

13 As you see, our first panel
14 consist of three persons. They are
15 going to give personal accounts of
16 interaction with prison sexual abuse.

17 The first account comes from
18 the Director of the Office of State
19 Victim/Witness Assistance of the New
20 Hampshire Attorney General's Office.
21 And Sandy Matheson was involved in the
22 prosecution of staff sexual misconduct
23 case, and a rather spectacular one as
24 you will learn. The second is provided
25 by co-director of Families and Friends

1 of Louisiana's Incarcerated Children.
2 And the third comes from a former
3 inmate of Louisiana State Penitentiary
4 at Angola.

5 On behalf of the Prison Rape
6 Elimination Commission, I am pleased to
7 introduce our three witnesses. First,
8 Ms. Matheson.

9 MS. MATHESON:

10 Thank you, Mr. Chairman and
11 Commission Members. As you said, I've
12 been the director of the State Office
13 of Victim Assistance for the past 20
14 years. And I want to thank you for the
15 opportunity to testify.

16 CHAIRMAN KANEB:

17 I made my next mistake. You
18 need to be sworn in, all of you. So,
19 if you three would rise, Ms. Chiara
20 will administer the oath.

21 (Three witnesses sworn.)

22 CHAIRMAN KANEB:

23 I apologize for the
24 interruption. Please begin,
25 Ms. Matheson.

1 MS. MATHESON:

2 Thank you. I would like to
3 thank you for the opportunity to
4 testify before you today. I was asked
5 to come to talk about one particular
6 New Hampshire case, and I feel as
7 though I'm representing a group of
8 women who are not able to speak for
9 themselves. I must state that all but
10 one of the criminal cases are still
11 pending, and they have been 11 civil
12 suits filed involving 30 plaintiffs.
13 So my testimony today is based upon
14 arrest warrants, affidavits, and other
15 public record material.

16 This case involves Douglas
17 Tower, a New Hampshire correctional
18 officer who is assigned as the night
19 supervisor at the Shea Farms halfway
20 house Concord, New Hampshire, a minimum
21 security facility that houses
22 approximately 45 female inmates.

23 Shea Farms looks like a
24 large white farmhouse sitting on a back
25 road. The women live in comfortable

1 dorm rooms, and depending on their
2 classification and the ability to work
3 in the community, go on weekend leaves
4 and visits with their children and
5 their family members. This is in sharp
6 contrast to the New Hampshire State
7 Prison for Women, which is very
8 overcrowded and surrounded by barbwire
9 and fences and very limited
10 programming.

11 Sergeant Tower, age 60,
12 has been a correctional officer for 14
13 years, and had previously been assigned
14 to the New Hampshire Prison for Women.
15 In 2002, a female correctional officer
16 had accused him of sexual harassment,
17 and as a result of that he had been
18 transferred to Shea Farms, which, at
19 the time, held -- was a male facility.

20 When Shea Farms became a
21 female facility, Tower remained in
22 charge working primarily the nightshift
23 and was often the only officer on duty.
24 He had the authority to approve or
25 limit overnight leave requests,

1 telephone privileges, and visits with
2 family members. He had the ability to
3 write the women up for disciplinary
4 infractions and to send them back
5 behind bars. In other words, he had
6 ultimate authority and control over
7 these women.

8 In June of 2005, one woman
9 came forward to disclose abuse by
10 Tower. And in April of 2006, after a
11 lengthy state police investigation, the
12 Attorney General's Office indicted him
13 on 54 charges involving 12 different
14 inmates. Charges included 18 felony
15 counts of sexual assault, 16
16 misdemeanor counts of sexual assault,
17 and 19 counts of simple assault, all
18 with extended terms. The alleged acts
19 included vaginal, oral, and anal
20 penetration. Other forms of sexual
21 conduct and physical assault, including
22 pinching, choking, and grabbing.

23 The 12 women named in the
24 indictments range from the age of 21 to
25 41. They were serving time for charges

1 ranging from armed robbery, drug
2 possession, prostitution, forgery, et
3 cetera. Many of the women have long
4 histories of drug or alcohol abuse and
5 mental health issues. And almost all
6 of them have reported they have been
7 previously victims of a violent crime.

