

1 institution. It enables the staff to collect important
2 information and to perform key mental health, substance
3 abuse and medical screenings, the use of a structured
4 classification instrument that assess the risk of the
5 juvenile and places that youth into a housing unit that
6 corresponds to their level of aggressiveness.

7 An orientation unit allows the staff the
8 opportunity to explain to the youth the center's rules, the
9 disciplinary process, the student rights process, the
10 grievance policy, and how to report child abuse. It allows
11 the juvenile again to be introduced into the facility's
12 normative culture and to know what their expected behavior
13 is. And, again, it helps -- it gives the staff time to
14 identify mental health, medical and substance abuse issues
15 that the child may have.

16 I'd like to conclude by saying that well run
17 facilities that are well staffed and are operating within
18 their rated bed capacity have fewer incidences of violence,
19 suicide and sexual assaults than overcrowded, poorly
20 staffed, poorly managed facilities. By adopting just
21 standard best practices we can ensure the safety of our
22 youth and staff in our facilities.

23 Thank you.

24 CHAIRMAN WALTON: Thank you very much.

25 I'm confident that the representations about

1 having a lot of good people in this field is accurate, I run
2 into a lot of them, but you also say that you need more.
3 What are some of the major impediments to attracting more
4 and better people to that line of work?

5 DR. ROUSH: I think one of the issues is the
6 salary. Most salaries are very low. My concern arose in
7 the late 1980s with some concern that, in several
8 jurisdictions, that the animal control officer was making
9 more than the juvenile detention line staff member, and, so,
10 it's been -- there's been an ongoing struggle.

11 The other issue is that this is clearly a low
12 status profession. Working with kids who are troubled and
13 troubling, who are in many cases throwaway kids from the
14 system, it's not the sort of thing you talk about a lot.
15 People aren't necessarily interested. I always tell folks
16 that -- in this profession, I always ask them, have you ever
17 been asked what you do? And they'll say yes. And I always
18 say, do you get the two standard responses? When somebody
19 asks you if you work in this profession, the first thing
20 they say once you tell them that you work in detention is
21 they'll say, oh, my, it must take a very special person to
22 work with those children. And once they're done with that
23 they'll say, can you believe how hot it's been so far.
24 People just don't want to talk to us about what we're doing
25 in this business unless they've read something in the paper

1 about some sort of sensational case and they'll ask you
2 about the kid, and it is at that point in time that
3 confidentiality prevents you from saying anything. So,
4 those are some of the dilemmas.

5 The other thing is that we don't have a good
6 avenue into the system. I'm in, I think, an excellent
7 school of criminal justice, and yet we struggle, with out of
8 four to five hundred undergraduates in criminal justice, we
9 struggle being able to pull together a class of 20 to 30
10 folks that want to talk about juvenile institutions beyond
11 the intro juvenile delinquency courses. So, there's an
12 absence of an attraction for folks in the business, and I
13 don't think we've defined our profession well. We talk to
14 folks who come into the field who have college degrees or
15 college backgrounds and it's a hodge-podge of -- an
16 assortment of curriculum and course work.

17 CHAIRMAN WALTON: The monetary aspect I understand
18 and there are impediments obviously to addressing that, but
19 I think society could if it wanted to. The other aspect,
20 though, how do you enhance the perspective that people have
21 about the profession?

22 MR. SANNITI: One of the strategies that we had
23 when I was in Georgia, we were experiencing a 30-percent
24 turnover rate in our direct care staff. Again, we started
25 placing a lot of emphasis onto what we call the sergeants

1 and lieutenants. Those people tended to be more vested in
2 the system or staying, so, we got their salaries up, we
3 provided them with some additional training. And then the
4 other thing that we were able to do in Georgia is to
5 convince, to try to parity with the adult correction
6 department, and we were able to get our salaries up. So, we
7 got our entry level salary up, I think at the time it was
8 21,000, and we got it up to like twenty-six-seven or
9 something like that. And we started attracting more
10 employees and employees started to stay. And, again, we
11 really started investing in those front line supervisors,
12 giving them training and encouragement in trying to
13 strengthen their skill sets.

