MR. RIPPE: Yesterday we focused on transparency in America's corrections and then we focused on governmental oversight. Of course, this morning we just had a superb panel on conditions that create a positive change.

Our next panel this morning will highlight the corrections professions' best practices around internal oversight and accountability. I'm pleased to announce our three distinguished witnesses; Director A. T. Wall, Director Harley Lappin, and Sheriff Michael Ashe. These distinguished panelists will explore how corrections administrators aim to hold themselves and their systems accountable through sound management practices, effective grievance procedures, data collection, analysis and dissemination, internal auditing and professional accreditation. We'll also address the challenges of changing the culture and perception of corrections to
assure the facilities operate in a secure, orderly
and humane manner.

Mr. A.T. Wall is the director of the Rhode
Island Department of Corrections where he runs both
prisons and jails statewide. Mr. Harley Lappin is
the director of the Federal Bureau of Prisons. Mr.
Michael Ashe has been the sheriff of Hampton County,
Massachusetts, for over 30 years.

On behalf of the commission and everyone
here present, I would like to extend my thanks and
appreciation to each of our panelists for their time
today.

Director Wall, would you begin please, sir.

MR. WALL: Thank you, Commissioner
Rippe.

My name is Ashwell T. Wall, III. I'm
commonly known by A.T. I got my start in corrections
30 years go this May as a line probation officer and
am now in my seventh year as director of our
department, a position that I am proud and honored to
hold.

We are a unified system. We're responsible
for the state's prisons, jails, probation and parole
services. We are not Texas or California, but we are
representative of the smaller systems that account
for at least a third of the nation's correctional
operations and I think what I have to say will,
adjusting for size, will be relevant to the issues
that the commission is considering in larger or
smaller contexts.

First a frank discussion about the context
for accountability. The fact is that the prisons and
other correctional institutions that we run are the
product of a political process. They are the systems
that we all own, that we have designed, and we also
need to remember that whatever else a prison sentence
may seek to accomplish, it is what society has
prescribed as punishment for the conviction of a
crime. The sole basis for our right to intervene in
someone's life in corrections is that they have been
committed to our custody following commission of a
crime.

Prisons are, I think, preferable to the
historical alternatives of maligned medical
practices, of torture, other forms of punishment, but
by their very nature they have characteristics that
have consequences for the issues of safety and abuse.
They are total institutions, meaning that they are
self-contained units, they are isolated from the
larger world, all activities occur in the same
location, and the people who reside there are required to surrender control of their lives to authority figures. Mental hospitals, monasteries, boot camps, traditional boarding schools, they're all total institutions. Prisons represent a particularly prime example of them. And, of course, all of those institutions, while perfectly legitimate, are characterized by an imbalance of power. And in corrections, there are particular reasons why power and authority dominate. The fact is that we are managing large groups of people who did not elect to reside with us; they correctly perceive that their placement in this setting is punishment. Control, enforced by adherence to rules and regulations, is necessary under those circumstances. Also because incarceration is what society has prescribed as punishment, it entails certain deprivations referred to as the pains of imprisonment; loss of liberty, loss of freedom of movement, deprivation of access to certain goods and services, sharp limits on freedom of association, denial of sexual contact. It is the duty of our staff to enforce the deprivations that are hardwired into prison management and that leads to an adversarial relationship between the keepers and the kept.
Finally, we have an ironclad no refusal policy, a diverse array of people differentiated in every respect except one; that they have demonstrated a willingness to violate social norms through commission of a crime. We're responsible for keeping all of those people safe along with our staff, visitors, and the surrounding community.

That requires some authoritarian management. We all know that power can corrupt. Even good people can be corrupted by power and examples abound everywhere; academia, the church, corporate America, politicians, even families, and closed institutional setting are especially vulnerable because the power is so great and the space so concentrated. My point is this. It would be disingenuous to express shock that abuses can and do take place in such environments. The fact that they don't take place more often is I think a tribute to the character of those at all levels of the organization who conduct themselves with pride and professionalism amidst exceptionally challenging circumstances.

So we recognize that correctional institutions, like all other organizations where power is the defining characteristic, have the
potential for abuse, we know that, and so as

corrections administrators we have an obligation to
move aggressively and proactively institute checks
and balances and they include a variety. First,
communication. Multiple channels to communicate
problems; management presence touring housing areas,
being present at meals, written communications,
request slips, grievance policies that are locked
into deposit boxes that can only be opened by special
staff. Authorized links to outside authorities, the
court's elected officials, the ACLU, the director.

Telephone contacts. Unrecorded collect calls to our
investigative units. In-person contacts. Regularly
meeting with family members, former inmates to
discuss issues of concern, the core of
accountability. Investigations. Strong foundation
and written policy; clear, explicit, what are the
rules. Mandatory reporting. Requirement to
cooperate fully. Strict prohibitions on retaliation.

Uses of force, cell extractions requiring written
reports and mandatory reviews up the chain of
command. Security cameras, videotapes, audits,
investigate protocols whereby Internal Affairs
reports directly to the director, all investigations
are investigated, training of staff, and
consequences. These systems are only credible in action. People need to know that, in fact, if the investigation documents misconduct something will happen to somebody and it will be proportional to the nature of the misconduct identified.

Ultimately this kind of system emanates from the culture. We have to promote a culture in which staff incorporate and integrate those values into daily operations. That's when they will take root, that's when they will be followed, and the formula is pretty simple. We provide tools, create expectations, provide resources, policies, post orders, mentoring, supervision, train staff and investigators, provide mechanisms for reporting, enforce accountability consistently and discipline proportionately when it isn't met. Ultimately accountability of any kind must be supported by the staff. Unless accountability is integrated into the culture, all the efforts to create and enforce it from either inside the system or outside the system are likely to be in vein. Thank you.

MR. RIPPE: Thank you.

Mr. Lappin.

MR. LAPPIN: Commissioner Rippe, other members of the commission, I'm Harley Lappin,
Director of Prison. It is certainly a pleasure for me to be here today and chat with you on what I know is a very important subject to all of us.

I'm a current employee with the Bureau of Prisons, I have been with the service 20 years, started as a case manager 20 years ago, worked my way up through the system as an associate warden, regional director, oversaw about 20, 25 prisons, and then became Director three years ago. I certainly appreciate the opportunity to appear before you today and discuss issues related to the oversight of correctional systems and effective management strategies but before I do, I would like to give you a little bit of background about the Bureau of Prisons, its philosophy, culture. I think without that context it doesn't tie into the oversight that we expect for employees and inmates as well.

Let me begin by stating that the mission of the Bureau of Prisons is to incarcerate offenders in facilities that are safe, secure, humane, cost effective, and to provide offenders with opportunities for self-improvement. The latter part of our mission relates to public safety, less somewhat than the former, but it is just as important. Inmate programs such as job skills
training, substance abuse treatment, faith-based programs, reentry programs provide opportunities for inmates to prepare themselves for a successful reintegration back into our society and to avoid further criminal misbehavior. These programs also allow inmates to be productively occupied during incarceration which allows us to run prisons more safely.

