

2                   CHAIRMAN KANEB:  
3                   We will go right to our next  
4 panel in an effort to try to make up  
5 time here.

6                   This panel is on the matter  
7 of Internal Oversight, Institution of  
8 Accountability for Eliminating Sexual  
9 Violence.

10                  Please welcome our next  
11 panelists, Doug Dretke, Robert Green,  
12 and Theodis Beck.

13                  Gentlemen, will you -- now  
14 that you've been seated, will you all  
15 rise and raise your right hands?

16                  (Three witnesses sworn.)

17                  CHAIRMAN KANEB:

18                  Mr. Dretke.

19                  MR. DRETKE:

20                  Good morning. It's an honor  
21 and privilege to sit before you again  
22 and offer some of my perspectives and  
23 insights on internal institutional  
24 accountability.

25                  I think it's important to --

1 to know, as I briefly go over the --  
2 the testimony that I submitted, that  
3 much of my career, 26 years with the  
4 Texas Department of Criminal Justice,  
5 occurred as I began in the system. The  
6 prison system in Texas was undergoing  
7 federal court supervision with Ruiz  
8 versus Estelle. So the majority of my  
9 career, as I promoted through the ranks  
10 serving as a warden in several  
11 facilities and eventually as a director  
12 of the correctional institution  
13 division prior to my retirement back in  
14 2006, was spent under active federal  
15 court monitoring. And then in the --  
16 the lateral part of my career, we came  
17 out from under that active monitoring.  
18 During my tenure with the system as  
19 director of the correctional  
20 institutions division, I had a  
21 oversight responsibility for 94 state  
22 facilities.

23 I wanted to begin very  
24 quickly by -- by, as we look in  
25 internal institutional accountability,

1 referencing John Dulileo's  
2 excellence -- excellent text governing  
3 prisons. Where he goes on to say,  
4 Dulileo rights, that prison managers  
5 must affect governments strong enough  
6 to control the community of persons.  
7 At the same time, however, prison  
8 manager's must be subject to a vigorous  
9 system of internal and external  
10 controls on their behavior, including  
11 rigorous internal supervision and  
12 inspections ongoing intradepartmental  
13 evaluation.

14                   So today my -- my testimony  
15 focus is on some of the critical  
16 processes that I believe are absolute  
17 and necessary for prison managers to  
18 effectively provide internal oversight  
19 and accountability within our prisons,  
20 especially focusing on eliminating the  
21 current sexual assault within our  
22 sexual facilities.

23                   And as I speak of internal  
24 oversight systems, I do not speak of  
25 them in opposition to external

1 mechanisms as -- as Professor Deitch  
2 talked about. I speak about them in  
3 conjunction with. And one of the  
4 things we as prison managers inside  
5 should and ought to have in place for  
6 cells. The processes I talk about, and  
7 even the names that I call them, are --  
8 come out of our Texas system in some of  
9 the names that we use. But the names  
10 and titles are less important than the  
11 actual policy and processes that they  
12 include.

13 I want to focus -- I'm going  
14 to focus on -- on mandatory reporting,  
15 offender grievances. I'm going to talk  
16 very briefly about an internal  
17 ombudsman program and then the safe  
18 prison program specific to addressing  
19 sexual assaults. And then finally,  
20 talk a little bit about an operational  
21 review program that I'll explain in a  
22 minute.

23 I want to highlight the  
24 process or the expectation of mandatory  
25 reporting. As we came out, or as we

1 dealt with -- with active court  
2 supervision -- and I want to reference  
3 Commissioner Puryear's comment about  
4 this futile system and so forth. One  
5 of the things that I think over time to  
6 be very effective in Texas was  
7 mandatory reporting requirements.  
8 What happened on your unit was expected  
9 to be reported up to a central office.  
10 The office you hear me call the  
11 emergency action center, just the name  
12 of a central reporting place. Texas  
13 over its -- over its years, developed a  
14 very strong policy that mandated the  
15 type of incidents that had to be  
16 reported into a central office. Very  
17 interestingly too -- and well, the  
18 policy goes on to say very specifically  
19 list the incidents that must be  
20 reported within what time frame and  
21 details actual reporting processes, to  
22 include written reports along with  
23 followed requirements. And what that  
24 does is -- it gives a -- this office is  
25 responsible for gathering data,

1 disseminating information to agency  
2 leadership on a daily, monthly, and --  
3 and annual basis.

4                   Specific to sexual assaults,  
5 prior to 1999, our policy only required  
6 reporting for alleged rapes, and a  
7 written administrative review was  
8 optional dependent upon warden  
9 discretion. And I think that's one of  
10 the keys. As our policy became  
11 stronger and stronger it reduced and,  
12 in fact, eliminated warden discretion  
13 on reporting requirements.

14                   And in 1999, our policy  
15 changed its language. And they -- and  
16 this certainly was not -- I'm not  
17 sitting here as a proactive prison  
18 response. It was as a result of our  
19 final chapters with Ruiz and some of  
20 our final hearings where sexual  
21 assaults was -- was recognized and --  
22 and testimony was provided around. In  
23 1999 our policy changed its language to  
24 alleged sexual assaults from -- from  
25 alleged rapes and began to include

1 monthly data on reporting -- on  
2 reporting numbers. By 2000, our policy  
3 included and expanded the definition of  
4 sexual assaults and required written  
5 administrative reviews and follow-ups on  
6 every single alleged sexual assault.

7 I believe mandatory  
8 reporting provides prison agencies the  
9 ability to collect data in a timely  
10 manner and disseminate appropriate  
11 information within a very quick --  
12 quick period of time.