14 MR. MURRAY: In addition to both my colleagues, I
15 think another impediment, Commissioner Walton, is just the
16 stressful environment. And, again, I think all of what we
17 do contains some stress, but working on the juvenile side,
18 and particularly when you work in the trenches which is
19 where young professionals need to start to get a good pitch
20 of what they're dealing with, it's a very stressful
21 environment. It's tough for some individuals, despite their
22 good degrees and what they believe to be their preparation,
23 to come into this environment and do well. It's tough to be
24 non-judgmental of some of the youngsters that come into the
25 system and to not personalize some of the comments that may

1 be made or some of the things that may be said. So, we
2 encourage young people to give it some time and to be
3 prepared for a different kind of environment, that if they
4 can make it a couple of years as a young professional and
5 learn to like this business and be, to some degree,
6 accepting of the very low salaries, Dr. Roush is right, I
7 have seen salaries improve tremendously over a period of 20
8 or 30 years, but there remains much room for improvement.
9 We lose good staff every day to other law enforcement
10 agencies who have good salary scales or better salary
11 scales, but in addition to all of that, just the
12 environment. Either you're cut out for the business or
13 you're not. It usually doesn't take young professionals
14 long to make that determination.

15 COMMISSIONER PURYEAR: We talked about retention
16 for a minute; we talked about losing good staff to other
17 agencies. Sometimes that can be salary-related; sometimes
18 it can related to the status of your work; sometimes it can
19 relate to the stress level of this particular line of work.

20 But also, if you look in human resources from a private
21 business perspective, one of the things that G.D., to take
22 an example, sort of the leading H.R. company, tries to drive
23 out "C" players, as they call them. You have your top
24 talent who are "A" players, you had "B" players who might
25 get there one day, and then you had your low performers, and

1 they find that low performers not only drag down the
2 organization but they drag down your star performers and
3 cause them to go elsewhere so they won't have to deal with
4 them. And, so, they either say those people have to improve
5 or they're gone as part of the review process.

6 And one of the things you referred to, Dr. Roush,
7 is there have been incidents in both adult corrections and
8 juvenile corrections where bad apples have been caught on
9 camera in some instances doing things they ought not to do
10 and yet they're retained. What does that do to the morale
11 of the rest of the staff within the organization?

12 DR. ROUSH: I think that it's a terrible sort of
13 factor that good staff have to face. Then you end up in
14 many instances feeling as if not only are you working to
15 keep kids under control and to move them forward, but you're
16 also simultaneously trying to compensate for a staff member
17 who may be undermining your work. And, so, I think it, in
18 terms of what Mr. Murray was saying, that it adds to the
19 stress of the job, and then I think what it does is that it
20 dampens hope and enthusiasm, and if nothing else, I think
21 one of the ways that this profession has been able to
22 overcome many of the negative factors in the work force in
23 terms of the stress and the low pay and some of the other
24 demands is that we've been the guardians of hope, we've been
25 able to encourage not only kids, but staff, and even though

1 we don't do a good enough job of touting our successes,
2 there are successes, and every good staff member who makes a
3 commitment to this business will be able to tell you the
4 stories about a youngster coming back or something that a
5 troubled young person did that was heartwarming and gave
6 them a sense of fulfillment and meaning.

7 CHAIRMAN WALTON: Well, what needs to be done to
8 get rid of those bad apples? What are the impediments that
9 affect your ability to do that?

10 MR. SANNITI: One of the -- I'll answer that.
11 I've done this a lot. One of the issues is, as Dr. Roush
12 mentioned earlier, having a solid incident reporting process
13 in place, having a clear understanding or an understanding
14 of what happened, having witness statements to what
15 occurred, having detailed reports so you can proceed with
16 discipline.

