

15 MR. BRIGHT: Thank you very much.
16 The next panel, we have a very
17 distinguished and interesting panel which we have
18 asked to discuss how meaningful reforms can be
19 implemented. I would like to introduce and welcome
20 Scott Harshbarger, Merrick Bobb, Director Dora
21 Schriro. We have asked them to identify some of the
22 main areas of consensus with regard to culture and
23 attitudes of corrections practice.
24 Scott Harshbarger is a former Attorney
25 General of Massachusetts, recently the chair of both

1 the Massachusetts Governor's Commission on
2 Correctional Reform, as well as the Department of
3 Correction Advisory Council.

4 We are going to hear from Merrick Bobb, the
5 court-appointed monitor for the past seven years of
6 the Los Angeles County jails which is the largest in
7 the nation, and he is also President of the Police
8 Assessment Resource Center.

9 And, finally, Dr. Schriro is the
10 Commissioner of Corrections for the State of Arizona
11 and is there after having served also in the State of
12 Missouri.

13 I would like to welcome you here. Start
14 with Mr. Harshbarger.

15 MR. HARSHBARGER: Thank you very much.
16 It is a great honor to be here with so many
17 distinguished elected and appointed officials,
18 experts in law enforcement and corrections, academics
19 and advocates.

20 To say what I have to say in seven minutes
21 is one of the great challenges of our time. I will
22 attempt to comply with that because I want to focus
23 on three things beginning with my theme in the
24 statement that I presented to you.

25 I want to talk briefly about my experience

1 as Chairman of the Corrections Commission for the
2 last two years, as well as focusing a bit on the role
3 of the independent oversight committee, and then
4 hopefully at that time talk about what I think is the
5 real issue here which is the politics of corrections
6 and how we could deal with that issue far more
7 effectively than we have to date.

8 Let me just start by mentioning within the
9 records of the commission's report, the lessons are
10 set forth in a very detailed corrections report which
11 we issued in June of 2004. We then did a preliminary
12 report on the progress that Kathy Dennehy and others
13 in the corrections department had made and we
14 completed a final report just this fall, set forth
15 our recommendations for priority nationally. I will
16 not detail these except it is important to my other
17 themes perhaps about the politics of the public
18 policy issue.

19 From the first GCCR report there are 18
20 recommendations, and you will recall just as a
21 footnote, we were appointed following the murder of
22 the defrocked priest, Father Gagan, in Massachusetts.
23 We had the benefit of many, many people, including
24 the exceptional independent investigation led by
25 George Camp and Mark Delaney, to find the facts and

1 obtained a mandate for top to bottom review of the
2 department and that's what we attempted to do. We
3 focused our recommendations government, leadership,
4 culture, labor/management contracts, budget
5 allocations, the serious deficiencies of
6 classification, discipline, grievances, appeals, and
7 procedures of policies generally, the need to change
8 sentencing practices and regulations within the DOC
9 to give priority in preparing serious long-term
10 offenders for reentry, and the serious deficiency in
11 caring for female offenders with mental health and
12 health care issues. This independent, nonpartisan
13 commission, the majority of whom had come from
14 prosecutorial backgrounds and corrections
15 backgrounds, as well as the justice system, focused
16 our entire effort on trying to ensure that the major
17 criteria was public safety, accountability and fiscal
18 responsibility rather than other values.

19 As we went through this over a two-year
20 period our final report focused on six key areas that
21 the Department of Corrections could not achieve
22 alone, whatever else they were supposed to do, and
23 these recommendations were set forth in our final
24 report. The legislation needed to ensure
25 post-release supervision, comprehensive statewide

1 plans for reentry, change the sentencing legislation
2 and initial practices, restructuring of the labor/
3 management relationships, restore managerial rights
4 and capacity, as well as budget reallocations, the
5 creation of an independent inspector general and
6 independent advisory council with staff and
7 resources, as well as multi-agency partnerships for
8 dealing with female offenders' mental health and
9 health care which DOC simply could not do alone.

10 My second mission is to offer you very
11 brief thoughts about these independent, the
12 effectiveness of the independent advisory council,
13 and they have been discussed and debated a great deal
14 of time, but my experience was that they are very
15 important for helping implement internal and external
16 reform. They play a vital and invaluable role,
17 particularly in corrections, as well as we have seen
18 in almost every other institution in our society that
19 is potentially secret, closed, secure and immune for
20 whatever reason from external accountability,
21 disclosure, advocacy and transparency, whether it is
22 the church, whether it is corporate America, whether
23 it is non-profits that hide behind that veil or
24 whatever, this is not an exception.

25 No commission, however constituted, can

1 replace effective leadership in corrections, strong
2 support by executives, and implementation of
3 capacity. It cannot be a micromanager, it must be an
4 overseer, a sounding board, that is what we learn and
5 that is what we know going forward. However, this is
6 where I encountered my first disillusionment,
7 perhaps, with the system which as we proposed to play
8 this more independently in the third phase of this
9 work, we found we were not supported by the governor,
10 the secretary of health and safety. We were
11 supported by the commissioner of corrections, but the
12 reality was people were not overly interested in us
13 playing a role that might be interpreted as being I
14 think political, but would have been focusing on how
15 do we get other agencies, how do we get the
16 legislature, how do we get the executive agencies to
17 play their role, how do we get sentencing reform, how
18 do we achieve budget reallocation, how do we tackle
19 the labor/management contract and deal with that.
20 And at this big point, that's when I resigned from
21 the commission.

22 But the point about that was that these are
23 things that the commissioner cannot do alone; this
24 area of media, public media pressure and public focus
25 on these things.

1 The major task is education and this is my
2 segue to the politics of that. Every day in
3 Massachusetts, 10,000 inmates, it is not California,
4 Senator, but 10,000 inmates with a budget of half a
5 billion dollars are being held for our protection and
6 for some purpose of punishment. That reality is that
7 the public is entitled to now how we spend that money
8 and with what results, and the reality is 97 percent
9 of these serious offenders are coming out of prison
10 at some point. They should be prepared to reenter in
11 ways that will ensure they're less dangerous than
12 when they went in and less likely to commit new
13 crimes in the communities in which they go to.

14 I learned many other valuable lessons which
15 I have referenced in here, particularly for those of
16 you in corrections, including the fact that even
17 though I had been in this system for 30 years I knew
18 very little about the corrections system, how it was
19 run, what the pressures were, and I learned a great
20 deal about two major things; the consensus of this
21 among correctional leaders for how we do this job and
22 do it well and, secondly, I learned how difficult it
23 is to be a correctional officer. Even though I have
24 critiqued the union in this regard, I think it is
25 important for all of us to understand this is a

1 dangerous, difficult job with very few rewards and we
2 are lucky we have as many good people doing it as we
3 do, but I believe that reform is in the interest of
4 correctional professionals as much as it is inmates
5 and the communities.

6 Let me then turn to the third piece, and
7 I'm glad to answer questions on all of these other
8 issues if you would like to discuss them with me.