8 One young woman, who stands
9 out for me, had recently been sexually
10 assaulted while working in the
11 community. The suspect had been
12 arrested and was pending trial, and he
13 was let out on bail. The woman told
14 correctional staff that she was afraid
15 to go out and run into him. So as a
16 result, Tower was assigned to drive her
17 to and from her job, and it was during
18 these trips that he had allegedly
19 assaulted her.

20 As the women began to come
21 forward, we began to see a pattern of
22 the coercion and threats. Tower would
23 sign a woman's leave slips and tell her
24 she owed him one. He would write up
25 someone up with a "D" report and then

1 tear it up telling her that if she did
2 him a favor, she could see her
3 boyfriend who was not on the approved
4 visitors' list.

5 One woman reported that when
6 she refused his second request for oral
7 sex, he revoked her visiting privileges
8 and would not let her even call her
9 son. She was sent back to prison. And
10 when she returned two months later, he
11 told her he was glad she was back
12 'cause he always put -- she always put
13 a smile on his face.

14 Tower even told one woman
15 that he had an incident with a fellow
16 correctional officer who accused him of
17 acting inappropriately, and that the
18 investigators did not believe that
19 other officer. So if they did not
20 believe the officer, why would they even
21 believe another inmate?

22 The first trial involving
23 the youngest of the woman, a
24 21-year-old, began in January of this
25 year. After ten days of testimony and

1 the victim testifying for almost a full
2 day on the stand, Tower was found
3 guilty of two counts of aggravated
4 felonious sexual assault and four
5 counts of felonious sexual assault. He
6 was sentenced to 20 to 40 years in New
7 Hampshire State Prison for Men, and he
8 will not, under our Truth-in-Sentencing
9 laws, be eligible for parole until he
10 has served his minimum sentence of 20
11 years.

12 Since his case has began,
13 just about every one of these women at
14 some point has violated their parole
15 and ended up behind bars. Several of
16 them have relapsed and went back to
17 using. One woman attempted suicide and
18 almost died. But the case not only
19 impacted the women involved but also
20 other inmates at Shea Farms as well
21 as -- as DOC staff.

22 One of the first issues to
23 arise was the fact that due to their
24 lack of trust, the women didn't want
25 anything to do with DOC Mental Health

1 Services. They wanted to see a
2 therapist in the community. I worked
3 with them to file a claim for our State
4 Victim'S Compensation Program to pay
5 for that. But because of an existing
6 rule that prohibited inmates from
7 receiving compensation, the claims were
8 denied. The rule has since been
9 changed as a result of this case, and
10 the Attorney General herself made the
11 decision that these women deserves to
12 have mental health services and made
13 arrangements for the cost to be paid
14 out of other funds.

15 The State is insisting that
16 any plea negotiations in the other
17 cases, includes Tower taking
18 responsibility for all of the charges
19 involving every single woman, and at
20 this time is refusing to do so. Our
21 next trial is scheduled for next week.

22 The New Hampshire DOC has
23 made many changes as a result of this
24 case, and it is hard to measure the
25 emotional cost to the victims, to the

1 other New Hampshire Department of
2 Corrections' staff, and the public's
3 trust in the system. The financial
4 cost of the State is yet to be
5 determined.

6 I want to thank you for the
7 opportunity to share these stories with
8 you. And I hope that these cases will
9 be prevented in the future as a result
10 of the work of this Commission. Thank
11 you.

12 CHAIRMAN KANEB:

13 Thank you, Ms. Matheson. I
14 think we will defer questions until we
15 have the benefit of the three
16 statements.

17 Ms. Womack.

18 MS. WOMACK:

19 Good morning. Thank you for
20 allowing me to come this morning and
21 speak on behalf of Grace Bauer, who was
22 supposed to come and give testimony.
23 And she's sorry that she couldn't be
24 here.

