HEARING THREE

COMMISSION ON SAFETY AND ABUSE
IN AMERICA'S PRISONS

DATE: November 2, 2005
TIME: 8:30 a.m. to 3:22 p.m.
PLACE: Washington University School of Law
Anheuser-Busch Hall, Room 310
St. Louis, Missouri 63130

Speaker: Dr. Mary Livers on Leadership
Pages 247-270
MR. RIPPE: Morning, everybody. Welcome to our second day of hearings. It's a beautiful day in St. Louis, and again, we're very fortunate to be holding this hearing at this wonderful university. A special welcome to witnesses and guests, and to Dr. Mary Livers.

A common emerging theme in our hearings and the discussions we're having is it's not a surprise to anyone that the impact leadership has had on the prison environment, on prisoners, families, and on communities. So leadership is more than important, it's fundamental.

Dr. Mary Livers is a corrections administrator with more than 26 years of experience. Currently the Deputy Secretary For Operations at the Maryland Department of Public Safety and Correctional Services, Dr. Livers oversees the management of agencies and programs that are responsible for the processing, custody, and supervision of offenders confined to detention and correctional facilities in programs.

Secretary Livers is also responsible for department programs pertaining to staff training and professional development, victim services, emergency
Dr. Livers received a doctorate in adult and higher education with staff development and training specialties from Oklahoma University. She holds a master's in social work and a bachelor's degree from Louisiana State University. We're very fortunate to have her with us here today. Good morning, Mary.

MS. LIVERS: Good morning, General. Thank you very much.

Members of the commission, I want to thank you for inviting me here today. My remarks will center on how leadership impacts the issue of violence and safety in correctional institutions.

First, let me begin by perhaps overstating what I think you already know as the obvious, that protecting the public, staff, and the offenders in our custody is an extremely complex and daunting responsibility. As you heard throughout the panels yesterday, the women and men who work in correctional environments have a most difficult job and must perform their jobs very professionally.

For every instance where a procedure was not followed, where instructions weren't clear or ignored, where decisions of poor character were made,
where people got hurt, there are thousands of
instances daily where good decisions were made, policy
was followed, and no one was hurt. These positive
events far outweigh the incidents of court decisions
and hurtful results.

While anecdotal accounts of an
out-of-control staff puts a face on evil and the
resulting pain, the fact remains that these acts are
the exception and not the rule. But when they do
occur, we have an obligation to look honestly at the
issues and attempt to address the root causes. What I
hope to achieve today is to give you a broad picture
of leadership in corrections.

It is indeed humbling to be here before you
representing the many bright principled, ethical, and
courageous leaders who are part of our national
corrections field. Out of respect for them, I'll do
my best to represent what I consider to be the state
of leadership in this field. Those of us who have
made corrections our life's work are in this business
because we care about people, and we believe that we
make a positive difference in the lives of those we
serve. We are not in this for the money. We are
certainly not in this for the fame.

Most leaders in corrections will not go on
and have a political career or be revered as a hero. They do this work for the satisfaction of knowing that somehow, despite all of the difficulties in managing large and complex systems, they make a difference. This, of course, is the antithesis of what is portrayed in the popular culture, but it's the truth.

Respected leaders in corrections that I have known throughout my career are well meaning. They're competent. They're highly educated and ethical people. They are change agents. They are champions for doing the right thing. These leaders serve as the conscience of their organizations.

Corrections agencies are as good as their leadership, and good leadership is needed at all levels of the organization. In fact, it is critical to having a healthy and safe correctional environment. For that to occur -- to occur, it must start with the very top, which is why I will be focusing my comments today on top leaders in correction agencies. Those people who occupy commissioner seats, director seats, and in other words, the role of the chief executive officer.

I think it may be useful to you if you have somewhat of a profile as to who these leaders are and what they represent in terms of experience and
knowledge. According to the Association of State Correctional Administrators, commonly known as ASCA, today's profile of the membership reveals about forty percent of the top positions in correctional agencies are held by those who started their careers at entry-level positions. Sixty-five percent of the members were promoted from within their agency. Five individuals have led more than one correctional agency. Ten members have worked in more than one correctional system.