In furtherance of the mission, the Bureau of Prisons has several relevant core values which are deeply ingrained in the agency's culture. First, a recognition of inherent dignity of all human beings. Second, the expectation that the correctional staff will treat inmates fairly and with respect.

And, Judge Sessions, you will appreciate this, you and I chatted about it last night. And, third, the recognition that offenders are incarcerated as punishment, not for punishment. Finally, oversee all staff and correctional workers first, with responsibility for maintaining safe and secure institutions and for meeting society's mainstream values and norms that help prepare inmates for a crime-free return to the community. While laws establish minimum standards of care to which all inmates are entitled, the Bureau of
Prisons has worked over its 75-year history to achieve the highest standard with respect to inmate management. Our agency now operates over 116 prisons, housing over 188,000 inmates. All these facilities range in security level from minimum to high; some with very specialized functions such as medical centers or super maxes. We remain one bureau with institutions operating under the same policies and procedures throughout the country. Agency policies direct the internal systems of control and they apply to all Bureau organizational components and sites.

I provided to you a little list as I go through these. In case you would like to ask specific questions of the internal controls, please feel free to do so. If you don't have a copy, I think they can get you one.

The bureau's internal control systems of checks and balances are designed to achieve various objectives, including ensuring compliance with the applicable regulations, laws, policies and procedures, monitoring vital functions and operations, identifying weaknesses and enhancements needed in promoting efficient management practices, determining whether programs are achieving desired
results, enhancing program quality. Incorporating information from various sources results in holistic and comprehensive management.

The primary system of control is our program review or audit process through which the bureau subjects each of its programs or disciplines to a thorough, cyclical examination by organizationally independent, trained bureau subject matter experts. Institutions receive a rating based upon their performance on all review functions, as well as a listing of deficiencies or weaknesses requiring correction.

Management assessments are the first step in the program review or audit process in that they provide the structure for program managers to develop and update the program review guidelines or the audit steps and identify additional systems of controls or monitoring tools needed to ensure the performance and compliance with applicable policy, regulations, and American Correctional Association Standards are met.

In addition to the internal audit process, the bureau's senior management team, the executive staff, exercises extensive formal oversight of institution operations and performance. At our quarterly meetings the bureau's executive staff
reviews the data that's compiled through all of the
various oversight mechanisms, including program
reviews and some of the others I'm going to mention,
and carefully reviews the performance of all
institutions. And at each quarterly meeting,
significant time is dedicated to reviewing
institutions with specific security levels such that
in the course of the year we look at every
institution.

Some of the more important indicators that
are reviewed are assaults, use of force, staff and
inmate safety, capital costs, inmate program
participation, union grievances, allegations of staff
misconduct, inmate administrative complaints and
others. One of the most important tools used by
management to gather information about institution
operations is the Prison Social Climate Survey.
Administered annually since 1988, the survey provides
an opportunity for staff to confidentially report
their impressions about the conditions and operations
at the facilities where they work. The survey items
cover all aspects of the work environment for safety,
to job security, to job advancement, to sexual
harassment.

Institutional character profiles conducted
by regional teams of administrators and the regional
director are done on a minimum of every three years
and provide a great deal of descriptive and
subjective information about institutions. The
character profiles include observations of
institution operations, interviews with randomly
chosen inmates and staff, and input from outside
agencies and organizations.

The Duty Officer Program assures that
significant incidents at our facilities, including
those affecting inmates in community programs, are
reported to appropriate officials promptly and
consistently. In this way senior staff throughout
the agency are made aware of serious incidents such
as homicides, suicides, escapes, disturbances, and
the institution's response. The sharing of
information promotes the openness and honesty among
senior staff and allows the agency to make the
greatest use of the knowledge that it gains in
resolving these incidents. The bureau is fortunate
to have relatively few major incidents in our
facilities, in part because of our efforts to
proactively identify and resolve potential issues.
Serious instances having criminal implications are
referred to the Federal Bureau of Investigation for
Both inmates and staff are encouraged to report incidents of misconduct or otherwise inappropriate behavior. The Administrative Remedy Program is the internal grievance process through which inmates may request consideration for review of any issue related to their conditions of confinement. This program requires timely investigational response, including redress as appropriate. Procedures exist for expedited handling of issues that inmates view as sensitive or emergency in nature.

All the allegations of staff misconduct, including allegations that a staff member has abused an inmate, are referred to the Office of the Inspector General which then refers back to the bureau's independent office of internal affairs those that they want to investigate. The Bureau takes all allegations of misconduct seriously and certainly investigates every allegation thoroughly, including referral of cases for criminal prosecution when warranted. There is zero tolerance for abuse of inmates.

There is one I didn't mention that's not on your sheet, it is not listed on your sheet, but I
would like to mention another oversight procedure and that is all of our facilities, the vast majority, have community relations boards. These boards are made up of local public officials, citizens, legislators, sometimes the media, business people, and routinely are staffed at those facilities, meet with the community relations board, use them as a sounding board to discuss issues of concerns, to enlighten them as to procedures and issues applicable to prisons, so that's one more that I didn't have on the list that I wanted to mention.

The bureau continues to effectively meet its mission to protect society through safe, secure and humane incarceration of offenders and thereby maximizing the likelihood of a successful community reentry. We take this role very seriously, and through critical self-examination we are assuring the bureau's readiness to meet the future demands of the agency.

I appreciate the opportunity to meet with you and look forward any questions you may have.

MR. RIPPE: Thanks, Director Lappin.

Sheriff Ashe.

SHERIFF ASHE: First of all, I'm just very honored to be here and I just applaud all of your
efforts in terms of your leadership and dedication
for zeroing in on this particular subject, and I also
would like to just acknowledge Scott
Harshbarger regarding his leadership that he has
provided in the State of Massachusetts and, here
again, we talk about leadership. It is one thing to
have a title, but it is another thing to obviously
step up and do the work in terms of the substance
that he provides and the integrity and so on.

First of all, I as Sheriff have to run for
office. My background is obviously a social worker.
I mention that because one of the words that has been
singled out here is the politics of the job and I
just ask each of you to try to run as a social worker
for the office of Sheriff. So the first thing they
would -- so I have been through this and I would just
say that I remember being so concerned in terms of
being accepted by the public from the standpoint of
being a social worker because when you think of a
social worker, they're usually going to give away the
kitchen sink, and I remember a person saying that
your theme in your campaign should be he protects
people and their tax dollars.

The second thing is, is that I took over a
job where there was sort of a warehousing or
custodial kind of model which I don't think was that
atypical in terms of our particular county, I just
think that there have been great strides, if you
will, being made in corrections and so your efforts
are to be applauded and I can't help but think
because of your work we are going to continue to move
inches further, you know, in our goal of
understanding the issue and bringing about public
safety.

What I would like to address is really
seven principles that I think are very, very
important in terms of bringing about accountability,
positive, humane, safe, secure facilities. And the
first principle would be the sense of balance, being
firm but fair, if you will, having strength
reinforced with decency. I as Sheriff certainly
don't want to run a hotel, but don't want to run a
cesspool of stagnation, frustration, and new crime.