25 My name is Gina Womack, and

1 I'm co-director of Family and Friends
2 of Louisiana's Incarcerated Children,
3 which I will refer to as FFLIC. When I
4 first came to this work over ten years
5 ago, while working with the Juvenile
6 Justice Project of Louisiana, known as
7 JJPL, and they were suing the State for
8 ghastly conditions of confinement for
9 kids in the juvenile system.

10 At that time, I began
11 talking to many parents across the
12 state, and were shaken to mind the many
13 horror stories about their children
14 that were locked behind the prison bars
15 in Louisiana. It was because of these
16 stories that I lobbied JJPL to begin a
17 support group for the parents, and that
18 we later co-founded FFLIC.

19 Grace Bauer was one of those
20 parents that turned to JJPL for
21 support, because [*], her son, landed in the
22 Department of Corrections where she was
23 led to believe that her son would get
24 treatment in a rehabilitation system,
25 only to find that her child would not

* Ms. Bauer's son's name has been removed for privacy reasons.

1 be cared about, but under-- cared for
2 but sentenced under punitive hands of a
3 system that was then being runned by an
4 adult system. And there was no
5 rehabilitation going on.

6 Grace was so taken aback
7 about what she learned. She became so
8 involved in the work of FFLIC, that
9 she wanted to help prevent other
10 children from experiencing what her
11 son had endured. And to help
12 other mothers as they felt -- to help
13 other mothers to -- to prevent them
14 from feeling as hopeless as she had.
15 And through our work together, I have
16 come to know the Bauers very well over
17 the last six years as we have worked to
18 help Grace and [] to heal from this
19 gruesome experience. I feel honored
20 that Grace asked me to come and be her
21 voice this morning to unveil her son's
22 story to you. So Grace said, in
23 Grace's voice:

24 My name is Grace Bauer. And
25 this long statement has been prepared

1 for the federal hearing in New Orleans,
2 Louisiana on December 5th, 2007. Due
3 to my being able -- unable to travel at
4 this time, my statement will be read by
5 Gina Womack.

6 In a small town in Louisiana
7 in 2001, my 14-year-old son was
8 incarcerated in the Tallulah
9 Correctional Facility for Youth, better
10 known as Tallulah. He was deemed
11 ungovernable by the State of Louisiana
12 and sent away from his home and his
13 family to receive care for mental
14 health issues and substance abuse
15 problems. As his mother, I was told he
16 would go into a 90-day program that
17 would focus on his behavior problems
18 and help him get back on track. In
19 reality, what occurred was that he
20 was sentenced till his 18th birthday in
21 the care of the Louisiana Department of
22 Corrections for stealing a stereo out
23 of a truck and being in possession of
24 tobacco.

25 Up until January of 1998,

1 My son was an honorary student with
2 excellent reading skills and a heart of
3 gold. He had never been sent to the
4 office or been a problem at school or
5 home. The change that occurred that
6 January in the life of this little boy,
7 was that his beloved grandmother
8 suddenly passed away. In February, he
9 was suspended for the first time. By
10 April of that year, he had been
11 expelled from our school district. You
12 might believe he had created some great
13 chaos or caused physical harm to
14 someone, but the person [] would
15 harm, besides his family, was himself.
16 Every offense, before stealing the
17 stereo, involved tobacco, possession of
18 tobacco by a minor, shoplifting tobacco
19 and smoking.

20 In March of 2001, my son was
21 sentenced to the Department of
22 Corrections where he was told he would
23 receive the care he needed and be given
24 the tools he needed to get through his
25 grief and rebuild his battered

1 self-esteem. In reality, what happened
2 to this little boy was that his life
3 was, again, changed. But this time to
4 such a degree that today, at the age of
5 21, he's still struggles with
6 nightmares and a very bruised and
7 battered spirit and body.

8 A mother knows certain
9 things about her children, and she
10 knows when something is wrong. I knew
11 something was wrong with [] long
12 before he was released through a
13 hearing, which, before him, had never
14 happened in our jurisdiction of
15 Calcasieu Parish. He came home with no
16 transition plan, no aftercare plan.