With regard to diversity, there are thirteen African-Americans, nine women who lead prison systems. Excuse me. Fourteen, or 26 percent of today's commissioners are working in corrections for their first time. All have four-year degrees. Some are attorneys, while others have earned doctorates and master's. Some have attended advanced training seminars at the Wharton School of Business or Harvard's John F. Kennedy School Of Public Policy.

Most leaders actively seek to expand their knowledge. ASCA began offering all directors training in 1985, and since then twenty programs have been offered for an average attendance of 37 directors each year. Seeing a need to assist new directors in successfully moving to the role of chief executive
officer, ASCA initiated new directors' training. Both of these programs have been very successful.

It is apparent that there is an underlying value for continued improvement in professional development among directors of correctional agencies.

Inherent in professionalism is the maintenance of professional competence, continuous learning. At the center of professional development for correctional leaders is the National Institute of Corrections, known as NIC.

No single agency has done more to develop the core leadership of correctional agencies than the NIC. They began training with two small classes in 1972. Just one year later, NIC formed an academy division and 2100 people were trained. In its tenured history, NIC has expanded capacity in most states by training state's trainers and providing developmental opportunities to approximately 55,000 participants.

The range of these programs included Executive Excellence, programs for high level administrators. Also offered are courses in Correctional Leadership Development, Management Development of the Future, National Sheriff's Institute, Deputy Director's Training, and Warden's Training.
NIC also very astutely recognizes the need for curriculum designed to assist women in correctional leadership positions. I can personally attest that this program has been very important in developing and supporting the professional growth of women and as executives in corrections. NIC also offers a number of programs in specialized topic areas such as Women Offenders in Prison Security, Managing the Violent and High Risk Offender, Staff Sexual Misconduct, Defender Work Force Development.

Of all these programs, from those that directly address leadership to those that are related to specialized topics, they assist leaders in the development of policy, procedures, and practices that enhance the safety of those who live and work within prisons. There are also a number of other professional associations, such as the Association of Women Executives in Corrections and the National Association of Blacks in Criminal Justice that contribute to the advancement of the field.

But none have been more helpful to the professionalism of the field over time as the American Correctional Association, commonly known as ACA. ACA has approximately 20,000 members, made up of all kinds of staff all over the corrections agencies with over
eighty chapter affiliates. Their summer and winter
Congresses are well attended and are the source of
valuable networking and advanced certification
opportunities. ACA also offers certification programs
that certifies people after they've completed study in
exams in one of four categories: Correctional
Executives, Correctional Managers, Correctional
Supervisors, and Correctional Officers.
Since that program's inception they have
certified 555 staff in the field since the program
started in 2000. This association as well as other
professional associations, most of which are
affiliates of ACA, do an incredible job of supporting
professionals in this work and in bringing important
discussions to the forefront that will benefit the
field. I've been doing this work for 28 years, and I
have found that most correctional leaders are
extremely committed to the profession and are very
aware of the importance of the role they play.
Good leadership at the very top of the
organization is of paramount importance in promoting
safe and abuse-free prison culture. It is clear that
given the right set of circumstances that individuals
can engage in unspeakable acts. This can be avoided
or at the very least minimized by leaders who
demonstrate the values of respect, dignity, and accountability in their everyday actions. Leaders must define the institutional culture, not only by what they communicate verbally, but more importantly, what they communicate by their behavior.

I often tell leadership staff you are judged by offenders and staff by how you spend your time and how you spend your money, not what you say. Leaders will not be effective in corrections if they try to lead from behind a desk. They must take as many opportunities as they can to communicate the mission and help each person in the organization understand how they contribute to the mission. They must actively demonstrate through their interactions that offenders are human beings. They must demonstrate the belief that people, even offenders, especially offenders, are capable of change.

