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

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MR. WRIGHTON: Good morning, everyone.

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

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

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

But as a country we face important
challenges. The costs are obviously extraordinary high, and it may interest you to know that the number of people that are at least at one time or another during a year incarcerated is approximately the number of students enrolled in higher education in the United States.

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

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

We were founded over 150 years ago by a St. Louis-based legislature, a state legislature by the name of Wayman Crow. He wrote the charter for the university and had it signed by the governor, brought
it home to his pastor, William Greenleaf Eliot, a Unitarian pastor, and said, "I founded a university, Eliot Seminary. Now it's yours. Make it something."

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

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

But he was a persuasive and very successful business leader, and identified the property that we now have here as the new location for the university.
He persuaded the other trustees to engage in the purchase, and Robert S. Brookings was critical to the development of this location.

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

Robert Brookings was a very successful business leader, and persuaded those involved with the Fair that they could use the administration building for a year to run the Fair in return for the athletic complex, the library, and a couple of other buildings. So this turned out to be a wonderful reward for us. And some among you will probably be more familiar with the Brookings Institution in Washington than Washington University in St. Louis. Brookings Institution was founded by Robert S. Brookings, so we have a common benefactor. We're fortunate that that was founded. It's an important institution, but part of the history is that the Brookings Institution was originally the
graduate's arm for social sciences at Washington University. But a lawyer, a member of our faculty, read the charter that was crafted by Wayman Crow, and in his interpretation of this charter we were not empowered to do any work engaging in educational programs outside of the state of Missouri. So we severed the relationship with the Brookings Institution early in its history, and today perhaps we would relish the opportunity to be repartnered because of the importance of that institution and the importance of Washington D.C. to our students.

But we have a long and strong history now on this campus, and I'm very pleased that we have a great school of law, and a program like you're conducting today is an important opportunity for our students and faculty. Our school of law is especially strong in its clinical programs, one of the strongest research faculties, and I know that they can make an important contribution to the issues that we face. In addition, I'm pleased to note to you that we happen to have one of the strongest schools of social work in the United States. The George Warren Brown School of Social Work was founded here more than 75 years ago, and indeed, the building that we have for social work, the first building, is the first
building dedicated to social work education in the
United States. I see that most of you are comparable
in age, perhaps to myself, and can remember Buster
Brown shoes. Same Brown.

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

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

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

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

MR. WRIGHTON: You're welcome.

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

MR. WRIGHTON: Thank you.

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

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

Finally, I'd like to thank all of you gathered in this room. There are many ways to go about understanding and overcoming challenges facing corrections today, and many, many individuals and
organizations are engaged in that effort. For this commission it's crucial to have an audience in this room and throughout the country because one of our greatest ambitions is to encourage and inform public discussion about the most serious problems inside prisons, jails, and how hopefully to solve them.

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

Too often the issues of safety and abuse inside correctional facilities are viewed only from the point of view of those who are incarcerated. We forget about the people who work in these same facilities, and when we do look closely, what we're seeing is a vast, yet poorly understood work force that shoulders tremendous responsibilities many times without adequate leadership, training, or resources. These failures harm prisoners, put officers in jeopardy, and ultimately have an impact on our
Over the next two days we'll all learn a great deal about corrections officers, their working conditions that put both staff and prisoners at risk. We'll hear from front line officers and labor leaders, state corrections commissioners, and researchers, former prisoners, and others with direct experience from behind -- life behind bars.

Let me tell you about just a few of them.

Ronald Kaschak was an employee of Mahoning County Jail in Youngstown, Ohio for three years, put three years on the job when senior supervisors ordered him and other officers to beat an inmate as an act of revenge, and then not to report the incident. His story starkly illustrates what compels officers to follow even inappropriate orders, and also a need for good leadership.

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

Echoing Lou West, Theodis Beck, who heads
the North Carolina Department of Corrections, will
describe changes in the job of a corrections officer
as the prison and jail population has expanded and
grown more diverse and troubled, pointing out cultural
differences between officers and inmates that can be
as wide as the Grand Canyon. And officers who must
speak multiple languages, know gang signs and colors,
understand the aging inmate population, and recognize
suicidal behavior.

And if those challenges weren't enough,

Elaine Lord, former superintendent of Bedford Hills
Prison in New York will talk about the price of making
a single mistake on the job, to serious injuries, to
the loss of a career, and the pressure that places on
officers and managers. As we hear from more and more
witnesses, what may be the most striking are the views
they have in common.

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

Kathleen Dennehy, Commissioner of
Corrections in Massachusetts, who expressed concern
about the same self-defeating dynamics and what she's
doing to change them.
California labor leader Lance Corcoran, who worked as a corrections officer, and Patrick McManus, an expert on the use of force and a court-appointed monitor of facilities around the country will express some of the same words. They include low pay, minimum training, hostile work environment, and a glaring lack of appreciation and respect for the work of corrections officers.

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

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

MR. CRAWFORD: Thank you, Mr. Chairman, members of the committee. I do appreciate the opportunity to welcome you, and I would like to take credit as I was driving in this morning, got up very,
very early to drive in, and I notice what a beautiful
day it was as the sun rises, and I would like to take
credit for the weather here and welcome you to the
Show-Me State to the beautiful city of St. Louis.

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

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

Actually, I did the same thing throughout
state government and was very active on correction
issues, advocating many times for the tough jobs that
our employees do in the Department of Corrections,
carrying some legislation to -- for correctional
officer certification, to raise the bar, to enhance
their ability to get paid overtime as they many times
are forced to work overtime, and actually an audit committee is helpful in some cases.

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

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

I really hope that you look at our front line employees, our correctional officers, and that doesn't exclude the cooks and maintenance folks, even the caseworkers that have that direct contact, the
direct care access that provide the safety for the citizens of this state of Missouri, safety for the inmates that have been convicted of a felony and we're in care and custody of, and a very tough job they do. Now, they are trained professionals. They have four weeks of training after they go through a screening and employment process. Each year every employee in the Department of Corrections has forty hours per year of recurrent training. And I say recurrent. Part of that's recurrent in new issues. I'm working on enhancing career development as part of our additional curriculum on that. But Missouri is challenged with the growth of our system. Back in 1983 we had about 5,000 inmates incarcerated in the state of Missouri. Now just a little over twenty years later we have over 30,000 inmates incarcerated in the state of Missouri, and we're also responsible for anywhere between sixty and 70,000 felons that are on community corrections or supervision of our probation programs. We're responsible for that too. These are the folks that are living amongst them, some of you sitting here today that we're responsible for. We take our job very, very seriously. We have twenty -- we have twenty prisons.
Closed one last year due to budget constraints, and so our prison system is pretty full. We went -- in 1994 we ranked 18th in the rate of incarceration in the nation. By 2004, just ten years later, Missouri had moved up to eighth in the national ranking. So we've had to grow. Our employees' population has grown, have over 11,000 of them. I mentioned over 8,000 of them are in the Division of Adult Institutions or the prison systems alone.

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

But I would like to recognize the great job they do. In September each year we have -- each month we have an employee of the month. Adrian Barnes, if you would stand, was our September -- October, excuse me, October employee of the month. He is a functional
unit manager, actually known as a FUM affectionately, as a FUM at Missouri Eastern, which is close to here in Pacific, Missouri. It's a lower level institution. The average stay for the inmates are about six months. But he arrived at this situation after some bad things that had happened. One of the inmates had assaulted one of our officers and the inmate was actually bleeding, and he was HIV positive. That situation, he was put back in his cell. Our correctional officer was treated, and as per policy our medical staff needed to draw a blood sample of the offender to see if they had hepatitis or other infectious disease.

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

So as per regulation our emergency squad suited up with special gear to protect themselves from body fluid. They were pretty nervous about this, but the social superintendent called Adrian Barnes, who was known for great communicative skills. In fact, he had a calming effect on the inmates and been very
successful in working on them. And just a short time before he had actually been trained on hostage negotiation.

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

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

Actually, a staff grievance, part of my job too. I'm not -- I'm a very hands-on person and I'm learning, so I traveled and met with them and listened to their grievance, and in passing, the reason I brought her here today, she's had no recognition. The
lieutenant said, "Oh, yes, and she broke up an assault," and immediately I'm concerned about safety of everybody at prison, our employees as well as the inmates as well as the citizens we're charged with keeping safe.

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

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

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

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

Not all of these stories come out quite as well. In September I got an E-mail from Charles Fleming, a CO-1 at Farmington. He had -- he had been called in where we had an offender that had assaulted another officer, and actually made contact with this offender. Now, he's my age, about within a year of my age. I looked it up, and when he went in the officer went low as we would say in football, took out his knee and broke his leg in several places.
In September he E-mailed me and said he had been off four months, had used up most of his sick leave, been through three operations, was most likely to have another one or more to repair nerve damage, but he wasn't complaining. He was proud -- he was proud of his job, but what he was complaining about and wanted to see if I could do anything about was during these four months the inmate that had assaulted him hadn't been charged by the local prosecutor, and he was a little concerned that we were more caring about inmates than we were our employees. Difficult situation.

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

Officer Berkert was assaulted by several inmates at Potosi, which is another one of our maximum security prisons, and actually was surrounded and not faring very well when the other two officers
responded, and they were immediately assaulted by a number of inmates.

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

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

There were 38 incidents I think involving 81 of our employees. Let me read here. Yeah, there were -- there were eighteen Heimlich maneuvers. Some of those where they were choking on food, also could be when they were choking on balloons that are containing drugs that are passed by mouth from visitor
to inmates in the visiting rooms.

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

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

One moment they're defending themselves. One moment they're defending another offender, another inmate, and then we are saying you've got to implement these programs. You've got to make sure these people get their GED. You've got to make sure they have a good home plan. You got to make sure they are allowed to go out on work release or go out on vocational training so that they can become good citizens. It's
a tough job, and they do a great job of it.

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

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

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

And when I mention thieves, we have people that have committed all kind of crimes in prisons, but a snapshot, eighty percent of them coming in the front door have an identifiable substance abuse problem. Ten to eleven percent of them are seriously mentally ill, and many of them are charged with crimes of
theft, burglary, and maybe more violent things, but they were in the process of doing this to earn their keep the best way they knew how or the way they chose to do I guess I should say.

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

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

Thank you for your time. Thank you for your attention. I know you've got a tough job. I hope you do it diligently because it's important. It's important for the public safety of the state of Missouri and the United States.
MR. KATZENBACH: Thank you very much, Commissioner. Appreciate you coming up. We'll begin our first panel then.

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

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

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

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

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

MR. WEST: Good morning. I'm here today to shed some perspective and insight on some of the experiences of working in the jails past and present. The first experience of working in a linear style institutions, I was there in the 1980s, and probably the best description that I can give how the inmates felt came from a quote from the author George Louis
Jackson, who was a member of the California State Penitentiary in the seventies who said that, "Try to think about the worst day of your life. That is how I feel all the time."

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

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

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

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

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

So the number one instrument of safety that I employed that I used was a concept called the interpersonal communications skills. And this meant your ability to personally relate and communicate to all those that were involved on your walk. I always felt that if you know the person there, know what they're feeling, know some of the problems that they
were going through, you could personally address this on a human issue, and it will cause you to have a lot of feedback and cooperation.

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

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

You could stop many a problem or conflict by just listening to what the problem was, and being able to articulate it to your supervisors in a peaceful manner. Because back in those days we did
not have the mace and all the high-powered equipment
that we had, and any time you opened those gates and
gates and had to deal with them, it was like
hand-to-hand combat.

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

Now, direct supervision style is a more
humane setting for the prisoners. We do not have any
bars. The inmates are allowed to come and sit in a
day room area, watch television, interact with each
other without that confinement placed upon them. The
safety of the inmates was dramatically increased
because the officer now was inside the pod with them,
whereas in the other style we were allowed to sit on
the outside.
The problem is the officer was now on complete display, and we probably like to describe it as customer service in hell because it seemed like as soon as you open the gates, 67 men would approach you at different times, not with the courtesy that you might have working in a retail store, but with all of their frustrations and aggravations on front street irregardless of the man next to them.

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

While all this was going on, at the same time you had to maintain a computer and make sure that you know where each and every one of these men were at any given time of the day, and it always seemed like everything happened at the same time. On any given day they would call for the courts at the same time, the clinic people, the GED, and this constant moving, constant motion always calls the officers to have a
great deal of ability to be an actor.

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

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

A correction officer is required to have a multi-facet of skills that he must call upon every single day that he works. And the very same people that the police officers arrest, have to subdue or shoot at, we live with them on a daily basis unarmed. And there's nothing but air and opportunity that will
Now, as I mentioned before, the technique that worked in the linear style jail is the exact technique that still works to this day, and I know it to be effective, and that is your ability to relate to your fellow man and emphasize and put yourself in his situation. By you being able to do this, you are not adding to the stress and tension that's always there.

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

Now, I wanted to close in saying that maybe the general public is not aware, but most of the members of our society who have committed crimes are usually in the same category as me and you. Usually five or ten minutes of anger can change the course of a person's whole life. And if you're able to understand that only by the grace of God have you been blessed to not be in this situation, if you can relate that to them, this is the number one thing that keeps your safety intact. Because you are not viewed as a hostile opponent of the system. You are viewed
exactly what your title says, correctional officer, which means "to make right."