The second point, as I mentioned earlier,
the focus is on corrections, not on warehousing
people, and what I'm about to sort of identify for
you is my 31 years in office in terms of, if you
will, I don't think I'm doing anything revolutionary
but really, if you will, just being conscious of the
population we're dealing with in trying to bring
common sense and leadership and a determined and sincere will to bring about change from the standpoint of affecting public safety.

In doing that, I would just like to elaborate on this third point that I have, and this is for staff to be held accountable, we must hold inmates accountable, and I certainly heard the commissioner from Arizona touch upon this.

First of all, we have to look at a typical inmate, and I think what we have in the Hampden County is not that different, if you will; nationally as well. Fifth grade education; 85 percent come there with drug and alcohol issues, 93 percent lack any marketable skill, 78 percent at the time of arrest aren't employed. So looking at that profile I must say that I as Sheriff am committed to trying to, if you will, use new language, if you will, and I think one of the things we've talked about is that the population we deal with doesn't, if you will, generate much empathy, if you will, from the public. Obviously they steal our cars, they maim our loved ones, et cetera, so it is very difficult to do that. On the other hand, the idea about public safety is a key thing and there's no question that certainly years ago out of sight, out of mind, and the idea
about incapacitation was in vogue. I must tell you
today the sense of taxpayer dollars being invested
into this particular area is of great concern and so
certainly the reintegration and that balanced
approach is obviously so, so important in terms of
our work.

And on this issue, I would just say that
one of the things we're all talking about, we're all
representing and you stand for it as well, is the
professionalization of our facilities. And so based
on that profile, I as Sheriff over the years, and I
must tell you it is not like being a genius and
saying here is the answer, I would just say that
myself and the staff have evolved this over the
years, in 31 years. First of all, it is the
establishment of that profile, but let's
individualize the inmate; let's look at, for example,
what are the deficits that he brings to this
situation. So one of the things we did is establish,
if you will, an orientation system that's very, very
professional.

I can remember the old system, the inmates
educated the other inmates. And one of the things
that we really worked hard at was to establish a very
professional orientation system, and I would just
touch upon the fact of a test, LSI, Level Service Inventory, where we're looking at eight criminogenic factors, and then, as well, making inmates aware of the rules and regulations. But the key thing is the fact that we're there to provide services for them and opportunities, if you will, challenges that are going to be available to them within the facility. So this firm but fear kind of approach in terms of with myself and the staff uniting to impact the inmate, we want to challenge him, I want to place demands on him, I want to, if you will, strife him towards excellence is an excellent point because we certainly know in sports and in classrooms around the country we see that striving towards excellence and I think in the past we haven't seen this in corrections and I think that's one of the aspects of our work.

One of the things that we put in place on this idea about challenging the inmates and putting demands on them was we put together a couple years ago a mandatory basic and intensive regimented program where we -- I call these the core principles that all inmates based on that profile as they came in, we put forth a five-week mandatory program. One of the things in my visits though the various pods on weekly visit is that I found that there was a great
deal of downtime and not allowing inmates to
immediately get into, if you will, GED, substance
abuse, victim impact programs, so this frustrated me
and my efforts and we studied this issue for a whole
year and tried to maximize the resources within the
facility and we put forth this basic intensive,
regimented program for every inmate at the point of
entry which is a key point. So, again, this isn't
this sense of he comes into the facility, this is the
time when he is most anxious. I want to seize that
opportunity, make him uncomfortable, bring tension
into his world in terms of what it is all about and
that's it; that we're challenging him to improve his
life.

So what we did is obviously in this
five-week mandatory program we put together such
things as, for example, substance abuse,
preemployment training, victim impact, cognitive
thinking were just a few of the programs, and then
each of them, for example, had a body of knowledge
and we have faculty that presented it. All those
programs took place, if you will, on time. There was
a multifaceted faculty that was put together so if
someone was out sick or on vacation, there was
accountability in these programs.
Following this five-week program they then could graduate into, if you will, remedial education; GED, vocational training, et cetera, et cetera.

I then want to just touch upon the fact that the fourth point that I wanted to make here was that whether it is county corrections or state prisons, it should be part of the community. All the inmates come from the community; they all return to the community. It is so important to have a sense of reciprocity. One of the things we talked about is transparency, we've talked about openness. You and I know that how could we provide this safe, secure, humane facility. Certainly by allowing volunteers that come in from the community. In my case I have over 500 volunteers that come in on a monthly basis representing the faith-based initiatives, self-help programs in terms of A.A., N.A., Gamblers Anonymous, just to mention a few, as well as our education in the community.

The other aspect is having college interns from the college systems that we have in our county, and we have approximately 50 to 75 interns that come in on a weekly basis.

Fifth principle. Correctional supervision should always take place in the least level of
security that is consistent with public safety. Sheriffs don't get elected to release people to the community prior to their discharge date because of the fear of the political ramifications if something failed. I would like to feel that I have the courage to take the risk. 45 percent of my inmates are in lower security and we have everything, if you will, from medium security all the way out to daily reporting. Back in 1986 because of overcrowding, again, rather than talk about the problem, talking about the complaining, we developed the first in the nation daily reporting system, the electronic bracelet system, where people could reintegrate back into the community, live at home, and participate in a correctional program that's going to benefit them.

I also wanted to highlight that in the secure, safe, humane facilities we challenge inmates. The key aspect is the reintegration back into the community. I always say to the inmates, "Anybody can do time, it is getting out and staying out." And so with this profile you and I know that a great deal needs to be done in terms of, if you will, building capacity in the community to effectuate jobs, housing, mental health help, all of these kind of
things, and I just wanted to just give a couple of examples in that way. The development of an after-incarceration support service. Every inmate that leaves our facility has a universal planning system and with that is that we partner up with the police departments in terms of police, probation, parole, as well as collaborating with other agencies, particularly social agencies, over 200 agencies in the community to effectuate that, and that's very, very important.

And I also just for the sake of time here, corrections should not be allowed itself to be a scapegoat for the larger society failures. You and I know, as I mentioned earlier, a hundred percent of the inmates that come to us have failed and with that you and I know that when the people go to the hospital and have to deal with accident, disease, we don't blame the hospital. It is so important in terms of the image, the professionalism and the dedication of our staff to contribute to public safety and seeing that, that is so important.

And then lastly in terms of the principle is respect. Respect of professionalism and the role of the correctional worker, respect for the humanity of all within the fences, respect for the physical
surroundings, and respect for the authority vested in staff in the name of the people.

Thank you very much. I look forward to any questions that you have.

MR. RIPPE: Thank you, Sheriff.

I will ask the first couple questions and then open it up to the panel at large.

As correction leaders could you all tell us to whom you consider yourselves accountable, personally accountable.

A.T.

MR. WALL: I am accountable first and foremost to the individual who appointed me and the people who confirmed me. That is to say, the elected leadership of the State of Rhode Island. The governor is my boss. I need to have his confidence, he needs to have my loyalty, and the people who confirmed me, the legislature, needs to know that I'm going to keep the promises that I made when they screened me and questioned me prior to my confirmation.

