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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

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2 MR. RIPPE: Morning, everybody. Welcome to
3 our second day of hearings. It's a beautiful day in
4 St. Louis, and again, we're very fortunate to be
5 holding this hearing at this wonderful university. A
6 special welcome to witnesses and guests, and to
7 Dr. Mary Livers.

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

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

23 Secretary Livers is also responsible for
24 department programs pertaining to staff training and
25 professional development, victim services, emergency

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1 preparedness, and community reentry services.

2 Dr. Livers received a doctorate in adult
3 and higher education with staff development and
4 training specialties from Oklahoma University. She
5 holds a master's in social work and a bachelor's
6 degree from Louisiana State University. We're very
7 fortunate to have her with us here today. Good
8 morning, Mary.

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

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

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

23 For every instance where a procedure was
24 not followed, where instructions weren't clear or
25 ignored, where decisions of poor character were made,

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1 where people got hurt, there are thousands of
2 instances daily where good decisions were made, policy
3 was followed, and no one was hurt. These positive
4 events far outweigh the incidents of court decisions
5 and hurtful results.

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

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

25 Most leaders in corrections will not go on

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1 and have a political career or be revered as a hero.
2 They do this work for the satisfaction of knowing that
3 somehow, despite all of the difficulties in managing
4 large and complex systems, they make a difference.
5 This, of course, is the antithesis of what is
6 portrayed in the popular culture, but it's the truth.

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

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

23 I think it may be useful to you if you have
24 somewhat of a profile as to who these leaders are and
25 what they represent in terms of experience and

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1 knowledge. According to the Association of State
2 Correctional Administrators, commonly known as ASCA,
3 today's profile of the membership reveals about forty
4 percent of the top positions in correctional agencies
5 are held by those who started their careers at
6 entry-level positions. Sixty-five percent of the
7 members were promoted from within their agency. Five
8 individuals have led more than one correctional
9 agency. Ten members have worked in more than one
10 correctional system.

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

20 Most leaders actively seek to expand their
21 knowledge. ASCA began offering all directors training
22 in 1985, and since then twenty programs have been
23 offered for an average attendance of 37 directors each
24 year. Seeing a need to assist new directors in
25 successfully moving to the role of chief executive

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1 officer, ASCA initiated new directors' training. Both
2 of these programs have been very successful.

3 It is apparent that there is an underlying
4 value for continued improvement in professional
5 development among directors of correctional agencies.
6 Inherent in professionalism is the maintenance of
7 professional competence, continuous learning. At the
8 center of professional development for correctional
9 leaders is the National Institute of Corrections,
10 known as NIC.

11 No single agency has done more to develop
12 the core leadership of correctional agencies than the
13 NIC. They began training with two small classes in
14 1972. Just one year later, NIC formed an academy
15 division and 2100 people were trained. In its tenured
16 history, NIC has expanded capacity in most states by
17 training state's trainers and providing developmental
18 opportunities to approximately 55,000 participants.

19 The range of these programs included
20 Executive Excellence, programs for high level
21 administrators. Also offered are courses in
22 Correctional Leadership Development, Management
23 Development of the Future, National Sheriff's
24 Institute, Deputy Director's Training, and Warden's
25 Training.

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1 NIC also very astutely recognizes the need
2 for curriculum designed to assist women in
3 correctional leadership positions. I can personally
4 attest that this program has been very important in
5 developing and supporting the professional growth of
6 women and as executives in corrections. NIC also
7 offers a number of programs in specialized topic areas
8 such as Women Offenders in Prison Security, Managing
9 the Violent and High Risk Offender, Staff Sexual
10 Misconduct, Defender Work Force Development.

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

21 But none have been more helpful to the
22 professionalism of the field over time as the American
23 Correctional Association, commonly known as ACA. ACA
24 has approximately 20,000 members, made up of all kinds
25 of staff all over the corrections agencies with over

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1 eighty chapter affiliates. Their summer and winter
2 Congresses are well attended and are the source of
3 valuable networking and advanced certification
4 opportunities. ACA also offers certification programs
5 that certifies people after they've completed study in
6 exams in one of four categories: Correctional
7 Executives, Correctional Managers, Correctional
8 Supervisors, and Correctional Officers.

9 Since that program's inception they have
10 certified 555 staff in the field since the program
11 started in 2000. This association as well as other
12 professional associations, most of which are
13 affiliates of ACA, do an incredible job of supporting
14 professionals in this work and in bringing important
15 discussions to the forefront that will benefit the
16 field. I've been doing this work for 28 years, and I
17 have found that most correctional leaders are
18 extremely committed to the profession and are very
19 aware of the importance of the role they play.