MR. SESSIONS: What's linear style jail?

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

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

MR. WEST: We have an excellent training staff that prepares us on a number of topics and issues dealing with human behavior and different dynamics of situations, but there's some -- some things that cannot be trained. If you know your personality is not going to deal with a lot of other people's problems, that you are -- maybe you are impatient in regards to having a vulnerability to listening and just hearing complaints all the time, it
makes it somewhat difficult. But you can acquire that
immune system by being able to just kind of relate and
put emphasis on how you would feel in that situation.

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

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

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

So it's really to difficult to determine --
and it really has nothing to do with size. Some of
the biggest guys that we ever had, they run clean down
the street dealing with all the personality that we
have. Some of the smallest officers in the building
have a presence and a command that they can convey to
the inmates that lets them know that they're in charge
and they are professional. So it's really difficult
to determine exactly who is fit for the job.

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

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

In the early 1970s I was doing a semester
of field work at the Marion County Jail in
Indianapolis, Indiana in the women's section, and
after hearing the stories about the atrocities at the
women's prison, knowing it is indeed the oldest
women's prison in the United States, I decided I'd
In those days the women were still using slop jars and were not allowed to use telephones. They had no privileges.

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

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

Soon after going in with him I made an appointment with the warden of the prison, and asked if I could begin coming in and doing some chaplain work for the women. And I also went to the Episcopal church and to my bishop, and soon afterwards I was put in the budget and I was paid as a full-time chaplain
at the Indiana Women's Prison.

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

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

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

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

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

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

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

I had a conversation with a female officer at a male facility who was around fifty years old. She has a hard time on her third day on rotation. She says she's completely fatigued and wore completely out.

There are more safety issues. In a conversation with a superintendent of two prisons in the Midwest, I learned that his main concern was the lack of adequate staff. He has dorms of 400 men with three officers per shift. This is bad enough, but when these men are a mixture of long-timers, lifers, child molesters and those with short time, in the prison culture it is usually the young, short-timers who cause ninety percent of the problems. The superintendent is very concerned for the safety of his officers and the inmates.
There have been instances where an inmate has been accused and filed a complaint against an officer accusing him or her of inappropriate behavior. There is a hearing and also an investigation done by staff members that is either done in a hurry and sometimes not at all.

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

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

So I played on his guilt because he was very rich and very prominent. He took two cases where both women were doing life, both black, and both could not read or write at the time of their crimes. One women was convicted of shooting her boyfriend, no
weapon was ever found on the scene, and there were no
witnesses. My friend took the case back to court and
she was released immediately. And the judge
apologized to her for the thirteen years she had spent
in prison.

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

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

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

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

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

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

Then one day as I walked in the prison she looked up at me and said, "Good morning, chaplain." I almost fainted. I went over to speak with her and asked why today of all days she finally acknowledged my presence. She looked me straight in the eye and
told me she finally figured out that I wasn't like all
the do-gooders, that I was what I said and nothing
kept me away. And in other words, I could be trusted.
I want to add a note to that that she had come up for
parole for several times during the time of her
incarceration, and every time she came up was denied.
The women in the prison supported her and
they were -- they were like her children. She was
like a mother to everybody. One evening I was privy
to have dinner with a member of the parole board, told
her about this lady, said, "I wish you would give her
more consideration. I think that she -- I don't think
she would hurt a thing. She's been there forever."
Like how much -- how much time do you spend, how --
how long do we have to pay?
When she finally went up for parole
hearing, all the women in the prison were waiting
because they waited for her for so many years and she
came out and she'd been crying. Well, when she came
out this time she was screaming and she was laughing
and she had tears, and all the women in the prison
came out in the yard. I remember at this time we only
had about 120 women, and they were all so joyful. She
was released. And she still is doing well.
The frustration that I felt was a sense of
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.
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
and give these children a better life than their parents. Thank you and God bless you for what you've done.

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

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

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

DR. DUDLEY: Thank you.

MR. SESSIONS: Reverend Means, do you have
a -- you're one employee of the church?

MS. MEANS: Yes, I am.

MR. SESSIONS: Are there others like you?

MS. MEANS: In the other denominations?

MR. SESSIONS: No, just in the church alone?

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

MR. SESSIONS: Are there in every state --

DR. DUDLEY: We've got to --

MS. MEANS: We can talk later.

MR. SESSIONS: Thank you.

MS. MEANS: I hope.

DR. DUDLEY: Ms. Bandele?

MS. BANDELE: Good morning, and thank you for the opportunity to speak with you about my experiences with specifically New York State's Department of Corrections, which I first came in contact with in 1990. I was a student volunteer, a member of a campus club, and we wanted to create relationships with people who would be returning to the neighborhoods in which we lived.

In New York State most prisoners come from seven distinct neighborhoods. Most of us at the City University of New York lived in that neighborhood --
lived in those neighborhoods, and it made sense to us that these men and women who were invested into the community in which they are returning their engagement, that it would be quite different than their previous one. So to that end we visited regularly, we did poetry reading, we ate, we shared our living experiences with one another, and it was a period of tremendous growth for me. No one ushered that period along with more impact than a man named Rashid. He was serving twenty years to life for a murder he participated in when he was seventeen years old. We developed a personal relationship after two years, and then three years after that we got married. Let me say this before I go further: I think it's important to continually recognize that prisoners are not a monolith any more than all judges are one thing, all doctors are one thing, all writers or mothers. And I think that the view of prisoners as a monolith really tends to dissolve the opportunity to make the corrections system better. My own husband, you know -- for example, you know, has a master's degree in theology. The men who grow through that program at Sing Sing have a recidivism rate so low it doesn't
even rank. And so that all prisoners do not need to be infantilized or directed to do every single little thing. It's just not true, and I really think it's important to note that.

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

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

So one of the ones that we wives and mothers complained about the most were sudden changes in dress codes. So what you wore last week, you know -- literally I had pictures -- I would wear two weeks later and that now it's unacceptable. In the
manner in which you're told that it's unacceptable is
humiliating and has the collateral consequence of
making a very vulgar sexual implication about you.
You wind up feeling like you're being sexually
harassed. Whether or not that's the intention, that's
what it feels like.

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

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

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

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

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

From the time I became a mother,
maltreatment by guards seemed to intensify. Perhaps
this was because it wasn't just me, but my infant
child being treated with total disdain, so I would have to argue about how many bottles I could bring in. Bottles became contraband and a change of clothes for an infant became contraband, and even the fight over not having my six month old stamped with ink that I don't know what's in it, you know, became a huge fight.

Once inside the facility there are very few places for children to play. I think one facility there is a room where kids can play, but in most of them you have to send your child into the playroom alone. You're not allowed to interact. So it, you know, completely takes away the idea that a father or mother and child can -- can bond. And I'm asked as a mother to allow two men I don't know to have oversight over my child. That's bananas to me.

But one of the worst things that happened that really destabilized our families and I think created a whole lot of tension was Rashid was moved six times in the five years since my daughter was born. In the previous ten years that I'd known him he had been moved three times. He was also denied at the parole board for no other reason other than the crime itself.

So it wasn't like you could do good time
anymore, and then have that be the reason you would be paroled. And, you know, just forced us to live with a certain amount of fear about what was coming next, what would the next day hold. And I think that, you know, if you walk away with anything, I really want to stress that we know intact families are a strong contributing factor to a prisoner successfully reentering society. We know that children who were provided a measure of safety, security, and stability grow into happy and productive adults. The prison system, as I experienced it, works completely to undermine both of these ideals.

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

So it makes me wonder, you know, why then when there is actual and anecdotal data to suggest that respectfully running the facility makes everyone's lives easier would there be people who chose to go another route. My conjecture is that they
come into work with sets of prejudices, and those prejudices are not at regular intervals being trained out them.

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

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

So the confluence of all of these factors combined with my ineffectiveness when it came to protecting and advocating for my husband contributed to the dissolution of my marriage. Earlier this year,
for example, my husband broke his hand while playing basketball. It took fully 25 days for him to be diagnosed, three months to have any kind of real treatment. No painkillers. And I was helpless. I couldn't do anything.

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

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

Thank you.

DR. DUDLEY: Thank you. I was wondering before we let you go, you mentioned two places that
you thought maybe things were better, and I was wondering if you wanted to mention or note anything specific about those places or any other thoughts that you've had about ways of doing things differently that were better.

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

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

DR. DUDLEY: Thank you. Mr. Kaschak?

MR. KASCHAK: Good morning. I worked for Mahoning County Sheriff's Department for six years, from October of '98 to June of 2004. I held the position of deputy sheriff. I had several different
responsibilities in the time that I worked for the sheriff's department. I worked at the correction division, the records and warrants, and I also worked patrol division.

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

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

When we arrived on the scene, the fight had already been broken up and the inmates were going back to their cells. After the inmates were locked down in their cells, we then learned that a female deputy had been assaulted by an inmate. The female deputy had walked around the pod to point out which inmate had
struck her. It was in P-32, which is where the deputy pointed out inmate twenty as the inmate who struck her.

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

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

At this point I had returned back to the booking area. While I was in the booking area I was sitting in the bridge, which is an office in the booking area. At the time I was speaking with
Sergeant Blue, who told me that Major Bud had called downstairs and asked him, "Why the fuck is inmate Easterly not in the hospital?"

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

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

This is when they stopped.

The deputy working the pod came and opened the door to let us out of the hallway. Deputy Yellow and Green then stripped him of his clothes and drug
him through the pod to his cell. Deputy Purple and
myself stayed in the hallway. When the other two
deputies placed him in his cell, Deputy Yellow yelled,
"This is what happens when you strike a female
deputy."

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

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

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

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

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

Major Orange then asked me one more time to write a report. At this point I agreed to write one.
In the report I falsified it so I would not implicate the major. I said the inmate became aggressive and we had to use force to get him under control. I also never mentioned the major's name in my report.

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

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

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

Now I was about to send these people that I
called my friends to prison. For me it came down to
two reasons: Number one is my wife and daughter, and
number two was it was the right thing to tell the
truth. It was one of the toughest decisions, but also
one of the easiest.

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

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

I hope that my story can help other people
or other police officers that are put in situations
like I was. When a supervisor gives you a direct
order, you either obey or you get fired. I hope this
doesn't happen to anybody, but if it does, remember
you do have a choice and you can just walk away.

I hope you never have to be in a situation

where supervisor has lost perspective about why they

are a police officer and gives a command that abuses

their power. Remember, you still have a choice,

though, so please don't make the same mistakes I made.

You have too much to lose. Thank you for your time.

DR. DUDLEY: Thank you. I guess the

question is, you know, in retrospect, is there

anything that can be done with regard to being in a

situation such as this?

MR. KASCHAK: It's the people in charge. I

don't know, you know, like because the sheriff's

department, you know, we change hands every four years

and you never know who's going to be in charge. It's

people that abuse the power. I don't really know what

can be done with that to make that incident not

happen.

DR. DUDLEY: Okay. I'd like to thank each

of you for giving up your time to be with us this

morning, and particularly for sharing such personal

experiences with us. So please know that we are very

grateful for your contribution to our work. Thank

you.

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

(WHEREIN, a recess was taken.)

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

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

And that in many instances that's created a situation where a work force with less training and less experience has been confronted with very great challenges, and in part the difficulties in recruiting, training, and retaining professional staff
have also faced challenges such as budget constraints, the increasing use of incarceration, and a number of other factors. This panel is going to be discussing these issues, including looking at the differences between jails and state prisons.

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

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

MR. BECK: Thank you, and good morning.

Mr. Chairman, members of the commission, I've held my current position for six and a half years. I've worked for two governors. I have over thirty years of state employment, 28 of those years being with the Department of Corrections. What I will tell you is
that I have never held a position of a correctional officer, but I have learned quite a bit about the role of that position serving as secretary and prior to this position as deputy secretary. So my comments are from the administrator's perspective, and I thank you for this opportunity.

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

Again, the face of prisons is the correctional officer. As administrators we strive very hard to change negative perception and the stereotypes associated with that position. Today's correctional officer is more professional than ever before. I can think of no jurisdiction that does not have standards, require training requirements and high expectations of the men and women who fill the correctional officer position, and many of those jurisdictions have accredited staffs.
This position was once traditionally reserved for white males, but today these ranks are more diverse than ever before. In North Carolina we would be unable to man all of the required posts in our male facilities if it were not for female correctional officers. Not only do we think this diversity is good, it is also necessary.

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

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

Every correctional administrator is concerned about safety. Safety is a high priority in all that we do, and as a leader we must, to the extent possible, ensure staff and inmate safety. We have a duty to protect those assigned to our custody and
control, and we take that duty seriously. We require correctional officers to show great restraint when those they are there to supervise, monitor, and protect would even wish them harm.

