvement that we've been able to  
3 create to date, and how do we interest media in  
4 particular in the release of that information.

5 MS. ROBINSON: And finally, do you know are  
6 there other corrections departments around the country  
7 that also have citizen advisory councils? I know Jim  
8 Gondles, who is executive director of the American  
9 Correctional Association, is here in our audience  
10 sitting up there. He may know the answer as well.

11 MS. DENNEHY: Off the top of my head I know  
12 we did a survey of several states when we were looking  
13 at that and the inspector general role, and there may  
14 be -- I mean, off the top of my head I can think of  
15 five or six, but I think the key here is for us as an  
16 advisory panel as opposed to what one traditionally  
17 thinks of as an oversight panel. There's a  
18 distinction. There's a difference.

19 MS. ROBINSON: Of course.

20 MS. DENNEHY: This group was really  
21 convened for the purpose of monitoring the  
22 department's implementation of those original eighteen  
23 recommendations. It really keeps us on focus. We  
24 meet monthly. Key managers go in and make  
25 presentations. We have really been able to utilize

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1 some of the connections on that panel in terms of  
2 being able to get our message out to a broader  
3 constituency.

4 MS. ROBINSON: Did you have a comment on  
5 that as well?

6 MS. LORD: I think -- again, I think  
7 running transparent facilities that support and  
8 getting people from the community is important. There  
9 are various ways that you can do that. I do think  
10 that you can go on to a lower, more local level, the  
11 individual facilities where you enhance the amount of  
12 people coming in on Sundays to give church tours.

13 We used to spruce up the facilities on  
14 Sundays and let people come in from the local churches  
15 to meet with a group of inmates, meet staff and take a  
16 tour, and I think that it's important or resonated for  
17 me what we've been talking about in these panels  
18 because by and large people would say, gee, there's  
19 got to be something -- after they sat down, there's  
20 got to be something wrong. That woman that I was  
21 talking to can't -- you know, she reminds me a lot of  
22 my daughter.

23 And I think that somehow that's what we  
24 have to get to. We have to get the average American  
25 to begin to see that that could be their daughter.

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1 And then we can make an impact.

2 MS. SCHLANGER: I have a question for  
3 Superintendent Lord also. You talked about sexual  
4 violence and pressure and sexualization of the women  
5 who are in your custody, and I'm curious about two  
6 things. One is we're the Commission on Safety and  
7 Abuse. Is that the worst safety and abuse problem  
8 that women face? I mean, how serious is that for  
9 women inmates?

10 And then the other question is what do  
11 the -- what's the menu of solutions? What does it  
12 look like? What's on that? What's the checklist that  
13 people should think about as solving that problem or  
14 at least going some distance towards solving that  
15 problem?

16 MS. LORD: I think facilities are doing a  
17 much better job. I think corrections is doing a much  
18 better job. I think that it does -- it is an issue  
19 that gets sensationalized. I also think that any one  
20 incident as far -- it's like when somebody gets  
21 seriously hurt, you know, it's a continuous issue. I  
22 think we have to see that prisons hold people who are  
23 vulnerable. So therefore we always have a  
24 responsibility.

25 You know, I think that sexual activity

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1 comes in many different ways. It doesn't belong in  
2 prison. People need to get a paycheck. It's a job,  
3 and so they should come to work and then go home.

4 Now, I've had staff -- I had a staff person  
5 come to me and say, you know, I really took a shine to  
6 this woman and I have to leave. And we have to  
7 respect that, and gave him a good recommendation and  
8 know that we made the right decision. I think it's  
9 very complicated.

10 We're dealing with human beings in a  
11 setting, and that's why I said it does come in all  
12 varieties. I think that at some point it's a little  
13 overblown, you know, in the press. It does get  
14 overblown, but it is an issue. It's an issue that has  
15 to be dealt with. And I think that different  
16 jurisdictions are doing it differently.

17 Before I left I had requested the  
18 department that they install cameras with audio in  
19 fact. And I created enough pressure they agreed to do  
20 it. And so they were installing 400 and some odd  
21 cameras. I guess then I worried what does that do to  
22 change life for an inmate. You know, what kind of  
23 pressure and stress does that have.

24 I think we'll always have some sexual  
25 activity. People are sexual beings. We have to keep

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1 saying -- we have to keep going back to that values  
2 and keep saying what's appropriate. Sometimes people  
3 fall in love, and it's still not appropriate in that  
4 setting, and it doesn't usually work out.

5                   You know, when we talk about -- we talked  
6 about family issues this morning. I had an officer  
7 who really liked this woman and he was on the outside  
8 helping to support the children, taking the children  
9 to visit, dropping them off about a mile away from the  
10 facility, and they would walk together to the  
11 facility.

12                   These are -- so it's an activity that comes  
13 in all different sorts of ways. It's as individual as  
14 the individuals that we deal with, both the inmates  
15 and the staff. Certainly, you know -- but the reality  
16 is you can't have somebody who has sex who has custody  
17 over them. It's beyond humanity. It's beyond being  
18 civilized. We shouldn't have people that are even in  
19 that situation.

20                   But be we also -- there are more mentally  
21 ill people in our prisons than there are in our  
22 hospitals today. So that's a particularly vulnerable  
23 population. When you look at the histories of women  
24 in prison in terms of victimization, then it's kind of  
25 set up to be revictimized. It doesn't take much to be

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1 victimized. These are not people that are going to  
2 easily say no when they should be saying no. So we  
3 even have to go back and start retraining inmates.

4           I had a woman -- I was walking across the  
5 yard one day and she said, "I really need to say  
6 something to you. I know you're doing the right  
7 thing. I know you're trying to do the right thing,  
8 but you know, I was a prostitute on the outside and  
9 nobody -- I don't have anybody out there. Nobody  
10 sends me a thing. I don't get perfume. I don't get  
11 food. I don't get money. I don't get anything." She  
12 said, "You're really intruding in my little thing I  
13 have here."

14           You know, it's a difficult problem. Is  
15 it -- you know, I've had certainly tons and tons of  
16 inmates say that Bedford was safe, but I didn't feel  
17 that way as long as I felt like someone who maybe  
18 couldn't fend for themselves was being taken advantage  
19 of.

20           MR. MAYNARD: I misspoke earlier. We have  
21 thirty minutes left. So we have plenty of time. We  
22 have Mr. Schwartz.

23           MR. SCHWARTZ: I wanted to commend all  
24 three of you. Not only on your oral testimony but  
25 also on your written pieces, which are very, very

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1 interesting and quite powerful. I've got one specific  
2 question to Mr. Ellis and then a general question to  
3 the three of you.

4                   The one to Mr. Ellis is you got four  
5 degrees, four graduate degrees when you were in  
6 prison, including a master's degree in theology and a  
7 magna cum laude bachelor of science degree in business  
8 administration, four degrees. And I mean, our  
9 chairman I know studied courses in Princeton when he  
10 was incarcerated in Germany as a prisoner of war, so  
11 it does happen, but it struck me as interesting that  
12 you got those four degrees in an institution that you  
13 described as self-perpetuating organizational culture  
14 of racism and brutality and lawlessness.

15                   I'm sort of interested on whether how you  
16 are able to get those degrees in that culture, or to  
17 put it differently, are there things from the lesson  
18 of your getting those degrees that can be used to help  
19 think about improving the culture?

20                   And then the general question to all of you  
21 is maybe one of you or maybe two of you used an  
22 express a code of silence. Everybody knows there are  
23 some bad eggs in facilities, and how do you -- how  
24 does one identify and try to either retrain or get rid  
25 of the people who are the bad eggs? So there's one

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1 specific question and one general question.

2 MR. ELLIS: Well, I was very fortunate  
3 to -- I was very fortunate. I don't know how  
4 fortunate. I'll say I was being in prison at a time  
5 when it was still possible to attain college level  
6 programming. In fact, undergraduate and graduate  
7 degrees that is -- that is no longer available, and  
8 for the life of me I'm not quite sure what happened  
9 outside of the fact that I probably seemed to --  
10 seemed to coalesce to such a degree that the  
11 eligibility for the funding requirements for those  
12 programs were at both the federal level and the state  
13 level in most states were removed for people who have  
14 criminal convictions.

15 Notwithstanding all of the research that  
16 demonstrates that people who come out of prison with  
17 higher education have a rate of recidivism that is  
18 perhaps twice as low as the normal national rate.  
19 People who have acquired degrees in prisons such as  
20 myself I think acquired them in spite of being in  
21 prison rather than because they were in prison.

22 The prison I was in, there was an enormous  
23 amount of animosity on the part of the uniformed  
24 staff, who were -- and who were in the college  
25 program, and college administrators and college

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1 teachers and professors had a tremendous amount of  
2 difficulty going into the prison and coming out of  
3 prison. There was an enormous amount of harassment in  
4 terms of their relationship that they entertained with  
5 uniformed staff.

6 I think that uniformed staff felt that the  
7 people in prison who were receiving this education in  
8 most instances as a result of them being eligible for  
9 Pell Grants were not deserving of the education and  
10 therefore should not receive it. They did many, many  
11 things that they could in order to disrupt the flow of  
12 that educational system.

13 I think that notwithstanding all of that,  
14 hundreds of thousands of people who were able to  
15 graduate throughout the United States with college  
16 level baccalaureate degrees and in some cases graduate  
17 degrees, and that their contribution to society and to  
18 the community once they returned to the places that  
19 they were originally from before going to prison is  
20 testimony to the significance and importance of that  
21 kind of thing, but I think that -- I think that the  
22 fact that those programs I think that college --

23 I think that education is perhaps the  
24 singular most important thing they could be doing in  
25 prison, and the research seems to suggest that people

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1 who are educated while in prison particularly at the  
2 college level, but even approaching college level, at  
3 times high school level, have a greater chance of  
4 success once they leave prison and go to the streets  
5 notwithstanding that research and that empirical  
6 evidence we have all but eliminated.

7 I say we. I'm talking about both the  
8 national and state levels. We have all but eliminated  
9 college level education in the prison system. So I'm  
10 not sure what that actually says vis-a-vis policy or  
11 others, but certainly the elimination of college  
12 programs was in large measure due to the overwhelming  
13 opposition of prison staff for those programs.

14 MS. DENNEHY: I'd like to take the more  
15 general question around the code of silence. Just a  
16 couple of thoughts. I think first and foremost when  
17 we're investigating any allegation of misconduct,  
18 whether it's staff, correction officer, other  
19 employees, administrators, volunteers for that matter,  
20 that it's imperative to have a good investigatory  
21 system in place, appropriately trained investigators.

22 And I don't think that that can necessarily  
23 be done in-house. I think it needs to be done in  
24 cooperation with, in our case, the state police coming  
25 in and actually certifying our staff assault

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1 investigators, for example, so that they have the  
2 necessary skill set to handle some of the more  
3 difficult cases. I think it starts with a good  
4 investigation, because a good investigator can get  
5 some additional information that perhaps can be the  
6 key piece of evidence that is corroborated.

7                   Also not hesitate to go utilize district  
8 attorneys and the attorney general's office. In one  
9 or two isolated cases of abuse most recently it's been  
10 incredible how forthcoming staff have been when there  
11 has been a representative from the district attorney's  
12 office conducting a concurrent line of questioning  
13 with our investigators. Ultimately it's about holding  
14 staff accountable to the extent that, you know -- and  
15 this isn't a witch hunt.