9 I want to focus now on my experience as a
10 district attorney, attorney general, four-time
11 elected official, a two-time loser. I am the former
12 President and CEO of Common Cause in Washington,
13 D.C., an independent, non-partisan citizen's watchdog
14 group, and now I'm with a law firm of Proskauer Rose,
15 who, by the way, I'm very proud of the firm, they
16 brought the Johnson case here in California in the
17 last year.

18 Since my time is up, let me just say these
19 three things. The reforms you recommended in
20 Massachusetts are crucial if we intend to be serious
21 about reducing recidivism, reducing repeat offenders,
22 and the reduction of urban crime. It may not sound
23 tough and far too many people have built political
24 careers of accusing people on being soft on crime,
25 but these are very effective crime reduction tools.

1 My major question to you and challenge to
2 you in my written statement is how do we, since we
3 know what works, we know how to do this, we failed to
4 do the work necessary to implement good public
5 policy, we failed to show people what we stand for
6 and why they should care about what we stand for as
7 opposed to only what we oppose and criticize. So the
8 challenge is, and perhaps the hardest question you
9 pose to us is, how do we develop a constituency for
10 the kind of reform that is real in terms of public
11 policy, it is the issue of homeland security in my
12 view, and the common causes and the common ground
13 involved here, it can bring us together rather than
14 polarize us, but it won't happen overnight, but I do
15 believe that we have a responsibility to take what we
16 know works, make a good public policy, and find a way
17 to implement, not just talk about these kind of
18 reforms.

19 Thank you very much.

20 MR. BRIGHT: Mr. Bobb.

21 MR. BOBB: Thank you very much for the
22 opportunity to appear before you all. I'm delighted
23 to be here today. I'm delighted to see as many
24 friends as I see on this commission. And, Senator
25 Romero, it is particularly good to see you.

1 Some 14 or 15 years ago when I first got
2 into this business with the Los Angeles County
3 Sheriff's Department Senator Romero was right there
4 by my side and of tremendous assistance.

5 What I would like to talk about today in
6 the brief time that I have is the Los Angeles County
7 jail system. I serve as a monitor of that system for
8 the Los Angeles County Board of Supervisors. The Los
9 Angeles County jail system, as I'm sure you know, is
10 the largest urban jail system in the United States.
11 It has houses some 20,000 inmates on a daily basis.
12 It is also an extremely active place. There are 500
13 inmates entering into the system on a daily basis and
14 500 released on a daily basis on average. There are
15 7,000 inmates of that 20,000 who are transferred from
16 one jail to another, taken to court, taken back from
17 court, and so forth. The jail is spread throughout
18 Los Angeles County which, as you may know, is as
19 large as the State of Rhode Island, so that we have
20 jails in the northern part of the county which are
21 some 40 or 50 miles from Downtown Los Angeles, as
22 well as jails in the Downtown Los Angeles area.
23 This amount of movement, this amount of people coming
24 in and out, presents very unusual challenges for our
25 Sheriff, Lee Baca.

1 What I do is not to resolve or look at
2 individual inmate complaints, that job falls to the
3 Office of Independent Review which Jody mentioned
4 earlier. Their responsibility is to assure that the
5 investigations of individual complaints are fair,
6 thorough and complete, and they certify in a way that
7 those complaints are thoroughly and are fairly
8 resolved. They do not dictate in any way the result,
9 they cannot, but they can make recommendations to the
10 sheriff.

11 Jody and the ACLU have had a valuable
12 presence in the Los Angeles County jail system for
13 many years and they act as a contact point and a
14 facilitator for inmate services that have not been
15 provided or are lacking. So, for example, if a given
16 inmate has not been able to get to the doctor or the
17 conditions of confinement are particularly
18 problematic, the ACLU will use its good offices to
19 intervene and try to facilitate a decent resolution.

20 My role is different. As monitor, I look
21 at the system as a whole, the jail system, and try to
22 make an assessment whether they're working or not and
23 what could be done to improve those systems, so I
24 will take each stage of the confinement process.
25 Okay. I will look at intake. I will ask myself how

1 does it happen, how well is it done, how well are
2 inmates, health or medical health problems dealt
3 with, are they segregated out early, where do they
4 go, what kind of treatment do they get. Then I will
5 look carefully at the classification system and try
6 to decide whether the Los Angeles County jail system
7 has a functioning and correct classification
8 mechanism. It does not. We have found over time
9 that there have been many, many classification
10 errors; that there is a lot of confusion over what
11 system of classification to use. It is complex, it
12 is cumbersome, it is internally inconsistent, so I
13 have worked to try to think of ways to make that
14 classification system more rational.

15 Housing conditions within the Los Angeles
16 County jail system are difficult and also have failed
17 significantly from time to time. The current riots
18 or disturbances we're experiencing is a direct result
19 of that. The Los Angeles County jail system was
20 built to house misdemeanants serving sentences of a
21 year or less. The operating assumption behind the
22 jails was that 70 percent of the inmate population
23 would be misdemeanants serving short sentences. At
24 this point, 80 percent or more of the inmates are
25 either felons awaiting trial or sentenced prisoners

1 post-conviction who are awaiting transfer to the
2 state prison system. Indeed, in the Los Angeles
3 County jails today there are some 3,000 state
4 prisoners who are awaiting transfer and I would hope,
5 I would suggest that the state help out in this
6 particular situation by giving those people to the
7 state prison and reducing that condition.

8 There's talk in the current circumstance of
9 segregation by race or ethnicity. I think that may
10 be necessary as a very temporary measure but what I
11 would rather see happen myself is a classification
12 and segregation by security risk. On the North Point
13 System I would very much like to see the eights and
14 nines not mixed with five and sixes and ones and twos
15 and threes. Because the system was set up, as I say,
16 for misdemeanants, there are lots of dormitories in
17 the Los Angeles County jail system and very few hard-
18 locked cells. That presents a great challenge to the
19 sheriff, of course, in terms of getting people out of
20 the dorms, into hard-locked cells to quell the
21 disturbances.

22 My time is up but I would be delighted to
23 answer any questions you have and to talk further
24 about the role that a monitor can play in helping to
25 assure safe and secure institutions.

1 MS. SCHRIRO: Good morning, ladies and
2 gentlemen. I'm Dora Schriro, I'm the Director for
3 the Arizona Department of Corrections, and I have
4 been a jailer for some 30 years or so. I think this
5 is extraordinary work. I came to the field looking
6 to make a difference with my colleagues and I'm ever
7 so pleased to be able to talk to you this morning
8 about some of the ways in which we make change
9 happen.

10 For us, the conversation is really about
11 how one creates public value in the public sector and
12 how do you use that, particularly in the environment
13 as difficult as corrections can be.

14 I would like to talk to you briefly about
15 the method that we developed first in Missouri where
16 I served and is substantially improved here in
17 Arizona and continues to get better with time, but
18 then to spend the bulk of my brief comments on the
19 kind of characteristics of an organization that is
20 really positioned to make and sustain that positive
21 change happen, that's some of what we need to be
22 doing for ourselves, and looking to the academic
23 community and others to help us in that regard.