13 Grievance system -- and very  
14 quickly we talk about formal offender  
15 grievance system, a critical component  
16 in any institutional accountability  
17 process providing a voice and avenue in  
18 a formal process for offenders to talk  
19 to prison managers. Two components I  
20 want to highlight. And one is -- is in  
21 Texas we use a process called a dual  
22 supervision. Grievance investigators  
23 at the local level, at a regional  
24 level, and at the state level -- or at  
25 the add -- the executive level, do not

1 report directly and only to the prison  
2 division director. They are also  
3 supervised by a separate division that,  
4 technically, supervise which includes  
5 quality of investigations,  
6 appropriateness of the actions  
7 recommended by a separate division that  
8 reports equally and separately to the  
9 executive director of the prison  
10 system.

11                   The other piece of the  
12 grievance is putting the staffing  
13 components to support a strong  
14 grievance system. And in large systems  
15 we're -- we're spread out across a very  
16 large geographical is the  
17 implementation, utilization of regional  
18 managers that are extensions of  
19 executive leadership to provide the  
20 necessary appropriate, close support to  
21 unit investigators, unit officials and  
22 so forth. The other thing is specific  
23 consensual assault is that grievance  
24 systems recognize sexual assaults  
25 themselves.

1                   Our language in our -- in  
2   our grievance policy includes specific  
3   direction for alleged sexual assaults  
4   as emergency grievances, and then  
5   directs investigators to move into the  
6   appropriate actions and protocols as  
7   laid out in the safe prison program.

8                   The system -- the systems  
9   must have an internal mechanism. We  
10  use the word "ombudsman". It's not to  
11  suggest an external ombudsman program  
12  at all, but it is a formal avenue for  
13  family, friends and so forth to be able  
14  to communicate with executive  
15  leadership, a staff in the office that  
16  are able to receive letters and  
17  complaints from family members from  
18  constituents, and so forth about  
19  issues. It provides another mechanism  
20  of -- of access. But it provides  
21  prison managers with information that  
22  is coming through alternative routes.

23                   A lot of oversight  
24  mechanisms literally take staffing  
25  resources to put in place. Texas, and

1 I know you've heard testimony on this,  
2 developed early comprehensive safe  
3 prison program to address sexual  
4 assaults. When we first developed safe  
5 prison program, we developed the policy  
6 and procedures, we disseminated it  
7 across our system to region directors,  
8 to wardens. But I believe not until  
9 we -- we developed a specific office  
10 staff and then dedicated staff and  
11 develop specific positions, save for  
12 some program, unit coordinators, did  
13 many of the components of the safe  
14 prison practice program actually fully  
15 get implemented. Because then you have  
16 people on-site, on units, overseeing  
17 many components of the program, the  
18 actions that are required by policy,  
19 follow-ups, and so forth.

20                   The other side of that, the  
21 safe prison program was a place that  
22 they can begin to gather all of the  
23 data specific to sexual assaults and  
24 use that data to help drive our  
25 training, our policy, our procedure,

1 and our actions. In the end, you have  
2 all of these different policy and  
3 procedure mechanisms. What does a  
4 system do to determine if they're, in  
5 fact, working?

6                   Texas developed, over its  
7 course of time, an operational review  
8 policy. Every three years every single  
9 one of our prison goes through a very  
10 extensive policy review where a large  
11 group of people from the headquarters  
12 to sons upon a facility spend several  
13 months and -- and goes through a --  
14 their reporting compliance with policy,  
15 AD21, which covers that they go through  
16 the grievance procedures and policy.  
17 They go through all of the different  
18 policies. A very formal process,  
19 creates reports, follow-up outcomes, and  
20 moves all the way up to the director's  
21 desk.

22                   And -- so not to -- also  
23 part of the systems that you heard a  
24 lot of testimony on inspector generals  
25 that are a part of large criminal

1 justice systems. John Moriarty  
2 (phonetic) and Michele referenced part  
3 of those things report separate from  
4 the prison director but to actually the  
5 board. Why the different mechanisms?  
6                   And so just -- and pulling  
7 this all together from an internal  
8 perspective, I want to quote Brad  
9 Livingston, the current executive  
10 director, likened the internal  
11 oversight pieces to a three-legged  
12 stool. All three legs is critical to  
13 its stability. One is our operation  
14 review process that continually looks  
15 at our internal policy and procedures.  
16 The second is a security audit that we  
17 do every two years in all of our  
18 facilities to look at the safety, the  
19 direct safety and security issues. And  
20 then the third process that we use  
21 along with many systems around the  
22 nation is the American Corrections  
23 Association Accreditation process.  
24 That while is a choice that systems may  
25 have someone from the outside a part of

1 corrections look at what's -- what's  
2 happening inside our prison as well.

3 CHAIRMAN KANEB:

4 Mr. Dretke --

5 MR. DRETKE:

6 With that --

7 CHAIRMAN KANEB:

8 Excuse me. We -- due to my  
9 inattention to the clock earlier, we  
10 are somewhat under the gun to economize  
11 on time. We do appreciate your  
12 testimony today and before, but could  
13 you just wrap up and -- 'cause I want  
14 to leave time for other people and then  
15 questions.

16 MR. DRETKE:

17 That was my final --

18 CHAIRMAN KANEB:

19 I'm sorry. Thank you.

20 MR. DRETKE:

21 Perfect timing.

22 CHAIRMAN KANEB:

23 Good. Good. We will defer  
24 questions until all three of our  
25 witnesses have testified.

1                   Robert L. Green is the  
2 warden of Montgomery County, Maryland  
3 Correctional Facility. Mr. Green is a  
4 certified jail manager, corrections  
5 consultant and career for --  
6 correctional petitioner. He has worked  
7 with local, state, and national  
8 organizations in areas of professional  
9 management and technology development.