16                   We're not looking to fire people or hold  
17 people accountable just because we know something  
18 happened. We want to hold the right people  
19 accountable. But to the extent that we can pin that  
20 kind of activity on folks, we -- frankly we're being  
21 very aggressive about the discipline. We're not  
22 negotiating around certain values around those issues  
23 if it represents termination. End of discussion.

24                   The more troublesome question I think is  
25 for those others who may be in the room when abuse

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1 occurs. Very early on in my commissionership, I'd say  
2 about six weeks into it, the union had just finished  
3 applauding my selection and things took a turn there  
4 about 180 degrees about six weeks into this.

5                   It was a case of abuse, and through a lot  
6 of details and good detective work we were able to  
7 corroborate the inmate's allegations regarding one out  
8 of seven staff members. We know that an inmate went  
9 into a room and didn't have a mark on him. We also  
10 know he was restrained in four points. So here we  
11 have an inmate restrained, and at the end of the day  
12 he has significant injuries. No one saw anything.  
13 The inmate's version really pointed to one staff  
14 member in particular, and he could not identify the  
15 others.

16                   The long and short of it is through good  
17 detective work we were able to corroborate that it was  
18 one particular individual who was presently  
19 responsible. But the other folks in the room frankly  
20 were sergeants and lieutenants, and my favorite line  
21 in our blue book is that responsibility augments with  
22 position. As a sergeant and as a lieutenant, as one  
23 with supervisory and rank authority you are expected  
24 to know what happened in that room. It's not  
25 acceptable to say, "I don't know. I didn't see

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1 anything."

2                   Those folks through Massachusetts civil  
3 service case law, etc. knew I couldn't quite fire some  
4 of them, but I could demote them back to their  
5 permanency. That really had not been done before, and  
6 that's been the course of action. What's happening  
7 rather slowly is that we now are having some employees  
8 step forward willing to tell the truth, willing to  
9 tell the truth when they have been an unwilling  
10 observer. And I think the critical issue here is that  
11 it is a very small percentage of staff who engage in  
12 the most egregious conduct.

13                   You know, the corrections officers who were  
14 acknowledged this morning I think are far more  
15 representative of the general work force, but even  
16 good officers are subjected to that code of silence  
17 and the pressure to say they saw nothing. And to a  
18 certain extent it's human nature to go home at the end  
19 of the day and say, well, I didn't participate.

20                   I didn't firsthand participate in that, but  
21 if you were there, you witnessed it, and you allowed  
22 it, you enabled it. We have to get to the point where  
23 staff are comfortable stepping forward with the truth,  
24 and we have a long way to go. We have a long way to  
25 go in that regard.

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1                   MR. MAYNARD: Superintendent Lord, do you  
2 want to --

3                   MS. LORD: I just wanted to say, I think  
4 that we do a pretty good job with incidents with  
5 serious injury. I think that we have to see the  
6 violence, though, in a continuum. As you get to those  
7 lower levels of violence that starts sometimes with  
8 just threats, then that's more difficult to deal with,  
9 you know, and the other thing is that I was thinking  
10 about when Commissioner Dennehy was talking is that  
11 when you have physical violence you generally have  
12 several officers responding.

13                   When you have sexual violence, both parties  
14 have generally spent a lot of time trying to figure  
15 out how to get into a secret location by themselves.  
16 So you don't have -- what you try to backtrack to is  
17 how did they get through that gate, how did they get  
18 to that area? But, you know, there are always -- you  
19 know, there are always people moving around prisons  
20 doing things, and so it does -- it becomes a very  
21 difficult situation, and again, I don't want to  
22 reiterate that by far the officers that I -- I'm very  
23 happy to have many officers as friends, and they were  
24 high caliber professional people. We are talking here  
25 about just a few.

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1 MR. MAYNARD: Mr. Ellis.

2 MR. ELLIS: I think that the code of  
3 silence is probably the symptom, and the root causes  
4 go a lot deeper and certainly a lot more pervasive. I  
5 think that many of the things that the Commissioner  
6 Dennehy has outlined with respect to identification  
7 and investigation and prosecution go a long way  
8 towards establishing the kind of a tone within the  
9 system that certain criminal behavior particularly,  
10 but just certain general kinds of behavior in terms of  
11 abuse cannot and will not be tolerated.

12 You know, I reiterate numerous times that  
13 my experience has been that many uniformed staff  
14 really honestly believe that much of what they do  
15 while perhaps in contrary to the rules and in some  
16 cases purely criminal behavior will not be prosecuted,  
17 that they will be -- that they will be protected by  
18 their peers, by their supervisors, ultimately by the  
19 system itself, and I think all too often that plays  
20 itself out to such an extent it kind of becomes a  
21 self-fulfilling and perpetual kind of thing.

22 MR. LUTTRELL: Commissioner, in your  
23 opening remarks you paint a pretty bleak picture of  
24 labor management relations in the department of  
25 corrections. Yet in the end in your summation you

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1 seem to have a great deal of hope in the future with  
2 the staff that you have, and certainly some of your  
3 comments I think reflected that.

4 I'd like to focus a little bit on how you  
5 as administrator and also with your background and  
6 training, how do you bridge that labor management gap  
7 in a way that allows you to effectively manage your  
8 department? You know the -- I've always found labor  
9 management relations in Massachusetts government to be  
10 an interesting case study. I've read some about it.

11 I notice you have very formidable labor  
12 obstacles there, but as an innovative manager, how are  
13 you approaching that labor management hurdle in a way  
14 that allows you to effectively manage your prisons?

15 MS. DENNEHY: There are a couple of issues.  
16 One, again, going to training. One of the things we  
17 did was we approached a local community college and  
18 asked them if they would put together a full semester  
19 program for labor management, labor relations,  
20 specifically contract administration for our  
21 superintendents, for our local wardens, if you will.

22 In that much of the contract, much of the  
23 tone and character of labor management relations  
24 really happen at the local level with the local  
25 stewards and superintendents. So we provided the

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1 superintendent and key division heads with in effect a  
2 semester-long academic program on how to better manage  
3 contracts.

4                   We were very lucky in that we secured an  
5 instructor who actually worked in another state almost  
6 exclusively for correction officer unions on the other  
7 side of the house, so she really brought a very  
8 interesting and helpful perspective.

9                   Again, that's because so much of the labor  
10 management plays out at the local level. I think  
11 what's noteworthy in Massachusetts is that our  
12 correction officers union has been without a contract  
13 for going on three years. So we are at the table.  
14 The governor has made it clear there won't be  
15 retroactive payment.

16                   So you can imagine the particular dynamic  
17 that that brings to the table in terms of coloring  
18 labor management relations. We continue to meet  
19 monthly with the labor management, with the executive  
20 board of the union. We always have an agenda. It  
21 always strikes me as interesting how much work can get  
22 done in that form even when in the broader context of  
23 contract negotiations.

24                   There's a lot of heartburn, but I think  
25 it's case by case. It's issue by issue. But you've

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1 pointed out that in Massachusetts it's a somewhat  
2 unique environment. We cannot engage in interim  
3 bargaining absent to contract. So we're sort of stuck  
4 in limbo in terms of advancing any major reforms.

5 MR. MAYNARD: Mr. Ryan.

6 MR. RYAN: There's a couple items. The  
7 jail prison environment has evolved over the last 35  
8 years, and particularly the female environment. When  
9 I first started there were never any male officers  
10 then, and then Title IX and a few other things came  
11 along, and female officers saying I want out of here  
12 too and I want to have some opportunity.

13 So my latest I heard is that Michigan  
14 actually had a case decision recently where they took  
15 all the male officers out. As background then just  
16 trying to figure out how best to manage that  
17 population which is particularly growing.

18 We talked about video surveillance. We  
19 talked about cross-gender supervision of all the  
20 staff. I've added special background of male officers  
21 making sure they don't have domestic violence or  
22 sexual harassment cases pending or in their past. We  
23 have reporting mechanisms like at least in our area  
24 where you have all inmates have a phone you can call  
25 directly to internal affairs. You can call the ACLU.

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1 You can call the FBI if you wanted to if you have some  
2 sort of issue.

3 We have a grievance procedure. We have  
4 letters to the chief, me, if there's a problem, and I  
5 am a special investigator. If there's any hint of  
6 criminal activity there's an immediate activity, and  
7 we have no stops when it comes to that.

8 Operating-wise, using San Francisco model,  
9 we have one hour where there are no males in the  
10 building so the female staff can feel comfortable what  
11 they're doing, or in fact if they want to take a  
12 shower there's certain places where the doors are  
13 longer so you don't feel unsafe in doing that. We  
14 have volunteer training for the faith-based folks or  
15 any other volunteers that come in to say you might be  
16 advised of certain things. Your obligation is to tell  
17 us.

18 We even had the Prison Rape Elimination  
19 Act, Moss Group come in and do a consulting with our  
20 female inmates to find out if they felt safe in the  
21 environment. I'm pleased to say they did and they  
22 spoke to us. We are proposing at this point free  
23 calls to children, want to make that connection  
24 because that gets lost. As I said to the morning  
25 group, what's missing? What do we need to do?

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1 MS. DENNEHY: Okay. I have a couple of  
2 suggestions, and the first one being -- and you may  
3 have mentioned it at the primary post, I mean how are  
4 officers assigned to posts, because in my former life  
5 I was a warden at a female maximum security prison,  
6 and it seems to me -- I know when I was hiring folks I  
7 felt very strongly that I needed a male deputy, that  
8 it's very important -- and I think Elaine mentioned  
9 this.

10 It's very important that either gender have  
11 appropriate role models for both sexes. But I was  
12 always more concerned about the primary post, who is  
13 staffing the primary post in the housing units.  
14 Frankly, I did not have major concerns about a male  
15 officer being in a housing unit as long as he wasn't  
16 in the primary post, as long as there was a female in  
17 the unit.

18 I think you have to look at that balance,  
19 and so much of that is driven by architecture and  
20 driven by whatever, the roster analysis calls for  
21 posts. So I think it's case by case, but I think we  
22 need to pay more attention to the gender of particular  
23 assignments.

24 While transporting a female offender, who  
25 is doing the transporting? I would not want to see

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1 two males transporting a female offender. I would  
2 want to see a balance. I think about that in terms of  
3 roster management. The shift commander who's managing  
4 a roster, are they paying attention to those issues?

5 We recently established two separate work  
6 groups in Massachusetts. And one of them was driven  
7 by a recent incident, the unfortunate killing of the  
8 officer I believe it was in Tennessee in the  
9 courtroom, the correction officer who was murdered.  
10 And if I have the details correctly, that individual  
11 had been involved with a nurse who had previously been  
12 terminated, and she had smuggled the gun in to him in  
13 the courtroom.

14 There was also an incident, an escape out  
15 of a maximum security prison in Michigan that involved  
16 a female employee having a role in assisting the male.  
17 It's been my observation of late, and I say this as a  
18 woman, that -- and it's just the sheer numbers. There  
19 are 95 to 96 percent of our inmate populations are  
20 males. It's a smaller percentage that are females. I  
21 know in terms of anecdotally the discipline that I've  
22 meted out, it tends to be more females becoming  
23 involved with male offenders. Why, because there are  
24 more male offenders.