24 For us, our approach to problem solving is
25 what we call a parallel universe. We recognize that

1 virtually everyone who comes to prison is going to be
2 discharged at some point in time, so no matter how
3 tough we are with sentencing, sooner or later
4 everybody comes home and we look at the data, it is
5 really quite surprising because the average length of
6 stay is not nearly as long as we would expect.

7 When we also looked at our population we
8 discovered over a third, really, is a jail
9 population, they're with us for less than six months,
10 so we needed to develop a strategy that would fit a
11 traditional term sentenced prisoner, as well as those
12 who are going to be with us for ever so brief of
13 time, just enough to have their lives disrupted and
14 then have to go back to the community.

15 Parallel universe is our approach to
16 problem solving. It is a simple, integrated and
17 comprehensive approach which recognizes that
18 everyone, virtually everyone is coming home, and so
19 we attempt to use every moment of the time of the
20 sentence in ways that are much like the real world to
21 which the offender population is going to return
22 because for many of them, when they came to us they
23 failed at many things. They not only broke the law,
24 but they hadn't completed high school, they were
25 involved in drugs and alcohol, they had violence in

1 their family life or were unemployed, so it is a lot
2 of stuff to fix in a short period of time.

3 To give them skills alone is great but,
4 quite frankly, it is not really enough. You have to
5 teach them how to use those skills so as to apply
6 them to the underlying values and mores associated
7 with literacy and employability, and so we have been
8 on a search for ways to revisit all of our core
9 assumptions, rearrange our operational practices and
10 our programming strategies to accomplish those
11 important roles.

12 The paper talks in greater detail about
13 parallel universe and I would be really happy to
14 answer questions, but I want to move on fast to how
15 you create environments in an organization to sustain
16 that kind of sweeping, indeed, and comprehensive
17 change. In my experience, there are five kind of
18 characteristics and you need to have all of them to
19 some extent so as to support those kinds of important
20 reforms.

21 First and foremost there must be
22 leadership, and leadership is not only the
23 traditional leadership in the form of a director or
24 senior staff, one of my colleagues is here with me
25 today, but creating a community of leaders, not only

1 within the organization but with your partners who
2 have a stake in your success, so that would be family
3 and friends of the offender population, the crime
4 victim's community in particular, and others in the
5 public sector.

6 Second, that staff must really be empowered
7 to make change happen. We seek and we cultivate a
8 staff who has very high expectations for themselves
9 and very high expectations for the offender
10 population of which they work, very high expectations
11 that the work that they do will have long-term,
12 positive impact on the community.

13 Third is that prisons must be a safe place,
14 and when I talk about safe place I'm referring not
15 only to the physical safety, but psychology safety.
16 Staff and inmates alike are at risk of great
17 criticism, and in a paramilitary organization anybody
18 can pull up anybody else and so it is kind of a
19 precarious place to be. And so creating an
20 environment in which practice does make purpose and
21 where the attempts to get better are rewarded and
22 recognized, as well as those deliberate missteps are
23 addressed as well.

24 Fourth, that there must be press, and I
25 don't mean the kind in the back of the room, but that

1 there is this singular focus on what I call the
2 capital "J", job, getting the big job done. It is
3 running your prison safely today, but far more
4 reaching is preparing the population to go back to
5 the community so that there is no further negative
6 impact of any of those folks as they return.

7 The fifth of the factors is there must be
8 wide use of scarce resources. We come to learn
9 quickly in our business that we have to get really
10 good at making stone soup. There's never going to be
11 enough money to do the things that need to be done,
12 and yet we can do so much more wisely with what we
13 have, and some of the resource development that I
14 consider in my leadership capacity and that I
15 consider with my community leaders is how do we use
16 our time well. Well, from the first day to last day,
17 every moment is focused on this tedious preparation.
18 The second is the money is used wisely and so based
19 on evidence-based practices, zero in not on the
20 lowest people who literature says are going to screw
21 up if you mess with them, let's focus on the mid- and
22 higher-ranked folks in terms of needs and risk and
23 level our resources there with enough time to get it
24 done. But staff is an extraordinary resource and
25 what they really want to do is to be a significant, a

1 group of significant contributors. All of our scarce
2 resources, even though they're in short supply, is
3 public support and public respect and the way in
4 which we cultivate that important support is to have
5 measurable outcomes, to publish those measurable
6 outcomes on a routine basis and share them with
7 others, whether it is good or bad, it is still our
8 responsibility, and through this we achieve
9 transparency and accountability with the public that
10 we serve. I'm all done.

11 MR. BRIGHT: Great views on the part of
12 all three people.

13 I would assume, though, that everybody
14 tries to do the most they can with the very limited
15 resources they have but when you talk about sweeping
16 and comprehensive change, we need resources to do
17 that and I will come back to the question for Mr.
18 Harshbarger.

19 Everybody agrees reentry is a critical
20 issue today or one of the critical issues today.
21 Yesterday we heard that right here in California a
22 disproportional number of people are coming from very
23 hard up communities that contributes to them coming
24 in and then going back to those same communities when
25 they get out, and I guess the question is everybody

1 will talk about those things but how do you actually
2 make it come about, particularly with regard to the
3 resources that are needed.

4 MR. HARSHBARGER: I'm not sure. I wish
5 I had the answer.

6 I think one of the greatest challenges here
7 is how we talk about this and how we discuss it
8 generally because, for example, in Massachusetts,
9 which is a blue state, the reality is that there is
10 no constituency now for any of the reforms that we
11 have proposed. We have a Republican governor. The
12 governor is the governor. So the governor is there
13 and it is a democratic legislature. These entities
14 are not talking about these issues, and yet the
15 question I go to with my common cause hat is this.
16 Where are the fiscal conservatives on this. I mean,
17 here is half a billion dollars that we cannot measure
18 and the outcome is simply not producing what it
19 should. Who ought to be caring about how we deal
20 with this efficiently. Where are all the district
21 attorneys, where are the mayors, where are the
22 people -- they're coming back to communities and
23 causing many of these community safety problems.

24 Now we talk about reentry but what I found
25 is there's no money allocated for this purpose,

1 there's very little to be gained, and sometimes maybe
2 our problem is how do you measure prevention, how do
3 you measure what we prevented from happening as
4 opposed to the results see when there has been a
5 crises, there's been a tragedy in this area, but I
6 think that's why there is the need for a broader
7 discussion.

8 But the fact is, there is no, right now in
9 my view of this last couple years has been, and
10 probably in my career has been within corrections no
11 news is good news is the best way it is done, no news
12 is good news and that's how you are measured and if
13 we don't hear you, you are doing fine, and all of you
14 know what occurs with that situation. As opposed to
15 what was just recommended and what I heard from many
16 of you which is being more public, talk about why
17 this is important issue, why it matters, how we deal
18 with mental health, health care in prison, because
19 people are coming out.