10                   Welcome, Mr. Green.

11                   MR. GREEN:

12                   Good morning. And thank you  
13 for having me. I will try to be brief,  
14 and I will not follow my testimony as  
15 written, so I'm going to kind of jump  
16 all over.

17                   CHAIRMAN KANEB:

18                   I think we can assume that  
19 we have all read --

20                   MR. GREEN:

21                   Very good.

22                   CHAIRMAN KANEB:

23                   -- all of your written  
24 statements.

25                   MR. GREEN:

1 I've made that assumption.

2 Mr. Chairman and  
3 distinguished members of the  
4 Commission, thank you for the  
5 opportunity for me to come before you  
6 and, hopefully, add to this  
7 conversation, not repeat it.

8 I've spent 23 years in local  
9 corrections, having started as a line  
10 level correctional officer. I'm in my  
11 eleventh year as a senior  
12 administrator. I think the most  
13 important aspect of what I do is never  
14 forget where I came from and where I  
15 started.

16 Institutional accountability  
17 and internal oversight, to me, is all  
18 about accountable leadership and  
19 institutional culture. And I believe I  
20 can define that for you if asked the  
21 question. It's about seizing a moment  
22 and time to attack a problem. The  
23 transparency and internal oversight  
24 starts and ends with the accountable  
25 leadership and the appropriately

1 managed institutional culture.

2                   The work of this Commission  
3 on the elimination of rape in America's  
4 jails and prisons will not sit on solid  
5 grounds if those principles are somehow  
6 not ingrained into the standards that  
7 you bring forward. A few points,  
8 directly speaking, to oversight.

9                   Internal oversight and  
10 monitoring is not going to be a one  
11 size fits all solution. I believe this  
12 Commission clearly sees that. There's  
13 layers of accountability and monitoring  
14 that I believe are already in place in  
15 many of our local facilities. In  
16 numerous counties we have grand juries  
17 or other monitoring bodies that are  
18 required to tour our facilities to  
19 publish reports and findings. I also  
20 believe the very nature of local  
21 corrections with the pretrial  
22 population. The access that we provide  
23 to public defenders, state's attorneys,  
24 community groups, and interested  
25 volunteers very much lends to our issue

1 of transparency. The outside resources  
2 are there. There are many  
3 opportunities for inmates to make  
4 complaints beyond the walls to people  
5 that don't work for me. That is an  
6 important element of transparency.  
7 It's inherent in everything that we do  
8 every day.

9                   Though I understand the work  
10 of this Commission is very federally  
11 focused, please, do not lose sight of  
12 the deep end of the pool, which is  
13 America's local jails. Dr. Beck told  
14 us, and we've got to realize, we're  
15 going to touch 12 million people in and  
16 out the doors of America's local jails.  
17 We are the deep end of the pool.

18                   These PREA standards are  
19 going to be adopted by states, even if  
20 they don't have the hook of legislation  
21 or whatever it is for states and  
22 locals. They're going to be adopted,  
23 and we have to make sure that they fit  
24 the various circumstances that are  
25 facing local corrections alike, central

1 processing units, and other barriers.

2                   Let me talk briefly about  
3 standards. Standards are a vital  
4 track. They're the roadmap for what we  
5 do. I am four different accrediting  
6 bodies. I'm accredited by the American  
7 Correctional Association, National  
8 Commission on Correctional Healthcare,  
9 Correctional Education Association, and  
10 the Maryland Commission of Correctional  
11 Standards, which has a history going  
12 back to the 1970s. Their standards and  
13 accreditation audits carry the force of  
14 law. But I don't get everything I need  
15 from one body. That's why I do it.  
16 It's an inexpensive endeavor. And  
17 quite frankly, to be honest with you,  
18 I'll be flying by the seat of my pants  
19 if I didn't subscribe to these  
20 processes. But be clear, it's not the  
21 accreditation. It's not outcome. It  
22 is the daily journey along the route to  
23 get to that accreditation that is  
24 important. Those checkpoints of daily  
25 operation, daily culture, and daily

1 management, the accreditation, quite  
2 frankly, is a piece of paper that hangs  
3 on the wall. But absent daily  
4 compliance, it's meaningless.

5                   Something that I haven't  
6 heard touched on, and I do want to  
7 mention this briefly, is the idea of  
8 new construction. I read with great  
9 interest. There's tons of the new  
10 construction going on in this country.  
11 I fully realize we have some older  
12 facilities and aging facilities that  
13 presents some very interesting  
14 challenges, some of the linear designs.  
15 But I'm still seeing a lack of grass  
16 being -- the proposition of direct  
17 supervision. I still see many housing  
18 units being built in the linear model  
19 where staff are not directly located  
20 with the individuals they have  
21 responsibility for. I wonder why?  
22 There's some -- some proven data that  
23 shows us the principles, the philosophy  
24 of direct supervision, and the  
25 architectural design of such lends to a

1 safer environment.

2                   I don't expect this  
3 Commission to bring forth the standard  
4 that says all construction will be.  
5 But beyond those standards, some level  
6 of narrative -- I hate to use the term  
7 "best practices" or "promising  
8 practices" but there's some prudent  
9 things that exist that -- quite  
10 frankly, cameras don't take the place  
11 of people being in and dealing with the  
12 inmate population.