I'm also accountable to the larger public, that's a little bit of a diffuse sort of concept, but it can be expressed in a variety of ways. Local officials, advocacy groups, families of offenders,
victims, they're all stakeholders, they're all, if
you will, clients, and I'm accountable to the
offender population in this respect.

We have certain values that we articulate,
we have certain rules and policies that we follow,
and we need to have the integrity to adhere to them
if we are going to be credible with the inmate
population.

Last, of course, I'm accountable to our own
staff. They're looking to me to be their leader.
They need to have some confidence that I care about
them; that I have their best interests at heart, and
that I am stable and serious about what I do.

MR. LAPPIN: Truth be known, I'm most
accountable to my wife. You agree.

As a public servant I see myself most
accountable to citizens of this country to make sure
that we do the best to run the safest, securest
prison system in the country, if not the world. And
obviously I'm directly accountable to the attorney
general in this administration or whichever
administration I might be serving under. Beyond
that, obviously the judiciary and the other public
interest folks who have a role and an interest in
incarceration of our citizens and certainly in the
reentry of those folks back into our communities.

But, again, a lot of folks, but certainly all of us I think at this table and beyond certainly see ourselves most accountable to folks that we serve each and every day, citizens of the United States.

MR. RIPPE: Thank you.

Sheriff.

SHERIFF ASHE: I feel accountable obviously to the people who elected me, but equally the staff and the inmates. And, again, just as I said earlier, I not only provide a secure, safe, humane setting, but also the understanding is that providing the inmates the tools when they get out on behalf of public safety which I think is the key issue.

MR. RIPPE: As I mentioned at the beginning, yesterday we had two panels that focused on oversight and transparency. Could you tell us the role that external oversight and transparency play in each of your constituencies.

Director Wall.

MR. WALL: We've had good experiences and we've had bad experiences with outside oversight in my department over the years. There was a point at which, and you have to remember the political context of the times, these were the early 1970s,
there was a point in time at which the legislature became very involved in oversight of the corrections department, became beguiled by certain inmate leaders who exhumed some power and authority over them, and ultimately it was a significant contributor to the destabilization of the system.

That led to the second form of oversight which was the federal court which imposed, in essence, the equivalent of receivership over the entire system in 20 years of litigation. Mr. Bronstein was chief counsel for the plaintiffs and knows the history well. And while we had our difficult times, that oversight ultimately served to professionalize the department and to help us garner the resources we needed to run a constitutional system.

More recently there has been an attempt by certain advocacy groups to assert oversight on behalf of the people and we are concerned again about the naivety and about certain personal agendas, so it very much depends. I think when it comes to outside oversight, I don't think it is an up-and-down answer, I think it is more nuanced than that. I think it has to be based on a variety of considerations and it has to take account of the political maturity of the
Some of the considerations that I think have to be asked are how clearly, what are the goals of oversight, how clearly are they stated, what is the purpose, what are the conditions under which oversight is going to be exercised; is it proactive and preventive or is it remedial; where does it fit into the department's history and culture, what's the motive of the people who serve, what's their experience, what's their skill, who oversees the overseer, because the fact of the matter is that oversight can run amok; ego, grandstanding can all get in the way. What's the composition of the oversight, what's the relationship between oversight and the established correctional leadership, those are all considerations that have to be answered individually for each jurisdiction in which it is contemplated.

MR. RIPPE: Thank you.

Director Lappin.

MR. LAPPIN: The majority of correctional oversight, although you might question it, is external, it is from the Office of Inspector General and GAL, that's where the vast majority of our oversight beyond what we do internally is focused
in the Bureau or Prisons, and there's a lot of that.
Not a lot of requests. We get requests on occasions
from outside groups to come in and assist in some
way. It hasn't happened that often in the recent
past; somewhat in the seventies as we got into
operating supermaxes and the issues of confinement
and so on and so forth, but, again, same concerns as
A.T. on which direction that goes and how it is going
to be managed and overseen if we begin to see an
influx of requests for oversight beyond what we
provide and what we see from GAL.

As far as transparency work, obviously
we're not an open system but I can't say we're a
closed system, we're a controlled system, and when
groups have an interest and there's a connection,
we're certainly amenable to folks visiting our
institution. The community relations boards that I
mentioned serve in that capacity, have easy access,
assist us in relating to the public at large within
those small communities. But throughout the course
of the year we have tours of students and faith-based
organizations, other interest groups, visit prisons
at their request. So, again, beyond that, I can't
think of anything that would be meaningful at this
point.
SHERIFF ASHE: Again, if you are running a warehouse or custodial facility, naturally a closed system is obviously something that is very restrictive and very limited and, again, as I said, my commitment is obviously to challenge inmates and in doing so provide that safe, secure and humane setting so it is so crucial, it is so important in terms of meaning what you say in terms of the integrity and the professionalism of your work. So first of all, I know back in 1975 when I took over as Sheriff is obviously open it up to the public from the standpoint of having community groups on a weekly basis to let them know what we're doing. Not only that held me accountable but also the staff and let them know of the tremendous need we have for resources; money, of volunteers, jobs, mental health, et cetera, et cetera, it goes on and on, so it is so important to open that up.

I think we have made great strides in my opinion. I think we can think back and I know years ago of suicides, riots, disturbances and so on, and there was very little outside intervention and I can think of particularly Massachusetts. Today, for example, I think the ACA, American Correctional Association, opened ourselves up to accreditation.
In my opinion, I'm a big believer in that because here are your peers are coming in and looking at your operation and it challenges everybody in terms of the transparency of what you are doing, and so I'm just a big believer in that external audit. And you and I know the biggest audit is ourselves in terms of walking and talking and visiting the place and holding ourselves accountable on behalf of the staff as well as the inmates.

MR. LAPPIN: And I would be remiss that I failed to mention as well accreditation. I'm a firm believer in it. Our commitment is a hundred percent accreditation.

MR. RIPPE: Are you there?

MR. LAPPIN: We are not there because we opened so many new prisons, so everything that has been in operation for a number of years are all accredited. The newer facilities immediately get into the process and we certainly welcome their assistance, their insight, their suggestions, and we have closely partnered with them, in fact, in the program review process, we've come up with the unique approach, because it is additional work on our staff and there are limitations, we are stretched, most of our agencies are stretched resource wise, with our
employees, with our staff. And so we've partnered with them, the American Corrections Association in this case, to look at how we can continue to have adequate oversight but not do it in such a way it overburdens our employees. Joint commission. We get accreditation at many of our locations on hospital accreditation as well.

MR. RIPPE: Judge.

JUDGE SESSIONS: Director Lappin, help me deal with my ignorance.

You have spoken of mushrooming, so 10 years ago you had how many, how many prisons?

MR. LAPPIN: 1980 we had 26,000 inmates, about 24, 25 prisons. In 1990 about 60,000 inmates, about 45 facilities, 50, maybe. And today, 116 facilities, 188,000 inmates.