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

Although most people don't think about it, our communities are safer because correctional officers are on the job 24 hours a day, seven days a week. Seemingly we take that for granted. Professionally we have come a long way, from prison guard to correctional officer. Our correctional officers are much better trained, more diverse, more professional, believe in their work, take their job seriously, come to work in spite of personal
The vast majority of correctional officers are good, dependable, hard-working employees, but occasionally an employee may fall short of the mark. We don't try to sweep it under the rug, hide it, or deny it. If we know it, we deal with it, and deal with it appropriately. Correctional officers are, after all, human beings who work in often stressful and dangerous environments.

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

It appears that when it comes to the prisons, the loud voice of a constituency is silent. We must be vigilant because failure to recruit and retain good, qualified staff could be the making of the perfect storm where we see a meeting of the experienced inmate population versus an inexperienced correctional officer staff. Thank you.
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MS. ROBINSON: Secretary Beck, thank you very much. I think we're going to hold all questions until we've heard from the entire panel. Professor Marquart?

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

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

They're constantly working under strain and
I think the strain is growing, and I think that's what Theodis talked about is that it is growing in degree and in complexity. I think that's an issue that we might want to talk about later.

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

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

And oftentimes the basic institutional tasks must be accomplished in the face of massive organizational change as a result of lawsuits, and I'm not going to say whether that's good or bad. It's reality. It's like my mother used to say, "Face it, that's just the way it is."
Security officers in California, for example, are faced with accomplishing racial integration within the reception centers and on the main line institutions. They have to accomplish all of those daily things, and at the same time bring on these other mandates, and that's a tremendous amount of pressure that they have to do. And I might add they're doing so in a confident and professional manner within a specified timetable.

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

I guess the other knowledge would be what's going on in public education. More must be squeezed into an eight-hour day. There's only so many minutes of the day you can accomplish things. These issues have severely strained the American prison organization's ability to recruit competent officers, train them properly, keep them on track and out of trouble, avoiding boundary relations and develop a loyal work force.
And the issue is to retain them over a lengthy career because the veterans are the ones that are going to be able to train the next generation and bring them forward. Indeed, the best officers are veteran officers, and rather than pass on the kernels of wisdom that they have acquired over the years to help the newer generation of employees -- and I think somebody in the previous panel, the director from Missouri pointed out that veterans often seek to move on as fast as they can. We're losing that critical information about how to manage these institutions.

Like most things in American society today, bigger and faster does not always translate into better. The expectations for the American correctional officer I think are at an all-time high, especially when the issue of public safety is there. Officers feel pressure from below or from the inmates to go easy or to be a good Jane or to be a good Joe. And they're also pressured from above, from the administrators to be firm, aloof, and professional, and also to watch out and to keep your distance. You know, you're expected to do many things. Something has to give. But the constant pressure associated with the ordinary workday will not go away.
The security staff in any institution in America today, in my belief, is the most precious commodity in the organization, and everything must be done to prepare these employees to face and successfully endure the pressure of working in that kind of environment. The costs associated with failure are too large to contemplate.

So in conclusion, I just want to thank the commission for allowing me to come before them and speak about correctional officers at this important juncture in the history of our country and in the history of the American prison.

MS. ROBINSON: Thank you very much.

Mr. Corcoran?

MR. CORCORAN: Thank you very much. It's my great honor to be before the commission. My name is Lance Corcoran. I'm currently the Chief of Government Affairs for the California Peace Officers Association. I began my career as a correctional officer in 1986 at the California Correctional Center in Susanville, which houses about 4,000 medium security to minimum security inmates. The yard that I worked was predominantly known as Sierra yard, a facility that held 1,500 inmates.

On my tier I had seven dorms, 32 men per
dorm, 224 men in total for my responsibility. These dorms were designed to hold twelve inmates. They had two commodes, two urinals, three sinks, and two shower heads. Dormitory with bunk beds and then a day room that had a television. I recognized very quickly that I was outnumbered 224 to one and that force or size or being intimidating was not an option. I had to communicate.

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

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

The institution I went to was built in 1963. It was in a small community of 6,800 people.
Pretty much everyone knew each other or was related in some way. I was part of an activation of 1,000-bed unit there, and so I was an outsider. It took about three years to even get people to say good morning. I find now in my travels throughout California in the newer facilities that culture no longer exists.

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

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

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

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

I think that the one product that we have as correctional officers is safety. If we provide a safe living environment for inmates, if we provide a safe working environment for our peers, then we've done a very good job. I have got lots more to say,
but my time is up. Thank you.

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

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

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

And we are asking more and more of these correctional officers. I think you heard what's been said thus far. It's something coming at you all the time. Direct supervision is one of those areas where
Correctional officers are often just bombarded because they are there right in the middle of all of those inmates, and the vast majority of our beds in the prison systems across this nation are dormitory style. Dormitory style. So we have correctional officers sitting in the eye of the storm all of the time, and it requires recognition of the sacrifices that they make.

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

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

MS. ROBINSON: And recognition.

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

MS. ROBINSON: Great. Professor Marquart?

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

It's the front line people, and I think the correctional officers, to me, are the stakeholders,
and those are the people that need to be brought to
the table and listened to and heeded and understood
and to hear what they have to say about training,
recruitment, and all those other things. Get them to
have a buy into this as to what's going to happen.

       MS. ROBINSON: Right. Mr. Corcoran?

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

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

       Secondly, I think there needs to be
honesty in recruitment. I see far too many times
recruitment teams out -- for instance, in one
particular incident they were talking about
transportation jobs. Well, there's 31,000
correctional officers in California with respect to
all classifications. There are about 150 transportation officers. They talked about K-9 patrol. There are only two K-9 officers in the entire state of California.

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

MS. ROBINSON: Thank you.

MR. LUTTRELL: The last two panels we've talked about the stresses of correction work, the various ways to address that. We talked about in the profession increased pay and benefits enhancing the profession. We talked about better leadership, better supervision. I'd like you to shift the focus just a little bit and let's look at the correctional officer. What can a correctional officer do to better manage his or her life so that they feel better about their work, they feel more professional? What can the individual officer do to contribute to this sense of professionalism and fighting this stress? I
ask it to all of you.

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

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

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

Additionally, some managers will look you in your eye and say your morale is in your paycheck.
It's not. Your morale is not in your paycheck. Your morale comes from some type of job satisfaction. We have to reinforce and even sell back to officers that they're providing a service, that they're doing something that is good, that is providing a service to the taxpayers.

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

MR. LUTTRELL: Can you elaborate on that?

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

MR. BECK: One of the things is that this work is not for everybody, and only the individual can
sort that out for themselves. Some remain in denial much longer than others, and that is tough. And I think all of the data suggests that pay is probably not the leading reason for turnover. It is certainly a large contributing factor.

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

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

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

MS. ROBINSON: Dr. Dudley?

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

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

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

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

So I said, "No, it's correctional officer."
He said, "What is that like, the difference between a garbage man and sanitation engineer?"

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

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

MR. BECK: Let me speak just a minute to this issue of the external environment and the impact on the correctional officer. I think we at best send a mixed message to correctional officers. You know, most platforms in recent memory have been related to
1 get tough on crime. Punishment, punitive, lock them up, throw the key away.

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

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

4 MS. ROBINSON: Gary Maynard?

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

MR. MARQUART: Good question. I did some
work with the Texas prison system on inappropriate
relationships. It's a big problem. It's probably the
number one issue, management issue in corrections
today, inappropriate relationships. I was asked to
take a look at that and study it and then provide
recommendations back to the prison system.
You take the data and then you turn that
into training, and I think that's the key. It's
training, it's training, it's training, and you keep
doing it. You know, I need to go back and see whether
or not it's working, but the idea of blending the two,
of taking the research and evaluation and the
recognition that, hey, there is a problem, we need to
do something about it, and bring training.
I believe in providing that kind of
training to stop that, you're never going to eliminate
it. It's just -- it's in policing. It's in every
occupation, doctors, priests. It's everywhere. But in terms of correctional officers, I'm a firm believer in constant training.

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

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

I've got two individuals right now who serve as chapter presidents who have been terminated because of their bringing forward issues that were unpopular. Until we get a -- to a point where you can -- you trust the enforcement and the investigation of complaints, I think we're going to continue to have problems in corrections, particularly in terms of
MR. BECK: I believe that we have to work on that issue internally as well, and we have to have the correctional officers understand that safety is number one priority. Every time you have one of these failures so to speak, some degree of security is compromised. And whenever security is compromised by crossing the boundaries or bringing in contraband or anything along those lines, you compromise your safety and everybody else's safety that works in that institution. And I think that we have to hold a light of security high as it relates to those who would do things that are inappropriate.

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

If I saw a situation that I didn't agree with, it's a bright line for me and I have an obligation as a peace officer to stop it. Not just
report it, but to stop it from evening happening. But I can see as a young correctional officer wanting to go fit in, where without good leadership, without veterans who can say, "No, you're not going to do that."

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

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

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

MS. SCHLANGER: I'm interested in something
that Mr. Corcoran said in your initial testimony. You
said you went in and you wanted to be the biggest,
baddest guy there.

MR. CORCORAN: Well, yes, okay.

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

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

MR. CORCORAN: I think it starts in the
academy. One component in correctional academies I
think is sort of lacking is a historical perspective
on penitentiaries, on what models have been used, from
the Auburn model to Pennsylvania model and the
brutality never worked, and that the purpose of a
correctional facility is to house an individual in a
safe environment, but provide them opportunities so that less victims are created, and that cannot be done in a system where you have individuals who are solely there because they want power over other people's lives, and I think that needs to be hammered in from day one.

MR. MARQUART: That's an interesting question because it gets at a cultural change where there has to be -- a cultural shift has to take place. I know that in Texas years ago prior to intervention, that physical force, physical dominance was the way in which these institutions -- or that's the way they were led and that's the way the inmates were managed. But as a result of intervention from the outside, there has been a generational change. Those people who were the carriers of that kind of a mindset were moved out and replaced with other -- with other -- with another tradition. Yeah, you hear about it, but it's not to the same extent that it used to be.

I think it's going to take time before the biggest baddest wolf on the block, that kind of mentality -- I think it's been reduced. I know it's been reduced in Texas because of a generational shift and change within that subculture. It's going to have
to take a change within the subculture to make that kind of thing happen, but it can be done.

MR. BECK: As we continue to --

MR. MARQUART: It cannot be rewarded.

There you go.

MS. SCHLANGER: The other kind of behavior?

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

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

MS. ROBINSON: Fred Schwartz.

MR. SCHWARTZ: I'm going to try to tie the last question and your answers to the earlier ones about job satisfaction at the correction officers. Now, most people in prison get out eventually, and society is clearly interested in how they do when they get out, whether they do well or badly. Atmosphere
within the prison can affect what happens when they
get out. Within the prison.

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

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

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

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

MS. ROBINSON: Steve Bright.

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

MR. CORCORAN: It's prison officers and
it's departments of prisons. We did an interesting thing in California in our youth correctional facilities. They used to be called schools. There was tough on crime late eighties, nineties. Changed them to youth correctional facilities and they're no longer called schools. The problem is -- and it's well documented, and you see what's happening in California youth authority. Jurisdictions lost faith. We had allegations and documented cases of abuse. The communities no longer have faith in the mission of the department.

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

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

And the second related question, when you have a correctional system that does not have adequate staff and then require those officers that are working
to work overtime, to what extent should that ever be
allowed or what extent it is a problem? Someone
suggested in the earlier panel that people that have
particularly high stress jobs might ought to get more
time off because they're dealing with the stress and
they're sort of like in battle, and therefore they
might get an extra day off or something like that.
What's your reaction to that?

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

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

In California in particular all we're doing
is reacting. We're not correcting anything. We don't
have enough people when you've got numbers of 200 to one. You're reacting, you're responding, but you're certainly not correcting.

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

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

MS. ROBINSON: Can I follow up on that, Mr. Corcoran, and just ask you are there solutions that are there by better management, or is this simply a question of dollars and cents? Is it that the state simply is struggling to do the best it can with the resources it has?
MR. CORCORAN: Mr. Beck nailed it. It is a dollars and cents argument in many cases. You've got an electorate and a citizenry that on one hand put people one away, but don't want them mollycoddled. Well, that's a matter of perspective.

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

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

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

MR. CORCORAN: Absolutely.

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

MR. CORCORAN: Uh-huh.
MR. MARQUART: Similar situation pertains in my own state. We have over 150,000 people that are incarcerated, twenty some thousand correctional officers. And then we argue we have exhausted the space, prison space.

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

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

MS. ROBINSON: Right. Saul Green.

MR. GREEN: To a certain extent the last two comments really went toward the question I wanted to ask. I mean, we've talked about a situation that isn't working well at times. It's irrational.
comments public expectations and the stereotypes that we have to fight. I think this commission sees as a major challenge how we communicate afterwards to the public in a way that we get some kind of reaction that addresses all these issues.

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

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

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

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

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

MR. CORCORAN: I think we can focus more on our positives. It's very difficult. I've taken numerous media tours, legislative tours through California prisons, and they -- we have a wonderful program in Folsom State Prison called Folsom State Project for the Vision Impaired. It is run by lifers and it is a 501(c)(3) nonprofit operating within the
walls of Folsom State Prison. They do closed
captioning for the hearing impaired for the Department
of Rehabilitation.