25 I think there are issues around both of

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1 those gender in terms of how we supervised and how we  
2 monitor activity. And what both groups have come back  
3 to us, and I think it's a real fair criticism, that we  
4 as administrators do not keep our finger on the pulse  
5 of staff who are going through particular stresses.

6           If someone has had a death in the family,  
7 if someone has had a really critical divorce  
8 situation, a really nasty divorce, if the death of a  
9 child, if you sense that they've had a substance abuse  
10 history and they may now again be using, folks who  
11 were at a particularly vulnerable time in their life  
12 with stressors, again, looking back over thirty years,  
13 I think every time there's been a critical incident  
14 that has involved staff, when we've gone back and  
15 looked, we have found out too late that that person  
16 was undergoing some critical stress that we just  
17 didn't intervene. We didn't see it, know it, or feel  
18 that it was our role to intervene.

19           MR. MAYNARD: Mr. Nolan?

20           MS. LORD: I'd just like to agree with the  
21 commissioner on stressors. I think they are  
22 absolutely in staff who get into problems, at least  
23 with some staff. I also wanted to say that I think we  
24 have to realize that sometimes among the women, the  
25 inmates, that there is also a code of silence for

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1 various reasons, and they don't want to get an officer  
2 in trouble. They may not want to rock the boat. They  
3 may like the officer on the unit. He may do a good  
4 job. There are a number of things.

5                   We used to have groups where we met with  
6 inmates and we had inmates leading groups to discuss  
7 things like that. These are women who, again, you  
8 have to go right back to the histories. These are  
9 women who came in and said, "Gee, I didn't realize it  
10 was bad. I hit him back, but I was the one who ended  
11 up in the hospital." We have to realize what we're  
12 dealing with.

13                   I just wanted to say one thing about  
14 college and programs, and I think they're all  
15 critical. People have to have hope. If they don't  
16 have hope to have, of course they're going to make  
17 another life in prison. They're human beings. So  
18 one, we should be trying to get people out who don't  
19 belong there, and I believe drug abusers, people with  
20 long terms -- I know seventeen year olds who are now  
21 53. It's like when is it enough? And they haven't --  
22 a woman who has never had a misbehavior report. I  
23 mean, I'd be happy to have her live next door to me.  
24 I don't understand what it is.

25                   Reentry, we have to realize that for women

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1 reentry is very different than what it is for men.  
2 Very often there isn't anybody waiting for them when  
3 they come out. Whereas for men, very often the wife  
4 or significant other has kept the home. I think  
5 parenting we realize is much more complex than a phone  
6 call, and I applaud you for doing -- I think it's  
7 critical, but I think what we have to be careful of is  
8 that sometimes what happens -- and I think I heard  
9 Mr. West who spoke this morning say you get a phone  
10 call, you get a visit, and then it's trouble on the  
11 unit because the stresses from those things come right  
12 back into the prison. And so we need to be dealing  
13 with families on a very, very much different level  
14 than I think we're doing now.

15                   The other thing we have to realize is we  
16 did throw programs away. We throw programs away that  
17 did work. We threw programs away that made a  
18 difference. We threw colleges away. In New York in  
19 Bedford Hills we have a priority-funded college  
20 program. We used to have one that was publicly  
21 founded. It has an eight percent recidivism rate over  
22 five years. I'll take it. You know, what are we  
23 doing?

24                   But, you know, on the other hand I  
25 certainly feel for my correction officers who are

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1 struggling to get their kids into college, and so  
2 again, there's that dichotomy. And again, that's us  
3 and them. I don't want to --

4 MR. MAYNARD: We've got about five minutes.  
5 Got two more questions.

6 MR. NOLAN: First of all, a comment what  
7 Ms. Lord just said, your observation about women and  
8 lack of anything waiting for them is absolutely true  
9 except that the wolves are waiting at the bus stop for  
10 the women, and that is one of the biggest concerns.  
11 They're waiting, they're offering them a warm place to  
12 live and meals in return for selling their body or  
13 becoming a drug seller.

14 And it's a huge problem for these women and  
15 they're frightened to death when they get out having  
16 no place to go. That's not just a corrections  
17 problem. It's a community problem, and we need to  
18 have people there waiting for them, that are good that  
19 are interested in them, not in what they can do.

20 My question was about prosecutions because  
21 testimony to the Prison Rape Elimination Commission  
22 was that oftentimes prosecutors will not prosecute  
23 even when institutions contact them. It either is the  
24 previous position of the prosecutor or, even worse,  
25 even if they're interested in it they feel political

1 pressure and in fact sometimes political threats if  
2 you do. I appreciate knowing your experience with  
3 prosecutors. Have they always followed through when  
4 you've contacted them? If not, what prevented them or  
5 discouraged them from going ahead and prosecuting the  
6 crimes that occurred within the walls?

7 MS. DENNEHY: I can speak to specifically  
8 my experience when I was superintendent at  
9 MCI-Framingham. I would be very complimentary of the  
10 relationship that existed with the then district  
11 attorney and now as commissioner with the current  
12 district attorney. I think there's practical issues  
13 sometimes with district attorneys. It involves the  
14 processing of DNA through crime labs. I know in  
15 Massachusetts the administration has recently expanded  
16 the ability of prosecutors to utilize crime labs to  
17 test the evidence.

18 In one particular case at MCI-Framingham --  
19 this sounds a little reminiscent, we read all too much  
20 about it, but a woman actually saved the blue dress.  
21 She saved the blue dress and presented us with the  
22 blue dress and said, "If you test it, you are going to  
23 find the DNA of this particular officer."

24 The district attorney at the time had used  
25 up the monthly allotment for processing because

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1 there's some queuing at the state crime lab in terms  
2 of processing DNA. Frankly, we worked with her. We  
3 found a different funding mechanism to get that done  
4 in a timely basis. The individual was prosecuted and  
5 is now incarcerated.

6 I think it really comes down to developing  
7 those relationships with the district attorney, and I  
8 think fundamentally it all comes back to your internal  
9 affairs investigative unit having credibility with the  
10 local district attorney. Most states have state laws  
11 such that a superintendent or a warden is compelled to  
12 notify the district attorney if there's concern that  
13 there's been a criminal violation, and at that point  
14 the DA may determine whether they come on site, or if  
15 they have confidence in the investigator's ability,  
16 look to have oversight of that investigation and  
17 sharing of information, but those kinds of  
18 collaborative partnerships really pay off in the end.

19 MR. MAYNARD: We've just got a couple of  
20 minutes. Mr. Ellis.

21 MR. ELLIS: I think there's a political  
22 problem particularly in New York with regards to  
23 district attorneys and prosecution, and that is that  
24 many of the prisons are located in very rural, very  
25 upstate kinds of areas, and overwhelmingly

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1 prosecutors, district attorneys, particularly in New  
2 York, are elected. And so what happens is that the  
3 constituency that elects district attorneys is  
4 comprised of uniformed staff and their families.

5           There is almost the hint, if not the  
6 threat, of political retaliation certainly in the  
7 electoral context. I think that has served as a way  
8 in which many of the district attorneys have had  
9 second thoughts about prosecuting vigorously as they  
10 perhaps would otherwise.

11           MS. LORD: My experience was pretty much in  
12 a county that had a vigorous prosecution history of  
13 sexual crimes. And I agree, you know, the best case  
14 scenario is the blue dress or I once had an inmate  
15 that asked a nurse how to keep semen alive. She  
16 actually put it on ice for us. So they can be very  
17 resourceful when they want to be.

18           But again, I would say we've also seen  
19 instances where it's difficult to get a conviction. I  
20 remember one case, and none of my facilities -- not in  
21 my facility. Another facility where the officer was,  
22 you know, they have all the evidence for a crime of  
23 sex crime under the New York statute. But during the  
24 crime -- during the trial, excuse me, the officer  
25 produced letters from the inmate to him, and so of

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1 course his attorney used it to say, you know, see,  
2 this inmate is enticing him and so forth.

3 Even though the law in New York is very  
4 clear that consent is not an issue, the jury refused  
5 to find him guilty. And I guess that's why I keep  
6 coming back to we really do have a job to convince and  
7 to educate people in the community about what really  
8 has to happen and why it's so important. So there was  
9 prosecution, but sometimes having trouble with those  
10 prosecutions.

11 MR. MAYNARD: Thank you. We have about two  
12 minutes and one more question from Mr. Krone.

13 MR. KRONE: Yeah. This section is on  
14 interpersonal dynamics and safety and abuse, and we  
15 constantly brought up this staff-inmate situation. I  
16 wanted to address the relations among staff on staff.  
17 You have male-female staff members working together.  
18 Much as we see in TV over -- the scandal that arose  
19 from the result of our role over there was some  
20 picture were taken of two people having relations on  
21 staff. My question to you is does DOC support that  
22 type of a relationship within at the time of work,  
23 does it discourage it, does it monitor it, and you  
24 know, is it a problem and just how common is it?

25 MS. DENNEHY: Are you specifically asking

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1 about sexual misconduct or --

2 MR. KRONE: Staff on staff.

3 MS. DENNEHY: Okay. I'd say certainly the  
4 PRE Act has opened our eyes to all of the  
5 possibilities in terms of sexual violence. I remember  
6 when I was at the training academy my first week on  
7 the job I had the sad responsibility to testify  
8 against a sergeant at the training academy who stood  
9 accused of raping female recruits. He was not  
10 convicted of raping female recruits. He was convicted  
11 of a lesser crime and did time, did time for it. So  
12 does it happen, yes. Very infrequently.

13 I think what happens more frequently  
14 frankly, and it's of concern to me, and I think it  
15 goes back again to the needs to support staff and to  
16 identify those stressors, I'm very concerned about the  
17 level of domestic violence. The level of domestic  
18 violence that correction officers, male and female,  
19 find themselves in off duty. I've been -- again, been  
20 in the system for thirty years, and I was surprised at  
21 the incidence of arrests.

22 I was surprised at the incidence of the  
23 issuance of restraining orders. When I talked to my  
24 friends who were in policing, they all tell me that  
25 it's significantly higher in our agency than it is in

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1 the policing community. That may just be an  
2 underreporting as well, but that concerns me. The  
3 level of substance abuse, the level of OUI conviction,  
4 particularly as it relates to staff.

5           This isn't just correction officers. You  
6 know, again, they represent the backbone, sheer  
7 numbers. Because it's very important that supervisors  
8 and managers be held to the same standards. It isn't  
9 a question for some and not for others. So I think  
10 there are broader issues, there are broader symptoms  
11 around how to better help staff deal with the  
12 stressors. Particularly I would really urge the panel  
13 to take a look at that domestic violence piece. It's  
14 really quite troubling.

15           MR. MAYNARD: Well, we're out of time. I  
16 want to thank each of you for your testimony. It's  
17 been very helpful. It's twenty minutes after. We're  
18 going to take a five-minute break, and we'll come back  
19 immediately in five minutes and we'll have our next  
20 session.

21           (WHEREIN, a recess was taken.)

22           MR. GILLIGAN: Okay. Can we get started?  
23 We have one last panel before we conclude for the day.  
24 So if people can kindly take your seats. Thank you.  
25 Okay. Thank you.

