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HEARING THREE
COMMISSION ON SAFETY AND ABUSE
IN AMERICA'S PRISONS

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

Interpersonal Dynamics that Influence
Safety and Abuse
Pages 132-191

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MR. MAYNARD: Our next panel will address the implications of the interpersonal dynamics among and between corrections officers and the people they are charged with supervising. To shed light on these important issues I'm pleased today to introduce our three witnesses, Elaine Lord, Eddie Ellis, and Kathleen Dennehy.

The psychological forces that act on people who supervise others in a closed society can have a substantial impact on officer behavior. So too can the dynamics that operate between officers and incarcerated people, potentially leading officers to abuse their authority and prisoners to resist rightful authority. This panel will try to identify these

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1 dynamics and their sources and will explore ways to
2 assure the potential negative consequences are
3 minimized.

4 Elaine Lord is a former superintendent at
5 Bedford Hills Prison for Women in New York, and has a
6 specific interest in cross-gender relations in
7 correctional environments.

8 Eddie Ellis was incarcerated for 25 years
9 in various New York State prisons. He currently
10 directs the NuLeadership Policy Group at Medgar Evers
11 College, part of the City University of New York,
12 which brings together individuals who have been
13 incarcerated in order to influence criminal justice
14 policy.

15 Kathleen Dennehy is the current
16 commissioner of the Massachusetts Department of
17 Corrections. In that capacity she has focused on,
18 among other important matters, breaking down the
19 so-called code of silence among officers. I'd like to
20 thank all three of the witnesses for being here today,
21 and we'll begin with Superintendent Lord.

22 MS. LORD: Good morning -- good afternoon.
23 It's my pleasure to be here. I was a warden of a
24 maximum security prison for women for nearly twenty
25 years. I loved my job, but I retired. I retired when

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1 I came to believe that I could not adequately protect
2 the female inmates in my custody. I couldn't protect
3 them from being sexually preyed upon.

4 Women have different needs and different
5 vulnerabilities than men. We know women coming to
6 prison have extensive histories of serial abuse as
7 children and as adults, including sexual abuse and
8 physical violence. Many are serious and mentally ill
9 and drug and alcohol are involved. A vast majority
10 have children. For the most part, their experiences
11 of violence have occurred in family situations and in
12 relationships. They are also people of many words,
13 and this is probably the greatest stressor in a
14 women's prison.

15 Despite these realities, we can't create an
16 unreal situation by trying to move all male officers
17 out of women's prisons. These staff have rights as
18 employees just as inmates should have rights to
19 privacy. I certainly have had my share of inmates who
20 have said the men should go, but on the other hand,
21 I've had many inmates who have said male officers are
22 calmer and more at ease with their power.

23 When I look back, one of the best officers
24 I ever had on the nursery unit with mothers and
25 newborn babies was a man. We live in a two-sex

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1 society and male staff can provide good models. They
2 can be decent, fair, and humane. They can listen and
3 they can learn. I don't believe that cross-gender
4 supervision is a precipitating factor in sex between
5 staff and inmates. This is a caricature of a far more
6 complex reality.

7 Male officers contribute positively to a
8 female prison's operations just as female correction
9 officers do in male prisons. Further, they are not
10 the only group that commit harassment or sexual abuse.
11 Maintenance staff, cooks, and other civilians have
12 also been involved.

13 As a further complication, women's staff
14 can and do get filed for inappropriate sexual
15 activities in women's prisons as well as in male
16 prisons. Staff must be trained and retrained that any
17 sexual behavior by staff towards an inmate in prison
18 is predatory and violent. The staff -- then the staff
19 who don't act appropriately must be dealt with, but we
20 must remember that they come in many different
21 varieties. We cannot most importantly run humane
22 systems if we continue to discount any information
23 that an inmate provides for lack of corroboration from
24 an employee.

25 I have listened to inmates for many years

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1 and sometimes they are telling the truth. And as
2 administrators, we cannot be stripped of our ability
3 to manage and protect inmates by unions. Prisons are
4 not places where we can have unionized staff that own
5 posts. In such cases the ability of a superintendent
6 to manage has been eroded, and the ability to protect
7 inmates by relocating the staff person is nonexistent.

8 We must go back and look at how we
9 characterize inmates as a society. I thought about
10 that at this morning's session. An inmate may have
11 committed a criminal act, but it is not a steady
12 state. They are not monsters. They are not subhuman.
13 They are us.

14 But as long as we have such a subservient
15 class overseen by us as a dominating force, we will
16 struggle with violence and sinful issues. Sometimes
17 even the most experienced among us learn from
18 outsiders or from history. In New Jack, Ted Conover
19 filed a legislative report written in 1851. It said,
20 "To become a good officer requires much more knowledge
21 and experience than is generally supposed. And it is
22 a long time after a new officer enters upon his or her
23 duty before" -- I added the he or she, "he or she
24 become even under the most favorable circumstances
25 fully competent to discharge it. It is not like a man

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1 or a woman driving a herd of oxen or working a piece
2 of machinery, the whole mechanism of which she or he
3 can learn in a short time.

4 "But it is controlling the minds of men and
5 women, no two of which are alike. It is curbing their
6 tempers whose manifestations are infinitely varied.
7 It is directing their motives which are as diverse as
8 their personal appearance or physical confirmation,
9 and it requires an intimate knowledge, if not of human
10 nature at large, at least the habits, tempers, and
11 dispositions of men and women immediately under their
12 charge."

13 This consideration so evidently dictative
14 of good sense seems to be entirely overlooked in the
15 government of our prisons and changes occur among
16 officers from whim, caprice, or political motives with
17 a frequency that is utterly subversive of good
18 government. We have to remember that as we try to fix
19 things in prisons, too often we become more punitive.
20 Especially toward the inmate. Thank you.

21 MR. MAYNARD: Thank you, Superintendent
22 Lord. Mr. Ellis.

23 MR. ELLIS: Thank you very much. And thank
24 this commission for allowing me the opportunity to
25 present here. As was mentioned, my name is Eddie

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1 Ellis. I served 25 years in prison in New York State,
2 approximately a dozen houses -- approximately a dozen
3 prisons, including eighteen years in maximum security
4 and five years in medium security, and two years in
5 minimum security work release programs.

6 I've got to tell you, as a result of coming
7 here today and being among this distinguished group of
8 prison administrators and officials and officers, I'm
9 beginning to feel a little bit like the Lone Ranger
10 here. Only inasmuch as the perspective and voice of
11 formerly incarcerated people is generally
12 underrepresented in forums of this type, and I think
13 that the forums suffer as a result of that perspective
14 being lacking.

15 I'd like to make -- in the five minutes, in
16 addition to everything else that I am a radio talk
17 show host, so I tend to be loquacious and speak on the
18 long side, but in the five minutes that I have I'd
19 like to make a couple of general observations and make
20 a comment on some of the things that I heard earlier
21 this morning in relationship to the statement I'm
22 making.

23 I think it should be noted that prisons are
24 really not nice places, and that no matter what we do
25 to perhaps attempt to humanize them, they will always

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1 be places in which very violent and very aggressive
2 men and women are housed as well as the people who are
3 charged with their care and custody. The one thing
4 that is most outstanding for me, particularly that I
5 was listening to the testimony this morning, was the
6 complete absence of any discussion of the question of
7 race or class in relationship to people in prison and
8 people who are charged with their supervision.

9 The race, class question I think underlies
10 many of the tensions that exist in the prisons,

11 particularly as it relates to the question of violence
12 and the question of safety, and I think that we
13 perhaps do ourselves a disservice by not engaging in
14 that discussion.