17 The other thing that's helpful is when you have a
18 video camera, you have cameras that capture it on film, or
19 DVD disk now, that you can play and kind of gives you a
20 clear understanding of if the event occurred or not. We
21 have been using, both in Georgia and in Maryland, hand held
22 video cameras in addition to the overhead cameras. When
23 there is a planned use of force or a use of force, one of
24 the people or persons responding will bring a hand held
25 video camera. So often, a million times, an incident will

1 occur and it will occur off camera, or you can't see
2 anything, or someone's blocking the way. With the hand held
3 video cameras you get a much clearer picture of exactly
4 what's going on and you can hear the dialogue back and
5 forth. And I will tell you, nine times out of ten the hand
6 held video cameras exonerate staff from wrongdoing.

7 But one of the processes that we can have is,
8 again, the strength of the incident. When I go to a
9 disciplinary hearing I lose it because of the incident
10 reports and it gets unclear what actually occurred or
11 mitigating circumstances now come up or the person's no
12 longer employed there or the kid's gone and he or she
13 doesn't want to come back for this, so, it gets difficult.

14 COMMISSIONER PURYEAR: There has been -- we had
15 some testimony during our last hearing about a situation
16 here in Massachusetts that Commissioner Dennehey confronted
17 where there was actual videotape of five correctional
18 officers taking an inmate to a place he shouldn't have been,
19 coming out looking far worse for the wear, corroborating
20 physical evidence against two, the other three denied
21 anything happened. The two who had corroborating physical
22 evidence that they were involved in what went on with that
23 inmate, as I understand it, the terminations were upheld;
24 the other three, she was -- her termination order was undone
25 by arbitration and those three are now still working, and

1 that's a case where you had clear camera-based evidence that
2 they were involved in protecting a code of silence with
3 their officers versus the duty that they had to the inmate.

4 What do you do about those cases? I mean, how much
5 evidence does one have to have before you terminate an
6 employee under these collective bargaining agreements?

7 MR. SANNITI: I think what happens is, you know,
8 we terminate, but then they reinstate. So, as a facility
9 administrator, you're really, first of all you cannot -- you
10 have to set a standard and adhere to that standard, and if
11 you lose it at arbitration, then you lose it at arbitration
12 and just kind of take it in stride. But I think, as
13 Dr. Roush said, it does have a cost to the facility when
14 these people come back. Because you know what you have, you
15 have formal leaders, your superintendents, then you have
16 informal leaders, and unfortunately a lot of times these
17 people become informal leaders that pull the organization
18 down.

19 MR. MURRAY: I think we have to continue to
20 terminate. When they are reinstated we have to terminate
21 and terminate and terminate until at some point it becomes
22 clear these are not individuals who need to work around
23 children. We also need to make a strong effort on the front
24 end to try our best to keep these bad actors out of the
25 juvenile system. There are all kinds of personality

1 inventories and other batteries that we give in Georgia to
2 try and identify who may not be suited to work with
3 children. Despite our best efforts, some of those
4 individuals are going to seep in.

5 Much like Carl Sanniti in Maryland, we use the
6 hand held cameras also. It tough now for a bad apple to
7 maneuver in the juvenile system because his movements are
8 being monitored and he knows it, but we just have to
9 continue to move those people out and once we know there's
10 enough evidence to terminate, despite what may happen, we
11 need to do what we know to be the responsible thing.

12 COMMISSIONER PURYEAR: Last question, I promise.
13 The other issue that's come up, I think both the previous
14 hearing and this hearing, is about sometimes when you don't
15 terminate but the evidence isn't quite so clear and the
16 person resigns under pressure, moves off, and we had some
17 discussion of this earlier, and they wind up at another
18 correctional system, how do you go about finding out, is
19 there a way to find out, well, why did this person leave the
20 other system? There's a lot of legal risk for a person
21 giving an honest answer about why that person resigned. Do
22 you confront that issue in your systems?

23 MR. SANNITI: I have not confronted that.

24 MR. MURRAY: We attempt to code those individuals
25 where we can "no rehire," even when they resign. Sometimes

1 for legal reasons we cannot do that, but where we can, we
2 like to make it difficult for those individuals to reconnect
3 with another system, another juvenile system.

4 COMMISSIONER PURYEAR: Will you tell other systems
5 that they're coded as a "no rehire," is that ---

6 MR. MURRAY: Well, it gets legal there. We have
7 to take it on a case-by-case basis. Where we can
8 communicate that, we do.