JUDGE SESSIONS: So a tremendous mushrooming.

MR. LAPPIN: Huge growth over the course of that time.

JUDGE SESSIONS: Will you accept that oversight cannot be meaningful unless we have standards?

MR. LAPPIN: Absolutely.

JUDGE SESSIONS: Tell me about the
Bureau of Prisons standards and what they might do and cover that would help states individually meet those standards that you find acceptable from the federal. The leadership role is what I'm looking at.

MR. LAPPIN: Well, I think you hit it on the head there, Judge. Leadership is critically important. All the things that I mentioned here as systems we put in place to provide the oversight mean nothing without very capable, qualified, competent people overseeing our institutions. I look back day in and day out at some of the most important things I do. It is clear to me that one of the most important things I do beyond my normal responsibility is to pick the right people to run prisons and when we do that well, we're very successful. In doing so, and to accomplish that, we have to do one of two things depending on your system. You either have to have a development and management approach to training your pool of candidates internally or I have to have a very good system of looking out beyond our system at very capable, qualified people who will come in and provide that leadership.

We have been fortunate in the Bureau of Prisons to develop our leadership from within in most cases and most of our wardens and executive staff
members are reliant employees in the federal prison system and move as I did up through the system as warden and so on and so forth. Some systems aren't able to do that for a number of good reasons and if you can't do that, you've got to be able to go out, reach out and find those folks who are capable to come in because in my opinion, again, that leadership, that cohesiveness between that senior management at that facility is critically important to carry out what systems you then decide to put in place and to do that, you've got to have some resources. And I have to say we were very fortunate through the course of the eighties and nineties as that growth occurred, the administrations, all of them, and the Congress recognized that the change in parole and the change in determinate sentencing and mandatory minimums and the federalization of drug laws and firearms laws was going to significantly impact the growth of the Bureau of Prisons and during the course of that time we received those resources. Not so much so since 9-11, we're struggling too now resource wise just like states are, have or have over years. So, again, I sympathize with what they faced for many years but it takes resources and a commitment from the legislators, from the
administration, to support those types of
initiatives.

JUDGE SESSIONS: So help me again.

Does the warden at X institution go to the shelf,
pull out a book and that says "Standards of the
Federal Bureau of Prisons" and know what is going to
be checked on, what's required, what is done to meet
those standards?

MR. LAPPIN: We are a very policy-
driven agency.

JUDGE SESSIONS: Yes.

MR. LAPPIN: And you can probably reach
out and touch, you, on our website, most of our
policies are public other than those that are
restricted for good reason, but, sometimes to our
detriment because our staff complained that we over-
control them but I think not so, I don't see that in
the same light. But we are a very policy-oriented
agency. Wardens can take something off the shelf and
read it and use that as a guide, a direction, and our
program review process is a method in which assists
us in that regard.

JUDGE SESSIONS: I will repeat the
second half of the question. What interplay is there
between federal and state in connection with
MR. LAPPIN: I think there is a connectivity but some limitation. There's an association of directors. We talk about oversight, we talk about policy, we talk about those issues. The standardization through the American Correctional Association assists us in that regard. But for us to say there's a direct relationship between us, the federal system and the states, I don't think there's a specific relationship in that regard or the local folks. It is all through associations, it is all through assistance that we may be called upon by states to help us, or we ask states in return for some assistance.

JUDGE SESSIONS: Mr. Ashe.

SHERIFF ASHE: Judge, your point is an excellent one and obviously the federal government has led the way, if you will, over the years. Certainly states and counties, if you will, have been potentially over the years short in terms of adhering to standards, but I can assure you when I mentioned earlier about coming a long way, we have come a long way regarding standards and you and I know it is not because we're just doing this on behalf of inmates, it is because of the vulnerability politically in
terms of liability issues and so on that occurred.
But given that, you and I know that do you mean what
you say, and the standards obviously indicate that
you are by first of all promulgating them and then
practicing them as we're talking about in terms of
whether it is ACA, whether it is the National
Institute of Corrections or any of these agencies,
and so in that way I'm indicating that we have
certainly come a long way regarding that.
JUDGE SESSIONS: Then do the 50 states,
all of them, have prison standards?
SHERIFF ASHE: Yes. To my knowledge,
yes.
MR. LAPPIN: I couldn't speak to all 50
states, but let me go back and mention one other
thing, that there is connectivity to the federal
government through the National Institute of
Corrections, very good point that the sheriff raises.
Many of the state and the local jails rely
on the National Institute of Corrections as a
resource. The National Institutions of Corrections
happens to be housed in the Bureau of Prisons, but
their primary role and mission is to serve state and
local jails and prison systems at their request,
okay? It is not forced upon them, it is at their
request, and I think they do an excellent job of
serving those localities and those system that
request their assistance. And certainly when the
National Institute of Corrections requests additional
assistance from us, we certainly partner with them in
providing that service and assistance to those
states, prison systems, local jails, sheriffs,
community corrections and beyond.

JUDGE SESSIONS: Thank you.

Mr. Wall, did you want to add to that?

MR. WALL: With regard to whether all
the states have standards, every Department of
Corrections has policies that govern its operations
and the touchstone for those policies tend to be the
standards that are associated with the accreditation
process that is sponsored by the American
Correctional Association. That doesn't mean,
however, that there are uniform standards across all
50 states. A policy may, for example, every state
will have a policy on use of force and most of those
policies will refer back to the standards of ACA but
it is not mandatory and not required and there are
undoubtedly some jurisdictions whose policies don't
make reference to standards.

JUDGE SESSIONS: Well, we all know that
standards are always set above where you are and you are trying to adhere to them and gain that kind of institution that meets those standards and they're intended to be high and should be high. I don't know where we are on it and I want to know.

SHERIFF ASHE: Judge, I just wanted to add in regard to the standards as well, there's been great growth over the years professionally in terms of let's say like the ACA, but you and I know too is that there is a paper trail associated with those standards and we're seeing more and more of that.

JUDGE SESSIONS: Good.

SHERIFF ASHE: That's the key.

MR. LAPPIN: I'm not sure how familiar you are with the ACA process, if they have testified or not, but you are familiar with how the standards are established, the fact that the standards committee is made up of a well-rounded group of folks from both large prison systems, jails, community corrections, juveniles, and so, again, I think you have some good folks on there assessing what those standards should be and certainly the commission should go out and oversee the application of those standards at the facility but, again, it is voluntary. Not all states are as committed as
others, nor are all systems as committed as others.

JUDGE SESSIONS: Thank you.

MR. RIPPE: Richard.