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1                   This next panel entitled Consequences of  
2 the Job on the Health and Well-Being of Corrections  
3 Officers will explore consequences of this job on not  
4 only the officers and their well-being, but also their  
5 families. I am very pleased to welcome our three  
6 witnesses, Dr. Robert Delprino, Mr. Larry Brimeyer,  
7 and Mr. William Hepner.

8                   There is evidence that corrections officers  
9 have a lowered life expectancy, higher divorce rates,  
10 and higher rates of alcoholism than other law  
11 enforcement officers. I had direct experience of this  
12 when I was directing the Massachusetts Maximum  
13 Security Mental Hospital For the Criminally Insane,  
14 the prison mental hospital. And also mental health  
15 programs for the state prison system in which I had  
16 opportunities to work not only with prisoners, but  
17 also with officers.

18                   I remember that one year we measured the  
19 blood pressure of all the corrections officers who  
20 worked at the prison mental hospital, and discovered  
21 that the vast majority of them had blood pressures  
22 that were so high that they would have qualified for  
23 immediate medical leave of absence. And that we've  
24 heard earlier today about the low number of retirement  
25 checks that correction officers receive after they

1 retire. They just -- the survival rate is remarkably  
2 diminished. So this is a real major, serious problem  
3 along a number of dimensions.

4                   This distinguished panel of experts and  
5 corrections professionals will discuss the myriad  
6 consequences of work in the correction field,  
7 including the stresses of the job and the impact of  
8 those stresses on the health and well-being of  
9 corrections officers and their families, as well as on  
10 work performance, including the implications these  
11 have for safety and abuse. The panel will describe  
12 these issues for us and suggest ways administrators  
13 can work to support corrections officers and reduce  
14 the negative consequences of the job.

15                   Dr. Robert Delprino is a professor of  
16 psychology at Buffalo State College, and has served as  
17 the visiting fellow with the National Institute of  
18 Justice.

19                   Larry Brimeyer is the deputy director for  
20 the Eastern Region of the Iowa Department of  
21 Corrections and has worked on a stress pilot project  
22 in Iowa.

23                   William Hepner is the program development  
24 specialist at the New Jersey Department of Corrections  
25 Training Academy and was the project director of the

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1 pilot program of New Jersey Stress Management. I want  
2 to thank each of you for your time today and for your  
3 insight into these important issues. Can we begin  
4 with you, Dr. Delprino?

5 DR. DELPRINO: Thank you. Good afternoon.  
6 It's a pleasure to be here today, and I also want to  
7 say it's a real pleasure to be serving with these  
8 gentlemen, Deputy Director Larry Brimeyer and Program  
9 Specialist Bill Hepner. I think they both represent a  
10 great deal of practical knowledge in the field of  
11 corrections.

12 As you're aware, the commissioner said  
13 we're here to talk today about the consequences of the  
14 job and health and well-being on correctional  
15 officers. When you read the description that was  
16 given about this session, there's a mention of COs  
17 having a high divorce rate, high rate of alcoholism  
18 than other law enforcement officers, and how other  
19 stresses on the job impact work performance on the  
20 officers and family members.

21 I also just want to remember as a group not  
22 to forget that many correctional officers go through  
23 this career of 20, 25 years with themselves and their  
24 families intact, and we see that sometimes folks are  
25 negative maybe because it's more interesting. But

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1 many COs are proud of their profession, have a high  
2 degree of respect for what they do, and see themselves  
3 as serving an important role and service for their  
4 community, which they do.

5                   Now, similar to that, we have the  
6 consequences that correctional officers and family  
7 members face that do impact their well-being, their  
8 job performance, and family life. I thought I would  
9 start by discussing why the three of us are here, at  
10 least my best guess of why we're here in front of you  
11 today.

12                   We've all been involved in various stages  
13 in a program that was managed by the National  
14 Institute of Justice, and that program was the  
15 Corrections and Law Enforcement Family Support Program  
16 also known as CLEFS. The program was developed in  
17 response to Section 2301 of the 1994 Violent Crime  
18 Control and Law Enforcement Assistance Act and as part  
19 of the act the LEFS program was established in  
20 recognition of the negative consequences the  
21 job-related stress issues with the job have on law  
22 enforcement personnel and their families.

23                   I did say LEFS because originally the  
24 program just dealt with law enforcement officers. It  
25 wasn't until 1998 that the title was changed to CLEFS

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1 to recognize that correction officers and families  
2 also experience negative consequences as a result of  
3 the job.

4 Now, it was good the title was changed, and  
5 the National Institute of Justice, NIJ, did a really  
6 good job of giving more attention to correctional  
7 officers. For example, it made aware of the  
8 publication from the NIJ addressing correctional  
9 officers' strengths, programs and strategies by Peter  
10 Finn. This publication discussed some of the  
11 job-related stresses for COs and what agencies could  
12 do to be more supportive.

13 But I think the oversight of including  
14 corrections in the title and focus of the programs I  
15 think is an indication of the general lack of  
16 attention that's been given to corrections and to the  
17 concerns of correctional officers, their health,  
18 well-being, and family concerns.

19 I think we can see this in the literature  
20 sometimes where there is some literature that talks  
21 about correctional officer strengths and how it  
22 affects a family compared like to law enforcement  
23 officers. It's not a very good balance there as far  
24 as comparison.

25 Having said that, though, we look at the

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1 literature on correctional officer stress and how it  
2 affects the family, I guess we could organize that in  
3 three areas, how that job affects them. People have  
4 spoken about it at earlier sessions.

5                   One source of stress for the officer is the  
6 job itself, the tasks they do. It's from the violence  
7 from inmates, actual violence between inmates and on  
8 staff members, response to the constant demands they  
9 make, things like showers, phone calls, requests for  
10 toilet paper, things like that. Possible manipulation  
11 by inmates. Also a possible concern about trusting  
12 co-workers. I think the last session really talked  
13 about that quite a bit.

14                   There's also organizational issues, things  
15 such as understaffing which leads to forced overtime.  
16 Concern for shift work and how that affects their  
17 family life. Lack of support from supervisors, and  
18 getting ready for this today I spent some time talking  
19 to correctional officers in New York State ranging  
20 from 23 years on the job to rookies, and I asked one  
21 of them, "What stresses you out most on the job?" And  
22 they all said inmates at some point, but most of their  
23 energy and time was spent talking about the  
24 organization and organizational issues they face,  
25 which I thought was interesting. In general, they

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1 presented issues that could be considered out of their  
2 organizational control.

3                   And the third area that causes stress is  
4 the poor public image, and people spoke of that  
5 earlier today also. I think the public really doesn't  
6 know what a correction officer does and perhaps they  
7 don't want to know. I think one of the co-chairs said  
8 earlier today that corrections really is a  
9 misunderstood work force to a great degree. I think  
10 what we know about them is really influenced by the  
11 media and what they get there.

12                   And I think many COs I found really don't  
13 want to tell people that they are correctional  
14 officers. They'd rather just say I work for the  
15 state. That's what I do. You know, think about it.  
16 When you talk to children, they want to grow up to be  
17 a police officer or firefighter. How many children  
18 say they want to grow up to be a correctional officer?

19 Not too many I don't think.

20                   So the goal of the CLEFS program was to  
21 develop programs and identify what are the sources of  
22 stress for correctional officers and family members,  
23 and also to offer some solutions that correctional  
24 officers and family members could obtain or assist  
25 them. Now, there are programs out there in existence

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1 and in use, but to realize the full potential they  
2 must exist as a supportive culture, and people said it  
3 again earlier today.

4           It's not just to have a program or policy  
5 in place, but programs and policies have to be  
6 supported in an ongoing way by the organization, the  
7 administration, and supervision. And it has to be  
8 supported in a way that increases the knowledge of the  
9 programs, but also enhances the utilization of those  
10 programs. They're both key.

11           Not only letting them know the programs are  
12 out there, but also encouraging officers to make use  
13 of them, and also encourage family members to make use  
14 of them. I think what the deputy director and  
15 Mr. Hepner are going to talk about are some of their  
16 experiences with the CLEFS program, programs they've  
17 developed, and how those programs contemplate out --  
18 and in what stage they're in right now. Thank you.

19           MR. GILLIGAN: Thank you very much,  
20 Dr. Delprino. Mr. Brimeyer.

21           MR. BRIMEYER: Thank you, Doctor. As I  
22 indicated in my paper that is included in your  
23 materials, in 2001 the National Institute of Justice  
24 provided grant funding to the Iowa Department of  
25 Corrections to implement a program focusing on the

1 prevention and reduction of stress among correctional  
2 officers and their families as part of a field test.  
3 The grant required four components.

4           Number one, a wellness program. Two, a  
5 family services program. Three, training for  
6 supervisors. And four, in-service training for  
7 correctional officers. Within each component were  
8 suggested elements which might be developed. However,  
9 each test site was allowed to select those elements  
10 that the site felt most benefited their needs and  
11 enriched their environment. Data was collected around  
12 a number of elements and provided to an independent  
13 evaluator contracted by the NIJ.

14           Results of the evaluation have not yet been  
15 received. Some of the data elements included  
16 absenteeism, sick time, tardiness, early retirements,  
17 turnover rate, medical leaves, rule violations, union  
18 grievances, inmate complaints, EAP contacts, and  
19 participation in program components.

20           Now, while it is true that the project  
21 ended when grant funding ended, pieces of the program  
22 remain, and in fact, flourished and expanded. For  
23 example, family tours of the facilities continue to be  
24 a real hit with family members of all ages of  
25 correctional staff.

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1                   Last month, for example, over 350 family  
2 members toured the Mount Pleasant Correctional  
3 Facility as part of a now annual event started with  
4 the stress grant project, and the true shining star of  
5 the project is the peer support program.

6                   Very briefly, peer support is a process  
7 where co-workers who are trained to recognize various  
8 symptoms and problems assist their fellow staff  
9 through listening, understanding, and providing  
10 appropriate referrals when necessary. Peer support  
11 programs may serve as early detection mechanisms to  
12 help staff deal with problems before they become  
13 serious. These programs are popular and successful  
14 because many staff prefer to confidentially discuss  
15 personal or professional problems with one of their  
16 own.

17                   Familiarity breeds comfort. Peer support  
18 helps reduce the daily stress of correctional work.  
19 It can also help alleviate the emotional impact of  
20 critical incidents, help to prevent the buildup of  
21 anger, frustration, and despair that often lead to  
22 alcohol and drug abuse, domestic violence, depression,  
23 suicide.

24                   In December of 2003 a first-ever staff  
25 victimization and support services policy was signed

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1 by Iowa's director of corrections, Gary Maynard. This  
2 policy combined a staff program, a peer support  
3 program, and an emergency staff services program. The  
4 department established objectives, procedures,  
5 training requirements, and guidelines for selecting  
6 local coordinators.

7                   The department -- the department  
8 coordinator is the administrator of victim and  
9 restorative justice programs. The policy calls for  
10 all institution and community-based corrections  
11 programs to develop and implement a program to provide  
12 assistance and intervention to employees and their  
13 families during and after times of personal and  
14 professional crisis to include a major emergency.