9 COMMISSIONER SMITH: This is actually connected to
10 Commissioner Puryear's question, and he's asked a whole
11 bunch of questions that I had, but it seems to me that in
12 the juvenile system there's -- and tell me if I'm right
13 about this -- that there's a greater use of licensing, that
14 people have to be licensed in order to hold these positions,
15 and it goes to that whole piece around professionalization,
16 and I wonder if the licensing process might get to some of
17 these issues about keeping these bad apples from spreading
18 their little seeds in other settings, and, so, I'd like some
19 comment on that.

20 MR. SANNITI: The only comment I can give you is I
21 was part of the Maryland -- appointed by the Governor to the
22 Maryland Correctional Police Training Commission, and
23 several years ago the DJS decided that they would
24 participate in requiring all line staff, all staff with
25 children, to go through what we call MCTC training, which is

1 a six-week program. We have statistical evidence that shows
2 that the use of force in staff-on-youth assaults is far less
3 with the staff that went through the MCTC training than for
4 the other staff that were hired before and did not have that
5 training.

6 MR. MURRAY: We don't license, but we do mandate
7 that all of our officers, which is usually the largest job
8 class in any juvenile correctional system will be the
9 officers, we require that all officers undergo four weeks of
10 strenuous training whereby they are certified as peace
11 officers under the Peace Officers Standards and Training
12 Council. This is mandatory. They must do this within six
13 months of their employment in order that they be allowed to
14 supervise children without the oversight of an experienced
15 officer. It's not a license, but it does provide some
16 additional protection.

17 To be a juvenile corrections officer in Georgia
18 you must at a minimum be a high school graduate. I think
19 perhaps down the line if we want a better caliber, taking
20 nothing away from those good individuals that are employed,
21 but I think the higher the educational level, the greater
22 the likelihood they're going to be good, strong officers.
23 Hopefully that may figure into a better pay scale on down
24 the line. But that's our attempt at licensing, to make sure
25 that these officers are certified officers.

1 CHAIRMAN WALTON: After that initial training is
2 there a requirement for ongoing periodic training?

3 MR. MURRAY: Yes, there is. They must return to
4 the academy and be retrained, or in-service training
5 continuously each year.

6 COMMISSIONER SMITH: Can I ask a question. Say,
7 for example, one of these individuals is found to be
8 involved in something but they get reinstated, right? Is
9 there an -- what I'm trying to figure out, is there an
10 alternative process either through the child protection
11 system which prohibits people who have abused children from
12 working with children, or whether there's some process, the
13 licensing of this peace officer process, where it creates
14 some other options for moving people out of the system where
15 you might not be able to get them out in the personnel
16 process and also gives other institutions a way to keep up
17 with them?

18 MR. SANNITI: If you have -- in regards to child
19 abuse, if you have a find -- what they call a true finding
20 against you, there's usually three ways you -- three things
21 happen. If there is an allegation that you were involved in
22 a sexual assault against one of the children, you would
23 immediately be put on paid administrative leave. We would
24 conduct our own investigation. The child protective
25 services would be called in. They would also conduct their

1 own investigation. And then the state police would be
2 called in to do a separate investigation to see if it rises,
3 first of all to see if it occurred, and then did it rise to
4 the level of criminal activity.

5 If you get a finding -- first, if we determine
6 that you were involved, you're immediately fired. If the
7 child protective services, there's a finding, then you are
8 also immediately fired and subject to criminal action. And,
9 of course, if the state police decide that there was enough
10 evidence they also can charge you. So, that's a whole
11 different kind of category, and it's taken very seriously.

12 DR. ROUSH: Transferring a troubled employee to a
13 position where he or she does not have any direct contact
14 with children and no involvement with their supervision is
15 one route that some systems take, but the majority of
16 detention systems are not large enough to be able to do
17 that, and, so, it really puts them in a dilemma because you
18 either then have to get rid of the employee, or if that is
19 an impossibility, then you have to somehow try to isolate
20 that staff member.