15 And lastly, I think that we've heard a lot
16 this morning about prisons being understaffed, and
17 that the ratio of correctional officers to prisoners
18 are very disproportionate. I would venture to say
19 that prisons are not understaffed at all. In fact,
20 the real problem are that prisons are overpopulated,
21 and one of the ways in which to deal with that
22 so-called understaffing problem would be the massive
23 decarceration of many of the people who are currently
24 in prison who perhaps could be better served in other
25 areas.

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1 I think it was Mr. Corcoran who mentioned
2 that about eighty percent of the people who were
3 incarcerated in California prisons were people who had
4 substance abuse problems. Many of them are probably
5 nonviolent crimes that did not involve violence and
6 could probably be let out of the system with no
7 measurable or appreciable threat to public safety.

8 Lastly, I think that -- I think that the
9 question of language and the way in which we refer to
10 people, there was some discussions this morning about
11 it, and the discussion centered on whether or not we
12 should talk about defining the people who are -- have
13 control and custody of people incarcerated as prison
14 guards or correctional officers. For the longest time
15 I maintained that for the most part they were prison
16 guards, and that the corrections part of definition of
17 their titles was almost nonexistent.

18 But after this morning, after listening to
19 some of the arguments I think that they are perhaps,
20 that perhaps we need to -- at least I need to maybe
21 rethink that definition of them, but concurrently with
22 that rethinking I think also that the language that we
23 use particularly as we relate to offenders and
24 prisoners and convicts and inmates dehumanize the
25 people in prison to such an extent that we begin to

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1 treat them in a very dehumanizing way, and that
2 results I think in much of the aggression and violence
3 that is so prevalent in the prison system.

4 I would like to make three basic points in
5 the little bit of time that I think that I have left.
6 One of the points -- the primary point is that because
7 of the insular and paramilitary nature of prisons, I
8 think that there has developed both nationally as well
9 as at the state levels in prison organizations the
10 kind of organizational culture that is -- that is
11 elitist, that is very aggressive, that is violent when
12 the most part it's racist and it's quite sexist.

13 That prison culture we've been led to
14 believe exists and views itself in many instances as
15 being somewhat above the law. I think that we've
16 encouraged that kind of organizational culture because
17 we very rarely punish people who are involved in it
18 who transgress the law.

19 The organizational culture is seen by those
20 who work within the prisons for the most part as
21 necessary to the survival and effectiveness of the
22 institution. In many, many instances notwithstanding
23 much of what we heard this morning, violence and
24 brutality is viewed as the primary ways in which
25 people are disciplined and the primary ways in which

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1 people who run the institutions gain respect and
2 maintain control.

3 I was moved most particularly by the
4 testimony of the former sheriff whose -- whose
5 supervisors instructed him to assault a person in
6 prison as a retaliatory measure for whatever
7 transgressions that person did. I think that that is
8 perhaps symptomatic of the kinds of things that we
9 have seen many, many times, and it is not to paint all
10 the prison or correction officers with one fell swoop
11 or one broad brush, but rather to say that the problem
12 exists in an organization of cultural context, and
13 that cultural context has been accepted and has been
14 ingrained into the people who work in the prisons so
15 that to -- it is very difficult to deal with it. I
16 doubt very seriously if any amount of training will be
17 able to make a measurable impact on it.

18 This elitist kind of a -- it's kind of a
19 siege mentality of them against us. It's kind of a
20 circling the wagons. It's we need the flexibility to
21 do our jobs that sometimes involves crossing the line
22 it and sometimes involves breaking the law.
23 Nevertheless, because of the nature of the violent,
24 aggressive populations that we work with we must have
25 that kind of flexibility in order to do our job and do

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1 our jobs properly.

2 And at the end of the day people in prison,
3 particularly in the male prisons, but as I listen to
4 Superintendent Lord increasingly in the women's
5 prisons, that the only thing they ultimately
6 understand and respect is violence and strength, and
7 that of course we heard earlier today to be perceived
8 as a weak person in prison, whether as a person
9 incarcerated or as a correctional officer --

10 MR. MAYNARD: Mr. Ellis, I hate to cut you
11 off. We need to have time for questions later on.

12 MR. ELLIS: I didn't see the five minute.
13 Did I get the five minute? Oh. I am so sorry.

14 MR. MAYNARD: That's all right.

15 MR. ELLIS: I apologize.

16 MR. MAYNARD: We'll come back to some
17 questions later on.

18 MR. ELLIS: I wanted to make mention of
19 this, but I'll save it for later on, and that is what
20 I think needs to happen in terms of some of the things
21 that we might be able to deal with this organization
22 of culture.

23 MR. MAYNARD: Very good. Thank you.
24 Commissioner Dennehy.

25 MS. DENNEHY: Thanks for the invitation to

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1 provide testimony to the critical issues you all are
2 examining. Correction officers clearly comprise the
3 bulk of our work force. They perform a critical
4 public safety function often under challenging and
5 potentially dangerous circumstances.

6 It is understandable how a unique bond,
7 camaraderie emerges within the rank and file.
8 Officers may believe that they need the officers'
9 subculture to survive the environment. One
10 consequence of this psychological dynamic of being a
11 correction officer is the tendency to see officers as
12 us and all others as them, be they inmates, managers,
13 treatment staff.

14 This aspect can play out in many ways, one
15 of which is the institution of a code of silence on
16 both the macro and the micro levels. Prisons are
17 inscrutable, monolithic structures. Some staff
18 believe, as they have expressed to me, what goes on
19 behind prison walls should remain there, behind prison
20 walls. On the individual level, there is a clear peer
21 expectation of officers in this subculture.

22 In Massachusetts the correction officers'
23 union has published their ten commandments which
24 includes thou shalt not rat on a fellow employee.
25 Thou shalt not place thy faith in managers. Thou

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1 shalt not surrender thyself to management. Thou shalt
2 not bear witness against one another. As a result,
3 any officer who violates these commandments is subject
4 to union hearings, and they are in fact thrown out of
5 the union.

6 A system permeated by a code of silence
7 reinforces negative behavior, ultimately increasing
8 the risk to staff. The ultimate irony. If staff
9 can't be held accountable, there is no consequence for
10 bad behavior.

11 How do we affect change in this culture?
12 Correctional leadership needs to focus on our hiring
13 practices, the development of relevant training, and
14 building systems of accountability. For years our
15 training has actually encouraged an us versus them
16 mentality for the purpose of ensuring proper
17 boundaries are established and maintained between
18 staff and inmates.

19 As professionals we have to have and we
20 need to have clear boundaries. Staff realize that
21 they have control over a segment of the population
22 that is in fact despised by much of the public. As
23 such, staff don't want to be seen as overidentifying
24 with inmates, being called, quote, unquote, a con
25 lover or being seen as an easy mark.

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1 The need to establish boundaries if taken
2 to an extreme can result in a dehumanization of
3 inmates. By not seeing inmates as fully human, we
4 miss opportunities to see, to gauge the shifts in
5 inmate's demeanor and behavior.

6 Experienced, well-trained officers can
7 identify these subtle changes well before the inmate
8 may even be aware. This quick intervention can reduce
9 the likelihood of the inmate harming self or others.
10 In Massachusetts as we move to implement the
11 recommendation of Governor Romney's commission on
12 correctional reform, we have focused on an overhaul of
13 our training programs.

14 Our nine-week basic training program has
15 been completely redesigned to focus on building
16 communications skills and increased role playing of
17 real life interactions. The use of a mock institution
18 allows recruits to practice and build these skills on
19 a daily, if not hourly, basis. Significant time is
20 spent addressing cultural issues.

21 All recruits are required to read Ted
22 Conover's book New Jack. A chat room has been
23 established to provide an opportunity for daily
24 discussion and analysis of those cultural issues. In
25 training there is now a focus on the department's

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1 mission to reduce recidivism, the need to support
2 successful reentry, and ethics.