15                   These members are provided 24 hours of  
16 training and understanding the dynamics of sexual  
17 assault, workplace violence, characteristics of  
18 traumatic events, mental health issues, effects of  
19 victimization, roles and responsibilities,  
20 confidentiality, crisis intervention, peer support,  
21 diffusings, debriefings, making referrals, and  
22 victim's rights. Results so far are preliminary but  
23 promising. There are over eighty employees in Iowa's  
24 institutions who have been trained as peer supporters.

25                   During the first nine months of 2005 over

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1 400 contacts have been made with those peer supporters  
2 of the approximately 3,000 employees in the  
3 department. In community corrections four of the  
4 eight judicial districts have the program in place and  
5 have reported nearly fifty contacts this year of the  
6 1,000 employees in community corrections. The program  
7 is still being developed in the other four districts.

8           Topics of contacts include suicide,  
9 problems with co-workers, supervisors, stress,  
10 substance abuse, medical problems, and marital  
11 problems. Peer supports include activity specialists,  
12 lieutenants, correctional officers, nurses,  
13 maintenance workers, secretaries, food coordinators,  
14 prison industry workers, and unit managers. Peer  
15 supporters will also seek out employees they have  
16 heard may need someone to talk to and let them know  
17 they are available.

18           Interestingly, during the first 24 hours of  
19 training in May 2004 the topic of bullying was raised.  
20 This was followed by some training by Dr. Noa  
21 Davenport, author of the book *Mobbing and Bullying in*  
22 *the Workplace*. Peer supporters wanted to know more  
23 about it in order to provide assistance to their  
24 co-workers. Can I finish that? I have about three  
25 sentences.

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1 MR. GILLIGAN: Go ahead.

2 MR. BRIMEYER: Thank you. With the support  
3 of the employees' union, a bullying survey was  
4 conducted at each facility and bullying training has  
5 already occurred at three institutions. Survey  
6 results are provided to the regional director to  
7 review with respective wardens to address.

8 In conclusion, it seems clear that the  
9 stress grant project raised awareness levels for  
10 everyone in corrections in Iowa and served as a  
11 springboard for the expense of the support program and  
12 development of the bullying work I just described.  
13 Thank you.

14 MR. GILLIGAN: Thank you very much,  
15 Mr. Brimeyer. Mr. Hepner.

16 MR. HEPNER: Thank you, Doctor. Good  
17 afternoon, commissioners. Please refer to your folder  
18 as I give my opening remark. The New Jersey  
19 Department of Corrections recognizes the effects of  
20 occupational dynamics, including stress, upon our  
21 correctional officers and its impact upon their  
22 families. Our department's committed to developing  
23 effective strategies not only to address and prevent  
24 stress among correction officers, but also to promote  
25 a healthy lifestyle for officers and their families.

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1                   For that reason in January of 2001 we  
2 submitted a proposal to the CLEFS program in the  
3 Justice Department to be part of that field test site.  
4 As you heard from my other two colleagues all the  
5 information regarding that, and you have a summary in  
6 that folder of the -- of the two-year grant that we've  
7 used the four components, the wellness, family  
8 services, the supervisory training, and in-service  
9 training.

10                   A little disheartened about the financial  
11 support that has declined with the CLEFS program. We  
12 thought it was a great program and allowed us to  
13 explore more information into the lives and the  
14 families of correctional officers, and it seems that a  
15 lot of research information out there is more towards  
16 law enforcement on the street and more towards inmates  
17 incarcerated than there is for correctional officers.  
18 I hope you don't sort of step backwards from that. I  
19 hope we continue and continue to have more of what  
20 we're talking about today, discussing problems in this  
21 branch of law enforcement.

22                   It should be noted that at the New Jersey  
23 Department of Corrections we have a critical incidents  
24 and stress management program theme that was  
25 immediately formed prior to the application of this

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1 grant. You have a pamphlet in there describing our  
2 stress management critical incident theme. We also  
3 provide a cop-to-cop hotline that you can call 24/7.  
4 It's confidential and there's a referral service  
5 there, and that service is provided by retired  
6 officers who have been formally trained to deal with  
7 that.

8                   We find that both programs are NJ DOC  
9 stress -- critical incident teams and cop-to-cop more  
10 favorable than our employee advisory services and more  
11 trust in that. So we find that to be a very viable  
12 alternative to the employee services.

13                   We recognize that occupational stresses are  
14 a pervasive problem within all correctional  
15 jurisdictions, including the New Jersey Department of  
16 Corrections, particularly amongst correction officers.  
17 And as you already heard, faced with ever-increasing  
18 inmate populations, more stringent sentencing laws,  
19 restricting inmate releases, and tougher restrictions  
20 and sanctions for inmate misconduct, correction  
21 officers face daily challenges of effectively managing  
22 the inmate population as well as their own stress  
23 levels. Ongoing confrontations with inmates and  
24 inmate-upon-inmate assaults are apparent in the  
25 day-to-day operations of a prison.

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1                   When you're a correction officer and you  
2 graduate from the academy and you show up at that  
3 front door and you start your career and you're in  
4 there five days a week, 52 weeks a year, five years,  
5 ten years, fifteen, twenty, 25 years, you become part  
6 of the job. When you go to work in a place that has a  
7 tendency to be condescending, negative, vulgar, that  
8 can show up in your life.

9                   You don't work at the YMCA. They don't  
10 come home happy every day. I don't mean to paint an  
11 ugly picture, but the consequences of the job, this  
12 shows up in a great deal of our correctional officers,  
13 and I've witnessed this in the 22 years at the four  
14 prisons I've worked at.

15                  And I've seen officers the first year maybe  
16 putting on 75 pounds, and they talked about blood  
17 pressure. They get to become cynical. Everybody is  
18 under suspect. They get to become a little bit more  
19 paranoid. I've seen some of my friends that I've  
20 talked to or even put me in a different light because  
21 I'm an ununiformed staff member. I'm not one of them.  
22 There's even a separation between uniform and  
23 ununiformed staff on there.

24                  I'd like to use the analogy of my wife.  
25 Twenty years -- over twenty years she's been an



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1 the inmate population is changing, and that's kind of  
2 affecting how they do the job. Some inmates come  
3 in -- I don't know the word is tougher or more  
4 desensitized to things than previous before. So they  
5 see the job changing that way, the kind of inmates  
6 they're dealing with.

7 MR. BRIMEYER: And I would agree with that  
8 in that the changes that we're noticing in Iowa and I  
9 think most states are noticing is the increasing  
10 number of mentally ill offenders that we're receiving.  
11 When I started in this business 35 years ago, it was  
12 about two percent of our population were seriously  
13 mentally ill. Now it's approaching twenty percent.

14 We're not experts in dealing with the  
15 mentally ill. We're not trained. That's not our area  
16 of expertise, but certainly we're required to become  
17 so, and so we're learning that with staff who have  
18 been hired some time ago and so it now requires us to  
19 become experts in dealing with the mentally ill, and  
20 as you all know, it's a very -- it's an unpredictable  
21 lot.

22 I mean, you can't always make a connection  
23 between what's going on one moment and then some  
24 assaultive behavior over here. It's a very difficult  
25 population to deal with, and we're learning as we're

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1 going. And we're trying to -- we're trying to adjust  
2 the attitude from a correctional or penitentiary  
3 mindset to suddenly a mental health mindset, and so  
4 that brings on some new stressors that we weren't  
5 anticipating.

6 MR. HEPNER: Well, we're seeing in New  
7 Jersey a number of violent inmates coming into the  
8 prison system. At one time years ago an inmate would  
9 come into the prison system, and there used to be a  
10 respect to your older lifer who might be doing time in  
11 a prison facility.

12 What we see coming today, there's no holds  
13 barred. It doesn't matter who you are, what you are.  
14 There's no respect. Inmates will fight now at the  
15 drop of a hat. They're more gang-oriented. Drugs are  
16 continuing to come into our facilities. I believe  
17 that what you see inside prison is a reflection of  
18 what's going on outside the prison with the amount of  
19 drugs, violence, and gangs going on.

20 As our older inmate population is growing  
21 and the youth is coming in, even our staff, custody  
22 staff is growing older with them too. And I believe  
23 there's a stress there with these older custody staff  
24 members dealing with these younger inmates coming in  
25 that don't have any rules, don't have any respect, and

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1 really don't care.

2 MR. GILLIGAN: Do you have any personal  
3 experience or stories to recount of how the stresses  
4 that correction officers undergo affect their methods  
5 of interacting with the prisoners?

6 MR. BRIMEYER: I will offer a story. When  
7 I started in corrections 35 years ago I started as a  
8 correctional officer. There was no training and no  
9 academy at that time. And so I vividly remember one  
10 of my very first days on the job. I hadn't yet had  
11 any confrontations or issues with any inmates, hadn't  
12 met any inmates, but I was assigned to supervise the  
13 dining hall, about 200 inmates eating.

14 So I'm trying to watch everybody as best I  
15 can, and from nowhere comes an olive and hits me right  
16 between the eyes. I'm reasonably sure it wasn't  
17 thrown at me because somebody thought I was hungry,  
18 and I had no issues with any inmates prior to that,  
19 but I believe it was a test. It was a test of me as a  
20 new officer, but in a figurative sort of way I would  
21 offer that we spend our lives as correctional officers  
22 dodging olives, if you can follow that figurative  
23 analogy.

24 MR. GILLIGAN: Yeah.

25 MR. BRIMEYER: We're not always being

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1     hammered with olives, but that's kind of the nature of  
2     the beast of the work we're in. Dr. Delprino, I agree  
3     with him completely. There's something inherent about  
4     this work that promotes or promotes stress, and that's  
5     just an example of what we do day in and day out.

6                   MR. GILLIGAN: Mr. Maynard, you had a  
7     question.

8                   MR. MAYNARD: Over the past several years  
9     I've talked to literally thousands of correctional  
10    officers who a majority enjoy their work, and I ask  
11    them what what's the main thing they like about their  
12    work? And they talk about the fact that it's  
13    difficult, that it's -- no two days are alike, that  
14    it's -- they seem to enjoy the challenge of the job.  
15    So is there a good side of stress? I mean, those of  
16    us who have been in the profession a long time, we  
17    sort of enjoy some of that stress. I mean, does that  
18    make any sense in terms of what's good and what's bad?

19                   MR. DELPRINO: Yeah, it does make sense.  
20    Somebody there talked about job satisfaction with  
21    officers. It makes the job more satisfying is having  
22    the challenges, do different things. Unfortunately  
23    the job doesn't always allow that. Some job is  
24    mundane, routine work they have to do, and research  
25    I'm reading, there's a study in 2001 talked about two

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1 of the main issues that a majority of the officers who  
2 turn over in the job state they were stressed and how  
3 much part they take in decision making about their  
4 job.

5                   So you have some of those challenges are a  
6 good thing to have to keep them interested --  
7 interested in the job and not leave the job so early.  
8 I think I wrote in my paper about turnover rate that  
9 sometimes is with correctional officers. I think it's  
10 the number from the American Correctional Association  
11 was 68 percent in one study they did. That's not  
12 uncommon. That routinely happens within the first two  
13 years. A lot of the reason is the stress, or they  
14 just feel they have no decision or no say in what's  
15 going on in the organization. So the challenge is  
16 good to some degree. It is helpful.