13                   We've heard much about what  
14 is not happening across the country in  
15 terms of oversight and monitoring, and  
16 we've heard described as some pockets  
17 of good practices. I would submit to  
18 you that I think the pockets of good  
19 practices are much larger than we  
20 realize, especially in my profession of  
21 local corrections. The lack of  
22 information and data has not fully  
23 illuminated that, which has happened in  
24 most corrections and, quite frankly,  
25 is -- is very good.

1                               To speak to Commissioner  
2 Aiken's question about -- or, I'm  
3 sorry, Commissioner Fellner's question  
4 about the negative and the fear. The  
5 negative I read and the fear that I  
6 hear from my colleagues is not  
7 generated by these standards or the  
8 prospect of these standards. It's  
9 generated by the fear of depleting  
10 resources that are already at their  
11 hands who do the work. It's the fear  
12 of unreasonable mandates with no  
13 resources to meet them.

14                               I'm not speaking of just  
15 monetary resources. I'm speaking of  
16 the publications and the information  
17 that is going to come out of this work.  
18 I believe we are absolutely obligated,  
19 and this Commission is absolutely  
20 obligated, to make sure that every  
21 element of this work is readily  
22 available to everybody, not just this  
23 broad idea of what the standards need  
24 to be. That's fine. But templates,  
25 training materials, videos, that needs

1 to be right here handed to individuals  
2 ready to go. Because there are many  
3 rural jails, and there's 3900 across  
4 the country, that don't have the means,  
5 and the nearest hospital is 80 miles  
6 away. And we need to think about that.  
7 And I think that's a very important  
8 thing to realize.

9                   In conclusion, what we're  
10 talking about with prison rape  
11 elimination and anything else we're  
12 talking about, crimes and allegations  
13 of crime. In the 23 years that I've  
14 been in this business, and 11 as  
15 administrator, the overall principle of  
16 my management is crime is no more  
17 acceptable within the walls of my  
18 facility than it is in the streets of  
19 my community. And I will prosecute it.  
20 I don't put together a team that does  
21 that. I have the disposal. It's the  
22 911 -- if there's an institutional  
23 allegation of rape, that goes to the  
24 police and they do come. And they do  
25 provide the exact same resources in

1 terms of victims assistance, and the  
2 entire process to that individual just  
3 as I will within the walls of my  
4 facility.

5                   It often troubles me that I  
6 think -- this issue of oversight  
7 clearly speaks to attitudes and  
8 approaches to how we do our job. The  
9 attitude and approaches are top driven  
10 down, and the level of effective  
11 leadership in institutional culture is  
12 allowed to prevail. There's too many  
13 systems. I believe that the only  
14 population's perceived currency is  
15 violence and physical strength,  
16 strength of power and status. It's a  
17 basic social change theory. And the  
18 rewards for their negative behavior far  
19 outweigh the cost, and that needs to  
20 stop.

21                   Thank you. And I'm very  
22 interested in some probing questions.

23                   CHAIRMAN KANEB:

24                   Thank you, Mr. Green. You  
25 will get the questions as soon as the

1 next witness finishes testifying.

2                   Theodis Beck, Secretary of  
3 North Carolina Department of  
4 Corrections. ASCA recognizes him as  
5 2007's most outstanding correctional  
6 administrator. Congratulations.

7                   Mr. Beck will address the  
8 importance of staff training, the  
9 development of institution  
10 accountability.

11                   MR. BECK:

12                   Thank you and good morning.  
13 Mr. Chairman, members of the  
14 Commission, I would like to begin by  
15 expressing my appreciation to all of  
16 you for the opportunity to appear  
17 before you today as we continue in our  
18 efforts to eliminate the sexual assault  
19 in our prison facilities.

20                   On behalf of the Association  
21 of America in my correctional -- state  
22 correctional administrator role, I want  
23 to thank you for reaching out to our  
24 organization for allowing us to  
25 participate in many of the work groups

1 and processes aimed at eliminating  
2 sexual abuse.

3 I've worked in corrections  
4 for 30 years. I've been secretary of  
5 North Carolina Department of  
6 Corrections for almost nine years. I  
7 have been asked to address the internal  
8 accountability and prevention of sexual  
9 assault in confinement facilities. And  
10 I want to -- my -- some of my remarks  
11 are around basic routine functions.

12 I want to focus these  
13 remarks on five areas that I believe  
14 are critical to establishing sound,  
15 institutional accountability. Those  
16 areas are initial evaluation and  
17 assessment, clearly defined policy and  
18 procedure, appropriate training and  
19 education, accurate data collection and  
20 analysis, and top level accountability.

21 Mr. Chairman, I will take  
22 the -- your message in terms of moving  
23 forward. And I will assume that you  
24 have read my remarks.

25 The one point that I take --

1 that I've heard clearly with concern  
2 has been focused over the last day  
3 and-a-half is the -- my fifth point,  
4 which is top level accountability.  
5 And I want to make sure that you and  
6 all of the commissioners understand  
7 that both I and my colleagues across  
8 the nation do, in fact, take the Prison  
9 Rape Elimination Act serious.

10 CHAIRMAN KANEB:

11 That's your Harry Truman --

12 MR. BECK:

13 That's my --

14 CHAIRMAN KANEB:

15 The buck stops here, right?

16 MR. BECK:

17 Yes, sir. I believe -- I

18 believe that and I believe my  
19 colleagues believe that. There is not  
20 anything worse for a correctional  
21 administrator to experience than to  
22 have inmates who are assigned to your  
23 care, custody, and control of their  
24 facility hurt or otherwise treated  
25 wrong.