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

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

It's my mother-in-law, what was the worst
ting, if you will, the inmate population. So in
response what are the folks on the other side to do?
Seize on the anomalies that are bad actors within the
correctional profession and help to demonize the
correctional peace officers.

As an organization we need to stop that.

We need to recognize you know what, there are bad
people in prison. They're painfully obvious. Their
cases, they speak for themselves. We don't need to
focus only on those. We need to focus not only on the
successes of pro correctional programs, but the
successes of individuals who have gone through the
system as well.

MS. ROBINSON: Very interesting. Pat
Nolan.

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

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

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

I can't tell you the number of instances,
but if they hadn't known their mentor ahead of time
and a few systems allow that, they would have seen
this person standing there that they figure, "What
angle are they trying to get up on me? They're
standing between me and freedom" and blow right past
1 them.
2 But inherent in that is allowing more
3 volunteers inside and them to continue the relations.
4 I would like your reaction in your systems whether,
5 number one, do you have a nonfraternization rule, and
6 number two, what do you think the impact would be of
7 changing that?
8 MR. BECK: Well, in North Carolina we are
9 quite involved with mentors in our transition
10 initiatives. We encourage that involvement and that
11 meeting and that relationship building before it's
12 time for the inmate to leave the system. What we have
13 found is that some of our better successes have come
14 as a result of those relationships because those are
15 the people who can kind of walk with them as they go
16 out into this world and has changed a little bit from
17 the way they left.
18 We've also worked with the faith community
19 in terms of trying to establish points of contact in
20 all counties where at least we can give an inmate when
21 they leave a point of contact if they run into a
22 situation that they can call someone who may be able
23 to help them over a little situation that has
24 occurred. So I don't --
25 MR. NOLAN: You don't have a policy that
prohibits a mentor that say continue that relationship
on the outside?

MR. BECK: No, sir.

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

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

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

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

MR. CORCORAN: Certainly. Like I said, I would have loved to have been able to follow up with
some of the guys that were very successful in the
program. But three years down the road I may have
been able to do that, but I didn't know where they
were at that point. Once they're off parole, there's
nothing that precludes former offenders from --

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

MR. CORCORAN: Yeah.

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

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

MR. CORCORAN: I suppose you'd have to talk
to the management of the Department of Corrections in
California, but I mean you try, you know, and I've
read about the culture change and all these things,
but you're not supposed to get close. You're supposed to have empathy, but not sympathy. And that's trained. Unfortunately, I don't know that that's always appropriate.

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

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

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

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

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

MR. BECK: I think every opportunity this commission with the standing that it has, the credibility that it brings forward, I think that your work will add value to what we are trying to do. I
think if you -- if you tell the story as it is being
outlined and as I'm sure you will drill down on to
arrive at your conclusions, I think just stopping and
having the opportunity to look at the many issues that
surround safety and abuse in our prisons that it will
be sort of a natural outcome.

You know, it won't be sweeping change I
don't believe, and I don't believe that change will
come overnight, but I believe you are on the verge of
starting something that will play long-term dividends.

What Mr. Nolan said about the community has to own
reentry, that's true. There's only so much we can do
for the obvious reasons. They've got to own that.

The public I think understands to some
degree what our work is about, but you know, they
don't have an opportunity to really see it up close
and personal. So they only know the horror stories
sometimes that occur, but I'm hopeful that what you
produce will be a springboard for the whole profession
and the criminal justice system to take another look
at this issue. Our prisons can be as safe as they --
as our citizens want them to be. Again, I'll say
that, but there's an attendant cost that comes along
with that.

MR. MARQUART: I would echo my colleague,
what my colleague is saying. And I look what
happened. This is not new, you know, these
commissions and committees looking at abuse or
violence. It's not new. It's cyclical. You look at
what happened in my own state, and I studied it right
after World War II in Texas.

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

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

We can talk all day long about what's good
and what's bad and how to market the prison system or
how to market a particular program, but we've got to
get people, I think prominent people in our state or
in any particular state to buy in that change is
needed or what direction are we going. It takes that
kind of a buy-in that I think is going to make
something happen. We're at that moment right now
where I think that leadership void is needing somebody
to step in and take --

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

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

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

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

MR. MARQUART: Yeah, it was the governor.

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

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

I don't know what we would do as a prison system. Sign up for strip search. I don't know. I mean, yeah, I don't know what we can do at that level. I think since we can't take necessarily the prison into the community, I think we have to open the prisons to the community and allow them access. I think we need a much more transparent system.
Certainly there are security risks and that is nerve-racking to go inside these facilities, but I think the public has to be invested and I think their leadership has to be invested in coming out and touring and seeing what's working versus what's not.

MR. RIPPE: Secretary Beck, do you have anecdotal or empirical data that says in a well-staffed, well-run prison where everybody is treated with dignity and respect and there is good comprehensive rehabilitative programs, that the recidivism rate is much lower?

MR. BECK: I don't have that type of evidence, but what I can tell you is that where we have those kinds of environments, the level of infractions committed by inmates are extremely low.

MS. ROBINSON: So that the violence rates themselves are very low?

MR. BECK: Exactly. Exactly. How that transcends out into the community and what the ultimate impact is, I don't have any evidence about that, and that's one of those areas where it's my belief that we as -- in corrections business claim those things that we can control and we're responsible for.

So what we have found is basically going
through how well those facilities function and the
safety and security, the low assaults, the low
infraction rates, those are the things that we really
measure to determine how successful programs are
operating. But you know, we also see that in every
convening of the general assembly. There are
sometimes hundreds of bills that are introduced, all
of which have bed capacity implication, increased
criminal penalties. So at some point we do bottom
out.

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

MS. ROBINSON: Ray -- Ray Krone.

MR. KRONE: Yeah, a lot of this has been
covered in the last hour, this more and more money.
For years and years the Department of Corrections have
been asking we need more money for this, we need to
build more prisons. After 20, 25 years you'd think
the money would have caught up to it. Obviously it
keeps outgrowing that problem.
As we were talking earlier, I mean about -- is it the time for public scrutiny? Is it time for a different entity other than DOCs within that state to try to correct the problems? It's time for a new look at it, a fresh outlook at it for somebody to come in and say here's where we can -- if we can't get some money, here's where we can save money. And now open it up to more of a public or more as in our case a commission. And will that be receptive do you think in your co-workers in the department of corrections?

Can those doors be open? The good as well as the bad be shown and exposed and be willing to change that?

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

In my six years there has not been many years that our budget has not been reduced. I think what we have learned is that we -- we have learned how to be more efficient, and I think we've done a good job in managing the overtime and holding down the meal costs, but here are the drivers. The drivers come
from increased medical costs, where we have an
obligation to provide a community level of care. More
inmates have mental health issues. There are more
inmates with disease. These inmates are coming to us
sick because of unhappy lifestyles or whatever the
case may be.

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

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

MR. MARQUART: I like his reference to the
train. It is a train that is going downhill without
an engineer in the front. You're alluding to the costs, and it is very expensive, and a lot of this is it far exceeds the costs of sending somebody to school. We've heard that before. It's the political will to change it and is that going to change. I have never heard a legislature say I'm going to vote against X law or Y law. Until that changes, this train is going to continue to go downhill faster and faster and faster.

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

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

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

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

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

MR. CORCORAN: I think as long as we took out cultural differences and looked at operations, cleanliness of facilities, staffing levels, those
types of things, it can definitely be positive. But
the reason I bring up culture, which obviously Europe
has no death penalty. Different jurisdictions here
do. As long as those types of judgments weren't made
and spoke to operations, I think it can be incredibly
positive.

MS. ROBINSON: Tim Ryan.

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

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

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

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

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

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

We have annual training of forty hours in which we deal with the issues of prominent issues and also the ongoing issues and use-of-force issues. We
have supervision training for their supervisors and sergeants as to what it is to be a leader and what to work in them. We have senior officers that if you have a problem they can go and talk to them.

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

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

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

And we videotape every use-of-force event unless it's one that happens in which it can't be
videotaped. What's missing in the list? What should
we be doing that we're not doing today?

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

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

MR. RYAN: Thank you.

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

MR. RYAN: It's in Florida right now. I
used it in California, but I think what I'm asking of
the commission here is we're looking for
recommendations as to what should we be doing. What
sort of model should be out there? What
recommendations should we be doing if we were to do anything? What should that be? What do we need to do?

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

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

I had to fight my own side and ultimately I got shot down. Well, I didn't understand that. One of the guys that was there with me said, "I shot and I didn't need it." I looked at him and I thought, "Chuck, you sure did. You still do."
But the reality is unless -- if there's always going to be an onus of weakness, and you know in the jails and prison that term can kill you if you're weak. Well, the reality is, you know, when sometimes you don't even recognize that you need help, and I think that there's nothing wrong with forcing folks to go to an outsider on occasion.

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

I think that's what's going to make that whole program successful or not is that officer going to stick with the agency, the organization, because that's what you want is retention. You know, I would say and advocate clearly that it's getting those veterans in touch with new people to bring them along to show them the ups, the downs, what to do and what not to do, use of force, boundary violations, all those kind of things. I mean, I'm a strong believer of that FTO program. I think it's great.
MS. ROBINSON: Secretary Beck, I don't know if Tim Ryan's list scared you off or if you wanted to comment on that.

MR. BECK: Thank you.

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

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

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

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

The large group of attorneys from the Washington firm Arnold & Porter have helped to prepare the -- or have prepared, in fact, all volunteers, put
in hours preparing a lot of the material which has
been background for the commission on this, and
they've done a magnificent job spending hours
interviewing people and interviewing witnesses, and I
just wanted to express the appreciation of the
commission for that work and for the many, many hours
that they volunteered for this in the best tradition
of the bar to do it, and I thank you very, very much.
We all do.

MR. SESSIONS: Can we applaud them?

(General applause.)

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

The psychological forces that act on people
who supervise others in a closed society can have a
substantial impact on officer behavior. So too can
the dynamics that operate between officers and
incarcerated people, potentially leading officers to
abuse their authority and prisoners to resist rightful
authority. This panel will try to identify these
dynamics and their sources and will explore ways to assure the potential negative consequences are minimized.

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

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

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

MS. LORD: Good morning -- good afternoon. It's my pleasure to be here. I was a warden of a maximum security prison for women for nearly twenty years. I loved my job, but I retired. I retired when
I came to believe that I could not adequately protect the female inmates in my custody. I couldn't protect them from being sexually preyed upon. Women have different needs and different vulnerabilities than men. We know women coming to prison have extensive histories of serial abuse as children and as adults, including sexual abuse and physical violence. Many are serious and mentally ill and drug and alcohol are involved. A vast majority have children. For the most part, their experiences of violence have occurred in family situations and in relationships. They are also people of many words, and this is probably the greatest stressor in a women's prison.

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

When I look back, one of the best officers I ever had on the nursery unit with mothers and newborn babies was a man. We live in a two-sex
society and male staff can provide good models. They can be decent, fair, and humane. They can listen and they can learn. I don't believe that cross-gender supervision is a precipitating factor in sex between staff and inmates. This is a caricature of a far more complex reality.

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

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

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

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

But as long as we have such a subservient class overseen by us as a dominating force, we will struggle with violence and sinful issues. Sometimes even the most experienced among us learn from outsiders or from history. In New Jack, Ted Conover filed a legislative report written in 1851. It said, "To become a good officer requires much more knowledge and experience than is generally supposed. And it is a long time after a new officer enters upon his or her duty before" -- I added the he or she, "he or she become even under the most favorable circumstances fully competent to discharge it. It is not like a man
or a woman driving a herd of oxen or working a piece of machinery, the whole mechanism of which she or he can learn in a short time.

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

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

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

MR. ELLIS: Thank you very much. And thank this commission for allowing me the opportunity to present here. As was mentioned, my name is Eddie
Ellis. I served 25 years in prison in New York State, approximately a dozen houses -- approximately a dozen prisons, including eighteen years in maximum security and five years in medium security, and two years in minimum security work release programs.

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

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

I think it should be noted that prisons are really not nice places, and that no matter what we do to perhaps attempt to humanize them, they will always
be places in which very violent and very aggressive
men and women are housed as well as the people who are
charged with their care and custody. The one thing
that is most outstanding for me, particularly that I
was listening to the testimony this morning, was the
complete absence of any discussion of the question of
race or class in relationship to people in prison and
people who are charged with their supervision.

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

And lastly, I think that we've heard a lot
this morning about prisons being understaffed, and
that the ratio of correctional officers to prisoners
are very disproportionate. I would venture to say
that prisons are not understaffed at all. In fact,
the real problem are that prisons are overpopulated,
and one of the ways in which to deal with that
so-called understaffing problem would be the massive
decarceration of many of the people who are currently
in prison who perhaps could be better served in other
areas.
I think it was Mr. Corcoran who mentioned that about eighty percent of the people who were incarcerated in California prisons were people who had substance abuse problems. Many of them are probably nonviolent crimes that did not involve violence and could probably be let out of the system with no measurable or appreciable threat to public safety.