3 Correctional staff must be positive role
4 models of behavior. We have to be held to the highest
5 standards of conduct. Establishing a culture of
6 accountability, fairness, and moral order is
7 imperative.

8 As we emerge from a decade or so where the
9 mantra has been much about being tough on crime,
10 collectively we have failed to operationalize what
11 that means for our new young staff. And that can lead
12 to an environment where the often conflicting goals of
13 corrections deterrent, incapacitating punishment, and
14 rehabilitation are out of balance or misunderstood.

15 Felons are sentenced to prison as
16 punishment, not for additional punishment. When we
17 fail to revise our training to reflect our philosophy,
18 some staff can lose sight of that. As some staff have
19 said to me, "Why do we provide medical care to
20 inmates? Why do we provide food?" Totally missing
21 the point.

22 In addition to greatly enhancing our staff
23 education and training programs, there are other
24 strategies that leaders can employ. Utilizing psyche
25 screening of recruits. When I was the director of

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1 training about fifteen years ago, when I look back on
2 my career I'm proud that we instituted psyche
3 screening.

4 When I was at the training academy it often
5 struck me as odd that we would require recruits to run
6 a mile in a certain period of time to demonstrate
7 their ability to do the job, but we hand them a weapon
8 without checking their mental health. I think it's
9 imperative that we have good psyche screening.

10 We need to explore, further explore the use
11 of experienced, ethics-based field officers to support
12 the work that the training academy is doing to enforce
13 those new behaviors as new officers go out on the
14 line. The use of technology I don't think can be
15 overstated to hold staff and inmates accountable.

16 I think everyone would agree that all of us
17 from the front line to the front office, when we know
18 our conduct is being monitored, we tend to step it up
19 a notch. We behave better. We need to develop
20 strategies that enhance transparency and openness.

21 In Massachusetts if someone had told me
22 that I would support the development of a citizens
23 advisory council four or five years ago, I would have
24 been disbelieving. I've come to believe in the power
25 of an effective and well-oriented citizen advisory

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1 council. They have provided an important means to
2 educate the public, the legislature who controls our
3 budget, and they are advocates for reform and for
4 resources.

5 In Massachusetts we're also exploring the
6 role of an inspector general's role, similar to what
7 exists in Texas. We've also initiated several public
8 information campaigns, one internal, one external. I
9 think -- I look back. I've got thirty years next June
10 in the prison system, and when I look back I think to
11 be honest my first four or five years if someone had
12 asked me who the commissioner was, I couldn't have
13 told you, and frankly didn't care as long as I got my
14 paycheck.

15 We need to do a better job of informing
16 staff as to what we're doing around the reform agenda.
17 They are our most important and vital stakeholder.
18 Similarly, we need to educate the public. And most
19 importantly, we need to reward honest staff. It's
20 very difficult for staff to step forward and do the
21 right thing.

22 When staff do to the extent that we can be
23 flexible in our discipline without compromising the
24 integrity of the organization, we need to be -- we
25 need to develop some flexibility in our staff

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1 discipline in terms of respecting and encouraging
2 staff coming forward to tell the truth. Those new
3 service corrections professionals are aware of the
4 enormous public safety responsibilities we hold.

5 All corrections professionals, from the
6 front line to the front office, must demonstrate
7 self-discipline, a concern for the public safety,
8 respect for the rights of the inmates in our custody,
9 and a respect for and adherence to the statutes and
10 departmental policy. Anything less is unacceptable.

11 Shining the light of day on this
12 misunderstood profession and mission presents a unique
13 opportunity to deal with our issues openly and with a
14 commitment to change. The creation of a citizens
15 advisory council in Massachusetts has resulted in a
16 committed, informed advocacy composed of academics,
17 volunteers, etc.

18 All in all, the panel report has had -- I
19 think those who have participated on the advisory
20 council in Massachusetts would share with you if they
21 could be here today their positive impression of the
22 many men and women in the Massachusetts Department of
23 Corrections, and that they would applaud their
24 day-to-day efforts to advance their reform agenda.
25 Thank you.

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1 MR. MAYNARD: Thank you, Commissioner
2 Dennehy. Thank all of you for your testimony. We
3 have about twenty minutes now for questions from the
4 commission. Anybody?

5 MR. GREEN: Mr. Ellis, you noted that
6 during our earlier panels we had not addressed the
7 issue of race and class and the role it plays in terms
8 of the conditions of our prison systems and the impact
9 it has on those who are in that environment. Could
10 you comment on that?

11 MR. ELLIS: Yeah. I think that the
12 question of race and class is one of those kind of
13 questions that is very hard for to us wrap our arms
14 around because of its enormity, but almost
15 overwhelmingly we find particularly in those states
16 with large urban areas that the majority of people who
17 are in the prison system, the majority of the people
18 who are incarcerated are people from urban areas, are
19 people who are poor, people who are African American
20 and Latino and between jobs, and many instances the
21 exact opposite is true of the custodial staff.

22 They generally came from rural areas.
23 They're generally not young. They're generally not
24 African American or Latino. And I think that
25 dichotomy creates a built-in set of dynamic tensions

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1 that almost always arise, almost always result in a
2 conflict situation that generally erupts into
3 violence.

4 I think that the absence of the race
5 discussion does a tremendous disservice inasmuch as we
6 have to begin to think about, even talk about ways in
7 which we modify that kind of a situation. I think
8 that many, many prison systems throughout the country
9 have instituted sensitivity and diversity training,
10 but that training certainly falls far short of what is
11 necessary in order to -- in order to eliminate the
12 problem or at least minimize the problem.

13 I think the other thing is -- and that is
14 what Ms. Dennehy talks about, and that is -- and part
15 of my testimony is the them-against-us kind of
16 mentality that is exacerbated by the race question.
17 So much so that even in instances where the custodial
18 staff are African American or Latino, because of the
19 enormous peer pressure to conform to the
20 organizational and cultural standard we find a
21 enormous amount of abuse across racial lines. I think
22 we need to focus some attention to that also.

23 MR. GREEN: And that attention takes what
24 form? Are you talking training? What kind of things
25 should we ought to be doing or emphasizing to deal

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1 with this?

2 MR. ELLIS: I think that one of the things
3 that generally needs to happen is that we need to have
4 a greater racial balance and diversity among staff,
5 but most importantly for me as a person who spent as
6 much time in prison as I did, I think that we really
7 need to begin to think about ways in which we deal
8 with this organization of them/us cultural mentality
9 that exacerbates the entire -- that's pervasive
10 throughout the entire system and exacerbates
11 attention, and we have to deal with that.

12 MR. MAYNARD: Judge Sessions.

13 MR. SESSIONS: I had a question of the
14 Commissioner about the ten commandments.

15 MS. DENNEHY: Yes.

16 MR. SESSIONS: Are you telling us that this
17 is an actual union activity?

18 MS. DENNEHY: It was the ten commandments
19 were published in the official union newsletter.

20 MR. SESSIONS: Is this adopted by the union
21 itself?

22 MS. DENNEHY: Inasmuch as it's reflected on
23 the front page and supported by the union leadership,
24 yes, but I think it's important to always make a
25 distinction between the leadership of a group and the

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1 rank and file.

2 MR. SESSIONS: Well, you know, there's such
3 a thing as called aiding and abetting a criminal
4 activity. I don't know. I think I'd be inclined to
5 ask the attorney general of Massachusetts for an
6 opinion as to what the adoption of that standard might
7 mean in terms of criminal justice.

8 It's an embarrassing circumstance. I find
9 it hard to believe that that would happen, but if it
10 is, it ought to be explained and it ought to be looked
11 into. It's none of my business, you understand me.

12 MS. DENNEHY: There's a forum in which we
13 can take issue, and we have exercised that forum to
14 take issue.

15 MR. SESSIONS: I would go further than
16 taking issue. I would look to the legality of that
17 sort of stance of encouraging sworn officers to engage
18 in that activity.