1                   We believe that top level  
2   accountability sends a message to all  
3   employees and inmates that our  
4   respective correctional agencies have  
5   adopted zero tolerance for sexual  
6   violence inside our facility. Top  
7   level accountability sets the tone for  
8   a correctional environment in which  
9   prevention of sexual violence is a  
10  priority. Top level accountability  
11  provides additional level of oversight  
12  for all aspects of PREA compliance and  
13  gives us the flexibility to readily  
14  review and revise our policies.

15                   And informally, in North  
16  Carolina's program for sexual violence,  
17  we completed each of the five critical  
18  actions, and we found those areas to be  
19  critical to establishing sound  
20  institutional accountability in our  
21  prisons in North Carolina.  
22  Nevertheless, I do not sit before you  
23  this morning and hold North Carolina  
24  out as a model in dealing with sexual  
25  violence within our prisons. Like most

1 states, North Carolina continues to  
2 grapple with challenges, such as budget  
3 cuts, population increases, staffing  
4 shortages, and retention issues. These  
5 issues of others increase the  
6 difficulties we face in preventing  
7 sexual violence within our facilities.  
8 Nevertheless, I believe North Carolina  
9 and most states are having effective  
10 framework in place for reducing sexual  
11 violence within our facilities and  
12 ensuring sound institutional  
13 accountability.

14                   While we may not have all of  
15 the answers, we are in fact committed  
16 to preventing sexual violence within  
17 our institutions. We are committed to  
18 conducting continuous reevaluation and  
19 improvement, identifying and adopting  
20 promises and practices and implementing  
21 lessons learned from experiences of  
22 others. Consistent with the intent of  
23 PREA, we are committed to a zero  
24 tolerance standard for sexual  
25 misconduct in our facilities.

1                   Mr. Chairman, subject to any  
2 questions, that would conclude my  
3 testimony to the Commission.

4                   CHAIRMAN KANEB:

5                   Thank you, sir. I do note  
6 in your written statement talking about  
7 oversight function and then the  
8 enforcement of oversight findings. And  
9 I quote, my own view is of such  
10 enforcement authority, and neither are  
11 essential or desirable. We were  
12 talking about a monitoring entity. And  
13 the last sentence is, enforcement --  
14 the enforcement comes from regulatory  
15 body, a budget comes from courts,  
16 contracts and monitoring strengths  
17 comes from the power of persuasion, not  
18 control.

19                   Okay. By -- there has to be  
20 somebody with enforcement authority,  
21 authority to cause consequences of the  
22 monitor's findings if they be available  
23 to result in action and reform, right?

24                   MR. BECK:

25                   Mr. Chairman, I don't

1 believe that to be my testimony.

2 CHAIRMAN KANEB:

3 I'm sorry. I am  
4 embarrassed. You are correct. I  
5 withdraw. I was -- I flipped the wrong  
6 page and I was looking at Professor  
7 Deitch's statement about that.

8 Would you comment on then  
9 what I read that she put in? I'm just  
10 having -- listening to you, I'm  
11 interested in what you think about on  
12 that -- that matter.

13 MR. BECK:

14 On monitoring?

15 CHAIRMAN KANEB:

16 About monitor's finding  
17 problems. Should they have the  
18 authority to enforce sanctions on the  
19 administration, the officers, or simply  
20 to report and have somebody else  
21 enforce?

22 MR. BECK:

23 Mr. Chairman, I believe that  
24 monitors should report. That would be  
25 my initial reaction to -- to your

1 question. Without knowing what  
2 jurisdiction, what the configurations  
3 are, what is the -- the organizational  
4 structure, how it fits within the  
5 executive branch, whether or not there  
6 are other oversight boards, boards of  
7 corrections, legislative oversight  
8 committees, it will be difficult for me  
9 to take a definitive position. And so  
10 based on -- on some of these unknowns,  
11 I would say initially just to report to  
12 whoever would be deemed or determined  
13 to be an appropriate entity to report  
14 their findings to.

15 CHAIRMAN KANEB:

16 Okay. Thank you. And I'm  
17 sorry for reading your testimony in the  
18 wrong place -- or reading Michele's  
19 pages up.

20 MR. BECK:

21 Yes, sir. No problem.

22 CHAIRMAN KANEB:

23 Thank you, sir.

24 Other Commissioners?

25 COMMISSIONER PURYEAR:

1                   A couple of questions.  If I  
2   can follow-up on Commissioner Kaneb's  
3   question about Professor Deitch's  
4   testimony.  And this is for anybody who  
5   wants to comment.

6                   Is there an advantage to  
7   have the internal -- if you have an  
8   internal monitor, is there an advantage  
9   for that not being an enforcement  
10  entity in terms of candor of  
11  information that you can glean from  
12  staff, and your ability to be seen as a  
13  positive force that can improve the  
14  operations within a facility as oppose  
15  to somebody's coming with the potential  
16  for leaving black marks on somebody's  
17  record which causes some advancement  
18  issues, for instance?

19                  MR. GREEN:

20                   I'll be happy to answer  
21  that.

22                   In Maryland, I know of no  
23  other system of that which carries the  
24  force of law with the Maryland  
25  Commission of Corrections standards.

1 They come in, they can make  
2 recommendations, those reports would go  
3 to legislature, they go before public  
4 hearings. I welcome that. That's the  
5 system that I've worked in for many  
6 years.