17                   DR. DUDLEY: I was wondering if any of you  
18 could point to things that have been done on the other  
19 end of the spectrum. We talked about what to do with  
20 officers who are stressed out, who they can call and  
21 etc. Is there much that's been done to try to make  
22 the job less stressful or to -- I guess I don't mean  
23 that. What I mean is is there as much that's been  
24 done to make -- help officers be less stressed out by  
25 a stressful job, kind of more primary prevention?

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1                   MR. DELPRINO: That's what the CLEFS  
2 program is all about, I think, was trying to identify  
3 strategy interventions that we put in place to help  
4 the officer, you know, deal with the job better. I  
5 remember listening earlier to some of your earlier  
6 testimony that one of the persons was saying -- I'll  
7 get the wording right here, that an officer, it's  
8 about the officer being passionate and zealous to the  
9 job as someone said earlier.

10                   Well, I was wondering when I heard that how  
11 do you counter the passion and zeal that's taken away  
12 from a person that's been on the job so long, you  
13 know. So there are things organizations can do. The  
14 CLEFS program I think gave out over 35 grants in the  
15 time it existed to help organizations to develop  
16 programs.

17                   Peer programs are very successful. There  
18 are programs that Bill talked about earlier. The  
19 programs are out there. I think the problem is  
20 they're not utilized to a great degree because they're  
21 not trusted, or officers aren't aware about the  
22 programs that exist.

23                   We've done studies a few years back; this  
24 is on law enforcement officers. We asked how many of  
25 you folks are aware of your employee assistance

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1 program in your organization, which is a fairly common  
2 program. Maybe ten percent aware of the program. We  
3 would think a hundred percent would be. Then we asked  
4 the question how many would use it? You get like  
5 twenty percent of them will actually use it.

6 So the program is great to have and have in  
7 place, but if they don't support it or the officer is  
8 not aware of it or a family member is not aware of it,  
9 I will say it's a pretty useless program. I think  
10 that's where we need to focus some of our energy, make  
11 the program more acceptable, more understandable, and  
12 really based on the officers' needs. I think a lot of  
13 times in these organizations we throw a program in  
14 place because we think it's a good idea.

15 One thing we found with CLEFS is not a lot  
16 of agencies spend time going to the officers and  
17 saying, "What are your concerns? What do you need to  
18 have done?" We've got to be careful. It's not a  
19 cookie cutter approach. It's not a one size fits all.  
20 The model of the programs we do implement to really  
21 fit the organization, the employees, and in place of  
22 CLEFS really the family members needs of the  
23 organization. Does that answer your question?

24 DR. DUDLEY: Let me try it this way. For  
25 example, it seems to me that we've learned, say, in

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1 the military, for example, that they've used the idea  
2 being in the supportive environment of other -- of  
3 other peers, you know, as -- and have used that to  
4 mitigate against the stress of the experience that  
5 you're in, they've learned how to do that. Whenever  
6 we hear about kind of peer collegiality amongst  
7 corrections officers we hear about, you know, the wall  
8 of silence and kind of negative implications as  
9 opposed to the possibility of it's being used as a way  
10 to help manage the stress of this situation.

11 So I'm wondering has anybody attempted to  
12 do that, so that even though they're in a stressful  
13 situation, that there are things that can be done so  
14 that corrections officers' experience of it is less  
15 stressful?

16 MR. BRIMEYER: I think the peer support  
17 program that I described may be an example of that.  
18 It clearly does not remove the stressors of the job.  
19 It provides a support system for those people who are  
20 feeling that stress and the support system can be a  
21 great comfort when you find out that you're not alone,  
22 that you're in this boat with someone else who are  
23 feeling similar emotions, and that kind of support  
24 system I think can help people deal with the  
25 stressors, but it clearly does not delete the

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1 stressors.

2 MR. GILLIGAN: Mr. Nolan.

3 MR. NOLAN: This morning we heard from the  
4 director of the Department of Corrections here in  
5 Missouri, and he recognized one of its officers  
6 diffused a very tense situation which the SORT team  
7 was about to go in and extract a prisoner that was HIV  
8 positive, and the officers were all concerned. This  
9 officer had just gone through negotiator training and  
10 effectively stood the prisoner down without any use of  
11 force at all, without endangering the other officers.

12 I see here, Larry, that you have a peace  
13 institute. I'd like to hear more about that. In Ohio  
14 they developed a program called Opening Doors, which  
15 is fascinating because it didn't come from the staff.  
16 It came from a religious volunteer teaching the  
17 inmates how to deal with conflict. She noticed that  
18 they just didn't -- their use -- the standard way  
19 their whole life of dealing with conflict was to  
20 become aggressive, and so she taught them that the CO  
21 saw such a change in the behavior of the problem  
22 inmates they said, "We need that. I'd like to have  
23 those skills so I don't have to put on my game face  
24 all the time."

25 And it started in Marion, a tough, tough

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1 institution, and it's now spread throughout the state,  
2 and so I'd like to hear about the Peace Institute, but  
3 also know if you've considered even having that type  
4 of training for the inmates to teach them how to deal  
5 with their conflicts with each other, but also with  
6 officers because in Ohio it's proved very, very  
7 effective at lowering the stress within the  
8 institution.

9 MR. BRIMEYER: The Peace Institute is a --  
10 sorry, I should say was. Was a private foundation  
11 that exists no more. It was a privately-funded  
12 foundation that provided mediation services and  
13 conflict resolution services to anybody who wanted it.

14 It was primarily used by the public school  
15 systems in Iowa by not only the faculty, but by the  
16 students as well. They had peer support and conflict  
17 resolution programs going on among students in a  
18 public school system. It ended about a year ago. I  
19 am sorry to report it doesn't exist anymore because I  
20 think it was a very valuable thing we had in Iowa.

21 One of the things that -- I really am  
22 intrigued by your point of teaching inmates about  
23 conflict resolution, and I think that's worth looking  
24 at and I'm interested in doing that. One of the  
25 things that I like to encourage my wardens to do in my

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1 facilities is when we have a potential use of force,  
2 that before we do that, that we do the kind of thing  
3 we heard about from Missouri. We use our hostage  
4 negotiating team.

5                   We have trained hostage negotiators. We  
6 rarely get to use their skills. I don't want to ever  
7 have to use their skills quite frankly, but I prompt  
8 my wardens to use those hostage negotiators in those  
9 times to see if they can use their negotiation skills  
10 to talk down an inmate so we don't have to use force.  
11 That does a lot of things. If it can prevent the use  
12 of force, we're all glad about that. It helps them --  
13 gives them an opportunity to practice their  
14 negotiating skills. So I'd like to do that.

15                   MR. KRONE: Mr. Brimeyer, I'm concerned  
16 about this one part in here where it said that one of  
17 the reasons the pilot failed is officers viewed  
18 participating in it as a sign of weakness. Now, how  
19 are we as a commission and coming about to study  
20 something that sounds good, something that does have  
21 proof positive that it works, how are we going to  
22 overcome that obstacle if the officers, the people  
23 we're trying to help, are going to refuse to implement  
24 it or agree that it did actually help? How do we  
25 overcome that as a commission to get over that kind of

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1 stigmatism or that kind of insecurity?

2 MR. BRIMEYER: It's a great question. I'm  
3 not sure I know the answer. I think in this  
4 particular case, this pilot was in effect in two  
5 facilities. The one facility we have some pretty  
6 major I think cultural issues that I think go to the  
7 weakness issue. That comment is conjecture on my  
8 part. I have no evidence for that. That's my  
9 conjecture and based on what I know about that  
10 facility and about that facility's culture.

11 I'm not sure that would be the case at  
12 other facilities. So I'm not sure it's a huge  
13 obstacle elsewhere, but it's certainly an issue for me  
14 at the institution where we have those cultural  
15 issues, and I'll have to figure out how to do that.

16 MR. HEPNER: May I comment on that?

17 MR. GILLIGAN: Surely.

18 MR. HEPNER: The one thing is that you can  
19 tell the correctional officers that it's mandatory you  
20 have to come. That turns them off from the get-go.  
21 Trying to persuade them to come and that they'll get  
22 paid overtime to make them want to come. So it's all  
23 in the approach in how you market it, and you try to  
24 get buy-in right away from the unions to get them to  
25 support the program.

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1                   So we had great success. Of the fourteen  
2 state facilities we have, we conducted that program at  
3 Albert C. Wagner. We chose that institution because  
4 it was a younger, more violent population there. It  
5 was a facility built in 1930s for about 1100. It  
6 houses about 1600 inmates. Age group is somewhere  
7 between nineteen and 29, and they were the kind of  
8 drop and fight at the drop of a hat.

9                   So when we avoided things like mandatory  
10 training and that kind of thing, they were more open  
11 to it. We found it to be successful in running the  
12 program, and the committee and myself felt that this  
13 would be an ideal program to be conducted at all  
14 fourteen of our facilities with the union support and  
15 management.

16                   MR. DELPRINO: I think -- I agree with the  
17 saying it is about marketing. You know, there is  
18 supposed to be a stigma about seeing mental health. I  
19 mean, psychologists don't see mental health  
20 professionals. Those peer programs are so useful that  
21 I think a peer has a better chance of getting through  
22 to another officer than a psychiatrist, psychologist,  
23 or social worker.

24                   A lot of the successful programs were  
25 really dependant on buy-in from the top. You know,

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1 programs come and go and even the top administrators  
2 don't know what's happening there. So you put a  
3 program in place, and either the person running the  
4 program leaves for a while or the top administrator  
5 leaves, and with that person the programs goes. And  
6 the administration doesn't want to have that program  
7 because it's not their baby for lack of a better  
8 phrase. It's not their child they developed.

9                   So I think really who's in place running  
10 the program is important, but buy-in from the top --  
11 if a chief or warden says, "Hey, it's okay to do this"  
12 or admits maybe that had -- they went to see some --  
13 their actions, it kind of gets to their program and  
14 say it's okay to use this. But it's all about  
15 marketing and breaking down that stigma I think just  
16 in general in mental health.

17                   MR. KRONE: I thank you all for your  
18 answers to that because us as a commission have a  
19 daunting task ahead of us. Of course, we write a  
20 report, and no matter how good or how bad an  
21 opportunity is, if we don't realize that we have to  
22 market it and who we're marketing it to, we're  
23 spinning our wheels. Thank you all for that response.

24                   MR. GILLIGAN: Do any of you have any  
25 information or observations about how stress levels

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1 may be affected by the type of environments in which a  
2 particular officer is working, for example, comparing  
3 prisons with jail or maximum security with minimum  
4 security or isolation units, supermax units, solitary  
5 confinement units, or with different methods of  
6 different correctional methods, direct supervision  
7 versus the older style? Does stress level vary with  
8 these kind of environmental or structural?

9 MR. HEPNER: I'll comment on that. Yes, it  
10 does. Dr. Gilligan, as you know, what might be  
11 stressful to you might not be stressful to me. It's  
12 such an individual thing. Some officers may be  
13 stressed out based on inmates. Some might be stressed  
14 out based on the supervisor's relationship between the  
15 officer and the supervisor. Even the physical plant  
16 itself or co-workers.

17 You know if you confide in a co-worker at  
18 work, before you know it that rumor mill is throughout  
19 the entire jail. There's not a whole lot of  
20 confidentiality that goes on. That's one of the  
21 reasons about this cop-to-cop hotline.