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

But after this morning, after listening to some of the arguments I think that they are perhaps, that perhaps we need to -- at least I need to maybe rethink that definition of them, but concurrently with that rethinking I think also that the language that we use particularly as we relate to offenders and prisoners and convicts and inmates dehumanize the people in prison to such an extent that we begin to
treat them in a very dehumanizing way, and that
results I think in much of the aggression and violence
that is so prevalent in the prison system.

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

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

The organizational culture is seen by those
who work within the prisons for the most part as
necessary to the survival and effectiveness of the
institution. In many, many instances notwithstanding
much of what we heard this morning, violence and
brutality is viewed as the primary ways in which
people are disciplined and the primary ways in which
people who run the institutions gain respect and maintain control.

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

This elitist kind of a -- it's kind of a siege mentality of them against us. It's kind of a circling the wagons. It's we need the flexibility to do our jobs that sometimes involves crossing the line it and sometimes involves breaking the law.

Nevertheless, because of the nature of the violent, aggressive populations that we work with we must have that kind of flexibility in order to do our job and do
our jobs properly.

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

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

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

MR. MAYNARD: That's all right.

MR. ELLIS: I apologize.

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

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

MR. MAYNARD: Very good. Thank you.

Commissioner Dennehy.

MS. DENNEHY: Thanks for the invitation to
provide testimony to the critical issues you all are examining. Correction officers clearly comprise the bulk of our work force. They perform a critical public safety function often under challenging and potentially dangerous circumstances.

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

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

In Massachusetts the correction officers' union has published their ten commandments which includes thou shalt not rat on a fellow employee. Thou shalt not place thy faith in managers. Thou
shalt not surrender thyself to management. Thou shalt
not bear witness against one another. As a result,
any officer who violates these commandments is subject
to union hearings, and they are in fact thrown out of
the union.

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

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

As professionals we have to have and we
need to have clear boundaries. Staff realize that
they have control over a segment of the population
that is in fact despised by much of the public. As
such, staff don't want to be seen as overidentifying
with inmates, being called, quote, unquote, a con
lover or being seen as an easy mark.
The need to establish boundaries if taken
to an extreme can result in a dehumanization of
inmates. By not seeing inmates as fully human, we
miss opportunities to see, to gauge the shifts in
inmate's demeanor and behavior.

Experienced, well-trained officers can
identify these subtle changes well before the inmate
may even be aware. This quick intervention can reduce
the likelihood of the inmate harming self or others.

In Massachusetts as we move to implement the
recommendation of Governor Romney's commission on
correctional reform, we have focused on an overhaul of
our training programs.

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

All recruits are required to read Ted
Conover's book New Jack. A chat room has been
established to provide an opportunity for daily
discussion and analysis of those cultural issues. In
training there is now a focus on the department's
mission to reduce recidivism, the need to support successful reentry, and ethics.

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

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

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

In addition to greatly enhancing our staff education and training programs, there are other strategies that leaders can employ. Utilizing psyche screening of recruits. When I was the director of
training about fifteen years ago, when I look back on
my career I'm proud that we instituted psyche
screening.

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

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

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

In Massachusetts if someone had told me
that I would support the development of a citizens
advisory council four or five years ago, I would have
been disbelieving. I've come to believe in the power
of an effective and well-oriented citizen advisory
council. They have provided an important means to educate the public, the legislature who controls our budget, and they are advocates for reform and for resources.

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

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

When staff do to the extent that we can be flexible in our discipline without compromising the integrity of the organization, we need to be -- we need to develop some flexibility in our staff
discipline in terms of respecting and encouraging staff coming forward to tell the truth. Those new service corrections professionals are aware of the enormous public safety responsibilities we hold. All corrections professionals, from the front line to the front office, must demonstrate self-discipline, a concern for the public safety, respect for the rights of the inmates in our custody, and a respect for and adherence to the statutes and departmental policy. Anything less is unacceptable.

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

All in all, the panel report has had -- I think those who have participated on the advisory council in Massachusetts would share with you if they could be here today their positive impression of the many men and women in the Massachusetts Department of Corrections, and that they would applaud their day-to-day efforts to advance their reform agenda. Thank you.
MR. MAYNARD: Thank you, Commissioner Dennehy. Thank all of you for your testimony. We have about twenty minutes now for questions from the commission. Anybody?

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

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

They generally came from rural areas. They're generally not young. They're generally not African American or Latino. And I think that dichotomy creates a built-in set of dynamic tensions
that almost always arise, almost always result in a conflict situation that generally erupts into violence.

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

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

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

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

MR. MAYNARD: Judge Sessions.

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

MS. DENNEHY: Yes.

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

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

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

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

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

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

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

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

MS. DENNEHY: I agree.

MR. MAYNARD: Mr. Dudley.

DR. DUDLEY: I have another question, actually, to you and to the other panelists as well. One thing that keeps coming to my mind is something that as you were talking ethics-based supervisors for I guess particularly during the period of when new
officers are first working, and it would seem to me
that even with great training around cultural
sensitivity or those sorts of racial issues or
training around gender sorts of issues, all that would
have to be coupled with good supervision in order to
actually operationalize whatever sort of training
occurred. So we're talking about what happened at
middle management versus on a supervisor level.

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

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

They believe passionately in what they do,
and they have been able to recruit some of the finest
people in the department to really push their sleeves
up and rewrite all of our curriculum. We do an
everseous amount of training. It's going to take time
to get the whole organization through those training
cycles, but you're absolutely right. It starts at the
top.

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

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

I think all too often what happens in those
situations, prisons as well as law enforcement
generally is that the perpetrators kind of have a
societal pass. You know, they broke the law, but
they're -- they were in a tough situation. They're
working real hard with criminal convicts. Maybe they
need to be able to step across the law at some point
in the performance of their duties.

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

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

The other thing is I think that there is a
societal problem when you go to arbitration or when we
go before juries and we lose cases. It's because they
carried that mentality that is caused or is part of
that inappropriate behavior that we're seeing, whether
it's physical violence or sexual violence or just
sexual attitudes.

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

MR. MAYNARD: Mrs. Robinson.

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

MS. DENNEHY: Actually, we've been
over-commissioned. We have several commissions in
Massachusetts. First one was the governor's
commission on correctional reform, which was chaired by Scott Harshbarger. That in effect issued eighteen major recommendations for reform, everything from covering topics from leadership and accountability through fiscal management through basic systems grievance, investigation, classification. Those systems that inmates need to have confidence in.

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

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

MS. DENNEHY: Yes.

MS. ROBINSON: Yes. Because it seems to me that this Citizen Advisory Council could in theory serve some of the roles that we were exploring this morning about reaching to the public and creating some kind of better PR tool, if you will, of helping open the doors at least figuratively to the public about
what goes on within correctional facilities.

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

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

Much like this commission, the activities were very well organized, tasks were outlined, goals were assigned, committee assignments. The expectations were really clear. Those reports have been written and probably will be issued to the public within the next ten days or so. And we are in fact
having those strategy discussions around how do we
maximize the involvement that we've been able to
create to date, and how do we interest media in
particular in the release of that information.

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

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

MS. ROBINSON: Of course.

MS. DENNEHY: This group was really
convened for the purpose of monitoring the
department's implementation of those original eighteen
recommendations. It really keeps us on focus. We
meet monthly. Key managers go in and make
presentations. We have really been able to utilize
some of the connections on that panel in terms of being able to get our message out to a broader constituency.

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

MS. LORD: I think -- again, I think running transparent facilities that support and getting people from the community is important. There are various ways that you can do that. I do think that you can go on to a lower, more local level, the individual facilities where you enhance the amount of people coming in on Sundays to give church tours. We used to spruce up the facilities on Sundays and let people come in from the local churches to meet with a group of inmates, meet staff and take a tour, and I think that it's important or resonated for me what we've been talking about in these panels because by and large people would say, gee, there's got to be something -- after they sat down, there's got to be something wrong. That woman that I was talking to can't -- you know, she reminds me a lot of my daughter.

And I think that somehow that's what we have to get to. We have to get the average American to begin to see that that could be their daughter.
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
comes in many different ways. It doesn't belong in
prison. People need to get a paycheck. It's a job,
and so they should come to work and then go home.

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

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

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

I think we'll always have some sexual
activity. People are sexual beings. We have to keep
saying -- we have to keep going back to that values
and keep saying what's appropriate. Sometimes people
fall in love, and it's still not appropriate in that
setting, and it doesn't usually work out.

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

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

But be we also -- there are more mentally
ill people in our prisons than there are in our
hospitals today. So that's a particularly vulnerable
population. When you look at the histories of women
in prison in terms of victimization, then it's kind of
set up to be revictimized. It doesn't take much to be
1 victimized. These are not people that are going to
easily say no when they should be saying no. So we
even have to go back and start retraining inmates.

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

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

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

MR. SCHWARTZ: I wanted to commend all
three of you. Not only on your oral testimony but
also on your written pieces, which are very, very
interesting and quite powerful. I've got one specific question to Mr. Ellis and then a general question to the three of you.

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

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

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

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

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

The prison I was in, there was an enormous
amount of animosity on the part of the uniformed
staff, who were -- and who were in the college
program, and college administrators and college
teachers and professors had a tremendous amount of
difficulty going into the prison and coming out of
prison. There was an enormous amount of harassment in
terms of their relationship that they entertained with
uniformed staff.

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

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

I think that education is perhaps the
singular most important thing they could be doing in
prison, and the research seems to suggest that people
who are educated while in prison particularly at the college level, but even approaching college level, at times high school level, have a greater chance of success once they leave prison and go to the streets notwithstanding that research and that empirical evidence we have all but eliminated.

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

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

And I don't think that that can necessarily be done in-house. I think it needs to be done in cooperation with, in our case, the state police coming in and actually certifying our staff assault
investigators, for example, so that they have the
necessary skill set to handle some of the more
difficult cases. I think it starts with a good
investigation, because a good investigator can get
some additional information that perhaps can be the
key piece of evidence that is corroborated.

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

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

The more troublesome question I think is
for those others who may be in the room when abuse
occurs. Very early on in my commissionership, I'd say about six weeks into it, the union had just finished applauding my selection and things took a turn there about 180 degrees about six weeks into this.

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

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

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

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

I didn't firsthand participate in that, but if you were there, you witnessed it, and you allowed it, you enabled it. We have to get to the point where staff are comfortable stepping forward with the truth, and we have a long way to go. We have a long way to go in that regard.
MR. MAYNARD: Superintendent Lord, do you want to --

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

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

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

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

MR. LUTTRELL: Commissioner, in your opening remarks you paint a pretty bleak picture of labor management relations in the department of corrections. Yet in the end in your summation you
I'd like to focus a little bit on how you as administrator and also with your background and training, how do you bridge that labor management gap in a way that allows you to effectively manage your department? You know the -- I've always found labor management relations in Massachusetts government to be an interesting case study. I've read some about it. I notice you have very formidable labor obstacles there, but as an innovative manager, how are you approaching that labor management hurdle in a way that allows you to effectively manage your prisons?

MS. DENNEHY: There are a couple of issues. One, again, going to training. One of the things we did was we approached a local community college and asked them if they would put together a full semester program for labor management, labor relations, specifically contract administration for our superintendents, for our local wardens, if you will. In that much of the contract, much of the tone and character of labor management relations really happen at the local level with the local stewards and superintendents. So we provided the
superintendent and key division heads with in effect a semester-long academic program on how to better manage contracts.

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

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

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

There's a lot of heartburn, but I think it's case by case. It's issue by issue. But you've
pointed out that in Massachusetts it's a somewhat
unique environment. We cannot engage in interim
bargaining absent to contract. So we're sort of stuck
in limbo in terms of advancing any major reforms.

MR. MAYNARD: Mr. Ryan.

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

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

We talked about video surveillance. We
talked about cross-gender supervision of all the
staff. I've added special background of male officers
making sure they don't have domestic violence or
sexual harassment cases pending or in their past. We
have reporting mechanisms like at least in our area
where you have all inmates have a phone you can call
directly to internal affairs. You can call the ACLU.
You can call the FBI if you wanted to if you have some sort of issue. We have a grievance procedure. We have letters to the chief, me, if there's a problem, and I am a special investigator. If there's any hint of criminal activity there's an immediate activity, and we have no stops when it comes to that.

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

We even had the Prison Rape Elimination Act, Moss Group come in and do a consulting with our female inmates to find out if they felt safe in the environment. I'm pleased to say they did and they spoke to us. We are proposing at this point free calls to children, want to make that connection because that gets lost. As I said to the morning group, what's missing? What do we need to do?
MS. DENNEHY: Okay. I have a couple of suggestions, and the first one being -- and you may have mentioned it at the primary post, I mean how are officers assigned to posts, because in my former life I was a warden at a female maximum security prison, and it seems to me -- I know when I was hiring folks I felt very strongly that I needed a male deputy, that it's very important -- and I think Elaine mentioned this.

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

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

While transporting a female offender, who is doing the transporting? I would not want to see
two males transporting a female offender. I would want to see a balance. I think about that in terms of roster management. The shift commander who's managing a roster, are they paying attention to those issues?