7                   What I found is that those  
8 standards are not inclusive. That's  
9 why I go into the other bodies so that  
10 I can get the level of medical  
11 accountability that I need. I think  
12 what ACA brings to the table is, and of  
13 course the Correctional Education  
14 Association, in the areas of special  
15 education and mandatory education for  
16 young people. I know no other system,  
17 and I have no problem with it. And I  
18 think it is important.

19                   CHAIRMAN KANEB:

20                   Doug, do you want to comment  
21 about that? You have all three of  
22 these systems operating.

23                   MR. DRETKE:

24                   Yeah. I would -- I would  
25 support Professor Deitch's statement

1 that -- it would seem to me somehow the  
2 whole integrity of the monitoring  
3 system very free to report what they  
4 see without implications of enforcement  
5 versus those recommendations, then  
6 going through appropriate processes  
7 through leadership and through all the  
8 different mechanisms that -- that  
9 create operations. And -- and so, I  
10 would support her statement.

11                   And in general, monitoring  
12 is to faithfully, accurately report  
13 what is. And then from there,  
14 leadership has responsibility with all  
15 of the -- the -- the dynamics around  
16 that in doing the right course of  
17 action.

18                   CHAIRMAN KANEB:

19                   Is the monitoring to be  
20 reported publicly, the results of the  
21 monitoring?

22                   MR. DRETKE:

23                   I would think so. I  
24 think --

25                   CHAIRMAN KANEB:

1 By an internal body?

2 MR. DRETKE:

3 You know, we operate in --  
4 in our system. And I would -- I would  
5 say that this is true most places.  
6 It's all -- everything we do is we  
7 recognize as open records, and -- and  
8 that all of that is -- is available.

9 CHAIRMAN KANEB:

10 Okay. That's -- that's  
11 important. Excuse me.

12 MR. BECK:

13 Yeah. I would support what  
14 the others just said. You know, we as  
15 a -- as correctional administrators are  
16 very much in tune to the Public Records  
17 Laws. I think everyone is fully aware  
18 that transparency is now the order of  
19 the day. We don't take exception to  
20 that. You look at most of the  
21 documentary that are now running. I  
22 think -- I think correctional facility  
23 and correctional agencies are now more  
24 opened to media ever in the history.

25 We recognize that as a -- as

1 an emerging dream that -- that we are  
2 best served by allowing entrance.

3 CHAIRMAN KANEB:

4 Any other questions?

5 COMMISSIONER PURYEAR:

6 Last question. This is just  
7 real quick. Because grievances came  
8 up, and I was just curious if three of  
9 you have any notion -- it can be a  
10 guesstimate. It doesn't have to be  
11 precise. -- as to what grievance  
12 sustain rate is in your respective  
13 systems?

14 MR. GREEN:

15 In my system it's about 45  
16 percent.

17 MR. BECK:

18 I'm not sure I understand  
19 exactly what you mean by sustained.

20 COMMISSIONER PURYEAR:

21 Where the inmate grievance  
22 is found to be valid.

23 MR. BECK:

24 We are probably, in North  
25 Carolina, looking at probably 25

1 percent of the population in excess of  
2 38,000 inmates.

3 MR. DRETKE:

4 Back from my tenure, I would  
5 put our -- our data probably closer to  
6 Secretary Beck's. Somewhere in that  
7 lower range.

8 CHAIRMAN KANEB:

9 Yes, Commissioner Aiken.

10 COMMISSIONER AIKEN:

11 Good morning to all three of  
12 you.

13 Mr. Green, do you mind  
14 defining leadership and culture as it  
15 pertains to the operations of a  
16 confinement facility?

17 MR. GREEN:

18 Not at all, sir. I remember  
19 a member of this Commission who  
20 reminded me some 17 years ago as a  
21 mentor and trainer he said to a young  
22 man, don't forget to walk and talk to  
23 the people you're responsible for and  
24 the people that are responsible for  
25 doing the job. That's what it's all

1 about. It's about the institution.  
2 It's about the demeanor of your staff.  
3 It's about turnover rates. It's about  
4 watching people communicate at the  
5 lowest level of the organization. It's  
6 about white shirt syndrome.

7                   What white shirt syndrome  
8 is, is when I walk in that institution  
9 with my white shirt on, or a supervisor  
10 walks into a housing unit, they get  
11 accosted with questions. That  
12 immediately tells me they're not  
13 getting the answers that they need and  
14 respect the answers they're getting in  
15 their appropriate level in the  
16 institution. It's this overall climate  
17 of participation in programs. It's  
18 about individuals that are coming to  
19 school and making a difference. It's  
20 about monitoring the violence in your  
21 facility.

22                   All of those things lends to  
23 a culture. But that culture can't be  
24 managed when I, as the institutional  
25 leader, sits behind a desk. That's

1 very important. It's about standing up  
2 and being accountable and being fully  
3 open to have those reports go in front  
4 of anybody they need -- that needs to  
5 see it.

6 Ladies and gentlemen, in my  
7 opinion in 23 years, we got a systemic  
8 undervaluing of corrections in this  
9 country. I'm continually compared to  
10 the school system. If I go and ask for  
11 money, you know, how can I give money  
12 to you? We need to fund education.  
13 Okay. I'm a necessary evil, which is  
14 however you like to see me. But what  
15 you really need to do is understand  
16 what I do for a living and what the  
17 context is.