20 One other fact that I just want to mention
21 is this. In Massachusetts, a corrections
22 commissioner, for example, we discovered that 85
23 percent of the inmates in the prison, 85 percent of
24 the inmates are restricted by either statute or
25 regulation to be stepped down from levels of security

1 because of rules relating to how you deal with
2 homicides, how you deal with dangerous offenders, how
3 you deal with sexual offenders. 85 percent are
4 actually restricted in movement. And the second
5 piece is 50 percent because of minimum mandatory
6 sentencing which many of us as prosecutors supported
7 and believed in and felt were important, now wrap up
8 and go right to the street with no supervision
9 whatsoever. I guess my answer is I don't know the
10 answer how we get there except there has got to be a
11 public discussion and debate about this in turn. But
12 it is a public safety issue, it is a fiscal
13 accountability issue, it is a fiscal responsibility
14 question, not whether this is, you know, being soft
15 on crime or this is good for the inmates only. I
16 mean, I think we failed to talk about the end result
17 here and most of us talk to each other rather than
18 trying to get out of the debate with the public in
19 general.

20 MS. SCHRIRO: We have the right people
21 and they're hard working but we found a lot of waste
22 and we continue to find places where we can make
23 changes for the better. Just a couple examples.

24 There were hundreds of state inmates backed
25 up in county jails throughout the State of Arizona

1 when I came. It wasn't good for them, it wasn't good
2 for us. We took a hard look at our intake process
3 and streamlined it and we cleared up all of our
4 backlog and now we take every state-ready inmate the
5 day the sheriff is ready to transport them to us,
6 whereas we used to spend several million dollars a
7 day paying bed days to the counties. That's now
8 money that I have recouped that I can re-deploy to
9 some of my other initiatives because it is not being
10 spent in that way.

11 We made the commitment that our goal would
12 be in the first five years that we came together as a
13 team that every programmable inmate would be employed
14 full time. Employment means work and treatment,
15 activity during the day plus meaningful, evidence-
16 based leisure activities and meaningful family
17 development activities. We found that while we had
18 many classrooms and vocational training programs that
19 they were half full, and sometimes a big class was
20 assigned to small rooms so we put our restraints on
21 ourselves. There were all sorts of little places of
22 waste but in the aggregate we were able to rearrange
23 those basic program resources and without any other
24 appropriation create sufficient capacity to clear up
25 the backlog of the hundreds of people waiting to get

1 into the adult basic education. We have a 300
2 percent increase in the GED graduates last year with
3 over 3,000 having graduated. Everywhere we look we
4 find places to make improvements and that doesn't
5 mean at some point you don't need more, but it is not
6 in as many places as you would expect and where they
7 are, we can speak with so much better data about the
8 urgency and the necessity for that support and in our
9 system, quite frankly, it is really just limited to
10 three, really three important areas.

11 We need a significant pay increase for our
12 staff. We are losing them like crazy and we need
13 them. And, secondly, that we need to expand our air
14 treatment capacity, but it doesn't cost a lot of
15 money to do that. There are any number of really
16 effective interventions out there that are not
17 expensive to adopt. And that third, we need health
18 care.

19 MR. BRIGHT: You are aware many systems
20 don't have what you have, don't have classes, don't
21 have GED programs, all of that.

22 MS. SCHRIRO: I don't know, I guess my
23 very best resource is I have a terrific governor who
24 when she appointed me directly to put the corrections
25 back in the trenches, that's where it started.

1 MR. BOBB: I would like to briefly
2 address the reentry problem again from the
3 perspective of Los Angeles County.

4 I told you there are about 500 inmates
5 coming in and going out of the jail on a daily basis.
6 There is no real discharge planning at this point for
7 those inmates coming out of the system, albeit the
8 sheriff's department does have a small unit that
9 attempts to do some of that. But what happens in Los
10 Angeles County is that they're released, they're not
11 taken back to the communities from which they came,
12 they wander over to skid row or are dumped in skid
13 row. There are instances sheriff's departments and
14 other departments in the county are just taking
15 inmates down to skid row and dumping them, hospitals
16 are dumping people on skid row, and what we're doing,
17 and this is switching hats, I'm switching now to my
18 position as the president of the Police Assessment
19 Resource Center, PARC, in conjunction with our parent
20 organization, Vera, is proposing and is generating
21 support for an administration project that will
22 provide that kind of resource, discharge planning for
23 the jail itself, providing them with services before
24 they get out of jail, examine their benefits to see
25 whether they qualify for Medicaid and other benefits

1 when they get out, figuring out ways to transport
2 them to their communities of origin, locating
3 services in those communities of origin to which they
4 can go. I think, and I hope, and we need some help
5 from the state level on this too, is that this kind
6 of focused discharge planning will ultimately impact
7 significantly on the recidivism rate.

8 MR. SCHWARZ: I think we're talking
9 about what's really the most important issue for this
10 commission which is how do we make our
11 recommendations that are surely going to be good,
12 ones that are going to affect the public debate.

13 By the way, before I hit a followup
14 question I want to recognize Chris Stone who was the
15 director of Vera and the idea for this commission.

16 But obviously this is a core issue and I've
17 got an observation that's sort of a question. One
18 observation is I think one of our contributions will
19 be to come forward with the best practices like your
20 idea of the virtual, the virtual inmate or the
21 virtual environment, that are working in one place
22 and, therefore, could be adopted in others and work
23 well there also. And also as Scott said, new allies,
24 fiscally conservatives, or as in yesterday's story
25 about faith-based people coming out against global

1 warming, you know, that's a whole constituency that
2 ought to be on our side on some of these issues here.

3 But ultimately we get down to the question
4 of is our society going to again be focused on
5 rehabilitation and can we make the case, is there
6 proof, and I would love to hear from any of you. Is
7 there proof that actually working on rehabilitation
8 with people who are incarcerated does make a
9 difference in the recidivism rate. I mean, it
10 should, but I think we've got to prove that. And
11 what other ideas do you have to be able to convince
12 the public that overcrowding is part of the reason
13 for lack of rehabilitation and lack of rehabilitation
14 is part of the reason for recidivism and, therefore,
15 for hurting public safety, so I'm trying to get all
16 of you to continue to comment on this most important
17 issue.

18 MR. HARSHBARGER: I have dealt with the
19 external reality of this for 25 years. I have never
20 seen a time when, and perhaps in the mid-seventies at
21 best, when we seriously talked about rehabilitation
22 being a meaningful goal even for our juvenile system,
23 let alone for our adult system. We had models that
24 showed the work. We had the Massachusetts Experiment
25 in juvenile corrections which to this day remains a

1 successful example of preventing and limiting
2 juvenile delinquency and juvenile crime that is still
3 not adopted in most states. So the challenge I think
4 from my perspective is not how do you improve the way
5 you are doing it but if we look at any other area we
6 would say the present thing we're doing is a
7 disaster, it is simply not working. That is, the
8 burden ought to be on those who say we need to be
9 tougher, and tougher does not include corrections,
10 rehabilitation, and all of things we're talking
11 about. Maybe it is a language change that we ought
12 to adopt.