Corrections work must be hopeful. It must be positive. Corrections work needs to matter. Just warehousing human beings is not only dangerous, it is depressing. Imagine being an offender and waking up every day with nothing to look forward to, with no hope and no opportunity to better yourself. Or imagine going to work every day in a place where there's no hope and no sense of moving forward or...
Institutions must have meaningful work for offenders and programmatic opportunities. It is my belief that correctional staff are less likely to engage in abusive behavior if they are part of a culture that is hopeful and purposeful. It is clearly the job of leadership to create this culture and get staff focused on this higher mission to protect the public and make our communities safer. To achieve this, values-based leadership must be demonstrated throughout the organization, from the very top of the organization to every employee in the institution. The value-based organization must be supported in training academies, in policy and procedures, and in all decisions that effect the safety and quality of life for staff and offenders.

While good leadership is an important aspect in having a safe institution, it is not enough to ensure the safety of those who live and work in prisons. Leaders in corrections can only be effective to the extent that prison operations are adequately staffed and funded. I must mention here that while the dialogue regarding staffing almost always revolves around uniformed staff, it is equally important that we have
the appropriate numbers of nonuniform staff, case managers, maintenance, addictions counselors, chaplains, medical staff, and many others must all work as a team to promote a safe and healthy work environment. Today many agencies are facing severe staff shortages in all categories of staff due to the improving economy and the relatively low pay for prison staff.

As we all know, appropriately staffing prisons is a critical component of running safe prisons. One paradigm shift that could alter the relationship between the incidents of officer discipline and high officer turnover is raising educational requirements as well as increasing pay levels for correctional officers. In some jurisdictions, though the pay may be competitive, the educational standards have not been elevated.

There are examples of studies regarding this issue which clearly demonstrate that levels of higher education correspond to lower incidences of disciplinary actions. Obviously there would have to be public support and public will -- and this is not the first time that you've heard that in these sessions -- to effect the type of changes needed to overall educational requirements and pay skills for
Another challenge that leaders face is regarding the need for program space, provide inmates with opportunity for treatment, education, and job skill classes, and the obstacles are many. There are still many states that operate prisons built in the late 1800s. We have three such facilities in Maryland. These facilities are often crowded, not properly heated or ventilated, they have more maintenance problems than you can shake a stick at, and are extremely staff-intensive due to the inefficient design.

They were built to warehouse prisoners. There's literally no room for offender work and program activities. This is a huge problem. I believe Mr. West talked about a similar linear-style facility yesterday in his testimony. These facilities present tremendous challenges to operate a safe environment for a culture that promotes positive change in offenders. Correctional leaders need help in getting these facilities replaced.

Another obstacle that leaders face is tenure. One of the facts of life for a CO of a correctional agency is that the average tenure for the top correction administrator in a state system is

...
approximately 3.2 years. As my supervisor, Secretary Mary Ann Saar, reminds me on a fairly regular basis, time is not on our side. So we have -- we often discard the advice of contemporary change-management theories who say take change slow, and we introduce change more rapidly than they recommend in an effort to beat the clock.

The fact of the matter is, most of our COs live their lives in four-year increments. We know that this is the window of time that we have to make a positive impact. And believe me, the staff also know that you live in four-year increments. Some staff are more than willing to wait you out and declare this too shall pass. Such a culture change is under way in my state of Maryland, and we are a system in transition.

Under the gracious leadership of Governor Robert L. Ehrlich Jr., and our secretary, Mary Ann Saar, we are undergoing major philosophical change. We are moving from a very restrictive philosophy of managing offenders to an environment that supports secure settings by creating a culture of safety, dignity, respect and accountability.

We're moving away from having that feeling of being safe when offenders are all locked up, to one where we're actually safer because we have inmates out
of their cells, involved in something hopeful and
productive, such as work, education, and other
programmatic activities.

Effecting change is hard for most of us,
but is particularly hard in correctional settings.
There is a need and a comfort in predictability and
stability. Change feels like chaos; chaos is
uncomfortable. But critics do not sway great leaders.
Good leaders keep their focus and keep moving forward.
Correctional leaders also face competing interests in
promoting a positive work environment in other ways.

A commissioner in Maryland has experienced
frustration with creating a no-tolerance staff on
excessive use of force. In one instance, the system
attempted to terminate a captain for excessive force
on two separate occasions. Backed by the union and
legal representation, the captain was returned to work
after both incidents.