19 MS. DENNEHY: I agree.

20 MR. MAYNARD: Mr. Dudley.

21 DR. DUDLEY: I have another question,
22 actually, to you and to the other panelists as well.
23 One thing that keeps coming to my mind is something
24 that as you were talking ethics-based supervisors for
25 I guess particularly during the period of when new

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1 officers are first working, and it would seem to me
2 that even with great training around cultural
3 sensitivity or those sorts of racial issues or
4 training around gender sorts of issues, all that would
5 have to be coupled with good supervision in order to
6 actually operationalize whatever sort of training
7 occurred. So we're talking about what happened at
8 middle management versus on a supervisor level.

9 So I'm interested in hearing from you and
10 from everyone about if we're hoping for things to
11 change and presumably people at a supervisory level
12 that have been doing this for a while under the old
13 way, where do we find these supervisors and how do we
14 motivate them to buy into the kinds of changes that
15 you're talking about.

16 MS. DENNEHY: We do have a mandatory
17 48-hour training program in effect for first line
18 supervisors. Does that mean that that has been --
19 that training has the same impact on all participants,
20 no. But the curriculum for that program has also been
21 significantly changed. Very lucky in that the
22 training academy staff is really committed to doing
23 this.

24 They believe passionately in what they do,
25 and they have been able to recruit some of the finest

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1 people in the department to really push their sleeves
2 up and rewrite all of our curriculum. We do an
3 enormous amount of training. It's going to take time
4 to get the whole organization through those training
5 cycles, but you're absolutely right. It starts at the
6 top.

7 The fish can rot from the top, and the
8 executive staff, the superintendents, the supervisors,
9 the line correction officers all have to be held to
10 the same standards, and to the extent that we use
11 training to indoctrinate those standards, all need to
12 participate in it.

13 MR. ELLIS: I would add to that that in
14 addition to training and leadership fundamental to
15 justice and I guess really is the rule of law, and I
16 think particularly in prison settings one of the
17 things that is most absent in the application of law
18 in an equitable context. I think that people who work
19 in prisons who break the law should be prosecuted. We
20 should send really very clear signals vis-a-vis
21 prosecution that the kind of behavior, this kind of
22 abuse cannot be tolerated.

23 I think all too often what happens in those
24 situations, prisons as well as law enforcement
25 generally is that the perpetrators kind of have a

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1 societal pass. You know, they broke the law, but
2 they're -- they were in a tough situation. They're
3 working real hard with criminal convicts. Maybe they
4 need to be able to step across the law at some point
5 in the performance of their duties.

6 I think that once we accept them, once
7 we -- once we tolerate that kind of an attitude with
8 relationship to people who break the law, whether
9 they're correction officers or people in prison, then
10 we set up a situation in which there is a diminished
11 respect for law, and there is on the other hand the
12 heightened attitude that it's okay to do this and that
13 there won't be any real punishment or sanction. That
14 I think real punishment and sanctions need to be
15 coupled with training and leadership for the maximum
16 benefit.

17 MS. LORD: I just wanted to make a couple
18 remarks. First of all, I think when you try to run a
19 humane prison, I think supervisors will come. They
20 want to work under that setting. So they will find
21 prison -- and I think that's what one of the women
22 this morning was talking about. A prison where she
23 had good experiences versus a prison where she didn't.
24 Starts with the leadership and it does come down.

25 The other thing is I think that there is a

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1 societal problem when you go to arbitration or when we
2 go before juries and we lose cases. It's because they
3 carried that mentality that is caused or is part of
4 that inappropriate behavior that we're seeing, whether
5 it's physical violence or sexual violence or just
6 sexual attitudes.

7 And so too I once had a sergeant who was
8 returned to me after he was out on disciplinary
9 sanctions for nine months. We'd been trying to
10 terminate him, and the arbitrator just didn't think
11 that it was serious enough behavior and sent him back
12 to the same facility. I mean, you know, we need to
13 start there. I mean, start at those attitudes.

14 MR. MAYNARD: Mrs. Robinson.

15 MS. ROBINSON: Yes, I'd like to turn back
16 again to Commissioner Dennehy. I was really
17 interested in your comments about the citizens
18 advisory council in light of the discussion we had
19 earlier this morning about how do we connect with the
20 public, and I'm curious. Was this set up as a result
21 of the reform commission that Scott Harshbarger
22 chaired? Did it come out of that setting?

23 MS. DENNEHY: Actually, we've been
24 over-commissioned. We have several commissions in
25 Massachusetts. First one was the governor's

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1 commission on correctional reform, which was chaired
2 by Scott Harshbarger. That in effect issued eighteen
3 major recommendations for reform, everything from
4 covering topics from leadership and accountability
5 through fiscal management through basic systems
6 grievance, investigation, classification. Those
7 systems that inmates need to have confidence in.

8 One of the recommendations -- one of the
9 eighteen recommendations from that commission was the
10 creation of a citizens advisory council, which we were
11 able to convince Scott to continue to chair. So he
12 currently chairs that council as well. The governor
13 has just recently signed an executive order extending
14 that commission for another year, and we are in the
15 process of trying to convince Scott to continue his
16 chairmanship.

17 MS. ROBINSON: So the Citizen Advisory
18 Council is a separate body from the commission?

19 MS. DENNEHY: Yes.

20 MS. ROBINSON: Yes. Because it seems to me
21 that this Citizen Advisory Council could in theory
22 serve some of the roles that we were exploring this
23 morning about reaching to the public and creating some
24 kind of better PR tool, if you will, of helping open
25 the doors at least figuratively to the public about

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1 what goes on within correctional facilities.

2 MS. DENNEHY: One of the things that the
3 CAC, the Citizens Advisory Council did, was it urged
4 us to conduct -- when I say us, the Department of
5 Corrections, it urged us to conduct two comprehensive
6 external reviews. The key word there being external.
7 Reported by the DOC, staffed by the DOC, but not
8 necessarily led by the DOC. We were the conveners.

9 The two areas that the council particularly
10 had interest in was the management of female offenders
11 as well as the increasing impacts of mental and
12 medical health in the area of corrections. With the
13 help of the council we were able to bring together no
14 fewer than about a 120 key stakeholders in the Boston
15 metropolitan area, folks representing some of the best
16 medical schools, folks with pharmaceutical
17 backgrounds, advocates from a variety of backgrounds
18 to work on the female offender group, to work on the
19 medical and mental health group.

20 Much like this commission, the activities
21 were very well organized, tasks were outlined, goals
22 were assigned, committee assignments. The
23 expectations were really clear. Those reports have
24 been written and probably will be issued to the public
25 within the next ten days or so. And we are in fact

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1 having those strategy discussions around how do we
2 maximize the involvement that we've been able to
3 create to date, and how do we interest media in
4 particular in the release of that information.

5 MS. ROBINSON: And finally, do you know are
6 there other corrections departments around the country
7 that also have citizen advisory councils? I know Jim
8 Gondles, who is executive director of the American
9 Correctional Association, is here in our audience
10 sitting up there. He may know the answer as well.

11 MS. DENNEHY: Off the top of my head I know
12 we did a survey of several states when we were looking
13 at that and the inspector general role, and there may
14 be -- I mean, off the top of my head I can think of
15 five or six, but I think the key here is for us as an
16 advisory panel as opposed to what one traditionally
17 thinks of as an oversight panel. There's a
18 distinction. There's a difference.

19 MS. ROBINSON: Of course.

20 MS. DENNEHY: This group was really
21 convened for the purpose of monitoring the
22 department's implementation of those original eighteen
23 recommendations. It really keeps us on focus. We
24 meet monthly. Key managers go in and make
25 presentations. We have really been able to utilize

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1 some of the connections on that panel in terms of
2 being able to get our message out to a broader
3 constituency.