DR. DUDLEY: I'm trying to get somewhat more of a concrete sense of internal monitoring and review of programs that are part of the system so, for example, if you are looking at the mental health aspects of the system, in addition to determining that it runs smoothly, for example, is there -- does internal review and monitoring attempt to determine, for example, whether inmates who come in denying a history of the mental illness or inmates who don't have a documented prior history of mental illness but who in fact are mentally ill are picked up through your evaluation practice as opposed to simply those who come in announcing that I'm mentally ill, I have a history of mental illness? Or when risk assessments are done is there an assessment of whether this bears any relationship to the mental health assessment so that people are not mistakenly classified as simply bad where in fact they're ill and have no ability to control their behavior and so that there's some understanding of what we're doing with risk assessment in contrast to or in collaboration with mental illness, or are we looking
at programming and the assignment of people to
different programs? Is there some internal
monitoring that looks at the appropriateness of these
programs as it relates to fit for different inmates
so that, in fact, the programming does increase their
possibility of functioning on the outside as opposed
to that it is an interesting program but it doesn't
make any sense for Inmate A or Inmate B. So I'm
trying to get a sense of does internal monitoring and
evaluation of what goes on go on at that level as
opposed to yes, we have the program; yes, it is
running smoothly. Is my question clear?

SHERIFF ASHE: Yes.

The mental illness has been talked about a
great deal here and I just wanted to again reinforce
that, and certainly in the State of Massachusetts
with the de-institutionalization that took place
back, if you will, in the late seventies and early
eighties is that a good nine to 10 percent, for
example, of my population had severe mental health
issues. So today I have 2,025 inmates and so I'm
looking at a good 200 to 225 inmates have severe
mental health issues and it is a crucial issue.

First of all, putting the standards aside,
what are we doing, for example, in trying to treat
that particular group. I can honestly say years ago that one would be decompensating, for example, in the facility and there would be little or no help that would be provided. If anything, they saw this as a behavior and disruptive issue. And, again, it has only been in the last 10 years that, if you will, there's been stepping up, if you will, from the legislators in terms of providing some services.

So the answer to your question is, first of all, is the leadership needs to identify that this is an important and significant issue and to develop strategies, and, of course, strategies in this case, as in every legislative group, there's always a group that's very interested in mental health and it is so important to bring that to their attention.

Our case in the State of Massachusetts is that we had the chairman of Ways and Means who recognized this as an issue and provided, if you will, X numbers of dollars so that we could obviously enter into a partnership with the behavior health network so that when an officer, for example, does see, for example, somebody decompensating in his podular living area, that he can notify the forensic services and they can send in a clinician to obviously assist and help. And so naturally the
first thing is that services are there. Of course, it is different degrees for different facilities. And then, plus, go back to the judge's point, that there is a standard there in terms of the services being provided and so on, not only internally because we do have standards teams that monitor what we're doing on a day-to-day basis, we provide not only just every three years the luxury of having ACA come in, but we have internal standards, people within our facility who are monitoring this on a day-to-day basis and bringing it to our attention when that standard is not being met, and so I just wanted to clarify that.

MR. LAPPIN: The answer to your question, at least in our system, is yes, but it varies on how depending upon the type of program you are looking at, but let's take mental health as an example that you mentioned.

The audit process would look at is every inmate screened as they come in the door and if screened and there's an indication of some type of mental health concern, suicide, so on and so forth, what then occurred that ensured that we provide adequate assessment and treatment and support to that individual. As that auditing comes in they're going
to step back over the last two or three years and
look at it, what incidents that occurred that would
reflect that maybe that didn't happen, did they have
suicide attempts and, if so, what was the evaluation
of what occurred, how did the staff manage it, so
they do a case history on certain cases. But then
they randomly look at the inmate population in a
given institution to determine, first thing, are the
basic policy requirements as far as review and
evaluation being done at the onset of that person's
period of incarceration and if an indicator is
evident, how is that managed. And then, of course,
you have inmates that may become ill after
incarceration. How are those inmates identified, and
if identified, how are they tracked, how is that
managed, so they're looking at those types of
specific steps on things like health care.

Let me take -- we're moving as well just
like everybody else towards a more performance-based
evaluation. There are some programs that are more
conducive to that, so let's take the prison industry.
Many of our prisons have industry programs. It is
not just good enough for us to provide the program to
keep inmates productive. That's certainly a good
reason to do it and keep the prison safe but what
impact does it have. So we tie to that what's the impact of recidivism of an inmate working in an industry. Our research reflects an inmate who works in the prison industry for six months is about 24 percent less likely to come back to prison and more likely to get a job. And so we've tried to do that for other programs, GED, getting a GED, getting a vocational training certificate, completing drug treatment. So in some programs that's more tied to what's the outcome, is this having a impact, rather than what are you actually doing even though there is a standard practice for most of those things. So, again, it depends on the program, but they do drill down if there's an indication there that there's a concern or area of weakness to try to determine what was the area of weakness and what needs to be done to correct that.

MR. WALL: Commissioner, I think that safety can be defined in a number of ways and certainly one is whether someone with special needs such as mental health issues is treated appropriately. As my counterparts have said, we do have standards, the National Commission on Correctional Health Care is very credible in that respect, we do audit for compliance with those
same in environmental health. Safety can be defined as is the institution sanitary. I should say that I also take the terms "safety" and "abuse" very literally because if inmates or, for that matter, staff don't feel protected from harm inside those institutions, protected, if they don't feel that their lives and their bodily integrity are safe, then nothing good can happen there, that's the foundation.

DR. DUDLEY: What I'm trying to ask is to the extent that you have in the federal prison system, for example, program options that might prepare you differently for the outside -- I understand what you are saying about demonstrating that program X has been helpful with regard to recidivism -- but as the question asks, how do we track persons to Program A versus Program B? In other words, would the outcomes be higher if did a better job of deciding who should get a GED program versus who should get factory, industry, and do we look at it at that level. Similarly with regard to the mental health programs, I understand what you are saying about the provision of treatment, providing mental health services and looking at the quality of services for those who are identified to be mentally
ill. I'm trying to understand how do we look at the question of whether we're in fact identifying people who are mentally ill. In other words, do we go back and see that, you know, are there people who through our risk assessment have ended up in a level of placement and that by review we realize that we ultimately missed; that they were, in fact, mentally ill and should have been tracked to the mental health system as opposed to a shoe, that's the kind of question I'm trying to understand.

MR. LAPPIN: I see that as a daily operational expectation. The bottom line is as well, if we miss people we're going to know because we're going to have people who go into either a health crisis or a mental health crisis, and we certainly monitor the number of suicides we have and see if there's a trend in a certain location or certain type of facility. But day in and day out, have we tied the appropriate treatment plan to an inmate's needs, it is not an easy task as I'm sure you all realize. We're making progress.

In that regard, we are piloting now a system to assist the inmates upon entry to identify what needs they might have and then that information gets carried over to the case managers who try to
encourage inmates to participate in those programs.

Obviously with something as critical as health or mental health we're going to move that inmate in that direction, but let's take your example of the person being managed in seg versus in a hospital. One of our controls is that the warden and his executive staff will look at every single case in segregation every week and if there's an inmate in there who -- and that team would include a psychologist and medical staff member so that we can say why is this person in segregation because you are right, those kinds of folks can fall through the cracks very easily. But one of our controls is you will look, you will know who is in seg and for what reasons and if we identify inmates who are there for mental health reasons, and maybe that's the right place for them given their situation, but even if they there, are they getting the appropriate treatment and care given that condition is an operational issue that occurs as part of the policy requirement and controls that we have in place to ensure those things are happening.