It should be of no surprise that after each
time he returned to work, it became more difficult to
obtain accurate reports from the officers on duty.
The captain must seem like he has more control over
them than top leadership. I think that’s how
correctional officers might have seen that situation.
Then finally, on the third incident, the captain was
successfully terminated. It's certainly difficult to make positive changes in a culture when a leader takes a stand of no tolerance to excessive use of force and the perpetrator of abusive acts is sent back to work. This is very similar situation you heard Superintendent Lord talk about yesterday.

Let me talk a little bit about transparency, since this issue has also been brought up in previous testimony. Transparency is another issue with competing interests. We all know that to the extent that we can be open and honest with the public, the employees, and the offenders, the better able we are to deal with cultural and moral issues that occasionally challenge our institutions. Secrecy is toxic. We are much better served if we can name the issue and deal with the issues openly. But as usual, it's not that simple.

While it would be helpful to disclose facts regarding accusations of neglect and abuse, we're often advised by our attorneys for the legal reasons we cannot release such information. But the other side is when we closely guard information, we give the impression that we are secretive and uncooperative. Damned if you do and damned if you don't. Regardless, we need to strive for more transparency.
In the interest of time I will close, but I would like to leave you with a few additional thoughts. Previous testimony may have led you to believe that the way to improve conditions in American prisons was to create more oversight boards over correctional operations. I respectfully disagree. I'm not convinced that we need more of what I consider strictly oversight. I don't think what we need is more people telling us where we have breakdowns or what we need and what we need to do to fix those breakdowns. I think we have a good sense of that already.

As was stated earlier, this is not just a corrections issue. This is a public safety and community issue. Do we really want offenders returning to the community more dysfunctional than when they were sentenced, or do we want to give them a chance for success?

I think what we do need is more advocacy for our issues. We need more collaborative partnerships that will work with correctional leaders, our professional organizations, and our political systems to change the landscape of American prisons. We need partnerships that will help us look for ways to get public support without demonizing
people that do this work. We need partnerships that will help us get old institutions replaced with modern, efficient physical plants. We need partnerships that will help us move -- help us to obtain the kind of staff and programs we need to do the science of changing criminal behavior.

We need partnerships that will help us advance that science and that will help us continue to develop best practices. We need partnerships that will help us change from a reactive political system to a proactive political system. Funding may well be the biggest challenge of all since there are always louder voices crying out that there are better uses for funds than spending on correctional systems. Unfortunately, it is usually after a crisis that funding and reforms occur in corrections. The correctional leadership that I represent would like to do better than that.

I thank you for your time and consideration, and I will do my best to try to answer your questions.

MR. RIPPE: Thank you very much. You know, one can argue that leadership is both a science and then the artful application of that science. The day before I assumed command of an infantry battalion, I
asked my battalion commander if he had any last minute leadership advice for me. He said, don't ever forget that within five days your entire battalion is going to take on your personality.

So as you move on, as you look toward developing leaders in the state of Maryland that are going to set the proper tone and environment within a system, what are the practical challenges that you face?

MS. LIVERS: Well, I think that's one of the most important things that top leaders do, the COs and the executive -- the top levels, is to choose -- put the right leaders in place, the right wardens in place. That's a very, very important aspect is to find the right people. Because they're the ones who -- with 27 facilities around the state of Maryland, we have to trust that those leaders are the kind of leaders that we want to have in place.

So we have to do a good job selecting those people, making sure that they have the right kind of values, that they care about people, they care about doing the right thing, that they're fair. They understand the mission, and that they will do everything they can to engage their staff in meeting that mission on a daily basis.
So it's critical that we identify people with talent, people with great attitude, people that are positive and who can take a challenge and convince people that you can overcome that challenge. And you can be a really great organization in spite of all the problems that you might face or challenges you might face.

MR. RIPPE: Thank you. Gary.

MR. MAYNARD: Dr. Livers, we talked about, last day or so, leadership, and we've always talked about top leadership. What are your thoughts about leadership development at ranks lower than the top leader?