4 MS. ROBINSON: Did you have a comment on
5 that as well?

6 MS. LORD: I think -- again, I think
7 running transparent facilities that support and
8 getting people from the community is important. There
9 are various ways that you can do that. I do think
10 that you can go on to a lower, more local level, the
11 individual facilities where you enhance the amount of
12 people coming in on Sundays to give church tours.

13 We used to spruce up the facilities on
14 Sundays and let people come in from the local churches
15 to meet with a group of inmates, meet staff and take a
16 tour, and I think that it's important or resonated for
17 me what we've been talking about in these panels
18 because by and large people would say, gee, there's
19 got to be something -- after they sat down, there's
20 got to be something wrong. That woman that I was
21 talking to can't -- you know, she reminds me a lot of
22 my daughter.

23 And I think that somehow that's what we
24 have to get to. We have to get the average American
25 to begin to see that that could be their daughter.

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1 And then we can make an impact.

2 MS. SCHLANGER: I have a question for
3 Superintendent Lord also. You talked about sexual
4 violence and pressure and sexualization of the women
5 who are in your custody, and I'm curious about two
6 things. One is we're the Commission on Safety and
7 Abuse. Is that the worst safety and abuse problem
8 that women face? I mean, how serious is that for
9 women inmates?

10 And then the other question is what do
11 the -- what's the menu of solutions? What does it
12 look like? What's on that? What's the checklist that
13 people should think about as solving that problem or
14 at least going some distance towards solving that
15 problem?

16 MS. LORD: I think facilities are doing a
17 much better job. I think corrections is doing a much
18 better job. I think that it does -- it is an issue
19 that gets sensationalized. I also think that any one
20 incident as far -- it's like when somebody gets
21 seriously hurt, you know, it's a continuous issue. I
22 think we have to see that prisons hold people who are
23 vulnerable. So therefore we always have a
24 responsibility.

25 You know, I think that sexual activity

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1 comes in many different ways. It doesn't belong in
2 prison. People need to get a paycheck. It's a job,
3 and so they should come to work and then go home.

4 Now, I've had staff -- I had a staff person
5 come to me and say, you know, I really took a shine to
6 this woman and I have to leave. And we have to
7 respect that, and gave him a good recommendation and
8 know that we made the right decision. I think it's
9 very complicated.

10 We're dealing with human beings in a
11 setting, and that's why I said it does come in all
12 varieties. I think that at some point it's a little
13 overblown, you know, in the press. It does get
14 overblown, but it is an issue. It's an issue that has
15 to be dealt with. And I think that different
16 jurisdictions are doing it differently.

17 Before I left I had requested the
18 department that they install cameras with audio in
19 fact. And I created enough pressure they agreed to do
20 it. And so they were installing 400 and some odd
21 cameras. I guess then I worried what does that do to
22 change life for an inmate. You know, what kind of
23 pressure and stress does that have.

24 I think we'll always have some sexual
25 activity. People are sexual beings. We have to keep

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1 saying -- we have to keep going back to that values
2 and keep saying what's appropriate. Sometimes people
3 fall in love, and it's still not appropriate in that
4 setting, and it doesn't usually work out.

5 You know, when we talk about -- we talked
6 about family issues this morning. I had an officer
7 who really liked this woman and he was on the outside
8 helping to support the children, taking the children
9 to visit, dropping them off about a mile away from the
10 facility, and they would walk together to the
11 facility.

12 These are -- so it's an activity that comes
13 in all different sorts of ways. It's as individual as
14 the individuals that we deal with, both the inmates
15 and the staff. Certainly, you know -- but the reality
16 is you can't have somebody who has sex who has custody
17 over them. It's beyond humanity. It's beyond being
18 civilized. We shouldn't have people that are even in
19 that situation.

20 But be we also -- there are more mentally
21 ill people in our prisons than there are in our
22 hospitals today. So that's a particularly vulnerable
23 population. When you look at the histories of women
24 in prison in terms of victimization, then it's kind of
25 set up to be revictimized. It doesn't take much to be

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1 victimized. These are not people that are going to
2 easily say no when they should be saying no. So we
3 even have to go back and start retraining inmates.

4 I had a woman -- I was walking across the
5 yard one day and she said, "I really need to say
6 something to you. I know you're doing the right
7 thing. I know you're trying to do the right thing,
8 but you know, I was a prostitute on the outside and
9 nobody -- I don't have anybody out there. Nobody
10 sends me a thing. I don't get perfume. I don't get
11 food. I don't get money. I don't get anything." She
12 said, "You're really intruding in my little thing I
13 have here."

14 You know, it's a difficult problem. Is
15 it -- you know, I've had certainly tons and tons of
16 inmates say that Bedford was safe, but I didn't feel
17 that way as long as I felt like someone who maybe
18 couldn't fend for themselves was being taken advantage
19 of.

20 MR. MAYNARD: I misspoke earlier. We have
21 thirty minutes left. So we have plenty of time. We
22 have Mr. Schwartz.

23 MR. SCHWARTZ: I wanted to commend all
24 three of you. Not only on your oral testimony but
25 also on your written pieces, which are very, very

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1 interesting and quite powerful. I've got one specific
2 question to Mr. Ellis and then a general question to
3 the three of you.

4 The one to Mr. Ellis is you got four
5 degrees, four graduate degrees when you were in
6 prison, including a master's degree in theology and a
7 magma cum laude bachelor of science degree in business
8 administration, four degrees. And I mean, our
9 chairman I know studied courses in Princeton when he
10 was incarcerated in Germany as a prisoner of war, so
11 it does happen, but it struck me as interesting that
12 you got those four degrees in an institution that you
13 described as self-perpetuating organizational culture
14 of racism and brutality and lawlessness.

15 I'm sort of interested on whether how you
16 are able to get those degrees in that culture, or to
17 put it differently, are there things from the lesson
18 of your getting those degrees that can be used to help
19 think about improving the culture?

20 And then the general question to all of you
21 is maybe one of you or maybe two of you used an
22 express a code of silence. Everybody knows there are
23 some bad eggs in facilities, and how do you -- how
24 does one identify and try to either retrain or get rid
25 of the people who are the bad eggs? So there's one

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1 specific question and one general question.

2 MR. ELLIS: Well, I was very fortunate
3 to -- I was very fortunate. I don't know how
4 fortunate. I'll say I was being in prison at a time
5 when it was still possible to attain college level
6 programming. In fact, undergraduate and graduate
7 degrees that is -- that is no longer available, and
8 for the life of me I'm not quite sure what happened
9 outside of the fact that I probably seemed to --
10 seemed to coalesce to such a degree that the
11 eligibility for the funding requirements for those
12 programs were at both the federal level and the state
13 level in most states were removed for people who have
14 criminal convictions.

15 Notwithstanding all of the research that
16 demonstrates that people who come out of prison with
17 higher education have a rate of recidivism that is
18 perhaps twice as low as the normal national rate.
19 People who have acquired degrees in prisons such as
20 myself I think acquired them in spite of being in
21 prison rather than because they were in prison.

22 The prison I was in, there was an enormous
23 amount of animosity on the part of the uniformed
24 staff, who were -- and who were in the college
25 program, and college administrators and college

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1 teachers and professors had a tremendous amount of
2 difficulty going into the prison and coming out of
3 prison. There was an enormous amount of harassment in
4 terms of their relationship that they entertained with
5 uniformed staff.

6 I think that uniformed staff felt that the
7 people in prison who were receiving this education in
8 most instances as a result of them being eligible for
9 Pell Grants were not deserving of the education and
10 therefore should not receive it. They did many, many
11 things that they could in order to disrupt the flow of
12 that educational system.