SHERIFF ASHE: Doctor, certainly I know you are aware of the first 24 hours in terms of the assessment and the services being provided. I would
just also respond to the need too for continuing to
work very closely with mental health, particularly as
the person is reintegrating back into the community,
and in that partnership equal responsibility in terms
of dealing with these issues, that's all part, in my
opinion, of the work that we have to do. And
certainly, just as the director of the federal
prisons has pointed out, is that certainly being
human, professionally these aspects might be missed
but I can assure you that they are picked up, if you
will, in the pod living situations because we have a
team that's providing this kind of services and so on
inside.

MR. RIPPE: Thank you.

Judge Gibbons.

JUDGE GIBBONS: I understand that the Bureau of
Prisons has 116 separate facilities. Does the Bureau
of Prisons require that each of those facilities
provide to it a morbidity report with respect to
every death that takes place there?

MR. LAPPIN: Yes, we do.

JUDGE GIBBONS: Do they require a
report with respect to every injury that takes place
there?

MR. LAPPIN: There is a report for
every injury, again, that's reported to us that we're aware of. As far as deaths in the institution, we also have an outside consultant who comes in and randomly evaluates the inmate's situation leading up to that death and provides us outside --

JUDGE GIBBONS: The review of the morbidity and injury reports are random?

MR. LAPPIN: We do an internal review of all of them. We do have a contractor who comes in and can look at all of them if they want to, but typically they do a random evaluation of cases that they select.

JUDGE GIBBONS: Are these reports maintained in a central place in Washington?

MR. LAPPIN: I don't know exactly where they're maintained. My guess is there's probably a central location in the Health Services Division, but certainly it would be maintained at least with the inmate's file.

JUDGE GIBBONS: Is there public access to those records?

MR. LAPPIN: I have to check on the releasability given some of the health care privacies, but guess the person is deceased, it is probably releasable. I'd have to check.
JUDGE GIBBONS: And I suppose with the injury there might be privacy concerns.

MR. LAPPIN: There could be privacy concerns.

JUDGE GIBBONS: But with respect to the morbidity reports --

MR. LAPPIN: There's no privacy issue.

JUDGE GIBBONS: No privacy. And thus somebody wanting to make a study of the causes of death in the federal system would have a central resource to look at.

MR. LAPPIN: There would be a resource for them to look at.

JUDGE GIBBONS: Do you know of any such resource with respect to state institutions?

MR. LAPPIN: I'm not familiar enough. I have to defer to my colleagues.

SHERIFF ASHE: Certainly on a county level, as one can imagine, the seriousness of death obviously is reportable to the D.A. and the investigation takes place, et cetera, so there's no question about the accountability of that. So as far as major accidents that might occur in terms of injuries and so on, that's certainly reportable based on degrees but not every single one, there's not an
accountability of that other than internally within your own sheriff's department that we have there.

MR. RIPPE: A.T., did you want to respond?

MR. WALL: With regard to morbidity, yes, we too do reviews internally shared by our director of health services, but including people from outside the department. Those results are forwarded to the state medical examiner as well so that there is somebody conducting it there.

JUDGE GIBBONS: And available for public inspection?

MR. WALL: To my knowledge, no, unless the medical examiner would be willing to reveal them. However, if you are talking about research and analysis as opposed to the medical records identifiable to a specific individual, then the answer is yes.

JUDGE GIBBONS: Thanks.

MR. RIPPE: Dr. Gilligan.

DR. GILLIGAN: Both yesterday and today we have heard comments indicating that sometimes outside inspectors, say, independent of the institution or the correctional system coming in have been observed to precipitate crises or violence or
riots rather than to be helpful in preventing these
things or bringing them to some kind of resolution.
I was interested in getting more information on how
that happens and what has gone wrong when that
happens. And I say that, just take a moment, based
on my own experience over some 30 or 35 years in
having been involved in negotiations and a number of
ongoing violent incidents in prisons; hostage taking
incidents, riots, suicidal crises where an inmate
threatened to jump from a tower, one incident where a
correctional officer was psychotic and was holding
the whole institution at bay with weapons. In all of
these situations it turned out that the only way we
were able to get these situations resolved really was
with the help of people that came in who were
independent of the institution or the correctional
system. What the inmates in crisis were asking for
was somebody to listen to their grievance who was
outside the institution in which it occurred, so I
was powerfully impressed with the degree to which
people independent of an institution may serve to
diffuse or bring to a close an ongoing violence
crisis. But it is precisely because I think that can
be so helpful, I would like to get your help in
understanding more clearly what goes wrong when the
opposite happens, what should we know about or how
should we train and supervise inspectors who are
coming in to find out what's going on within a prison
before there is an incident of this sort, before
there is a riot or a hostage-taking or whatever, the
desperate means of trying to get people's attention.

Maybe Mr. Wall, especially since you
mentioned, you referred to one incident. I'm still
interested in understanding in more detail what were
the details, what were these people saying or doing
that seemed to provoke violence on the part of the
inmates.

MR. WALL: Certainly there are various
types of situations in which outside intervention can
occur. You are describing an acute episode of an
individual crisis. Other types of oversight would be
preventive in nature; somebody who simply sort of
comes in and screens the operation. Then there are
those which are exercises in response not to a
particular crisis, but a systemic kind of crisis; the
classification system has fallen apart, the health
care system is inadequate, so on and so forth. And I
think that you have to look individually at the
nature of the need for outside oversight. One size
can't fit all. There are times when it certainly has
proven helpful. There are also many times, by the way, where that kind of crisis resolves successfully from within; hostage-taking, suicide attempt, barricading one's self in a cell block. Those things are very often resolved very effectively within as well.

With regard to those cases where I think intervention can and has run amok, it really does depend on the skill, the knowledge, the professionalism, the savvy of the people who are invited in or who invite themselves in in the case of elected officials.

The situation that I described in the 1970s was one in which, again, the tenor of the times was to an openness, complete transparency to the detriment of security in some cases. And legislators became involved with inmate organizations and would come in, would host banquets within the institution, would invite inmates to come out of the institution escorted by them to testify. I mean, things that seem inconceivable to us now but those with long enough memories will recall when these kind of episodes occurred. My experience is that somebody who is naive can become seduced by the most powerful inmates in the system, the most articulate, the
heavies, the ones who put themselves forward, and
their interests are not always the same as the
welfare of the inmate population in general.

   Similarly, there are cases where well-
meaning people come in, solicit complaints from
inmates, ask them what's wrong, and leave the inmate
population to believe that they have the authority
and the power to make things better. They, in
essence, make promises that they can't keep and that
is very -- these are people who have been betrayed
over and over again and those kinds of betrayals are
devastating and we end up reaping the consequences of
those. Those are some examples.

   MR. RIPPE: Margo.

   MS. SCHLANGER: I have a question for
Director Lappin but I don't mean to keep you from
answering that first one first.

   MR. LAPPIN: I will just go back.