21 CHAIRMAN WALTON: Where there's been an internal
22 determination of culpability of inappropriate behavior like
23 sexual assault on a ward, is there referral then to the
24 prosecutorial agency, and if there is a referral, is there
25 any reluctance on the part of prosecutorial agencies to

1 prosecute those cases?

2 MR. MURRAY: There is a referral system in
3 Georgia. In fact, our system mirrors the Maryland system in
4 terms of having internal investigators to investigate
5 incidents and depending on the nature of it a referral is
6 made to the local D.A. for prosecution. Where the evidence
7 is clearer and prevailing, I've seen no reluctance on the
8 part of prosecutors to move on those cases where there has
9 been child abuse in our state. I think it's understood that
10 those individuals we need to move swiftly and aggressively
11 on, and to some degree make examples out of them so that
12 others don't follow suit.

13 DR. ROUSH: And I agree that that's probably the
14 way it should be handled, but I am aware of a situation in
15 California where the prosecutor told me that if it's only a
16 question of having established the staff member's guilt
17 based on the testimony of juveniles that they're not going
18 to proceed with criminal charges because they can't raise it
19 to the level of beyond a reasonable doubt if the witness is
20 a juvenile because of the ease that the defense attorney has
21 of impeaching their testimony. And if you can impeach the
22 testimony of the witness, then that creates the reasonable
23 doubt and subsequently it doesn't go forward.

24 And then within that same system, once you get to
25 the personnel review board hearing, as Dr. Krisberg spoke

1 about earlier, then the petition in front of the personnel
2 review board is this certainly could not have been that
3 serious an offense if it was not prosecuted. I wish -- I
4 wish I knew of a way to circumvent that.

5 MR. MURRAY: Despite the problems the bad apples
6 cause, our juvenile jurisdictions, when they somehow manage
7 to get in, it's not my belief that day-to-day they are the
8 major contributor to the rape of children in custody.
9 Certainly they don't help us any, but it's my thought that
10 it's more of a systemic breakdown, it's more of an absence
11 of resources, it's more of a lack of a commitment on the
12 part of the system leader and others who have responsibility
13 for making systems safe and secure. I think as a system
14 that's where we need to concentrate our efforts while at the
15 same time having a system in place where we can identify and
16 get rid of, if you will, those employees who don't perform
17 and who may be subject to some criminal behavior themselves.
18 But we need to look at our systems and make sure that first
19 of all the commitment needs to come from the agency head
20 level. I make it very clear in my state that the priority
21 is protecting children. It's a statutory mandate, and if it
22 were not, it's a belief of mine that after years in this
23 business my first responsibility is to protect the children
24 in my custody. Beyond that, I need to habilitate,
25 rehabilitate and treat, but if I can't make them feel safe

1 when they sleep at night, they're not going to hear me the
2 next morning when I try and rehabilitate. So, we're looking
3 at a way that we can do that. One way, and, again, I know
4 time is limited here, but I make it a point to visit, not
5 only do I require monitoring from my mid-level managers, but
6 within the first six months of my appointment I had visited
7 each of the 30 facilities in Georgia at different shifts, at
8 different hours, sometimes announced, sometimes unannounced,
9 not to catch my staff doing something wrong, but to catch
10 them doing something right. I like to visit enough where
11 staff don't feel like something is wrong when the
12 Commissioner comes on the ground. I think we set the tone
13 at the top and others will follow suit.

14 MS. STRUCKMAN-JOHNSON: I have a little bit
15 different question, just to take advantage of your expertise
16 with our relatively small time left. What do you think is
17 the best process for having juveniles report incidents? How
18 do you think it can be set up to encourage reporting that's
19 confidential, that doesn't set them up to look like snitches
20 or to get beyond the staff if it's a staff misconduct, what
21 are your recommendations?

22 MR. SANNITI: My recommendation would be, well,
23 several. One, again, as I said earlier, going to a unit
24 management concept where the staff is permanently assigned
25 to units so they develop relationships with the youth. Also

1 having a confidential grievance process, and a confidential
2 request to see a counselor process where youth can make
3 these requests and talk to people.