13 I think that notwithstanding all of that,
14 hundreds of thousands of people who were able to
15 graduate throughout the United States with college
16 level baccalaureate degrees and in some cases graduate
17 degrees, and that their contribution to society and to
18 the community once they returned to the places that
19 they were originally from before going to prison is
20 testimony to the significance and importance of that
21 kind of thing, but I think that -- I think that the
22 fact that those programs I think that college --

23 I think that education is perhaps the
24 singular most important thing they could be doing in
25 prison, and the research seems to suggest that people

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1 who are educated while in prison particularly at the
2 college level, but even approaching college level, at
3 times high school level, have a greater chance of
4 success once they leave prison and go to the streets
5 notwithstanding that research and that empirical
6 evidence we have all but eliminated.

7 I say we. I'm talking about both the
8 national and state levels. We have all but eliminated
9 college level education in the prison system. So I'm
10 not sure what that actually says vis-a-vis policy or
11 others, but certainly the elimination of college
12 programs was in large measure due to the overwhelming
13 opposition of prison staff for those programs.

14 MS. DENNEHY: I'd like to take the more
15 general question around the code of silence. Just a
16 couple of thoughts. I think first and foremost when
17 we're investigating any allegation of misconduct,
18 whether it's staff, correction officer, other
19 employees, administrators, volunteers for that matter,
20 that it's imperative to have a good investigatory
21 system in place, appropriately trained investigators.

22 And I don't think that that can necessarily
23 be done in-house. I think it needs to be done in
24 cooperation with, in our case, the state police coming
25 in and actually certifying our staff assault

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1 investigators, for example, so that they have the
2 necessary skill set to handle some of the more
3 difficult cases. I think it starts with a good
4 investigation, because a good investigator can get
5 some additional information that perhaps can be the
6 key piece of evidence that is corroborated.

7 Also not hesitate to go utilize district
8 attorneys and the attorney general's office. In one
9 or two isolated cases of abuse most recently it's been
10 incredible how forthcoming staff have been when there
11 has been a representative from the district attorney's
12 office conducting a concurrent line of questioning
13 with our investigators. Ultimately it's about holding
14 staff accountable to the extent that, you know -- and
15 this isn't a witch hunt.

16 We're not looking to fire people or hold
17 people accountable just because we know something
18 happened. We want to hold the right people
19 accountable. But to the extent that we can pin that
20 kind of activity on folks, we -- frankly we're being
21 very aggressive about the discipline. We're not
22 negotiating around certain values around those issues
23 if it represents termination. End of discussion.

24 The more troublesome question I think is
25 for those others who may be in the room when abuse

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1 occurs. Very early on in my commissionership, I'd say
2 about six weeks into it, the union had just finished
3 applauding my selection and things took a turn there
4 about 180 degrees about six weeks into this.

5 It was a case of abuse, and through a lot
6 of details and good detective work we were able to
7 corroborate the inmate's allegations regarding one out
8 of seven staff members. We know that an inmate went
9 into a room and didn't have a mark on him. We also
10 know he was restrained in four points. So here we
11 have an inmate restrained, and at the end of the day
12 he has significant injuries. No one saw anything.
13 The inmate's version really pointed to one staff
14 member in particular, and he could not identify the
15 others.

16 The long and short of it is through good
17 detective work we were able to corroborate that it was
18 one particular individual who was presently
19 responsible. But the other folks in the room frankly
20 were sergeants and lieutenants, and my favorite line
21 in our blue book is that responsibility augments with
22 position. As a sergeant and as a lieutenant, as one
23 with supervisory and rank authority you are expected
24 to know what happened in that room. It's not
25 acceptable to say, "I don't know. I didn't see

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1 anything."

2 Those folks through Massachusetts civil
3 service case law, etc. knew I couldn't quite fire some
4 of them, but I could demote them back to their
5 permanency. That really had not been done before, and
6 that's been the course of action. What's happening
7 rather slowly is that we now are having some employees
8 step forward willing to tell the truth, willing to
9 tell the truth when they have been an unwilling
10 observer. And I think the critical issue here is that
11 it is a very small percentage of staff who engage in
12 the most egregious conduct.

13 You know, the corrections officers who were
14 acknowledged this morning I think are far more
15 representative of the general work force, but even
16 good officers are subjected to that code of silence
17 and the pressure to say they saw nothing. And to a
18 certain extent it's human nature to go home at the end
19 of the day and say, well, I didn't participate.

20 I didn't firsthand participate in that, but
21 if you were there, you witnessed it, and you allowed
22 it, you enabled it. We have to get to the point where
23 staff are comfortable stepping forward with the truth,
24 and we have a long way to go. We have a long way to
25 go in that regard.

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1 MR. MAYNARD: Superintendent Lord, do you
2 want to --

3 MS. LORD: I just wanted to say, I think
4 that we do a pretty good job with incidents with
5 serious injury. I think that we have to see the
6 violence, though, in a continuum. As you get to those
7 lower levels of violence that starts sometimes with
8 just threats, then that's more difficult to deal with,
9 you know, and the other thing is that I was thinking
10 about when Commissioner Dennehy was talking is that
11 when you have physical violence you generally have
12 several officers responding.

13 When you have sexual violence, both parties
14 have generally spent a lot of time trying to figure
15 out how to get into a secret location by themselves.
16 So you don't have -- what you try to backtrack to is
17 how did they get through that gate, how did they get
18 to that area? But, you know, there are always -- you
19 know, there are always people moving around prisons
20 doing things, and so it does -- it becomes a very
21 difficult situation, and again, I don't want to
22 reiterate that by far the officers that I -- I'm very
23 happy to have many officers as friends, and they were
24 high caliber professional people. We are talking here
25 about just a few.

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1 MR. MAYNARD: Mr. Ellis.

2 MR. ELLIS: I think that the code of
3 silence is probably the symptom, and the root causes
4 go a lot deeper and certainly a lot more pervasive. I
5 think that many of the things that the Commissioner
6 Dennehy has outlined with respect to identification
7 and investigation and prosecution go a long way
8 towards establishing the kind of a tone within the
9 system that certain criminal behavior particularly,
10 but just certain general kinds of behavior in terms of
11 abuse cannot and will not be tolerated.

12 You know, I reiterate numerous times that
13 my experience has been that many uniformed staff
14 really honestly believe that much of what they do
15 while perhaps in contrary to the rules and in some
16 cases purely criminal behavior will not be prosecuted,
17 that they will be -- that they will be protected by
18 their peers, by their supervisors, ultimately by the
19 system itself, and I think all too often that plays
20 itself out to such an extent it kind of becomes a
21 self-fulfilling and perpetual kind of thing.

22 MR. LUTTRELL: Commissioner, in your
23 opening remarks you paint a pretty bleak picture of
24 labor management relations in the department of
25 corrections. Yet in the end in your summation you

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1 seem to have a great deal of hope in the future with
2 the staff that you have, and certainly some of your
3 comments I think reflected that.

4 I'd like to focus a little bit on how you
5 as administrator and also with your background and
6 training, how do you bridge that labor management gap
7 in a way that allows you to effectively manage your
8 department? You know the -- I've always found labor
9 management relations in Massachusetts government to be
10 an interesting case study. I've read some about it.

11 I notice you have very formidable labor
12 obstacles there, but as an innovative manager, how are
13 you approaching that labor management hurdle in a way
14 that allows you to effectively manage your prisons?

15 MS. DENNEHY: There are a couple of issues.
16 One, again, going to training. One of the things we
17 did was we approached a local community college and
18 asked them if they would put together a full semester
19 program for labor management, labor relations,
20 specifically contract administration for our
21 superintendents, for our local wardens, if you will.