13 But today you do not get a counterpoint.
14 If you are a public official, you are running for
15 office, you are a media person, there's nobody who
16 stands up repeatedly and says you are wrong about
17 your position that we ought to be tougher, that we
18 ought to doing something about rehabilitation,
19 programs in prison, reentry, supervision in the
20 community as being soft. And I think, it is very
21 basic, in the time that I have been involved I have
22 been fortunate to have a constituency that has
23 supported me in standing for many of these positions
24 that I consider to be top priority.

25 One example. I look at the police

1 department over the last 20 years and they made
2 dramatic changes in the culture, in terms of talking
3 about the best way to be tough on crime is
4 prevention. It is the cheapest, the best form of
5 public protection. Prevention programs,
6 partnerships. Nobody accuses Bill Bratton or Paul
7 Evers or Cathy O'Toole of being soft on crime because
8 they have adopted an entire new approach to this area
9 and in terms of people that they promote and hire.

10 But in this area the thing I find to be the
11 strongest public point is you are seeing what can be
12 done, you are talking about best practices. It is
13 not a mirage, there are people in every jurisdiction
14 who have done this very, very well, and the question
15 is, why is there not a way to convince others. If
16 you actually had every governor who took seriously
17 the job of corrections, who said this is a fiscal
18 issue, it is a public safety issue, it is a question
19 of community safety, not anything else, within that,
20 though, people like the commissioner will tell you it
21 is about safety, it is about humanity, it is about
22 fairness, it is about equal justice, it is all those
23 pieces that are a part of it, why haven't we been
24 able? I don't know the answer, but you are
25 challenging how do you make it possible to talk and

1 insist we talk about this. Not just make it
2 possible, but how do we start to insist that this is
3 how we got to be talking about an expenditure, a
4 budget that dominates most local and state budgets,
5 continues to rise, is the second largest provider of
6 mental health services right now, is going to be the
7 leading provider of care for older Americans, but yet
8 why is corrections being asked to deliver mental
9 health services when we have departments of mental
10 health. Why not through a major health care
11 provider, why aren't we figuring out these
12 partnerships. So the thing that frustrates me is
13 that some of us who believe that this is the way have
14 got to be prepared to, as John Gardener said, to come
15 out of the boardrooms and get into the fray and to
16 say we challenge you, we're going to challenge you to
17 talk about this in a much more positive and effective
18 ways.

19 JUDGE SESSIONS: Mr. Harshbarger, you
20 mentioned in your final report of the advisory group
21 in October of last year, you said there was need to
22 swiftly pass legislation to improve reentry and
23 expanded supervised release amendments. That was in
24 bright big letters. Did you produce with that report
25 the proposal for legislation and what the legislation

1 would be, did you write it? What did you do with it?

2 MR. HARSHBARGER: We did. We planned
3 in the next phase to focus on that and if others
4 didn't pick it up, we felt one of the roles of the
5 independent advisory council would be to propose
6 these specific legislations.

7 JUDGE SESSIONS: You know they're not
8 going to pick it up, that's underlined, that's a
9 punch in the nose. You are a former attorney
10 general. Could your group possibly produce proposed
11 legislation that might be acceptable for this group
12 to say as an appendix this is legislation proposed in
13 Massachusetts, they're having a practical problem,
14 other states have practical problems. Director
15 Schriro has talked about how they managed better to
16 do with what they've got. I don't know if you have
17 proposed legislation, but that is where it is if
18 we're going to do it. It is something the judge can
19 deal with if there's legislation, it is something
20 that litigants can deal with if there's legislation.
21 If you could favor us with some effort in that
22 regard, it would be helpful.

23 MR. HARSHBARGER: I would be glad to
24 but to some extent, I'm not trying to be apologetic,
25 I hoped we established credibility.

1 The great thing about an independent group,
2 I would argue, was not, I think we supported it to
3 some extent, probably, not by paying Kathy Dennehy as
4 Commissioner of Corrections but we gave her a huge
5 buffer benefit because we were there. But the next
6 phase, we were going to become, I felt, an annoyance
7 to others in the system who were not doing their job.
8 And, unfortunately, in the state, the nature of
9 politics, the press wanted to make a contact with the
10 governor as opposed to the question why was no
11 elected official, why was the legislature not
12 addressing this very issue as well. So I think my
13 challenge on my side is to try to figure out how do
14 we mobilize from an advocacy community an effective
15 response if we don't have the official position to do
16 it. Your point is well taken. It is very
17 frustrating that these things that seem to make good
18 common sense and everybody seems to agree upon simply
19 don't get proposed or are --

20 JUDGE SESSIONS: Well, there are people
21 who oppose.

22 MR. HARSHBARGER: There is, with all
23 due respect, a corrections industry which we ought to
24 accept that likes the things the way they are.
25 There's a lot of money in it, there's a lot of vested

1 interest in it. Change is threatening, change is
2 scary. If you happen to be the first one changing
3 you can never tell, if you are the elected official,
4 if I go through this process of change are they going
5 to stand with me or are people going to oppose me.
6 Who is going to stand with me if I'm willing to take
7 on this challenge. I know they will stand with me if
8 I say I'm tough on crime, they will be with me all
9 the way, even if it doesn't work. But if I take on
10 the challenge of change is the governor going to be
11 with me if there are a couple of riots? Is A.T.
12 Wall --

13 JUDGE SESSIONS: The question is
14 whether you might provide information, proposed
15 legislation that might deal with the release and what
16 happens in the next reentry problem.

17 MR. HARSHBARGER: I should have
18 answered your question more direct, I apologize.

19 MS. SCHRIRO: Just in response to Mr.
20 Schwarz's question, and it is nice to see you again.
21 Years ago I was in New York City Corrections.

22 First, I think in any field there's a
23 temptation to exceed one's reach but in our field it
24 is important that we know those things that we can or
25 should control and those things that need to be in

1 partnerships with others.

2 I see some trends with governors, one
3 perhaps worth cultivating, and that is where they are
4 adopting an interagency or an inter-cabinet approach
5 to problem solving so they don't look to me to say
6 fix this and then look to mental health to fix that,
7 kind of as you were suggesting, so a lot of that
8 collaboration can occur at the state or the county or
9 the city level based on the inclination of those
10 elected officials, but increasingly I think what's
11 happening, I think it is important for us to remember
12 that crime doesn't start in the prison, it starts in
13 the community, and so those things that corrections
14 should address versus those things that should be
15 considered by others as the primary initiators is a
16 worthwhile endeavors.

17 The one piece that I hear missing is the
18 offender's involvement in reform because, for
19 whatever the reasons, they were the one who broke the
20 law or pled guilty and I think one of the
21 cornerstones of the reforms that we undertake and one
22 of the reasons why there is wide acceptance for it is
23 because we talk about what is our accountability and
24 what is our responsibility as corrections
25 professionals, but what is the offender accountable

1 and responsible for throughout the course of their
2 incarceration and as they prepare for discharge and
3 reentry as well. And of all the partnerships, of all
4 the sharing of responsibilities, for me, I think
5 that's one of the most important, and so focusing on
6 that population as well is critical.