MS. LIVERS: Well, if I could, I'd like to back up to -- it's been mentioned several times, the importance of starting people off in training academies with the right kind of training. And I think that's a very important step in making change. What happens, I think, is if we start with academy, you got top leaders that are lined with a vision and a mission. And you start teaching them in your training academies the way that you want it taught, and teaching the important things of how to be successful in correctional environment. Then the challenge becomes, what about all those folks that
have been on the job, and what about all those supervisors that have been doing a job a certain way all these years? How do you impact them? Because no matter what you do at the top or what you teach in the academy, the success is going to be borne out by how well you get the whole organization aligned.

I think it's very, very important that we develop specialized training that supports supervisors from first line to middle to upper manager. In fact, we're in the process of doing that in Maryland. Created a separate training division, hired a person who has -- her experience is not in corrections; it's in professional development of adults. And she is helping us build a very effective management leadership training program.

It's got to be done at the top. You've got to take care of leaders at the top. You've got to take care of leaders in the middle, and you've got -- you've got to teach people the vision -- the vision, the mission through training academies when they first come to through the door. So it's a total organization process.

MR. RIPPE: Margo.

MS. SCHLANGER: I'm wondering what to do with an officer who's not entirely with the program.
So you have an officer who's been through these things and he's the problem. And what you said about your captain experience was that the solution is that you've got to have a termination that sticks. But I'm wondering what you do with somebody who's not being quite as much of a problem as that.

Is there a way to realign people's behavior with the mission you're talking about? Or once a person has gone a few steps down the wrong path, is it really not -- is that not going to end up being effective? Is termination really the only thing you can do, termination or reassignment away from a place where this behavior can take place?

I'm wondering what's the process for change among -- let me phrase this differently about leadership. What can good, solid leaders do to help change correctional officers who are starting off on the wrong direction?

MS. LIVERS: Well, as I mentioned, change usually means there's some fear associated with change, doing things differently. Particularly in a prison environment. And I think sometimes we forget how adults learn, and I think we are looking at redoing our academies and redoing our training so that telling people -- we heard testimony yesterday,
probably the least effective thing is to talk at
people, or tell people.

So the thing that works with adults the
best is to give them an experience and tie the
learning experience to something meaningful on the
job. So one of the things we've been doing is we've
been taking staff at all levels of institutions to
facilities in another state that operate under some of
these principles that we're talking about. And we're
actually showing them that it really is an environment
that feels safe, and it's different from what they've
been doing, but it's effective and it's safe.

And so by showing people, that's one way to
do it. You can get into cost-prohibitive kinds of
issues with being able to do that with all staff. But
I think we have to find ways to make these changes
meaningful to each individual as it relates to them on
their job. And I do see people transforming. It does
happen. And there is -- I don't think you just write
people off.

And of course egregious -- the most
egregious act has to be dealt with very stringently.
Those folks that overtly abuse inmates in those
incidents have to be terminated. You have to rid
those folks of your organization. The other folks
need to see that there's consequences for that, and there are better ways to handle those situations. So how can you learn from those situations, and how can they learn from those situations to be effective.

MR. RIPPE: We have time for one last question. Saul.

MR. GREEN: You spoke about oversight and not being convinced that more oversight is really that helpful as opposed to perhaps greater partnerships. How common does a state correction system find itself in an oversight situation? Can you kind of describe the prevalence and type of oversight that you face? But also, would you talk about your vision for partnerships and how those should be formed? Are they initiated by the correction system itself, or where do they come from? How do they come into fruition?

MR. LIVERS: Well, I think my experience has been that I think some advocacy groups have taken sort of an adversarial approach to raising issues. And nobody -- in my view, I'm not sure anybody wins from that. To me, it seems much better if we cannot be in adversarial positions, but find the agreement, find the areas that we do agree on, and then work together.
And there's no doubt in my mind that management and unions want the same things. They want -- management wants the best thing for their staff. They want benefits that help their staff, support their staff. They want fair systems in place. Unions want good benefits for staff and for the betterment of the field. They want fair systems in place.

I'm sure it's just a pipe dream to think that maybe management and labor can find that common ground and work together to lobby for improvements as opposed to playing the blame game. There's always plenty of blame. That's easy to do. What's hard to do is find productive ways to reach the same goal.

MR. RIPPE: Dr. Livers, on behalf of the commission and really everyone present here today, thank you very much for your most helpful testimony.