20 Good leadership at the very top of the
21 organization is of paramount importance in promoting
22 safe and abuse-free prison culture. It is clear that
23 given the right set of circumstances that individuals
24 can engage in unspeakable acts. This can be avoided
25 or at the very least minimized by leaders who

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1 demonstrate the values of respect, dignity, and
2 accountability in their everyday actions. Leaders
3 must define the institutional culture, not only by
4 what they communicate verbally, but more importantly,
5 what they communicate by their behavior.

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

18 Corrections work must be hopeful. It
19 must be positive. Corrections work needs to matter.
20 Just warehousing human beings is not only dangerous,
21 it is depressing. Imagine being an offender and
22 waking up every day with nothing to look forward to,
23 with no hope and no opportunity to better yourself.
24 Or imagine going to work every day in a place where
25 there's no hope and no sense of moving forward or

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1 getting better.

2 Institutions must have meaningful work for
3 offenders and programmatic opportunities. It is my
4 belief that correctional staff are less likely to
5 engage in abusive behavior if they are part of a
6 culture that is hopeful and purposeful. It is clearly
7 the job of leadership to create this culture and get
8 staff focused on this higher mission to protect the
9 public and make our communities safer. To achieve
10 this, values-based leadership must be demonstrated
11 throughout the organization, from the very top of the
12 organization to every employee in the institution.

13 The value-based organization must be
14 supported in training academies, in policy and
15 procedures, and in all decisions that effect the
16 safety and quality of life for staff and offenders.
17 While good leadership is an important aspect in having
18 a safe institution, it is not enough to ensure the
19 safety of those who live and work in prisons. Leaders
20 in corrections can only be effective to the extent
21 that prison operations are adequately staffed and
22 funded.

23 I must mention here that while the dialogue
24 regarding staffing almost always revolves around
25 uniformed staff, it is equally important that we have

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1 the appropriate numbers of nonuniform staff, case
2 managers, maintenance, addictions counselors,
3 chaplains, medical staff, and many others must all
4 work as a team to promote a safe and healthy work
5 environment. Today many agencies are facing severe
6 staff shortages in all categories of staff due to the
7 improving economy and the relatively low pay for
8 prison staff.

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

18 There are examples of studies regarding
19 this issue which clearly demonstrate that levels of
20 higher education correspond to lower incidences of
21 disciplinary actions. Obviously there would have to
22 be public support and public will -- and this is not
23 the first time that you've heard that in these
24 sessions -- to effect the type of changes needed to
25 overall educational requirements and pay skills for

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1 correctional officers.

2 Another challenge that leaders face is
3 regarding the need for program space, provide inmates
4 with opportunity for treatment, education, and job
5 skill classes, and the obstacles are many. There are
6 still many states that operate prisons built in the
7 late 1800s. We have three such facilities in
8 Maryland. These facilities are often crowded, not
9 properly heated or ventilated, they have more
10 maintenance problems than you can shake a stick at,
11 and are extremely staff-intensive due to the
12 inefficient design.

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

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

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

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

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

23 We're moving away from having that feeling
24 of being safe when offenders are all locked up, to one
25 where we're actually safer because we have inmates out

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1 of their cells, involved in something hopeful and
2 productive, such as work, education, and other
3 programmatic activities.

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

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

19 It should be of no surprise that after each
20 time he returned to work, it became more difficult to
21 obtain accurate reports from the officers on duty.
22 The captain must seem like he has more control over
23 them than top leadership. I think that's how
24 correctional officers might have seen that situation.
25 Then finally, on the third incident, the captain was

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1 successfully terminated. It's certainly difficult to
2 make positive changes in a culture when a leader takes
3 a stands of no tolerance to excessive use of force and
4 the perpetrator of abusive acts is sent back to work.
5 This is very similar situation you heard
6 Superintendent Lord talk about yesterday.

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

18 While it would be helpful to disclose facts
19 regarding accusations of neglect and abuse, we're
20 often advised by our attorneys for the legal reasons
21 we cannot release such information. But the other
22 side is when we closely guard information, we give the
23 impression that we are secretive and uncooperative.
24 Damned if you do and damned if you don't. Regardless,
25 we need to strive for more transparency.

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1 In the interest of time I will close, but I
2 would like to leave you with a few additional
3 thoughts. Previous testimony may have led you to
4 believe that the way to improve conditions in American
5 prisons was to create more oversight boards over
6 correctional operations. I respectfully disagree.