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

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

I think there are issues around both of
those gender in terms of how we supervised and how we monitor activity. And what both groups have come back to us, and I think it's a real fair criticism, that we as administrators do not keep our finger on the pulse of staff who are going through particular stresses. If someone has had a death in the family, if someone has had a really critical divorce situation, a really nasty divorce, if the death of a child, if you sense that they've had a substance abuse history and they may now again be using, folks who were at a particularly vulnerable time in their life with stressors, again, looking back over thirty years, I think every time there's been a critical incident that has involved staff, when we've gone back and looked, we have found out too late that that person was undergoing some critical stress that we just didn't intervene. We didn't see it, know it, or feel that it was our role to intervene.

MR. MAYNARD: Mr. Nolan?

MS. LORD: I'd just like to agree with the commissioner on stressors. I think they are absolutely in staff who get into problems, at least with some staff. I also wanted to say that I think we have to realize that sometimes among the women, the inmates, that there is also a code of silence for
various reasons, and they don't want to get an officer
in trouble. They may not want to rock the boat. They
may like the officer on the unit. He may do a good
job. There are a number of things.

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

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

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

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

But, you know, on the other hand I certainly feel for my correction officers who are
struggling to get their kids into college, and so
again, there's that dichotomy. And again, that's us
and them. I don't want to --

MR. MAYNARD: We've got about five minutes.

Got two more questions.

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

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

My question was about prosecutions because
testimony to the Prison Rape Elimination Commission
was that oftentimes prosecutors will not prosecute
even when institutions contact them. It either is the
previous position of the prosecutor or, even worse,
even if they're interested in it they feel political
pressure and in fact sometimes political threats if
you do. I appreciate knowing your experience with
prosecutors. Have they always followed through when
you've contacted them? If not, what prevented them or
discouraged them from going ahead and prosecuting the
crimes that occurred within the walls?

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

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

The district attorney at the time had used
up the monthly allotment for processing because
there's some queuing at the state crime lab in terms of processing DNA. Frankly, we worked with her. We found a different funding mechanism to get that done in a timely basis. The individual was prosecuted and is now incarcerated.

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

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

MR. ELLIS: I think there's a political problem particularly in New York with regards to district attorneys and prosecution, and that is that many of the prisons are located in very rural, very upstate kinds of areas, and overwhelmingly
prosecutors, district attorneys, particularly in New York, are elected. And so what happens is that the constituency that elects district attorneys is comprised of uniformed staff and their families.

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

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

But again, I would say we've also seen instances where it's difficult to get a conviction. I remember one case, and none of my facilities -- not in my facility. Another facility where the officer was, you know, they have all the evidence for a crime of sex crime under the New York statute. But during the crime -- during the trial, excuse me, the officer produced letters from the inmate to him, and so of
course his attorney used it to say, you know, see, this inmate is enticing him and so forth.

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

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

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

MS. DENNEHY: Are you specifically asking
about sexual misconduct or --

MR. KRONE: Staff on staff.

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

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

I was surprised at the incidence of the issuance of restraining orders. When I talked to my friends who were in policing, they all tell me that it's significantly higher in our agency than it is in
the policing community. That may just be an
underreporting as well, but that concerns me. The
level of substance abuse, the level of OUI conviction,
particularly as it relates to staff.

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

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

(WHEREIN, a recess was taken.)

MR. GILLIGAN: Okay. Can we get started?
We have one last panel before we conclude for the day.
So if people can kindly take your seats. Thank you.
Okay. Thank you.
This next panel entitled Consequences of the Job on the Health and Well-Being of Corrections Officers will explore consequences of this job on not only the officers and their well-being, but also their families. I am very pleased to welcome our three witnesses, Dr. Robert Delprino, Mr. Larry Brimeyer, and Mr. William Hepner.

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

I remember that one year we measured the blood pressure of all the corrections officers who worked at the prison mental hospital, and discovered that the vast majority of them had blood pressures that were so high that they would have qualified for immediate medical leave of absence. And that we've heard earlier today about the low number of retirement checks that correction officers receive after they
retire. They just -- the survival rate is remarkably diminished. So this is a real major, serious problem along a number of dimensions.

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

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

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

William Hepner is the program development specialist at the New Jersey Department of Corrections Training Academy and was the project director of the
pilot program of New Jersey Stress Management. I want
to thank each of you for your time today and for your
insight into these important issues. Can we begin
with you, Dr. Delprino?

DR. DELPRINO: Thank you. Good afternoon.

It's a pleasure to be here today, and I also want to
say it's a real pleasure to be serving with these
gentlemen, Deputy Director Larry Brimeyer and Program
Specialist Bill Hepner. I think they both represent a
great deal of practical knowledge in the field of
corrections.

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

I also just want to remember as a group not
to forget that many correctional officers go through
this career of 20, 25 years with themselves and their
families intact, and we see that sometimes folks are
negative maybe because it's more interesting. But
many COs are proud of their profession, have a high
degree of respect for what they do, and see themselves
as serving an important role and service for their
community, which they do.

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

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

I did say LEFS because originally the
program just dealt with law enforcement officers. It
wasn't until 1998 that the title was changed to CLEFS
to recognize that correction officers and families also experience negative consequences as a result of the job.

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

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

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

Having said that, though, we look at the
literature on correctional officer stress and how it affects the family, I guess we could organize that in three areas, how that job affects them. People have spoken about it at earlier sessions.

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

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

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

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

Not too many I don't think.

So the goal of the CLEPS program was to develop programs and identify what are the sources of stress for correctional officers and family members, and also to offer some solutions that correctional officers and family members could obtain or assist them. Now, there are programs out there in existence
and in use, but to realize the full potential they
must exist as a supportive culture, and people said it
again earlier today.

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

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

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

MR. BRIMEYER: Thank you, Doctor. As I
indicated in my paper that is included in your
materials, in 2001 the National Institute of Justice
provided grant funding to the Iowa Department of
Corrections to implement a program focusing on the
prevention and reduction of stress among correctional officers and their families as part of a field test. The grant required four components. Number one, a wellness program. Two, a family services program. Three, training for supervisors. And four, in-service training for correctional officers. Within each component were suggested elements which might be developed. However, each test site was allowed to select those elements that the site felt most benefited their needs and enriched their environment. Data was collected around a number of elements and provided to an independent evaluator contracted by the NIJ. Results of the evaluation have not yet been received. Some of the data elements included absenteeism, sick time, tardiness, early retirements, turnover rate, medical leaves, rule violations, union grievances, inmate complaints, EAP contacts, and participation in program components. Now, while it is true that the project ended when grant funding ended, pieces of the program remain, and in fact, flourished and expanded. For example, family tours of the facilities continue to be a real hit with family members of all ages of correctional staff.
Last month, for example, over 350 family members toured the Mount Pleasant Correctional Facility as part of a now annual event started with the stress grant project, and the true shining star of the project is the peer support program.

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

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

In December of 2003 a first-ever staff victimization and support services policy was signed
by Iowa's director of corrections, Gary Maynard. This policy combined a staff program, a peer support program, and an emergency staff services program. The department established objectives, procedures, training requirements, and guidelines for selecting local coordinators.

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

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

During the first nine months of 2005 over
400 contacts have been made with those peer supporters of the approximately 3,000 employees in the department. In community corrections four of the eight judicial districts have the program in place and have reported nearly fifty contacts this year of the 1,000 employees in community corrections. The program is still being developed in the other four districts.

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

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

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

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

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

MR. HEPNER: Thank you, Doctor. Good afternoon, commissioners. Please refer to your folder as I give my opening remark. The New Jersey Department of Corrections recognizes the effects of occupational dynamics, including stress, upon our correctional officers and its impact upon their families. Our department's committed to developing effective strategies not only to address and prevent stress among correction officers, but also to promote a healthy lifestyle for officers and their families.
For that reason in January of 2001 we submitted a proposal to the CLEFS program in the Justice Department to be part of that field test site. As you heard from my other two colleagues all the information regarding that, and you have a summary in that folder of the -- of the two-year grant that we've used the four components, the wellness, family services, the supervisory training, and in-service training.

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

It should be noted that at the New Jersey Department of Corrections we have a critical incidents and stress management program theme that was immediately formed prior to the application of this
grant. You have a pamphlet in there describing our
stress management critical incident theme. We also
provide a cop-to-cop hotline that you can call 24/7.
It's confidential and there's a referral service
there, and that service is provided by retired
officers who have been formally trained to deal with
that.

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

We recognize that occupational stresses are
a pervasive problem within all correctional
jurisdictions, including the New Jersey Department of
Corrections, particularly amongst correction officers.
And as you already heard, faced with ever-increasing
inmate populations, more stringent sentencing laws,
restricting inmate releases, and tougher restrictions
and sanctions for inmate misconduct, correction
officers face daily challenges of effectively managing
the inmate population as well as their own stress
levels. Ongoing confrontations with inmates and
inmate-upon-inmate assaults are apparent in the
day-to-day operations of a prison.
When you're a correction officer and you graduate from the academy and you show up at that front door and you start your career and you're in there five days a week, 52 weeks a year, five years, ten years, fifteen, twenty, 25 years, you become part of the job. When you go to work in a place that has a tendency to be condescending, negative, vulgar, that can show up in your life.

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

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

I'd like to use the analogy of my wife. Twenty years -- over twenty years she's been an
elementary schoolteacher. She talks and deals with third grade students for over twenty years. She becomes part of her job. When she comes home and she talks to me, how do you think she talks to this 55-year-old man? "Husband," she'll say, "Bill, time out." I believe that's the same thing with correctional officers, but they don't work with third grade students.

Let me tell you about some of the statistics and let me get back on point with that, and you have these statistics. I can't be on zero time already. I have a lot of statistics here. You have them in your folders, and I'll open it up to questions. We have a good hour, and I'll be able to answer any questions between the three of us. If not, I'll defer to one of my colleagues here. Thank you.

MR. GILLIGAN: Well, thank you very much. I hope all this will come up in the extended discussion that we'll be having. I just wanted to ask all three of you a very general question. Have you noticed or been able to document any changes or shifts in the type or amount of stress facing corrections officers over, say, the past ten years? What's happening in this area?

MR. DELPRINO: Someone once told me that
the inmate population is changing, and that's kind of affecting how they do the job. Some inmates come in -- I don't know the word is tougher or more desensitized to things than previous before. So they see the job changing that way, the kind of inmates they're dealing with.

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

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

I mean, you can't always make a connection between what's going on one moment and then some assaultive behavior over here. It's a very difficult population to deal with, and we're learning as we're
going. And we're trying to -- we're trying to adjust
the attitude from a correctional or penitentiary
mindset to suddenly a mental health mindset, and so
that brings on some new stressors that we weren't
anticipating.

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

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

As our older inmate population is growing
and the youth is coming in, even our staff, custody
staff is growing older with them too. And I believe
there's a stress there with these older custody staff
members dealing with these younger inmates coming in
that don't have any rules, don't have any respect, and
Mr. Gilligan: Do you have any personal experience or stories to recount of how the stresses that correction officers undergo affect their methods of interacting with the prisoners?

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

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

Mr. Gilligan: Yeah.

Mr. Brimeyer: We're not always being
hammered with olives, but that's kind of the nature of the beast of the work we're in. Dr. Delprino, I agree with him completely. There's something inherent about this work that promotes or promotes stress, and that's just an example of what we do day in and day out.

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

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

MR. DELPRINO: Yeah, it does make sense. Somebody there talked about job satisfaction with officers. It makes the job more satisfying is having the challenges, do different things. Unfortunately the job doesn't always allow that. Some job is mundane, routine work they have to do, and research I'm reading, there's a study in 2001 talked about two
of the main issues that a majority of the officers who
turn over in the job state they were stressed and how
much part they take in decision making about their
job.

So you have some of those challenges are a
good thing to have to keep them interested --
interested in the job and not leave the job so early.
I think I wrote in my paper about turnover rate that
sometimes is with correctional officers. I think it's
the number from the American Correctional Association
was 68 percent in one study they did. That's not
uncommon. That routinely happens within the first two
years. A lot of the reason is the stress, or they
just feel they have no decision or no say in what's
going on in the organization. So the challenge is
good to some degree. It is helpful.

DR. DUDLEY: I was wondering if any of you
could point to things that have been done on the other
end of the spectrum. We talked about what to do with
officers who are stressed out, who they can call and
etc. Is there much that's been done to try to make
the job less stressful or to -- I guess I don't mean
that. What I mean is is there as much that's been
done to make -- help officers be less stressed out by
a stressful job, kind of more primary prevention?
MR. DELPRINO: That's what the CLEFS program is all about, I think, was trying to identify strategy interventions that we put in place to help the officer, you know, deal with the job better. I remember listening earlier to some of your earlier testimony that one of the persons was saying -- I'll get the wording right here, that an officer, it's about the officer being passionate and zealous to the job as someone said earlier.

Well, I was wondering when I heard that how do you counter the passion and zeal that's taken away from a person that's been on the job so long, you know. So there are things organizations can do. The CLEFS program I think gave out over 35 grants in the time it existed to help organizations to develop programs.