18 Those reports being fully  
19 opened and being transparent submit to  
20 those culture as well, sir.

21 CHAIRMAN KANEB:

22 Commissioner Fellner.

23 COMMISSIONER FELLNER:

24 Doug, I was thinking that  
25 now you -- that you are outside the

1 agency and independent, although I  
2 don't know if you do consulting with  
3 them. I'd be interested in hearing  
4 your reflection -- you've laid out --  
5 you've laid out how it's supposed to  
6 work. And I'd be interested in your  
7 thoughts, and I'd be interested in the  
8 thoughts of the secretary for North  
9 Carolina as to where the tough spots  
10 have been. What have been the  
11 obstacles, the glitches? Where isn't  
12 it working as well as it should as  
13 described on paper? And what lessons  
14 would you draw in advice to us as we  
15 think about standards, based on your  
16 efforts, to overcome the problems?

17 MR. DRETKE:

18 I'm going to draw  
19 Commissioner Kaneb's comments again in  
20 trying to answer that on time.

21 Long history. I want to  
22 start with probably the reportings  
23 first. With policy and procedure has  
24 to come repercussions for not following  
25 policy and procedure. And then I

1 talked about mandatory reporting. And  
2 I go through and think of the evolution  
3 of time as -- back in the mid-80s we  
4 all of a sudden had this reporting  
5 requirement. Everything had to be  
6 reported to the central office. Very  
7 quickly though, there were  
8 repercussions for not reporting. So if  
9 an inspector general -- an officer in  
10 the inspector general investigation  
11 showed that we knew but didn't report,  
12 there were repercussion, and fairly  
13 strong repercussion. So over time now,  
14 reporting is just very much a part of  
15 the system. There is very -- there is  
16 negligible warden discretion of what is  
17 being reported centrally. But it took  
18 an evolution of time.

19                   Moving into some of the  
20 things like, grievances, safe prison  
21 programs, some of those things. I want  
22 to go back to Warden Green's comment.  
23 Everything begins from executive  
24 leadership down. It is what you talk  
25 about, what you focus on. When you

1 walk a unit, what do you address staff  
2 about? What do you talk to the  
3 offender population about? People pay  
4 attention to what you pay attention to.

5           If the warden walks every  
6 day and runs his hand along a window  
7 shelf to see what -- if there's any  
8 dirt there, it doesn't take long for  
9 mid-level leadership and on down to  
10 also pay attention to that same window  
11 shelf. And so it's -- it's those kinds  
12 of mechanisms that are, going back to  
13 Secretary Beck's comments, an executive  
14 leadership commitment of focusing on  
15 those things that are.

16           Grievances, a lot of  
17 conversations, a lot of discussions.  
18 Good wardens pay attention to their  
19 grievances. Good wardens pay attention  
20 to what are our offender population  
21 complaining about. What are the  
22 trends, what are the specifics. If  
23 Officer Bob's being complained about by  
24 a number of offenders, there's a  
25 problem there. It's a leadership

1 responsibility to go fix that. And it  
2 was a constant, constant effort to  
3 address those things and stay on top of  
4 those things.

5                   That was kind of -- I think  
6 some of my frustrations in such a large  
7 system with -- such even at the warden  
8 level, such a transitory position. And  
9 what we stress today, if you didn't  
10 stress it again in six months, you had  
11 different leadership in place in a  
12 number of your facilities.

13                   So it took a constant and  
14 continual focus on those things that  
15 must be -- but to finish repercussions  
16 for -- for people, again, follow our  
17 policy and who didn't follow. And  
18 that's why things like operational  
19 reviews, paying attention to all the  
20 data, the performance measurements.  
21 You know, everything that -- that a  
22 system does with policy and process  
23 should lead to the creation of data and  
24 indicators and performance  
25 measurements, comparing like units to

1 like units, what are your grievance  
2 numbers.

3                   Very quickly then. Say that  
4 you have a facility that's similar to  
5 others that's out of kilter and -- and  
6 focusing in directing and putting,  
7 certainly, emphasis with that  
8 leadership staff to address those. So  
9 let me turn it over to Secretary Beck.

10                   MR. BECK:

11                   Thank you.

12                   One point I would like to --  
13 to throw out is that corrections and  
14 prison, in many respects, does not have  
15 a very growing history. But it is my  
16 belief that it is a new day in the  
17 corrections environment, a new day in  
18 the operational facilities. There is  
19 much new leadership who -- who is all  
20 about wanting to -- to do the right  
21 thing. Why? Because it is the right  
22 thing to do. I think that there's an  
23 attitude of respect for the work that  
24 we do that is probably under evaluated  
25 and not recognized nearly enough.

1                   When you think about this  
2 issue of -- of oversight and external  
3 monitoring, you know, I think it's  
4 unrealistic to think that the mere  
5 presence of -- of outside oversight or  
6 monitors fixes things. Because  
7 there -- prison systems are so far  
8 behind, in terms of resources being  
9 adequately funded, when you have to  
10 compete with education, healthcare, all  
11 of these other public policy and  
12 perceptions of inmates having too much.  
13 You know, contrary to what many may  
14 believe, there are still many  
15 legislative bodies who believe that  
16 inmates shouldn't have this, inmates  
17 shouldn't have that. And that we end  
18 up being under-funded in -- in many  
19 respects.

20                   Now, I'm thoroughly  
21 convinced that a lot of the concerns of  
22 this, which I guess can be addressed  
23 and probably addressed with resources.  
24 The question becomes where do those  
25 resources come from. But I believe

1 that -- that you have a -- a willing  
2 spirit in the -- in the administrators  
3 and in the profession at large  
4 willingness to -- to do right, to run a  
5 safe and more secured prisons.