22 Let me mention about the critical incident.  
23 For us in New Jersey that's not a prevention-type  
24 thing. That's after the fact when somebody has been  
25 traumatized for one reason for another. We need to be

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1 more proactive. And we have a fourteen week training  
2 program at our academy. In there we teach a three and  
3 a half hour stress management class. We cover -- now  
4 we cover an eight-hour domestic violence class because  
5 of the escalating violence that we were having in our  
6 fourteen prisons. Well, a little nervous about saying  
7 that now. I'm directing you to ask me more questions  
8 in that direction.

9                   We need to follow up on our programs more  
10 and be more proactive rather than reactive in what's  
11 going on, and we seem to be doing that, but we are  
12 making attempts and doing follow-up because once you  
13 initiate at the training academy and there isn't  
14 follow-up throughout the officers' career of five,  
15 ten, fifteen, 25 years, then what they learn is doomed  
16 to fail. And it needs to be a continuation of a  
17 refresher course. I think that on our part that might  
18 be lacking.

19                   I heard earlier today about training, more  
20 training, and I'm in agreement with that, that we  
21 should continue that throughout the career of an  
22 officer, and stay on top of the most advanced  
23 techniques as they come out in all areas of  
24 communication, the escalating conflict resolution,  
25 anything to enhance the officers' relationship with

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1 each other and with inmates.

2 MR. DELPRINO: I guess I've got a question.

3 While he was talking I was thinking it would be more  
4 proactive -- my colleagues could agree or disagree. I  
5 think of a correction agency as type kind a  
6 reactionary type of agency. They react to an alarm, a  
7 bell, a fight. I think what happens that maybe  
8 trickles down how they treat their own staff. Let's  
9 not be proactive before something happens. We react  
10 after it becomes a problem, or there's a problem with  
11 suicide or something like that.

12 I think there's something about corrections  
13 and maybe law enforcement and fire service, they're  
14 reactionary type of agencies. Their instinct is to  
15 react to things. So it again about -- it goes back to  
16 changing that culture, how they see their  
17 organization, how they see their employees. Maybe  
18 that would be a step towards thinking more about being  
19 more proactive.

20 MR. BRIGHT: What about race as a stressful  
21 matter? We were talking earlier about this practice a  
22 lot of states have now putting prisons in the most  
23 remote part of the state, which often have no people  
24 of color whatsoever there, but all the inmates, New  
25 York being a good example, from New York City or

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1 whatever from urban areas, African American kids and  
2 Hispanic kids who go up and are housed in Plattsburgh  
3 or somewhere, and there's not a single person like  
4 them in the staff.

5 I assume it's stressful to think you're  
6 being discriminated against, whether that's true or  
7 not, may be true, may not be. I assume it's as  
8 stressful to be accused of discriminating against  
9 someone, but again whether it's true or not you sort  
10 of -- you decide what is stressful. And yet that's  
11 increasingly what we're seeing in a lot of these  
12 institutions all over the country. What do you do  
13 about that?

14 MR. HEPNER: Let me comment on that. I  
15 don't see as much of a problem with racial  
16 discrimination going on in our facilities as I see  
17 other problems. I think we're pretty balanced as far  
18 as the statistics between what we have on there with  
19 Hispanics and minority officers and white.

20 MR. BRIGHT: You're talking about New  
21 Jersey?

22 MR. HEPNER: New Jersey, correct.

23 MR. BRIGHT: Do you have any institutions  
24 where you have virtually 95 percent African American  
25 population and a hundred percent white correctional

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1 officer staff?

2 MR. HEPNER: Well, we have fourteen state  
3 facilities. I don't find us being as remote as you're  
4 describing New York to be. We can probably go within  
5 two hours in any direction and I can cover all  
6 fourteen facilities. We're pretty densely-populated.

7 MR. BRIGHT: Right.

8 MR. HEPNER: We do have -- we do have a  
9 problem where in certain areas, like Camden, New  
10 Jersey we were required to hire with the local  
11 government there -- if you're going to build a prison  
12 in our town, you're going to have to hire our people.  
13 There you might have a predominance of a minority  
14 officer population. And I had worked there at this  
15 particular prison in Riverfront State Prison for two  
16 years realizing that the officers had grown up with  
17 the inmates, and that was a really big change for me  
18 to actually see that interaction at that facility.

19 So we do have that with local government  
20 where we're required to hire the population within  
21 that area, and they allow us to build -- we have two  
22 or three prisons like that. So it might sway to one  
23 group as opposed to another one, but normally I think  
24 we're pretty balanced throughout the state.

25 MR. BRIMEYER: We're disproportionate in

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1 Iowa, but not to that extent. We may reach as high as  
2 25 percent minority in any one of our facilities, but  
3 again, very, very few minority staff. So we certainly  
4 have that problem, but not a huge disproportion.

5 MR. DELPRINO: I don't really have an  
6 answer to that, but I think about something else about  
7 remoteness. In New York State I was talking to an  
8 officer who told me he was from Buffalo, but he was  
9 assigned right out of New York City. They were  
10 totally removed from their families and they would go  
11 for weeks, maybe months before they actually get to  
12 see their family with shifts and stuff. You know,  
13 time to get back and forth.

14 Since we were talking about CLEFS programs  
15 and family support, they were isolated from their  
16 support system of their families, which leads to a lot  
17 of stress for them. Living in renovated facilities  
18 that are made specially for correctional officers, but  
19 not seeing their families like weeks at a time without  
20 that support as we were talking.

21 MR. BRIGHT: Is that a widespread practice  
22 in New York?

23 MR. DELPRINO: I don't want to misspeak  
24 about that, but a couple of the correctional officers  
25 I spoke to, that's what they're going through. They

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1 live in one part of the state or assigned to another  
2 area. From day one they're trying to put in papers to  
3 get relocated to where their home base is. It takes a  
4 while to do that.

5                   The problem is they get comfortable in that  
6 facility. They know the facility, they know their  
7 job, they know the people, they got time in, they  
8 choose their -- so it's a risky thing for them to  
9 change the location of where they're going to go.  
10 They want to be near their family for support. It's  
11 always that delicate balance. I have security here in  
12 my job, but I miss the security of my families. It  
13 really does a number on the family in terms of  
14 relationships with officers and family members.

15                   MR. GILLIGAN: Mr. Maynard.

16                   MR. MAYNARD: Mr. Hepner alluded earlier to  
17 the fact that sometimes inadequate or -- yeah,  
18 inadequate supervision causes stress on a correction  
19 staff. You've got four supervisors who mistreat  
20 staff, don't take care of them and all that. Do you  
21 see in your studies or do you have any thoughts about  
22 the stressors in working as a correctional officer,  
23 certain portions of that is environmentally-related  
24 because of what you have to deal with?

25                   The other part is might be supervision. Do

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1 you see very much a proportion of supervision that  
2 creates stress for corrections staff?

3 MR. HEPNER: Absolutely. Very good  
4 question. Our supervisors in the Department of  
5 Corrections who come up through the ranks make  
6 sergeant first, line supervisor, and then lieutenants  
7 and captains, and we have -- we haven't really did a  
8 good job of running our supervisory classes in our  
9 in-service department. Usually, you know, when  
10 we're -- budget constraints, usually in-service  
11 programs are cut way down.

12 I've seen firsthand a lot of things where  
13 an officer who goes through the school of hard knocks  
14 and makes sergeant, doesn't have any formal  
15 supervisory training. He's only seen what had worked  
16 before, good, bad, or indifferent. They accomplish  
17 the job regardless of whether it's stressful on the  
18 job or not. You got the job done. That was a  
19 priority.

20 Stress or how the officer handled it wasn't  
21 even a factor to it. I think with the CLEFS program  
22 we talked about that, and it's in that summary of the  
23 CLEFS grant. How to identify stressors and yourself  
24 and the officers not to inflict more stress on getting  
25 the job done. We need to conduct more first-line

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1 supervisory courses, more upper level management  
2 courses to look at stress where it wasn't really  
3 looked at before.

4                   Sergeants can come on, and depending on  
5 what shift, you can be a first sergeant -- first line  
6 supervisory sergeant on first shift, and they can run  
7 it quite different than a second shift or third shift  
8 officer or your personality. As an officer you have  
9 to adapt to that particular supervisor and finding out  
10 what direction does he want this particular thing to  
11 have done, and it doesn't matter what the post order  
12 says.

13                   You can be a conscientious officer, look at  
14 the post orders and know, you know, what's to be done  
15 in this area that he's supervising. A supervisor can  
16 come along and it's stressful because it leaves you up  
17 in the air like I don't know what he wants, and I  
18 don't know what to do on that. So that is a big  
19 problem, and again, we're more training and more  
20 supervisory training on there.

21                   MR. DELPRINO: You know, I don't think you  
22 should underestimate the role the supervisors play in  
23 mitigating stress in the workplace. They often --  
24 supervising co-workers fill in the gaps between what  
25 you learn in the academy and what you learn on the

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1 job. If they're aware of signs of a trouble in an  
2 officer and know the resources available to get that  
3 officer help, they can play a big role in minimizing  
4 the stress of the workplace. I agree with what Bill  
5 said there about training is key. Training  
6 supervisors, recognizing the signs, and then how to  
7 appropriately guide the officer and direct the help  
8 they need.

9 MR. HEPNER: Mr. Maynard, may I address  
10 this analogy to you? At Trenton State Prison -- it's  
11 not called Trenton anymore. New Jersey State Prison,  
12 which is our biggest maximum security prison, perfect  
13 analogy to that. Where an officer was coming to me,  
14 said, "Bill, man, I'm fed up with this. Every time  
15 they want a cell extraction, they're coming to me.  
16 There are 900 officers that work in this jail that  
17 make the same amount of money as me, and I always have  
18 to be the one going to do a cell extraction. I'm  
19 tired of getting beat up and taking my lumps. Because  
20 I'm a big guy, they come to me all the time."

21 And I said -- I don't want to use any  
22 names, but I said, "Well, just let the supervisor  
23 know. You know, hey, let the supervisor know, and he  
24 said, "Well, I can't do that. Co-workers will look at  
25 me like I'm a punk. The supervisors won't give me the

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1 respect that I want." So he's got to keep his mouth  
2 shut, internalize it, and continue taking the bumps.  
3 The point I'm getting at is that this officer makes  
4 sergeant, and what do you think his attitude was when  
5 he made sergeant and he went to another big guy, "Hey,  
6 I did it. Now it's your turn, buddy." That's the  
7 kind of mentality that we need to address about the  
8 stressors.

9 MR. GILLIGAN: Judge Sessions.

10 MR. SESSIONS: Both Mr. Hepner and  
11 Mr. Brimeyer have talked about dispute resolution.  
12 Settling disputes, settling disagreements, and it  
13 occurs to me that I might tell you a story that may be  
14 helpful to you. Back in 1995 the San Antonio Bar  
15 Foundation was trying to devise a program for lawyers  
16 that would tend to neutralize the negative perception  
17 of the community about lawyers.

18 In two years they finally came up with a  
19 program to begin a dispute resolution program in the  
20 schools because there was so much violence in the  
21 schools of San Antonio. There are thirteen  
22 independent school districts, or were. There may be  
23 more than that now.