22 In that much of the contract, much of the
23 tone and character of labor management relations
24 really happen at the local level with the local
25 stewards and superintendents. So we provided the

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1 superintendent and key division heads with in effect a
2 semester-long academic program on how to better manage
3 contracts.

4 We were very lucky in that we secured an
5 instructor who actually worked in another state almost
6 exclusively for correction officer unions on the other
7 side of the house, so she really brought a very
8 interesting and helpful perspective.

9 Again, that's because so much of the labor
10 management plays out at the local level. I think
11 what's noteworthy in Massachusetts is that our
12 correction officers union has been without a contract
13 for going on three years. So we are at the table.
14 The governor has made it clear there won't be
15 retroactive payment.

16 So you can imagine the particular dynamic
17 that that brings to the table in terms of coloring
18 labor management relations. We continue to meet
19 monthly with the labor management, with the executive
20 board of the union. We always have an agenda. It
21 always strikes me as interesting how much work can get
22 done in that form even when in the broader context of
23 contract negotiations.

24 There's a lot of heartburn, but I think
25 it's case by case. It's issue by issue. But you've

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1 pointed out that in Massachusetts it's a somewhat
2 unique environment. We cannot engage in interim
3 bargaining absent to contract. So we're sort of stuck
4 in limbo in terms of advancing any major reforms.

5 MR. MAYNARD: Mr. Ryan.

6 MR. RYAN: There's a couple items. The
7 jail prison environment has evolved over the last 35
8 years, and particularly the female environment. When
9 I first started there were never any male officers
10 then, and then Title IX and a few other things came
11 along, and female officers saying I want out of here
12 too and I want to have some opportunity.

13 So my latest I heard is that Michigan
14 actually had a case decision recently where they took
15 all the male officers out. As background then just
16 trying to figure out how best to manage that
17 population which is particularly growing.

18 We talked about video surveillance. We
19 talked about cross-gender supervision of all the
20 staff. I've added special background of male officers
21 making sure they don't have domestic violence or
22 sexual harassment cases pending or in their past. We
23 have reporting mechanisms like at least in our area
24 where you have all inmates have a phone you can call
25 directly to internal affairs. You can call the ACLU.

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1 You can call the FBI if you wanted to if you have some
2 sort of issue.

3 We have a grievance procedure. We have
4 letters to the chief, me, if there's a problem, and I
5 am a special investigator. If there's any hint of
6 criminal activity there's an immediate activity, and
7 we have no stops when it comes to that.

8 Operating-wise, using San Francisco model,
9 we have one hour where there are no males in the
10 building so the female staff can feel comfortable what
11 they're doing, or in fact if they want to take a
12 shower there's certain places where the doors are
13 longer so you don't feel unsafe in doing that. We
14 have volunteer training for the faith-based folks or
15 any other volunteers that come in to say you might be
16 advised of certain things. Your obligation is to tell
17 us.

18 We even had the Prison Rape Elimination
19 Act, Moss Group come in and do a consulting with our
20 female inmates to find out if they felt safe in the
21 environment. I'm pleased to say they did and they
22 spoke to us. We are proposing at this point free
23 calls to children, want to make that connection
24 because that gets lost. As I said to the morning
25 group, what's missing? What do we need to do?

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1 MS. DENNEHY: Okay. I have a couple of
2 suggestions, and the first one being -- and you may
3 have mentioned it at the primary post, I mean how are
4 officers assigned to posts, because in my former life
5 I was a warden at a female maximum security prison,
6 and it seems to me -- I know when I was hiring folks I
7 felt very strongly that I needed a male deputy, that
8 it's very important -- and I think Elaine mentioned
9 this.

10 It's very important that either gender have
11 appropriate role models for both sexes. But I was
12 always more concerned about the primary post, who is
13 staffing the primary post in the housing units.
14 Frankly, I did not have major concerns about a male
15 officer being in a housing unit as long as he wasn't
16 in the primary post, as long as there was a female in
17 the unit.

18 I think you have to look at that balance,
19 and so much of that is driven by architecture and
20 driven by whatever, the roster analysis calls for
21 posts. So I think it's case by case, but I think we
22 need to pay more attention to the gender of particular
23 assignments.

24 While transporting a female offender, who
25 is doing the transporting? I would not want to see

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1 two males transporting a female offender. I would
2 want to see a balance. I think about that in terms of
3 roster management. The shift commander who's managing
4 a roster, are they paying attention to those issues?

5 We recently established two separate work
6 groups in Massachusetts. And one of them was driven
7 by a recent incident, the unfortunate killing of the
8 officer I believe it was in Tennessee in the
9 courtroom, the correction officer who was murdered.
10 And if I have the details correctly, that individual
11 had been involved with a nurse who had previously been
12 terminated, and she had smuggled the gun in to him in
13 the courtroom.

14 There was also an incident, an escape out
15 of a maximum security prison in Michigan that involved
16 a female employee having a role in assisting the male.
17 It's been my observation of late, and I say this as a
18 woman, that -- and it's just the sheer numbers. There
19 are 95 to 96 percent of our inmate populations are
20 males. It's a smaller percentage that are females. I
21 know in terms of anecdotally the discipline that I've
22 meted out, it tends to be more females becoming
23 involved with male offenders. Why, because there are
24 more male offenders.

25 I think there are issues around both of

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1 those gender in terms of how we supervised and how we
2 monitor activity. And what both groups have come back
3 to us, and I think it's a real fair criticism, that we
4 as administrators do not keep our finger on the pulse
5 of staff who are going through particular stresses.

6 If someone has had a death in the family,
7 if someone has had a really critical divorce
8 situation, a really nasty divorce, if the death of a
9 child, if you sense that they've had a substance abuse
10 history and they may now again be using, folks who
11 were at a particularly vulnerable time in their life
12 with stressors, again, looking back over thirty years,
13 I think every time there's been a critical incident
14 that has involved staff, when we've gone back and
15 looked, we have found out too late that that person
16 was undergoing some critical stress that we just
17 didn't intervene. We didn't see it, know it, or feel
18 that it was our role to intervene.

19 MR. MAYNARD: Mr. Nolan?

20 MS. LORD: I'd just like to agree with the
21 commissioner on stressors. I think they are
22 absolutely in staff who get into problems, at least
23 with some staff. I also wanted to say that I think we
24 have to realize that sometimes among the women, the
25 inmates, that there is also a code of silence for

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1 various reasons, and they don't want to get an officer
2 in trouble. They may not want to rock the boat. They
3 may like the officer on the unit. He may do a good
4 job. There are a number of things.

5 We used to have groups where we met with
6 inmates and we had inmates leading groups to discuss
7 things like that. These are women who, again, you
8 have to go right back to the histories. These are
9 women who came in and said, "Gee, I didn't realize it
10 was bad. I hit him back, but I was the one who ended
11 up in the hospital." We have to realize what we're
12 dealing with.

13 I just wanted to say one thing about
14 college and programs, and I think they're all
15 critical. People have to have hope. If they don't
16 have hope to have, of course they're going to make
17 another life in prison. They're human beings. So
18 one, we should be trying to get people out who don't
19 belong there, and I believe drug abusers, people with
20 long terms -- I know seventeen year olds who are now
21 53. It's like when is it enough? And they haven't --
22 a woman who has never had a misbehavior report. I
23 mean, I'd be happy to have her live next door to me.
24 I don't understand what it is.

25 Reentry, we have to realize that for women

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1 reentry is very different than what it is for men.
2 Very often there isn't anybody waiting for them when
3 they come out. Whereas for men, very often the wife
4 or significant other has kept the home. I think
5 parenting we realize is much more complex than a phone
6 call, and I applaud you for doing -- I think it's
7 critical, but I think what we have to be careful of is
8 that sometimes what happens -- and I think I heard
9 Mr. West who spoke this morning say you get a phone
10 call, you get a visit, and then it's trouble on the
11 unit because the stresses from those things come right
12 back into the prison. And so we need to be dealing
13 with families on a very, very much different level
14 than I think we're doing now.