6 COMMISSIONER AIKEN:

7 Mr. Chairman.

8 CHAIRMAN KANEB:

9 Yes, Mr. Aiken.

10 COMMISSIONER AIKEN:

11 I must respond to that.

12 I've often said that -- that the prison  
13 systems do not have a very good alumni  
14 association to -- to lodge at the  
15 legislature. But also, I -- I do  
16 acknowledge the spirit of -- of  
17 openness that -- that you all three  
18 have demonstrated this morning. And --  
19 and I'm more than willing, not only to  
20 read your prepared comments  
21 presentation, but to also solicit  
22 additional information so that the  
23 industry or the profession cannot only  
24 just look clean but to smell clean.  
25 And -- and do it in our open spirited

1 way to move staff, inmates, from  
2 resistance to compliance and,  
3 ultimately, to professional commitment.  
4 And thank you for your presentations  
5 this morning.

6 CHAIRMAN KANEB:

7 Commissioner Nolan, do you  
8 have a question?

9 COMMISSIONER NOLAN:

10 Yes. I just -- Dr. Beck,  
11 you said it's a new day, and I see that  
12 across the country. I see that in the  
13 leadership and at ACA as I visit with  
14 corrections professionals across the  
15 country. And the need for more  
16 research, you don't -- and your comment  
17 that legislators would like to take  
18 away from inmates.

19 But one thing -- and I  
20 realize you're not in a position to  
21 really push for this, but I think the  
22 Commission can. I think it's something  
23 we need to add.

24 The resources you have would  
25 go much further if you had a lower

1 population, and the incidents of  
2 violence would decrease if you had a  
3 lower population. And so one of the  
4 things that I think we need to address  
5 is the type of people we send to  
6 prison. You know, how -- and it's up  
7 to legislators to do that. But I think  
8 one thing to look at is we could  
9 prepare inmates better to live better  
10 lives. And we'll have few incidents of  
11 violence if our prisons were less  
12 crowded.

13                   As a concept, I think not  
14 asking for research, but also  
15 suggesting, perhaps, lowering the  
16 population by -- you know, one of the  
17 things we say is prisons are free of  
18 people we're afraid of, but we fill  
19 them with people we're just mad at.  
20 And if those folks weren't in prison,  
21 we can do more with -- with what we  
22 have.

23                   MR. BECK:

24                   I agree.

25                   MR. GREEN:

1                   And just to comment on that.  
2 I do need to brag about our department.  
3 Montgomery County, being the largest  
4 county in the State of Maryland in  
5 terms of population, has the lowest  
6 incarceration rate of 24 Maryland  
7 counties because of pretrial  
8 supervision. You know, we have -- I  
9 have 800 in my facility. We have 2300  
10 on pretrial supervision, and another  
11 alternative program to keep those  
12 individuals out of the facility that  
13 don't need to be there. It's a very  
14 important part. And absent, there's  
15 release -- and there's backups.  
16 There's one thing in this world that is  
17 really hard to run, that's an  
18 overcrowded jail or prison. You're up  
19 against the wall starting.

20                   COMMISSIONER NOLAN:

21                   One other comment. And this  
22 has come up, you know, all the time.  
23 But I think one thing too is if we  
24 remove the mentally ill from our  
25 prisons. Rather than prison being the

1 first option of treatment for them,  
2 which in reality they are, not only is  
3 it unfair to the mentally ill to be in  
4 prison and dangerous for them, because  
5 they're so often victims, it makes  
6 management of prisons virtually  
7 impossible because of their behavioral  
8 problems because the, you know, the  
9 difficulties that they have, and they  
10 don't belong in prisons. That would  
11 take a big chunk of overcrowding.

12 MR. GREEN:

13 You just defined the next  
14 commission after this one, in my mind.

15 CHAIRMAN KANEB:

16 Gentlemen, thank you.

17 So without putting words in  
18 your mouths, are you all three  
19 basically saying -- or buying into the  
20 idea that in order to be effective,  
21 internal oversight need not have  
22 enforcement powers but must be free to  
23 publish to the public its findings?

24 MR. GREEN:

25 What I'm saying is, internal

1 or external, I don't care. They can  
2 publish it. They cannot. And they can  
3 have enforcement power. I need to do  
4 my job inside the walls. And where it  
5 goes, it goes.

6 CHAIRMAN KANEB:

7 I see Doug is nodding here,  
8 so. Mr. Green are you okay with that?

9 MR. GREEN:

10 Yes.

11 CHAIRMAN KANEB:

12 Okay. Okay. Mr. Beck?

13 MR. BECK:

14 I'm okay with the reporting.  
15 And I'm okay with the -- immediately,  
16 automatically, I think in most  
17 respects, unless it deals with a -- a  
18 very unique situation, is going to fall  
19 subject to the Public Records Law, so.

20 CHAIRMAN KANEB:

21 I realize we're in a public  
22 form, and you're testifying under oath.  
23 And I don't mean to put it in that kind  
24 of context. We're trying to develop --  
25 we are developing standards. And we're

1 seeking opinions and advice in various  
2 form, as you know. I mean, we're --  
3 our staff is meeting with people who  
4 are experts. Our panels are meeting  
5 with people and so on and so forth.

6 It just strikes me that if  
7 internal oversight is -- is to be  
8 effective, somebody outside of the  
9 system has got to get the results of  
10 the oversight.

11 Thank you.

12 MR. BECK:

13 I agree with that, Mr.  
14 Chairman.

15 CHAIRMAN KANEB:

16 Thank you.

17 If there's nothing else,  
18 we'll thank you and excuse you. And  
19 we'll take a brief, say, ten-minute  
20 break.

21 MR. BECK:

22 Thank you.