24 They surveyed each of the superintendents'  
25 offices to try to find the elements of the violence

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1 and disagreement and to try to see which were the most  
2 difficult schools. And out of all of the thirteen  
3 independent school districts, they found that the most  
4 violent one was a middle school, seventh and eighth  
5 graders. The program they devised was actually asked  
6 those young people, the whole class of seventh and  
7 eighth graders, who would like to become mediators to  
8 settle disputes. And they got twenty volunteers, took  
9 them to training to train them as mediators to handle  
10 disputes that were happening on the campus in the  
11 classroom, in the school building.

12           They found -- they went and they had an  
13 extra one in a school bus that went to the downtown  
14 courthouse to get the training, to start the training.  
15 It ended up it was a gang member. He was a tagger,  
16 and the reason he was there was he hadn't put his name  
17 in, but he wanted to know what they were doing and how  
18 to control it. That violent school in one year of  
19 mediation between the students who were having the  
20 disputes by their peers ended up becoming the least  
21 violent school in all of the independent school  
22 districts.

23           It's my understanding that the fever  
24 spread, that it was contagious. It went into the  
25 homes of these children where mamma and papa were

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1 having disputes or having disagreements, and the  
2 children had learned to sit down and with a mediator  
3 talk it out and work it out satisfactorily.

4 Now, most of the violence in prison comes  
5 between inmates, and most of the stress that you all  
6 are describing day in and day out comes in how to  
7 manage that violence and how to deal with it in the  
8 personal lives of your officers. So it occurs to me  
9 maybe it's something worth examining. If you want to  
10 examine it, I'll be glad.

11 MR. HEPNER: Absolutely. I want to have  
12 that information, and I will be contacting you on  
13 that.

14 MR. SESSIONS: Good.

15 MR. HEPNER: At the academy when we have a  
16 group that comes in, usually about a class of 150  
17 which we have now, we train them to -- we read this  
18 little thing about Elaine Crowley. Any of the  
19 commissioners familiar with the public work of Elaine  
20 Crowley about the prison officers, work that they do?  
21 I would recommend strongly for your reading Elaine  
22 Crowley on prisoner work.

23 Let me mention a few things about her.  
24 Research in the correctional field by Elaine has  
25 indicated officer training paired with the environment

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1 in which correction officers spend much of their time  
2 may contribute to dysfunction in their personal lives  
3 and relationships. The term spillover describes  
4 notion that what makes a good correction officer may  
5 not make the best domestic partner.

6           Family members often have distorted image  
7 by the public of the work environment of the officers.  
8 They also fail to understand how occupational dynamics  
9 affect the correctional officers and how to best  
10 provide support for their loved ones. We at the  
11 academy after looking at that book, we teach power and  
12 control. We teach how to be regimental. Our officers  
13 become institutionalized.

14           We encourage that. And yet they become  
15 good correction officers, but they might not come home  
16 and carry out -- they're not toggle switches where  
17 they shut off and they walk out the door and they take  
18 the uniform off and they're like Joe Public. Like my  
19 wife, she doesn't turn off being a school teacher on  
20 there. They go home with that.

21           Very interesting about the qualities that  
22 produce an exceptional correctional officer, strict  
23 adherence to rules and establish routines and  
24 structure, and expectation of obedience and a desire,  
25 indeed a need, to command and control situation can

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1 also act as a catalyst for violence outside the  
2 workplace and particularly within the home. Very good  
3 book. I would recommend reading that.

4 MR. SESSIONS: What's the title?

5 MR. HEPNER: Elaine Crowley. The book,  
6 prison work -- I'll have it for you. We'll be in  
7 touch, and I'll E-mail everybody if I can through the  
8 commission regarding -- and I'll give you the ISDN  
9 number.

10 MR. LUTTRELL: I'd like to give you all a  
11 scenario, get you to really react to it. It's a  
12 scenario really that I think prison administrators  
13 deal with more frequently than we may think about, and  
14 certainly I think it's going to be a challenge for us  
15 in the future.

16 You're claiming you're developing strategic  
17 plans for human resource recruitment and development.  
18 And you're looking at five years out. Your state  
19 legislature or county commission tells you to do more  
20 with less. You establish you're going to be competing  
21 for the talented young people in your area. What can  
22 you do or what would you recommend that we do to  
23 become a little bit more innovative in the quality and  
24 type of people that we recruit, how we prepare those  
25 recruits, and how we sustain those recruits during

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1 those formative years of their work?

2 MR. HEPNER: Turn this over to Deputy  
3 Director Brimeyer. I'll make comments on that. I'll  
4 be interested in how he would make comments on that.  
5 I want to hear him first.

6 MR. BRIMEYER: I'll skip to the second part  
7 of the question.

8 MR. LUTTRELL: Let me -- while you're  
9 thinking about it, let me make this comment. We know  
10 that are prison populations are going up. We know  
11 that we're spending more and more money on prisons.  
12 We heard references made this morning that every time  
13 you open a new prison you're looking at hundreds of  
14 new employees. Are we as a society doing a very good  
15 job of preparing people for this profession, and as  
16 administrators, what do we need to be doing to  
17 facilitate that process?

18 MR. BRIMEYER: We need to be working on our  
19 culture to -- so that people will believe and come to  
20 know that these facilities are the best place in town  
21 to work because it's a caring environment, and by that  
22 I mean that we care about our employees so that they  
23 will want to stay, and that our employees care about  
24 offenders. Pat talked about that this morning. It's  
25 okay.

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1                   It's okay for our employees to care about  
2 offenders, that they ought to. Those are the ones in  
3 my opinion that make the best employees. So we need  
4 to develop that kind of a culture, and how to do that  
5 is a bigger question. I think that's what we need to  
6 do. We need to develop that kind of a culture in our  
7 setting so it becomes known that this is the best  
8 place in town to work because of that kind of culture,  
9 and we'll attract that kind of person who will care  
10 about the people that we work with.

11                   MR. HEPNER: It starts with recruitment.  
12 That's pretty important. We can't -- as a civil  
13 service agency, it's really difficult to screen people  
14 out on that. It's almost like if you can breathe, you  
15 got the job. We put you through a number of phases,  
16 medical, psychological. We do have visits to their  
17 home, and we do the best we can.

18                   We've come a long way in our training  
19 programs from a week, two weeks to now fourteen weeks  
20 that we even encourage the officers after they  
21 graduate from the academy that they get fifteen,  
22 sixteen credits towards their degree, and we encourage  
23 them to go on the criminal justice system.

24                   But there is a certain type of clientele  
25 that gravitates to being a correctional officer, and I

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1 believe it's not always the best. Our screening  
2 process has to be better. I don't know what that can  
3 be.

4 I was just looking at an article regarding  
5 that the type may be perhaps to target people with a  
6 history of sales work or persons with experience  
7 involving services to others. It doesn't always have  
8 to be -- somebody has great communications skills, the  
9 escalates and conflict resolutions that we're talking  
10 about rather than use of force skills. You know, I  
11 have to say that we're a little bit part of the  
12 problem because we're training officers to go in there  
13 to be able to unarm defensive tactics, how to use a  
14 baton, how to use mace, how to take control, how to  
15 stand up there and command presence.

16 How to be that John Wayne facade and suck  
17 it up and internalize it, and after all, if you can't  
18 handle the stress, then maybe you shouldn't be here.  
19 That's a tough question about recruitment, getting the  
20 right clientele in there rather than the guy who wants  
21 to be the tough guy, and I think we heard some talk  
22 about that today earlier today. That's tough.

23 We see them come into the academy after  
24 recruitment. We're wondering -- we're like where did  
25 they recruit these guys? We have a high attrition

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1 rate. Roughly might be 400 people leave a year. We  
2 have about almost seven thousand correctional -- out  
3 of a population of 28,000 inmates, we have about 9,500  
4 staff, and of that almost 7,000 -- 6,500 to 7,000 are  
5 custody staff.

6 We have about a turnover of about 400 a  
7 year ballpark figure through leaving for other law  
8 enforcement jobs, retirement, disability, or just fed  
9 up with the job and they leave. We have a tough time  
10 trying to manage graduating at least 400 a year just  
11 to replace that. Our inmate population has still  
12 grown. Most of our prisons are overcrowded. We're  
13 just maintaining right now. Maintaining.

14 MR. BRIGHT: Do you recruit at the criminal  
15 justice schools and social work skills, like John Jay  
16 College and places like that where people are going to  
17 be criminal justice professionals?

18 MR. HEPNER: Our recruitment unit does go  
19 out trying to recruit. In many places, yes. You  
20 know, our academy sits right next door to the state  
21 police. They come out. What a world of difference  
22 and it's glaringly obvious that you have our  
23 correction officers, 150 of them out there, and you  
24 have state troopers. There might be a hundred of  
25 them. And if you look at them, the requirements are

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1 night and day. They demand more higher education,  
2 anywhere up to a degree, where we just require a GED.

3 All of them seem to be about six foot and  
4 about two percent body fat, state troopers. A lot of  
5 ours are just basically civil service employees  
6 getting a job, and we can't get enough of them in. I  
7 don't think we scrutinize as much as we could in  
8 getting maybe a better crop. I don't know if we could  
9 do that because we're trying to get in as many as we  
10 can. My son is on the list to come in to become a  
11 correctional officer, even though he didn't pay any  
12 attention to all the things I told him.

13 MR. SESSIONS: How is he on body fat?

14 MR. HEPNER: Right. His body fat is up  
15 there. It upsets me too. He falls in -- fourteen  
16 weeks, you spend an hour, five hours a week of  
17 physical training, and it's a nightmare for those who  
18 are not prepared to do physical training. It's  
19 stressful getting through the academy, and he's a  
20 reflection of the general population.

21 You hear all the information out there.  
22 Sixty-five percent of the American population is  
23 overweight, and of that thirty percent are obese.  
24 Diabetes are up, heart attacks are up, and he's just a  
25 reflection of that. It scares me. I'd rather not

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1 have him in corrections because of all the things with  
2 the high divorce rates and all those statistics that I  
3 have in your handout that I didn't get to and I  
4 apologize. You can review there.

5 MR. GILLIGAN: Well, listen. It's been a  
6 long, very packed day. I want to thank each of the  
7 three of you as well as all our previous witnesses  
8 throughout the day for devoting your time and giving  
9 your energy to help us and really help the whole  
10 country with this problem. Thank you very much.  
11 Thank you all for being here and we will look forward  
12 to seeing you what is it, 8:30 tomorrow morning.

13 MR. KATZENBACH: Let me add a word not only  
14 thanking you, but there's a reception upstairs in the  
15 law reading room that everybody here is invited to  
16 attend.

17 (The proceedings were concluded at 3:37 p.m.)

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**Commission on Safety and Abuse in America's Prisons: Hearing 3**

Day 1—Complete Transcript

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CERTIFICATE OF REPORTER

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STATE OF MISSOURI )

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) ss.

CITY OF ST. LOUIS )

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I, William L. DeVries, a Certified Court

6

Reporter (MO), Certified Shorthand Reporter (IL),

7

Registered Diplomat Reporter, Certified Realtime

8

Reporter, and a Notary Public within and for the State

9

of Missouri, do hereby certify that the meeting

10

aforementioned was held on the time and in the place

11

previously described.

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13

IN WITNESS WHEREOF, I have hereunto set my

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hand and seal.

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Notary Public within and for

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the State of Missouri

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My commission expires May 30, 2006.