HEARING THREE

COMMISSION ON SAFETY AND ABUSE

IN AMERICA'S PRISONS

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

Welcoming and Opening Statements

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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 extraordinarily 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
commision it's crucial to have an audience in this
room and throughout the country because one of our
greatest ambrisions 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
1 lieutenant said, "Oh, yes, and she broke up an
2 assault," and immediately I'm concerned about safety
3 of everybody at prison, our employees as well as the
4 inmates as well as the citizens we're charged with
5 keeping safe.
6               I questioned that and I remember the
7 incident, but I didn't know -- I didn't know it was
8 her. I didn't even remember that it was a lady that
9 broke this up, but an inmate, this is a level five,
10 very serious offenders, very dangerous folks here, and
11 one of them had lured one of our correctional officers
12 in the back, assaulted him, succeeded in stunning him,
13 pretty much incapacitating him at least momentarily.
14 Another officer came to his defense, but was losing
15 the battle so to speak, and she came and broke it up.
16               And I looked at this lady and I just talked
17 to her, and she's got a great demeanor. I'm kind of
18 like "Did you use pepper spray?" And I'll never
19 forget the look on her face. I guess she thought that
20 she couldn't do her job. She said, "Well, they were
21 spraying pepper spray all over the place, but it
22 wasn't effective." She really didn't go ahead and
23 tell me the rest of the story, but from what I hear
24 that our officers are well-trained and she took
25 control of the situation, and in this case no one was
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.