Peer programs are very successful. There are programs that Bill talked about earlier. The programs are out there. I think the problem is they're not utilized to a great degree because they're not trusted, or officers aren't aware about the programs that exist.

We've done studies a few years back; this is on law enforcement officers. We asked how many of you folks are aware of your employee assistance
program in your organization, which is a fairly common
program. Maybe ten percent aware of the program. We
would think a hundred percent would be. Then we asked
the question how many would use it? You get like
twenty percent of them will actually use it.

So the program is great to have and have in
place, but if they don't support it or the officer is
not aware of it or a family member is not aware of it,
I will say it's a pretty useless program. I think
that's where we need to focus some of our energy, make
the program more acceptable, more understandable, and
really based on the officers' needs. I think a lot of
times in these organizations we throw a program in
place because we think it's a good idea.

One thing we found with CLEFS is not a lot
of agencies spend time going to the officers and
saying, "What are your concerns? What do you need to
have done?" We've got to be careful. It's not a
cookie cutter approach. It's not a one size fits all.
The model of the programs we do implement to really
fit the organization, the employees, and in place of
CLEFS really the family members needs of the
organization. Does that answer your question?

DR. DUDLEY: Let me try it this way. For
example, it seems to me that we've learned, say, in
the military, for example, that they've used the idea
being in the supportive environment of other -- of
other peers, you know, as -- and have used that to
mitigate against the stress of the experience that
you're in, they've learned how to do that. Whenever
we hear about kind of peer collegiality amongst
corrections officers we hear about, you know, the wall
of silence and kind of negative implications as
opposed to the possibility of it's being used as a way
to help manage the stress of this situation.

So I'm wondering has anybody attempted to
do that, so that even though they're in a stressful
situation, that there are things that can be done so
that corrections officers' experience of it is less
stressful?

MR. BRIMEYER: I think the peer support
program that I described may be an example of that.
It clearly does not remove the stressors of the job.
It provides a support system for those people who are
feeling that stress and the support system can be a
great comfort when you find out that you're not alone,
that you're in this boat with someone else who are
feeling similar emotions, and that kind of support
system I think can help people deal with the
stressors, but it clearly does not delete the
stressors.

MR. GILLIGAN: Mr. Nolan.

MR. NOLAN: This morning we heard from the director of the Department of Corrections here in Missouri, and he recognized one of its officers diffused a very tense situation which the SORT team was about to go in and extract a prisoner that was HIV positive, and the officers were all concerned. This officer had just gone through negotiator training and effectively stood the prisoner down without any use of force at all, without endangering the other officers.

I see here, Larry, that you have a peace institute. I'd like to hear more about that. In Ohio they developed a program called Opening Doors, which is fascinating because it didn't come from the staff. It came from a religious volunteer teaching the inmates how to deal with conflict. She noticed that they just didn't -- their use -- the standard way their whole life of dealing with conflict was to become aggressive, and so she taught them that the CO saw such a change in the behavior of the problem inmates they said, "We need that. I'd like to have those skills so I don't have to put on my game face all the time."

And it started in Marion, a tough, tough
institution, and it's now spread throughout the state, and so I'd like to hear about the Peace Institute, but also know if you've considered even having that type of training for the inmates to teach them how to deal with their conflicts with each other, but also with officers because in Ohio it's proved very, very effective at lowering the stress within the institution.

MR. BRIMEYER: The Peace Institute is a -- sorry, I should say was. Was a private foundation that exists no more. It was a privately-funded foundation that provided mediation services and conflict resolution services to anybody who wanted it. It was primarily used by the public school systems in Iowa by not only the faculty, but by the students as well. They had peer support and conflict resolution programs going on among students in a public school system. It ended about a year ago. I am sorry to report it doesn't exist anymore because I think it was a very valuable thing we had in Iowa.

One of the things that -- I really am intrigued by your point of teaching inmates about conflict resolution, and I think that's worth looking at and I'm interested in doing that. One of the things that I like to encourage my wardens to do in my
facilities is when we have a potential use of force, that before we do that, that we do the kind of thing we heard about from Missouri. We use our hostage negotiating team.

We have trained hostage negotiators. We rarely get to use their skills. I don't want to ever have to use their skills quite frankly, but I prompt my wardens to use those hostage negotiators in those times to see if they can use their negotiation skills to talk down an inmate so we don't have to use force. That does a lot of things. If it can prevent the use of force, we're all glad about that. It helps them -- gives them an opportunity to practice their negotiating skills. So I'd like to do that.

MR. KRONE: Mr. Brimeyer, I'm concerned about this one part in here where it said that one of the reasons the pilot failed is officers viewed participating in it as a sign of weakness. Now, how are we as a commission and coming about to study something that sounds good, something that does have proof positive that it works, how are we going to overcome that obstacle if the officers, the people we're trying to help, are going to refuse to implement it or agree that it did actually help? How do we overcome that as a commission to get over that kind of
stigmatism or that kind of insecurity?

MR. BRIMEYER: It's a great question. I'm not sure I know the answer. I think in this particular case, this pilot was in effect in two facilities. The one facility we have some pretty major I think cultural issues that I think go to the weakness issue. That comment is conjecture on my part. I have no evidence for that. That's my conjecture and based on what I know about that facility and about that facility's culture.

I'm not sure that would be the case at other facilities. So I'm not sure it's a huge obstacle elsewhere, but it's certainly an issue for me at the institution where we have those cultural issues, and I'll have to figure out how to do that.

MR. HEPNER: May I comment on that?

MR. GILLIGAN: Surely.

MR. HEPNER: The one thing is that you can tell the correctional officers that it's mandatory you have to come. That turns them off from the get-go. Trying to persuade them to come and that they'll get paid overtime to make them want to come. So it's all in the approach in how you market it, and you try to get buy-in right away from the unions to get them to support the program.
So we had great success. Of the fourteen state facilities we have, we conducted that program at Albert C. Wagner. We chose that institution because it was a younger, more violent population there. It was a facility built in 1930s for about 1100. It houses about 1600 inmates. Age group is somewhere between nineteen and 29, and they were the kind of drop and fight at the drop of a hat.

So when we avoided things like mandatory training and that kind of thing, they were more open to it. We found it to be successful in running the program, and the committee and myself felt that this would be an ideal program to be conducted at all fourteen of our facilities with the union support and management.

MR. DELPRINO: I think -- I agree with the saying it is about marketing. You know, there is supposed to be a stigma about seeing mental health. I mean, psychologists don't see mental health professionals. Those peer programs are so useful that I think a peer has a better chance of getting through to another officer than a psychiatrist, psychologist, or social worker.

A lot of the successful programs were really dependant on buy-in from the top. You know,
programs come and go and even the top administrators don't know what's happening there. So you put a program in place, and either the person running the program leaves for a while or the top administrator leaves, and with that person the programs goes. And the administration doesn't want to have that program because it's not their baby for lack of a better phrase. It's not their child they developed. So I think really who's in place running the program is important, but buy-in from the top -- if a chief or warden says, "Hey, it's okay to do this" or admits maybe that had -- they went to see some -- their actions, it kind of gets to their program and say it's okay to use this. But it's all about marketing and breaking down that stigma I think just in general in mental health.

MR. KRONE: I thank you all for your answers to that because us as a commission have a daunting task ahead of us. Of course, we write a report, and no matter how good or how bad an opportunity is, if we don't realize that we have to market it and who we're marketing it to, we're spinning our wheels. Thank you all for that response.

MR. GILLIGAN: Do any of you have any information or observations about how stress levels
may be affected by the type of environments in which a particular officer is working, for example, comparing prisons with jail or maximum security with minimum security or isolation units, supermax units, solitary confinement units, or with different methods of different correctional methods, direct supervision versus the older style? Does stress level vary with these kind of environmental or structural?

MR. HEPNER: I'll comment on that. Yes, it does. Dr. Gilligan, as you know, what might be stressful to you might not be stressful to me. It's such an individual thing. Some officers may be stressed out based on inmates. Some might be stressed out based on the supervisor's relationship between the officer and the supervisor. Even the physical plant itself or co-workers.

You know if you confide in a co-worker at work, before you know it that rumor mill is throughout the entire jail. There's not a whole lot of confidentiality that goes on. That's one of the reasons about this cop-to-cop hotline.

Let me mention about the critical incident. For us in New Jersey that's not a prevention-type thing. That's after the fact when somebody has been traumatized for one reason for another. We need to be
more proactive. And we have a fourteen week training program at our academy. In there we teach a three and a half hour stress management class. We cover -- now we cover an eight-hour domestic violence class because of the escalating violence that we were having in our fourteen prisons. Well, a little nervous about saying that now. I'm directing you to ask me more questions in that direction.

We need to follow up on our programs more and be more proactive rather than reactive in what's going on, and we seem to be doing that, but we are making attempts and doing follow-up because once you initiate at the training academy and there isn't follow-up throughout the officers' career of five, ten, fifteen, 25 years, then what they learn is doomed to fail. And it needs to be a continuation of a refresher course. I think that on our part that might be lacking.

I heard earlier today about training, more training, and I'm in agreement with that, that we should continue that throughout the career of an officer, and stay on top of the most advanced techniques as they come out in all areas of communication, the escalating conflict resolution, anything to enhance the officers' relationship with
MR. DELPRINO: I guess I've got a question.

While he was talking I was thinking it would be more proactive -- my colleagues could agree or disagree. I think of a correction agency as type kind a reactionary type of agency. They react to an alarm, a bell, a fight. I think what happens that maybe trickles down how they treat their own staff. Let's not be proactive before something happens. We react after it becomes a problem, or there's a problem with suicide or something like that.

I think there's something about corrections and maybe law enforcement and fire service, they're reactionary type of agencies. Their instinct is to react to things. So it again about -- it goes back to changing that culture, how they see their organization, how they see their employees. Maybe that would be a step towards thinking more about being more proactive.

MR. BRIGHT: What about race as a stressful matter? We were talking earlier about this practice a lot of states have now putting prisons in the most remote part of the state, which often have no people of color whatsoever there, but all the inmates, New York being a good example, from New York City or
whatever from urban areas, African American kids and
Hispanic kids who go up and are housed in Plattsburgh
or somewhere, and there's not a single person like
them in the staff.

I assume it's stressful to think you're
being discriminated against, whether that's true or
not, may be true, may not be. I assume it's as
stressful to be accused of discriminating against
someone, but again whether it's true or not you sort
of -- you decide what is stressful. And yet that's
increasingly what we're seeing in a lot of these
institutions all over the country. What do you do
about that?

MR. HEPNER: Let me comment on that. I
don't see as much of a problem with racial
discrimination going on in our facilities as I see
other problems. I think we're pretty balanced as far
as the statistics between what we have on there with
Hispanics and minority officers and white.

MR. BRIGHT: You're talking about New
Jersey?

MR. HEPNER: New Jersey, correct.

MR. BRIGHT: Do you have any institutions
where you have virtually 95 percent African American
population and a hundred percent white correctional
officer staff?

MR. HEPNER: Well, we have fourteen state facilities. I don't find us being as remote as you're describing New York to be. We can probably go within two hours in any direction and I can cover all fourteen facilities. We're pretty densely-populated.

MR. BRIGHT: Right.

MR. HEPNER: We do have -- we do have a problem where in certain areas, like Camden, New Jersey we were required to hire with the local government there -- if you're going to build a prison in our town, you're going to have to hire our people. There you might have a predominance of a minority officer population. And I had worked there at this particular prison in Riverfront State Prison for two years realizing that the officers had grown up with the inmates, and that was a really big change for me to actually see that interaction at that facility.

So we do have that with local government where we're required to hire the population within that area, and they allow us to build -- we have two or three prisons like that. So it might sway to one group as opposed to another one, but normally I think we're pretty balanced throughout the state.

MR. BRIMEYER: We're disproportionate in
Iowa, but not to that extent. We may reach as high as
25 percent minority in any one of our facilities, but
again, very, very few minority staff. So we certainly
have that problem, but not a huge disproportion.

MR. DELPRINO: I don't really have an
answer to that, but I think about something else about
remoteness. In New York State I was talking to an
officer who told me he was from Buffalo, but he was
assigned right out of New York City. They were
totally removed from their families and they would go
for weeks, maybe months before they actually get to
see their family with shifts and stuff. You know,
time to get back and forth.

Since we were talking about CLEFS programs
and family support, they were isolated from their
support system of their families, which leads to a lot
of stress for them. Living in renovated facilities
that are made specially for correctional officers, but
not seeing their families like weeks at a time without
that support as we were talking.

MR. BRIGHT: Is that a widespread practice
in New York?

MR. DELPRINO: I don't want to misspeak
about that, but a couple of the correctional officers
I spoke to, that's what they're going through. They
live in one part of the state or assigned to another area. From day one they're trying to put in papers to get relocated to where their home base is. It takes a while to do that.

The problem is they get comfortable in that facility. They know the facility, they know their job, they know the people, they got time in, they choose their -- so it's a risky thing for them to change the location of where they're going to go. They want to be near their family for support. It's always that delicate balance. I have security here in my job, but I miss the security of my families. It really does a number on the family in terms of relationships with officers and family members.