15 The other thing we have to realize is we
16 did throw programs away. We throw programs away that
17 did work. We threw programs away that made a
18 difference. We threw colleges away. In New York in
19 Bedford Hills we have a priority-funded college
20 program. We used to have one that was publicly
21 founded. It has an eight percent recidivism rate over
22 five years. I'll take it. You know, what are we
23 doing?

24 But, you know, on the other hand I
25 certainly feel for my correction officers who are

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1 struggling to get their kids into college, and so
2 again, there's that dichotomy. And again, that's us
3 and them. I don't want to --

4 MR. MAYNARD: We've got about five minutes.
5 Got two more questions.

6 MR. NOLAN: First of all, a comment what
7 Ms. Lord just said, your observation about women and
8 lack of anything waiting for them is absolutely true
9 except that the wolves are waiting at the bus stop for
10 the women, and that is one of the biggest concerns.
11 They're waiting, they're offering them a warm place to
12 live and meals in return for selling their body or
13 becoming a drug seller.

14 And it's a huge problem for these women and
15 they're frightened to death when they get out having
16 no place to go. That's not just a corrections
17 problem. It's a community problem, and we need to
18 have people there waiting for them, that are good that
19 are interested in them, not in what they can do.

20 My question was about prosecutions because
21 testimony to the Prison Rape Elimination Commission
22 was that oftentimes prosecutors will not prosecute
23 even when institutions contact them. It either is the
24 previous position of the prosecutor or, even worse,
25 even if they're interested in it they feel political

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1 pressure and in fact sometimes political threats if
2 you do. I appreciate knowing your experience with
3 prosecutors. Have they always followed through when
4 you've contacted them? If not, what prevented them or
5 discouraged them from going ahead and prosecuting the
6 crimes that occurred within the walls?

7 MS. DENNEHY: I can speak to specifically
8 my experience when I was superintendent at
9 MCI-Framingham. I would be very complimentary of the
10 relationship that existed with the then district
11 attorney and now as commissioner with the current
12 district attorney. I think there's practical issues
13 sometimes with district attorneys. It involves the
14 processing of DNA through crime labs. I know in
15 Massachusetts the administration has recently expanded
16 the ability of prosecutors to utilize crime labs to
17 test the evidence.

18 In one particular case at MCI-Framingham --
19 this sounds a little reminiscent, we read all too much
20 about it, but a woman actually saved the blue dress.
21 She saved the blue dress and presented us with the
22 blue dress and said, "If you test it, you are going to
23 find the DNA of this particular officer."

24 The district attorney at the time had used
25 up the monthly allotment for processing because

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1 there's some queuing at the state crime lab in terms
2 of processing DNA. Frankly, we worked with her. We
3 found a different funding mechanism to get that done
4 in a timely basis. The individual was prosecuted and
5 is now incarcerated.

6 I think it really comes down to developing
7 those relationships with the district attorney, and I
8 think fundamentally it all comes back to your internal
9 affairs investigative unit having credibility with the
10 local district attorney. Most states have state laws
11 such that a superintendent or a warden is compelled to
12 notify the district attorney if there's concern that
13 there's been a criminal violation, and at that point
14 the DA may determine whether they come on site, or if
15 they have confidence in the investigator's ability,
16 look to have oversight of that investigation and
17 sharing of information, but those kinds of
18 collaborative partnerships really pay off in the end.

19 MR. MAYNARD: We've just got a couple of
20 minutes. Mr. Ellis.

21 MR. ELLIS: I think there's a political
22 problem particularly in New York with regards to
23 district attorneys and prosecution, and that is that
24 many of the prisons are located in very rural, very
25 upstate kinds of areas, and overwhelmingly

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1 prosecutors, district attorneys, particularly in New
2 York, are elected. And so what happens is that the
3 constituency that elects district attorneys is
4 comprised of uniformed staff and their families.

5 There is almost the hint, if not the
6 threat, of political retaliation certainly in the
7 electoral context. I think that has served as a way
8 in which many of the district attorneys have had
9 second thoughts about prosecuting vigorously as they
10 perhaps would otherwise.

11 MS. LORD: My experience was pretty much in
12 a county that had a vigorous prosecution history of
13 sexual crimes. And I agree, you know, the best case
14 scenario is the blue dress or I once had an inmate
15 that asked a nurse how to keep semen alive. She
16 actually put it on ice for us. So they can be very
17 resourceful when they want to be.

18 But again, I would say we've also seen
19 instances where it's difficult to get a conviction. I
20 remember one case, and none of my facilities -- not in
21 my facility. Another facility where the officer was,
22 you know, they have all the evidence for a crime of
23 sex crime under the New York statute. But during the
24 crime -- during the trial, excuse me, the officer
25 produced letters from the inmate to him, and so of

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1 course his attorney used it to say, you know, see,
2 this inmate is enticing him and so forth.

3 Even though the law in New York is very
4 clear that consent is not an issue, the jury refused
5 to find him guilty. And I guess that's why I keep
6 coming back to we really do have a job to convince and
7 to educate people in the community about what really
8 has to happen and why it's so important. So there was
9 prosecution, but sometimes having trouble with those
10 prosecutions.

11 MR. MAYNARD: Thank you. We have about two
12 minutes and one more question from Mr. Krone.

13 MR. KRONE: Yeah. This section is on
14 interpersonal dynamics and safety and abuse, and we
15 constantly brought up this staff-inmate situation. I
16 wanted to address the relations among staff on staff.
17 You have male-female staff members working together.
18 Much as we see in TV over -- the scandal that arose
19 from the result of our role over there was some
20 picture were taken of two people having relations on
21 staff. My question to you is does DOC support that
22 type of a relationship within at the time of work,
23 does it discourage it, does it monitor it, and you
24 know, is it a problem and just how common is it?

25 MS. DENNEHY: Are you specifically asking

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1 about sexual misconduct or --

2 MR. KRONE: Staff on staff.

3 MS. DENNEHY: Okay. I'd say certainly the
4 PRE Act has opened our eyes to all of the
5 possibilities in terms of sexual violence. I remember
6 when I was at the training academy my first week on
7 the job I had the sad responsibility to testify
8 against a sergeant at the training academy who stood
9 accused of raping female recruits. He was not
10 convicted of raping female recruits. He was convicted
11 of a lesser crime and did time, did time for it. So
12 does it happen, yes. Very infrequently.

13 I think what happens more frequently
14 frankly, and it's of concern to me, and I think it
15 goes back again to the needs to support staff and to
16 identify those stressors, I'm very concerned about the
17 level of domestic violence. The level of domestic
18 violence that correction officers, male and female,
19 find themselves in off duty. I've been -- again, been
20 in the system for thirty years, and I was surprised at
21 the incidence of arrests.

22 I was surprised at the incidence of the
23 issuance of restraining orders. When I talked to my
24 friends who were in policing, they all tell me that
25 it's significantly higher in our agency than it is in

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1 the policing community. That may just be an
2 underreporting as well, but that concerns me. The
3 level of substance abuse, the level of OUI conviction,
4 particularly as it relates to staff.

5 This isn't just correction officers. You
6 know, again, they represent the backbone, sheer
7 numbers. Because it's very important that supervisors
8 and managers be held to the same standards. It isn't
9 a question for some and not for others. So I think
10 there are broader issues, there are broader symptoms
11 around how to better help staff deal with the
12 stressors. Particularly I would really urge the panel
13 to take a look at that domestic violence piece. It's
14 really quite troubling.

15 MR. MAYNARD: Well, we're out of time. I
16 want to thank each of you for your testimony. It's
17 been very helpful.