7 I'm not convinced that we need more of what
8 I consider strictly oversight. I don't think what we
9 need is more people telling us where we have
10 breakdowns or what we need and what we need to do to
11 fix those breakdowns. I think we have a good sense of
12 that already.

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

19 I think what we do need is more advocacy
20 for our issues. We need more collaborative
21 partnerships that will work with correctional leaders,
22 our professional organizations, and our political
23 systems to change the landscape of American prisons.

24 We need partnerships that will help us look
25 for ways to get public support without demonizing

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1 people that do this work. We need partnerships that
2 will help us get old institutions replaced with
3 modern, efficient physical plants. We need
4 partnerships that will help us move -- help us to
5 obtain the kind of staff and programs we need to do
6 the science of changing criminal behavior.

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

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

22 MR. RIPPE: Thank you very much. You know,
23 one can argue that leadership is both a science and
24 then the artful application of that science. The day
25 before I assumed command of an infantry battalion, I

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1 asked my battalion commander if he had any last minute
2 leadership advice for me. He said, don't ever forget
3 that within five days your entire battalion is going
4 to take on your personality.

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

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

19 So we have to do a good job selecting those
20 people, making sure that they have the right kind of
21 values, that they care about people, they care about
22 doing the right thing, that they're fair. They
23 understand the mission, and that they will do
24 everything they can to engage their staff in meeting
25 that mission on a daily basis.

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1 So it's critical that we identify people
2 with talent, people with great attitude, people that
3 are positive and who can take a challenge and convince
4 people that you can overcome that challenge. And you
5 can be a really great organization in spite of all the
6 problems that you might face or challenges you might
7 face.

8 MR. RIPPE: Thank you. Gary.

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

14 MS. LIVERS: Well, if I could, I'd like to
15 back up to -- it's been mentioned several times, the
16 importance of starting people off in training
17 academies with the right kind of training. And I
18 think that's a very important step in making change.

19 What happens, I think, is if we start with
20 academy, you got top leaders that are lined with a
21 vision and a mission. And you start teaching them in
22 your training academies the way that you want it
23 taught, and teaching the important things of how to be
24 successful in correctional environment. Then the
25 challenge becomes, what about all those folks that

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1 have been on the job, and what about all those
2 supervisors that have been doing a job a certain way
3 all these years? How do you impact them? Because no
4 matter what you do at the top or what you teach in the
5 academy, the success is going to be borne out by how
6 well you get the whole organization aligned.

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

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

23 MR. RIPPE: Margo.

24 MS. SCHLANGER: I'm wondering what to do
25 with an officer who's not entirely with the program.

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

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

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

19 MS. LIVERS: Well, as I mentioned, change
20 usually means there's some fear associated with
21 change, doing things differently. Particularly in a
22 prison environment. And I think sometimes we forget
23 how adults learn, and I think we are looking at
24 redoing our academies and redoing our training so that
25 telling people -- we heard testimony yesterday,

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1 probably the least effective thing is to talk at
2 people, or tell people.

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

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

21 And of course egregious -- the most
22 egregious act has to be dealt with very stringently.
23 Those folks that overtly abuse inmates in those
24 incidents have to be terminated. You have to rid
25 those folks of your organization. The other folks

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1 need to see that there's consequences for that, and
2 there are better ways to handle those situations. So
3 how can you learn from those situations, and how can
4 they learn from those situations to be effective.

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

7 MR. GREEN: You spoke about oversight and
8 not being convinced that more oversight is really that
9 helpful as opposed to perhaps greater partnerships.
10 How common does a state correction system find itself
11 in an oversight situation? Can you kind of describe
12 the prevalence and type of oversight that you face?

13 But also, would you talk about your vision
14 for partnerships and how those should be formed? Are
15 they initiated by the correction system itself, or
16 where do they come from? How do they come into
17 fruition?

18 MR. LIVERS: Well, I think my experience
19 has been that I think some advocacy groups have taken
20 sort of an adversarial approach to raising issues.
21 And nobody -- in my view, I'm not sure anybody wins
22 from that. To me, it seems much better if we cannot
23 be in adversarial positions, but find the agreement,
24 find the areas that we do agree on, and then work
25 together.

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1 And there's no doubt in my mind that
2 management and unions want the same things. They
3 want -- management wants the best thing for their
4 staff. They want benefits that help their staff,
5 support their staff. They want fair systems in place.
6 Unions want good benefits for staff and for the
7 betterment of the field. They want fair systems in
8 place.

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

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