MR. GILLIGAN: Mr. Maynard.

MR. MAYNARD: Mr. Hepner alluded earlier to the fact that sometimes inadequate or -- yeah, inadequate supervision causes stress on a correction staff. You've got four supervisors who mistreat staff, don't take care of them and all that. Do you see in your studies or do you have any thoughts about the stressors in working as a correctional officer, certain portions of that is environmentally-related because of what you have to deal with?

The other part is might be supervision. Do
you see very much a proportion of supervision that
creates stress for corrections staff?

MR. HEPNER: Absolutely. Very good
question. Our supervisors in the Department of
Corrections who come up through the ranks make
sergeant first, line supervisor, and then lieutenants
and captains, and we have -- we haven't really did a
good job of running our supervisory classes in our
in-service department. Usually, you know, when
we're -- budget constraints, usually in-service
programs are cut way down.

I've seen firsthand a lot of things where
an officer who goes through the school of hard knocks
and makes sergeant, doesn't have any formal
supervisory training. He's only seen what had worked
before, good, bad, or indifferent. They accomplish
the job regardless of whether it's stressful on the
job or not. You got the job done. That was a
priority.

Stress or how the officer handled it wasn't
even a factor to it. I think with the CLEFS program
we talked about that, and it's in that summary of the
CLEFS grant. How to identify stressors and yourself
and the officers not to inflict more stress on getting
the job done. We need to conduct more first-line
supervisory courses, more upper level management courses to look at stress where it wasn't really looked at before.

Sergeants can come on, and depending on what shift, you can be a first sergeant -- first line supervisory sergeant on first shift, and they can run it quite different than a second shift or third shift officer or your personality. As an officer you have to adapt to that particular supervisor and finding out what direction does he want this particular thing to have done, and it doesn't matter what the post order says.

You can be a conscientious officer, look at the post orders and know, you know, what's to be done in this area that he's supervising. A supervisor can come along and it's stressful because it leaves you up in the air like I don't know what he wants, and I don't know what to do on that. So that is a big problem, and again, we're more training and more supervisory training on there.

MR. DELPRINO: You know, I don't think you should underestimate the role the supervisors play in mitigating stress in the workplace. They often -- supervising co-workers fill in the gaps between what you learn in the academy and what you learn on the
job. If they're aware of signs of a trouble in an
officer and know the resources available to get that
officer help, they can play a big role in minimizing
the stress of the workplace. I agree with what Bill
said there about training is key. Training
supervisors, recognizing the signs, and then how to
appropriately guide the officer and direct the help
they need.

MR. HEPNER: Mr. Maynard, may I address
this analogy to you? At Trenton State Prison -- it's
not called Trenton anymore. New Jersey State Prison,
which is our biggest maximum security prison, perfect
analogy to that. Where an officer was coming to me,
said, "Bill, man, I'm fed up with this. Every time
they want a cell extraction, they're coming to me.
There are 900 officers that work in this jail that
make the same amount of money as me, and I always have
to be the one going to do a cell extraction. I'm
tired of getting beat up and taking my lumps. Because
I'm a big guy, they come to me all the time."

And I said -- I don't want to use any
names, but I said, "Well, just let the supervisor
know. You know, hey, let the supervisor know, and he
said, "Well, I can't do that. Co-workers will look at
me like I'm a punk. The supervisors won't give me the
respect that I want." So he's got to keep his mouth shut, internalize it, and continue taking the bumps. The point I'm getting at is that this officer makes sergeant, and what do you think his attitude was when he made sergeant and he went to another big guy, "Hey, I did it. Now it's your turn, buddy." That's the kind of mentality that we need to address about the stressors.

MR. GILLIGAN: Judge Sessions.
MR. SESSIONS: Both Mr. Hepner and Mr. Brimeyer have talked about dispute resolution. Settling disputes, settling disagreements, and it occurs to me that I might tell you a story that may be helpful to you. Back in 1995 the San Antonio Bar Foundation was trying to devise a program for lawyers that would tend to neutralize the negative perception of the community about lawyers.

In two years they finally came up with a program to begin a dispute resolution program in the schools because there was so much violence in the schools of San Antonio. There are thirteen independent school districts, or were. There may be more than that now.

They surveyed each of the superintendents' offices to try to find the elements of the violence
and disagreement and to try to see which were the most
difficult schools. And out of all of the thirteen
independent school districts, they found that the most
violent one was a middle school, seventh and eighth
graders. The program they devised was actually asked
those young people, the whole class of seventh and
eighth graders, who would like to become mediators to
settle disputes. And they got twenty volunteers, took
them to training to train them as mediators to handle
disputes that were happening on the campus in the
classroom, in the school building.

They found -- they went and they had an
extra one in a school bus that went to the downtown
courthouse to get the training, to start the training.
It ended up it was a gang member. He was a tagger,
and the reason he was there was he hadn't put his name
in, but he wanted to know what they were doing and how
to control it. That violent school in one year of
mediation between the students who were having the
disputes by their peers ended up becoming the least
violent school in all of the independent school
districts.

It's my understanding that the fever
spread, that it was contagious. It went into the
homes of these children where mamma and papa were
having disputes or having disagreements, and the
children had learned to sit down and with a mediator
talk it out and work it out satisfactorily.

Now, most of the violence in prison comes
between inmates, and most of the stress that you all
are describing day in and day out comes in how to
manage that violence and how to deal with it in the
personal lives of your officers. So it occurs to me

maybe it's something worth examining. If you want to
examine it, I'll be glad.

MR. HEPNER: Absolutely. I want to have
that information, and I will be contacting you on
that.

MR. SESSIONS: Good.

MR. HEPNER: At the academy when we have a
group that comes in, usually about a class of 150
which we have now, we train them to -- we read this
little thing about Elaine Crowley. Any of the
commissioners familiar with the public work of Elaine
Crowley about the prison officers, work that they do?
I would recommend strongly for your reading Elaine
Crowley on prisoner work.

Let me mention a few things about her.

Research in the correctional field by Elaine has
indicated officer training paired with the environment
in which correction officers spend much of their time may contribute to dysfunction in their personal lives and relationships. The term spillover describes notion that what makes a good correction officer may not make the best domestic partner.

Family members often have distorted image by the public of the work environment of the officers. They also fail to understand how occupational dynamics affect the correctional officers and how to best provide support for their loved ones. We at the academy after looking at that book, we teach power and control. We teach how to be regimental. Our officers become institutionalized.

We encourage that. And yet they become good correction officers, but they might not come home and carry out -- they're not toggle switches where they shut off and they walk out the door and they take the uniform off and they're like Joe Public. Like my wife, she doesn't turn off being a school teacher on there. They go home with that.

Very interesting about the qualities that produce an exceptional correctional officer, strict adherence to rules and establish routines and structure, and expectation of obedience and a desire, indeed a need, to command and control situation can
also act as a catalyst for violence outside the workplace and particularly within the home. Very good book. I would recommend reading that.

MR. SESSIONS: What's the title?

MR. HEPNER: Elaine Crowley. The book, prison work -- I'll have it for you. We'll be in touch, and I'll E-mail everybody if I can through the commission regarding -- and I'll give you the ISDN number.

MR. LUTTRELL: I'd like to give you all a scenario, get you to really react to it. It's a scenario really that I think prison administrators deal with more frequently than we may think about, and certainly I think it's going to be a challenge for us in the future.

You're claiming you're developing strategic plans for human resource recruitment and development. And you're looking at five years out. Your state legislature or county commission tells you to do more with less. You establish you're going to be competing for the talented young people in your area. What can you do or what would you recommend that we do to become a little bit more innovative in the quality and type of people that we recruit, how we prepare those recruits, and how we sustain those recruits during
those formative years of their work?

MR. HEPNER: Turn this over to Deputy Director Brimeyer. I'll make comments on that. I'll be interested in how he would make comments on that. I want to hear him first.

MR. BRIMEYER: I'll skip to the second part of the question.

MR. LUTTRELL: Let me -- while you're thinking about it, let me make this comment. We know that are prison populations are going up. We know that we're spending more and more money on prisons. We heard references made this morning that every time you open a new prison you're looking at hundreds of new employees. Are we as a society doing a very good job of preparing people for this profession, and as administrators, what do we need to be doing to facilitate that process?

MR. BRIMEYER: We need to be working on our culture to -- so that people will believe and come to know that these facilities are the best place in town to work because it's a caring environment, and by that I mean that we care about our employees so that they will want to stay, and that our employees care about offenders. Pat talked about that this morning. It's okay.
It's okay for our employees to care about offenders, that they ought to. Those are the ones in my opinion that make the best employees. So we need to develop that kind of a culture, and how to do that is a bigger question. I think that's what we need to do. We need to develop that kind of a culture in our setting so it becomes known that this is the best place in town to work because of that kind of culture, and we'll attract that kind of person who will care about the people that we work with.

MR. HEPNER: It starts with recruitment. That's pretty important. We can't -- as a civil service agency, it's really difficult to screen people out on that. It's almost like if you can breathe, you got the job. We put you through a number of phases, medical, psychological. We do have visits to their home, and we do the best we can.

We've come a long way in our training programs from a week, two weeks to now fourteen weeks that we even encourage the officers after they graduate from the academy that they get fifteen, sixteen credits towards their degree, and we encourage them to go on the criminal justice system.

But there is a certain type of clientele that gravitates to being a correctional officer, and I
believe it's not always the best. Our screening
process has to be better. I don't know what that can
be.

I was just looking at an article regarding
that the type may be perhaps to target people with a
history of sales work or persons with experience
involving services to others. It doesn't always have
to be -- somebody has great communications skills, the
escalates and conflict resolutions that we're talking
about rather than use of force skills. You know, I
have to say that we're a little bit part of the
problem because we're training officers to go in there
to be able to unarm defensive tactics, how to use a
baton, how to use mace, how to take control, how to
stand up there and command presence.

How to be that John Wayne facade and suck
it up and internalize it, and after all, if you can't
handle the stress, then maybe you shouldn't be here.
That's a tough question about recruitment, getting the
right clientele in there rather than the guy who wants
to be the tough guy, and I think we heard some talk
about that today earlier today. That's tough.

We see them come into the academy after
recruitment. We're wondering -- we're like where did
they recruit these guys? We have a high attrition
rate. Roughly might be 400 people leave a year. We have about almost seven thousand correctional -- out of a population of 28,000 inmates, we have about 9,500 staff, and of that almost 7,000 -- 6,500 to 7,000 are custody staff.

We have about a turnover of about 400 a year ballpark figure through leaving for other law enforcement jobs, retirement, disability, or just fed up with the job and they leave. We have a tough time trying to manage graduating at least 400 a year just to replace that. Our inmate population has still grown. Most of our prisons are overcrowded. We're just maintaining right now. Maintaining.

MR. BRIGHT: Do you recruit at the criminal justice schools and social work skills, like John Jay College and places like that where people are going to be criminal justice professionals?

MR. HEPNER: Our recruitment unit does go out trying to recruit. In many places, yes. You know, our academy sits right next door to the state police. They come out. What a world of difference and it's glaringly obvious that you have our correction officers, 150 of them out there, and you have state troopers. There might be a hundred of them. And if you look at them, the requirements are
night and day. They demand more higher education, anywhere up to a degree, where we just require a GED.

All of them seem to be about six foot and about two percent body fat, state troopers. A lot of ours are just basically civil service employees getting a job, and we can't get enough of them in. I don't think we scrutinize as much as we could in getting maybe a better crop. I don't know if we could do that because we're trying to get in as many as we can. My son is on the list to come in to become a correctional officer, even though he didn't pay any attention to all the things I told him.

MR. SESSIONS: How is he on body fat?

MR. HEPNER: Right. His body fat is up there. It upsets me too. He falls in -- fourteen weeks, you spend an hour, five hours a week of physical training, and it's a nightmare for those who are not prepared to do physical training. It's stressful getting through the academy, and he's a reflection of the general population.

You hear all the information out there. Sixty-five percent of the American population is overweight, and of that thirty percent are obese. Diabetes are up, heart attacks are up, and he's just a reflection of that. It scares me. I'd rather not
have him in corrections because of all the things with
the high divorce rates and all those statistics that I
have in your handout that I didn't get to and I
apologize. You can review there.

MR. GILLIGAN: Well, listen. It's been a
long, very packed day. I want to thank each of the
three of you as well as all our previous witnesses
throughout the day for devoting your time and giving
your energy to help us and really help the whole
country with this problem. Thank you very much.
Thank you all for being here and we will look forward
to seeing you what is it, 8:30 tomorrow morning.

MR. KATZENBACH: Let me add a word not only
thanking you, but there's a reception upstairs in the
law reading room that everybody here is invited to
attend.

(The proceedings were concluded at 3:37 p.m.)
CERTIFICATE OF REPORTER

STATE OF MISSOURI  
CITY OF ST. LOUIS  

I, William L. DeVries, a Certified Court Reporter (MO), Certified Shorthand Reporter (IL), Registered Diplomate Reporter, Certified Realtime Reporter, and a Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Notary Public within and for the State of Missouri