7 One of the fundamental weaknesses to both
8 the retributive and the rehabilitative approaches is
9 that it is us doing something to them, whether it is
10 us doing treatment to them or us doing punishment to
11 them, and the real question is what are they doing
12 for themselves and their families and their
13 communities and then how to support them in that
14 endeavor. It may be wordsmithing at the end of the
15 day, but I think it is more than that.

16 Last, I think there is a terrific amount of
17 evidence-based research out there. Every
18 organization in our correctional system has the most
19 modest of research units but those one or two people
20 prove some really phenomenal stuff and I think if you
21 were to solicit recidivism studies from virtually any
22 state correctional system, they will have something
23 to share with you. And there are any number of
24 university folks who are also doing recidivism
25 studies and other studies about what works and why it

1 works, and so perhaps when you are at the end, that's
2 a next chapter or some other addendum very worthwhile
3 pursuing and adding to your valuable work.

4 MR. BOBB: I would like to respond a
5 bit more to Fritz's question.

6 I think what one of the things we need to
7 look at, and I'm heavily influenced in my views by
8 Mike Jacobson's book *Downsizing Prisons*, is figuring
9 out how to reduce prison population. I think I would
10 look at three strikes laws across the country and see
11 whether they are putting in jail people that should
12 not be there. I would look at the power of diversion
13 programs, I would look at sentencing to see whether
14 we are in an era of over-sentencing and therefore
15 putting too many people into our prison system. What
16 are we doing with the physically and mentally ill;
17 should they be there. We need legislation to, in
18 essence, decriminalize poverty. We need to look at
19 problems not so much as criminal law problems but
20 social problems, get legislation to do that. If we
21 can downsize the prison system, get a prison
22 population under control and in hand where we don't
23 have 167,000 inmates incarcerated in California, then
24 I think that generates money, it generates savings in
25 terms of prison construction, in terms of daily costs

1 for inmates and the like, then that money and those
2 savings should be channeled into reentry efforts and
3 programs, both during the course of the inmate's stay
4 and then to make sure that there is adequate planning
5 to discharge them to maximize the opportunities that
6 this person has some semblance of a network, some
7 ability to, if he or she chooses, help themselves get
8 out and not come back.

9 MS. ROBINSON: Scott Harshbarger, I
10 think, has really framed some very important themes
11 for us with this whole issue of developing
12 constituencies and I know, Scott, you and I have had
13 this conversation over a decade or more about how to
14 build constituencies broader than the criminal
15 justice system itself for bringing change and how the
16 public, the country deals with crime. And harking
17 back to Fritz Schwarz's question, I agree, as the
18 commissioner raised, that there really is a great
19 body of evidence-based research available on the
20 question of whether a rehabilitation program really
21 can be successful in helping prisoners change their
22 behavior and become the law-abiding citizen back in
23 the community and change their behavior in terms of
24 using drugs and alcohol. And one of the things that
25 really strikes me is that there is such a wonderful

1 growing body of professionals in the corrections
2 field, and you see that reflected in the NIC's work,
3 et cetera, around the country who are doing the kinds
4 of things, you can see what they're doing in Arizona,
5 and maybe one of the things that the commission
6 itself can do is try to think about how do you bring
7 together the kind of other allies that Scott is
8 talking about to try to bring some juncture and
9 gather together people who can give support to that.
10 Isn't that really the key? And I would like to have
11 some brainstorming further on the part of the panel
12 about how you bring to light and spotlight the kind
13 of experimentation that is going ahead in states like
14 Arizona, to show that kind of experimentation, it is
15 terrific to hear this kind of work. And, Dora, I
16 have to say as a comment, I love the kind of work you
17 are doing in having prisoners renew their own
18 prescriptions and use alarm clocks. I did think,
19 gee, we can use that on our own teenagers, have a
20 side industry going here.

21 But, seriously, the kind of successful or
22 we think successful models that are underway to give
23 more attention to this kind of thing, I think
24 legislators, Scott, would be fascinated to learn
25 about that in other parts of the country and I would

1 love to get some of your reactions on that. Couldn't
2 people be excited about this kind of thing?

3 MR. HARSHBARGER: I will say that,
4 Laurie, in the last two years, and I have mentioned
5 this to several of you, I repeat, as somebody who is
6 in the justice system, cared about corrections even
7 in these other roles, I really think I learned so
8 much in the last two years and I, therefore, I look
9 at the public education gap. What I saw worked, the
10 things that you seeing now; how good, how established
11 the best practices are, how good some of the people
12 administering these systems are, how they find ways
13 to balance these issues that we deemed as impossible
14 to balance in secure settings and how they go about
15 doing this, and it strikes me as well this is a
16 worthy political discussion because it is one of
17 those times if you get people to understand this, to
18 see this, you will have success in building it. But
19 the problem, I think, is, and I know to Merrick's
20 point, with all due respect, I came out of the
21 sixties myself and believe all these things, the
22 social safety net is gone. I mean, we let government
23 walk away from so many responsibilities and this is a
24 part of the issue. We have let government advocate
25 on so many fronts and what's happened is the police

1 and corrections are willing to take these jobs on. I
2 mean, we are mental health providers in corrections
3 because nobody else is doing it. We are having
4 problems with housing in the community on reentry
5 because nobody is providing any kind of housing
6 programs. It is that social safety net in every
7 state that has sort of been eroded away is why this
8 problem comes up.

9 If I were to talk about rebuilding
10 alliances, we need to build an effective coalition
11 because the interest of advocates, the interest of
12 the communities, remembering that the vast majority
13 of victims of crime are also poor and powerless and
14 people of color as well, we can't go ahead and say
15 gee, it is too bad. That's why this is a civil
16 rights issue, that's why there's a coalition to build
17 and support, but the question is going to be how are
18 we, Leslie Walker, Mike Ashe and I, going to support
19 those legislators or those political people who are
20 willing to take this on and will we give them the
21 kind of support they need.

22 I happen to think that the argument made on
23 the basis of public safety, fiscal accountability, in
24 the same way we did community policing, the same we
25 did those other things, it won't happen overnight.

1 But, remember, we're still being governed in crime in
2 this area by Willie Horton.

3 Now some of us ought to be able to figure
4 out other ways to counter that because we did in the
5 other work, we saw simple solutions, simplistic
6 solutions don't work. People will support complex
7 solutions of the problems if they believe you are
8 really trying to solve them, and I don't have any
9 answer for it, but I think to come out of this
10 without building a coalition from what you see and
11 try to find players that haven't been a part of this
12 would be a serious mistake.

13 MS. ROBINSON: It seems to me some of
14 the experimentation going on, some of these new
15 approaches cut through some of the ideology, that's
16 what's exciting about it.