4 The other method, and there's a number of
5 strategies, but other strategies would be -- and I did this
6 when I was a superintendent -- is simply walking around and
7 talking to the kids. And kids in your behavioral management
8 unit, on the gold level, I'd have lunch with them every
9 Tuesday, we'd have lunch with them and talk to them and we'd
10 have pizzas and stuff like that, that kind of a process,
11 showing the kids how to report child abuse and making sure
12 that staff clearly understand that they are mandatory
13 reporters, and when they see stuff that they are required by
14 law and under penalty of law to report.

15 Again, going back to the grievance and request to
16 see counselors, those boxes and the forms should be a place
17 in the school and in the cafeterias, as well as the housing
18 units, but also the schools and cafeterias, so the child can
19 do that confidentially without the unit staff observing them
20 that closely.

21 MS. STRUCKMAN-JOHNSON: Right. Because a unit
22 staff manager who possibly is participating in an incident,
23 then that wouldn't work. Probably tend to make it worse.

24 MS. SANNITI: Exactly. A lot of times you'll see
25 they'll have the grievance boxes but you have to go to the

1 staff member to get the form. No one's going to do that.
2 So, again, having the forms and then having the boxes in
3 other parts of the facility, as I say, the school and the
4 cafeteria are -- school's the best place.

5 MR. MURRAY: I think Carl is right. Having
6 unimpeded access to a grievance box, having a viable
7 grievance process. In addition to that, I encourage
8 juveniles to write me, and I get many, many letters in the
9 course of a week. They can count on getting a response of
10 some kind from my office. Those letters are not opened
11 until they reach my office.

12 DR. ROUSH: I agree with both Carl and Albert.
13 Also, Earl Dunlap talked about having a toll free hot line,
14 and, so, that would be something else to consider.

15 MS. STRUCKMAN-JOHNSON: Do you agree with that?

16 DR. ROUSH: And also the idea of an objective
17 third party, whoever he or she might be, with open access to
18 the facility, and so the youth know that that person can be
19 approached confidentially. And the final thing I would add
20 is that facilities need to be open to other concerned people
21 from the outside.

22 MS. STRUCKMAN-JOHNSON: All right. Thank you. I
23 just wanted to add that I have all these psychology majors
24 who are graduating every year come to me asking about their
25 job prospects and it's always pretty bleak because in

1 psychology you can't get a job unless you go on to Master's
2 or Ph.D., and here they are dying to work with kids for the
3 most part, and usually very bright, very motivated, and it
4 just hits me today, my goodness, we need to find a conduit
5 for them over to juvenile justice, and I don't -- some -- a
6 few of them are juvenile justice double majors occasionally,
7 but certainly there has to be a way to tap into or to -- I
8 don't know how to do it. Anyway, I've got take it under
9 consideration in how to send them over to you.

10 MR. MURRAY: Please send them to Georgia with a
11 degree in psychology.

12 MS. STRUCKMAN-JOHNSON: Oh, they don't want to
13 leave South Dakota. I'm just kidding.

14 CHAIRMAN WALTON: Anyone else?

15 Well, I found this panel, as all the panels, to be
16 very insightful. It's been a very eventful day for me; I've
17 learned a lot. I think Senator Kennedy has given us our
18 marching orders: he wants to hear from us and he wants to
19 hear from us soon, and, so, I am tasking our staff with
20 focusing on this particular issue so that we can submit an
21 interim report to the Senator and the rest of the
22 congressional representatives on our feelings on this issue.
23 I think it's important that we speak out on this issue as
24 soon as possible, so, hopefully we'll be able to submit
25 something to Senator Kennedy by the end of the summer

1 regarding perspectives and some of our feelings about what
2 needs to be done to address this particular issue as it
3 relates to juveniles.

4 So, again, thank all of you for your presence and
5 your participation, and please let us hear from you if
6 there's additional information you think we need to know.
7 Thank you. This hearing is now adjourned.

8 (The above matter was adjourned at 5:15 p.m.)