   I will agree with A.T. that although we
have not had a lot of experience with that, I think
folks coming in a little naive is a concern and,
therefore, in those scenarios where we need to have
outside assistance, we need to be more proactive,
identify who those individuals are and work with them
in advance, and let me use the example of, and the
only one that comes to mind right now is our
earmergency preparedness.

   We know, we assume at most times we can
handle most of those issues but you can't be
absolutely sure. So in light of that, we get with
the local law enforcement in those given areas, we
see what other resources, the FBI, see what other
negotiation resources, see what other critical
incident teams are available, and our staff works
collectively with them in advance in preparation and
scenario planning and practice; one, so they learn
about what to expect in the prison setting if in fact
they have to come in and what not to expect. And so
I think in any scenario, I think that would be wise
so that we don't have someone coming in and
committing, doing something that would be
inconsistent with what we can actually do or
accomplish because that in and of itself escalates
the situation, but I think there's plenty of
opportunity in advance of those things to occur to
step back and look at who and then how we do we pull
together and work through those.

   MS. SCHLANGER: My question is about
all of these different types of internal review and
accountability that you talked about, and what I'm
really curious about is how much is it fair to expect
from that kind of system and how much is too much to
expect so let me tell you what's kind of prompting
that.

We heard yesterday about some problems
In Florence. We didn't hear in detail but we heard
about the criminal prosecution of the correctional
officers in Florence, and what I wondered when I then
read your testimony was, is that the kind of thing
that internal review ought to be catching or even did
catch, I have no idea how that stuff came to light,
or is it too much to expect that the internal review
is going to catch these deep, deeply problematic but
individual kinds of officer problems, is that the
kind of thing that it is just not going to get that
and there's going need to be a different system that
gets that or is that the kind of thing that in your
internal review can catch.

And then I had a question related to that
which was I gather, again, from yesterday's
testimony, that some reforms were instituted after
all of that and I assume they weren't reforms that
told people that they shouldn't, that told
correctional officers not to beat up inmates, I
assume that they were accountability reforms, and I
wondered which of the things you told us about was
new and related to all of that and how that's all
working.

MR. LAPPIN: I can't say that one or
the other might lend us to that information more so
than not. In my experience as a warden I relied
heavily on my own internal investigative unit at that
prison and the staff and the inmates to each and
every day give us insight into what's going on in the
prison and that's what goes back to our best offense,
in our opinion, and defense in running safe prisons
is effective communication with inmates; that we're
out there walking and talking each and every day,
that staff at all levels from the warden right on
down are accessible and there's a system of gathering
that intelligence, it saves us each and every day.
And my guess is that most of those issues evolve
either from staff or inmates reporting those things
to the leadership or it is working its way to the
leadership whose obligation it is to report that.

Granted, some of the things I've mentioned
here could pick up on those, especially if we see
some trends. We look at how do cell phones get in
the prisons? They aren't getting mailed in. More
than likely there's an employee bringing those things
in, so it is obvious based on that intelligence that
there may be a problem tied to employees or employees
who are not clearly meeting our expectations. And
believe you me, we would like to have the best
methods of selecting folks from the beginning and
although we have good systems, we're not perfect and
sometimes we hire people that we probably shouldn't
have hired. Or as A.T. mentioned, when they get into
that position the sense of control and authority
changed them and they do things they shouldn't do.
So I think for me, the character profile is an
example. We are in there talking with staff and
inmates. This is not an issue of is this program
performing, this is a character profile. A cultural
assessment is how effective is the leadership at that
facility in gaining information from their staff and
inmates, is there open communication, and in doing so
we would glean, hopefully, insight into what someone
may or may not be doing and you open an investigation
and then you just like investigators do, they
investigate, and we do as much as we can to prevent
that from occurring or eliminating those folks from
the facility. And the aftermath, and most of us have
been there, we have had staff that have done things
they shouldn't have done. I was just in L.A.
yesterday, you saw it in the paper. We had some correctional officers arrested for bringing in cigarettes and bringing in cell phones. That impacts those employees there. The majority of those employees who are dedicated, hard-working public servants whose peers have deceived them, who some of those employees don't believe that could have happened, that the management, the administration is wrong, so there's a wealth of emotions that occur in that work unit and it is leadership's job to address those issues and in addressing those issues continue to train, continue to set the expectations, continue to put in place the, reinforce the standards that we have established across the board so that we have less of that and when we suspect it is happening, that people are forthcoming in telling us. So it is a combination of things but to me it is really -- that's why, again, it goes back to leadership, it goes back to the folks who are there day in and day out managing the staff, managing the inmates, the familiarity with their staff and their inmates. If we have a good job of that, we have less of those of issues. When we slip and don't we know quickly, then we step back and hold them accountable. And sometimes when those things
happen and we believe it shouldn't have happened we
remove people we replace them with others that we
think can perform at a higher level.

SHERIFF ASHE: I just wanted to follow
up. It was very well put in terms of the
accountability.

Again, I think when you are looking at the
warehousing/custodial kind of concept versus
corrections, this is what lends itself, if you will,
to incompetence and unprofessionalism. And, again,
any correctional facility that, again, it is
highlighting; for example, challenging, placing
demands on inmates, this is something that is very,
very important and significant and was highlighted
earlier about the walking and talking aspect of your
leadership team and the standards that are being set
forth and so on in terms of this aspect is crucial.

MS. SCHLANGER: So when you see a
serious problem like that and there was a moment
before you knew about it and now there's a moment
that you know about it, is one of the things that you
do to think about how you missed it before you saw
it? I mean, in other words, do you audit the
auditing, or is that sort of too metaphysical and we
just don't do that?
MR. WALL: I think any good system has after-action reviews. You are talking about various forms of accountability. One is auditing and reviewing records, those are prophylactic and diagnostic, and then you have an investigation when something happens that wasn't detected, that wasn't detected before it ripened into abuse, and in those cases, yes, clearly the investigative process is the key, you have to have multiple channels for reporting, so there are a variety of ways that what happens in there can get up to you or to the level of the person who can take action. You have to have a credible investigative process, a very aggressive one. And as I said before, there absolutely has to be proportional consequences, serious consequences. That's when people know you mean it.

Finally, you must have an after-action review, you've got to analyze what went wrong, what could have been done differently, why things happened as they did.

MR. LAPPIN: We would like to do a better job of knowing in advance when those things happen and certainly some of the controls that we put in place -- I was a warden who was on the receiving end of those controls -- and it was basically an
assessment of your leadership and your ability to understand the staff and the inmates and it is a bit intimidating. And I have also been the giver of those. I have gone out and it is hugely resourceful for the first person overseeing those prisons and those wardens because those are the types of issues you get to in advance of that. Your staff are telling me, the inmates are telling me, and I tend to believe that that's an issue here and it is really a heart to heart between the person who supervises that work on what needs to be done in advance of there being a critical situation.

MR. RIPPE: Gentleman, on behalf of Judge Gibbons, the commissioners and everybody here present, we want to thank you for a very insightful and most useful panel in the work of the commission. Thank you very much.