17 MS. SCHRIRO: I think first that in
18 some ways I'm going to encourage us to strive for
19 more than reducing recidivism. That's always been
20 the traditional measure of success in corrections,
21 what separates us from other social service
22 organizations and how they may succeed. We set our
23 standards really high and what we have asked of
24 ourselves, the making a commitment to safety now and
25 later, is that we look to the population to develop

1 the skills not only to be civil, which is to be law
2 abiding, but to be productive, and that's the part of
3 the conversation that grabs the public, that's what's
4 in it for them. It is not just whether or not they
5 may be affected negatively if this individual commits
6 a new crime, they can calculate the probability of
7 that happening, but that if all we do is succeed in
8 releasing the population that never got into trouble
9 anymore, we would still have a lot of things that
10 needed to be fixed because we have this burgeoning
11 population who have stopped doing bad things but that
12 doesn't mean they necessarily acquire the skills to
13 start doing good things. And what's in it for us is
14 if they aren't out there working and taking care of
15 themselves and their families, then what we have done
16 is perpetuate a welfare system that's out on the
17 street and we're still paying for it, so having
18 conversations about the urgency as well as the
19 necessity of the kinds of reforms and how it benefits
20 us not just in terms of our personal safety but our
21 fiscal solvency which is a little bit different than
22 the fiscal argument about running efficient and
23 effective prison systems I think is worthwhile.

24 The other thing that I would encourage is
25 if we could take this conversation and keep it real

1 and make it normal. If on a routine basis Time and
2 Newsweek and the New York Times who episodically will
3 feature reforming corrections did more in this area,
4 covered it with the depth that a weekly could do, if
5 there was more conversation on some of the public
6 networks, not that anyone watches them but they have
7 more time to deal with these things, these are not
8 your three-minute or three-second news clips, it is
9 not nearly enough to inform. And I guess if I could
10 really wiggle my nose, it would be a wonderful for
11 real T.V. program and it would be about all the
12 people who come together in a correctional
13 environment and how they struggle to be good people
14 and how they struggle to be better people, whatever
15 uniform they happen to be wearing that day.

16 MR. BRIGHT: We have many people that
17 want to ask questions and three minutes in which to
18 answer them so keep that in mind.

19 MR. KRONE: About reentry on public
20 safety, we talked about quite a few things but we
21 haven't addressed the physical health aspects of
22 prisons and specifically the fact that our prisons
23 are breeding grounds for a lot of contagious
24 diseases. I would like to know what recommendations,
25 policies and procedures that you would recommend as

1 to how we identify, treat, prevent this spread of
2 contagious diseases, not only in our prison to other
3 inmates, but also when they're released to the
4 public; HIV, AIDS and hepatitis.

5 MS. SCHRIRO: It starts with a good
6 intake process where there is a comprehensive battery
7 of physical examinations. There has to be increased
8 effort to provide health and education initiatives
9 and get the offender population more actively,
10 directly involved in their own health and healthy
11 habits. Our focus on leisure, development of leisure
12 time, as well as work skills, is really critical to
13 that. In fact, it is good sense for us as a system
14 to encourage that population to be physically active,
15 it is important to eat healthy, it is important to
16 have your routine checkups. From our perspective we
17 also need to rethink how we deliver health care. I
18 think there is positive value for the co-pay system
19 that many systems are adopting, but there's some
20 unanticipated consequences associated with that as
21 well. If an inmate is scarce on resources, are
22 straining their moneys and so waiting until the
23 situation is such that it is far more difficult to
24 treat, then those are perhaps practices that we need
25 to reconsider. So like everything else I've said, it

1 is really a partnership, but it is us enabling and
2 empowering them with better education and
3 opportunities to live that healthy lifestyle that's
4 necessary to live on the outside.

5 MR. HARSHBARGER: Let me just say from
6 the outside, the two pieces of our report, that's not
7 the bible, but it is not bad.

8 The two task force reports we did on female
9 offenders with the second, this last round which is
10 the shocking problem in Massachusetts because there's
11 such overcrowding, but the -- and the one on mental
12 health. And what was most interesting was the
13 correctional people, the first ones to identify a
14 whole range of issues with, for example, 65, 60
15 percent of the female offenders who present either
16 for jailhouse health, serious mental health or other
17 kinds of issues, they didn't get it at prison, they
18 came in with it, but then the issue is where are the
19 facilities that deal with that, the health care and
20 mental health issues in these secure custodial
21 institutions with limited care. I think it was
22 actually, it was to me, a revelation because it was
23 not an area that most of us had thought about even
24 being as serious of problem it was in terms of simply
25 having a safe and secure and healthy institution.

1 So what I was also impressed with again, I
2 will repeat back from what I was hearing, there are
3 many institutions, I was very impressed with them,
4 who know how to do this, who do it very well through
5 intake, who figure out systems to deal with this, but
6 one of the cost factors in Massachusetts is that
7 health care alone right now is 15 percent of the
8 budget, programs are five percent. Health care is 15
9 percent, physical, the security just of the building
10 alone is 50 percent, but then the largest issue is
11 then the personnel cost is 80 percent and that's tied
12 up very much in union contracts.

13 MR. KRONE: I was specifically
14 concerned about the contagious diseases that come
15 back to our communities, to our children and loved
16 ones.

17 SENATOR ROMERO: Thank you for your
18 presentation.

19 I'm looking especially at the development
20 of coalitions. In California, to some extent, we're
21 talking about corrections and rehabilitation to a
22 large extent because we had the Terminator elected
23 and not every state has a movie star running for
24 governor of the state, thank God, but in California
25 nobody can question him as being soft on crime. As

1 an elected official, it is real. I'll say I've had
2 everything thrown at me; that I love rapists, sexual
3 offenders, you name it, I am soft on crime.

4 The issue that I have found to work is just
5 to accept it as a given, move forward, because to me
6 I think that regardless of the policies we embrace,
7 the most fundamental, important policy in any state
8 is the budget, it reflects the priorities, and when
9 you simply open up the books and you start looking at
10 how the money is spent, I can get some of the most
11 right-wing Republican dear colleagues to look at
12 those and side with one of the most liberal Democrats
13 in California saying there's something wrong here,
14 coupled with commissions like the Little Hoover
15 Commission who have labeled our parole system as a
16 billion-dollar failure. So I think it is something
17 we have to do because you have to -- I don't want to
18 say go under cover because I think backbone is
19 essential, but show me the money, show me the
20 taxpayer accountability, and to a large extent I
21 think some of the things we have heard about
22 California is saying California is about law and
23 order but it is not about being tough on crime, it is
24 about being smart on crime, and I think it is
25 something we really have to figure out how we work

1 with governors and state legislatures throughout the
2 nation who get every insult hurled at them and to
3 figure out how to make it work.

4 Additionally, you talked about the media.
5 One thing that I think helps to explore that is media
6 access. To a large extent our prisons have been
7 closed. We hear about those places, we don't see
8 them, we don't open them up. We have tried getting
9 California, the sunshine state, to open it up, allow
10 media access. If we have nothing to hide, how do we
11 begin to provide access, and I think it is an issue
12 this commission needs to look at. Media access I
13 think is the big part of it. I think you are
14 absolutely right, we still live under the scepter of
15 Willie Horton and whether we see it in face of
16 Hurricane Katrina, to looking at corrections in
17 California, we cannot go to San Quentin, we cannot go
18 to Death Row in California and not see 40 percent of
19 the condemned African-American in a state where less
20 than seven percent are African-American. The face of
21 race, the question of race underlines to me criminal
22 justice corruption and, to a large extent, you cannot
23 talk about looking at conditions of confinement,
24 successful reentry, the whole process of how they get
25 into prison, how they're treated, race relations and

1 how they get out without examining to a large extent
2 the fundamentals of race in this nation, so I think
3 there's much that we can do. I look forward to
4 working with you. Those are some very real
5 challenges. To a large extent it begins with open up
6 the book, show me. We do it in every other
7 institution. We still seem to be very reticent and
8 closed in dealing with this which makes it harder for
9 elected officials then to take on an issue that we
10 send out, nobody should be looking at.

11 DR. GILLIGAN: I wanted to address some
12 of the issues that came up in this discussion and I
13 would like to direct this primarily to Mr.
14 Harshbarger, theoretically to all three of the panel
15 members.

16 We have been talking about what's missing,
17 what we don't have enough of. We don't have enough
18 resources, not enough money. Second, not enough
19 political support. Thirdly, not enough knowledge
20 ourselves as to how to do the work. I want to
21 address all these things and get your thoughts as to
22 whether we might also be able to come up with some
23 solutions to them.

24 Just to give a few examples, the Rand
25 Corporation here in California, research I have done,

1 research many other groups of individuals have done
2 have shown that there are rehabilitation programs and
3 violence prevention programs that do cost money put
4 into place, but when they are put into place save the
5 taxpayers money. A great number of us have shown
6 that the taxpayers can save \$4, \$5, \$7 for every one
7 dollar spent on a wide variety of violence prevention
8 programs from the intensive rehabilitation programs
9 in prisons, to substance abuse treatment programs, to
10 programs for families in high-crime neighborhoods,
11 et cetera. So the question is not whether we can
12 afford these programs, the question is whether we can
13 afford not to have them because they reduce
14 recidivism, they reduce initial crime so much. On
15 the other hand, the public hasn't been educated about
16 this, so we need to think how can we educate the
17 public better and, finally, how can we educate
18 ourselves better.

19 One anecdote. When the sheriff of
20 San Francisco, Mike Hennessey, a few years ago
21 started an intensive program to replace retributive
22 justice with restorative justice what he did was to
23 get a grant to do research and evaluation of this
24 program which I conducted for him. What we found, we
25 were able to demonstrate an 83 percent reduction of

1 violent recidivism among inmates that had access to
2 this program compared to a control group that didn't
3 have access to it, that they were saving the
4 taxpayers four to \$5 for every dollar spent on them,
5 but how to publicize this, how to get it across.

6 I would start with Mr. Harshbarger. The
7 advisory council members which includes many very
8 appropriate and remarkably capable people on it did
9 not include the people who actually educate the
10 people; the editor of the Boston Globe, the
11 presidents of the major universities, the leaders of
12 the major religious organizations, the catholic
13 cardinals, bishops, et cetera, et cetera. Is there
14 any reason we shouldn't include throughout the
15 country on advisory councils to departments of
16 corrections the major educators of the public so we
17 can get some public support and political support so
18 that the public can learn, in fact, that what we're
19 doing now is not only improving their safety, it is
20 actually also costing them more money compared to
21 what we could do if we had programs that work?

22 And finally to put an emphasis on the idea
23 that there's no point in doing any kind of innovative
24 programming in the correctional system unless it is
25 always accompanied by research, by an evaluation that

1 will show whether or not this is working without
2 which its usefulness and effectiveness, disappears
3 the next time a new governor is elected. I just
4 wanted your thoughts about these ideas.

5 MR. HARSHBARGER: They're terrific
6 observations and comments and since I suspect we have
7 a time limitation here, no one wants us to take the
8 rest of the day.

9 Let me just say three things about that.
10 One is there is absolutely no reason why those things
11 should not have been done. An example. Given
12 limited resources, the first major research that was
13 done about the recidivism issue is just beginning to
14 be done now in Massachusetts.

15 Secondly, I am still hopeful and optimistic
16 about our democracy but I'm also not convinced that
17 evidence alone carries the day. I have seen too much
18 even in areas in the last 10 years, I have watched
19 with real concern as we took things like, for
20 example, the Comprehensive Multidisciplinary Safe
21 Neighborhood Initiative and reduced urban crime in
22 Boston, and that could have been done in many cities,
23 but the trouble was we eroded away, a example, the
24 after school program, the conflict resolution program
25 which I watched solve major racial issues in high

1 school. I saw the intervention of mediators in
2 conflict resolutions in jails. It was remarkable in
3 teaching inmates and young people to understand how
4 to understand problems without violence. But the
5 question was evidence-based practices. The leaders
6 here, that's all they talk about, but it doesn't seem
7 to move yet the legislative process.

8 The third piece about the media, and this
9 particular commission I think we set up for purposes
10 that were somewhat limited, my only concern on
11 advisory commissions, and maybe you want to think
12 about this, all of you, is many people will agree to
13 serve but will they serve. Will they go on just in
14 name. One of the best things we have going for us,
15 we happened to have two independent staff people who
16 worked with the commission. They were terrific. I'm
17 worried about who will actually commit themselves in
18 this area to this kind of service. And I go to the
19 academic institutions, there are remarkable people
20 who could help here.

21 I don't know whether, to answer the
22 senator's question, corrections departments are not
23 uniquely open to allow others in to help, or if it is
24 a chicken-and-egg situation; because we're not
25 invited in we do all our studies separate from it, or

1 is it, frankly, that in many respects the trouble
2 with corrections work is it is nitty-gritty, in the
3 fray, it is hard, it doesn't always produce perfect
4 control environments and it is always day to day and
5 active, tough to deal with this. It is not appealing
6 for many people to come in and do that.

7 But my other thing about the media, the
8 media is the messenger here. We live by 15-second
9 soundbytes, we live by 30-second reports, the eleven
10 o'clock news. Even the situation in Los Angeles, I
11 believe, I noticed last night it wasn't a lead story
12 on the news. You go to Boston, it is very hard to
13 get people's attention, and you can have a great,
14 good news story one day in the paper but as many
15 students in high school programs used to say to me,
16 if there's a shooting in a high school, every media
17 outlet in town will be here. If we went through the
18 day in most urban schools with no crime whatsoever,
19 we will never get any focus on that side of it. So I
20 am concerned about the dollars and cents we need.

21 I think we demonstrated prevention,
22 meaningful, real prevention programs work and
23 therefore it is a political problem, I think it is
24 more a political problem in the best sense. This is
25 a democracy after all, we do act out our values, but

1 through the political process. If you are going to
2 make change, we have to all commit ours in getting
3 into that fray as well.

4 MR. BRIGHT: Thank you very much for a
5 very stimulating panel. Unfortunately we have run
6 out of time so we're going to take a break.