17 My son's homecoming was a very
18 special day in our lives. If you went
19 to wake him up, he would strike at you
20 before awakened fully and realizing
21 where he was. You had to make him
22 aware that you were approaching him or
23 he would have an anxiety attack, if he
24 felt startled. He struggled with
25 insomnia and anxiety beyond what a

1 child his age shouldn't have
2 experienced. As a mother, I knew
3 something terrible had happened. I
4 felt the best course of action was to
5 leave the way open for discussion, but
6 not push him to discuss what his time
7 had been like in prison.

8 As his mother, I look back
9 and know that it was likely my own mind
10 that could not handle what had happened
11 to my little boy. [] did well for
12 almost two years after his return home
13 but, inevitably, the things that
14 brought him down the first time and the
15 abuse he had endured was slowly
16 creeping back into his life.

17 After losing mental
18 healthcare and substance abuse
19 treatment, he began to use drugs again.
20 Eventually, this landed him in the
21 adult system where he would stay until
22 he was 20. During this time, the adult
23 facility -- in the adult facility, I
24 was working with other families in
25 similar situations to our own. Through

1 one of these connections, I would hear
2 what no mother should have to hear
3 about one of her children. A young man
4 incarcerated with my son at Tallulah
5 became his cellmate in the adult
6 prison. After a sudden and
7 inexplicable move my son to another
8 prison, this young man recounted a day
9 he spent with [] in Tallulah in 2001.
10 He said that he had witnessed the rape
11 and sexual assault of my son. This young
12 man gave details of the savage attack
13 that will never be erased from my
14 memory. He told of my son being held
15 up against the wall and having another
16 youth rape him anally while my son
17 screamed for help that never came.

18 It is to be remembered by
19 this Commission and all that hear of
20 his experience that this was a child.
21 A little boy far from home suffering
22 with mental illness and grief. He was
23 in a place where he was to be cared for
24 and given the mental health treatment
25 he needed. He never received any of

1 the help we were told he would get.
2 And in the end, he will be hurt so
3 deeply that even today he struggles to
4 remain sober and a part of this world.
5 It is also to be remembered that he had
6 not been -- that if it had not been for
7 this young man telling what he knew, I
8 would never have known about the truth
9 about what happened to my son on that
10 awful day.

11 My son at the age of 21 is
12 tough and hard by his four years of
13 incarceration and the things he
14 witnessed there. He will likely never
15 say to anyone what happened to him or
16 what he saw happened to others because,
17 in his mind, he is strong and tough.
18 And tough men don't talk about such
19 things.

20 As his mother I can only
21 imagine the shame, hurt, humiliation
22 and how very alone he must feel. It
23 keeps me awake at night and steals my
24 thoughts and my breath away when
25 something happens to trigger this

1 thought in my waking hours. I ask this
2 Commission to never forget what
3 happened to my son on that day, and know
4 in your hearts that he is not alone.

5 We must stop the madness
6 over incarceration and begin to build
7 our children, our families, and our
8 communities rather than destroying them
9 through horror and brutality. It is
10 said that society can be judged by the
11 way it treats its young. Let us hope
12 each of us, as Americans, are never
13 judged by this savage and brutality
14 that my son endured that day.

15 My sincere appreciation to
16 the Commission for the opportunity to
17 be heard today. Thank you.

18 CHAIRMAN KANEB:

19 Thank you, Ms. Womack. I
20 would simply observe that Ms. Bauer's son's tragic
21 situation today is why this Commission
22 exist.

23 Mr. Henderson.

24 MR. HENDERSON:

25 Good morning. Thank you.

1 My name is Norris Henderson. I am
2 currently the co-director of Safe
3 Streets Strong Communities, a local
4 criminal justice organization. And I
5 am here primarily because of a lot of
6 folks -- I stayed in Angola, Louisiana
7 State Prison System for over 20
8 years -- 27 years, 10 months, and 11
9 days.

10 During my stay, Angola was
11 known as the most dangerous prison in
12 America. On your first day of arriving
13 in Angola, you were -- which was termed
14 "fresh fish day." You were given a
15 choice. A choice to be somebody's
16 slave, or a choice stand up and kill or
17 be killed. That was the nature of this
18 institution. This was perpetuated by
19 the people in corrections. They were
20 the ones that advised you that you're
21 here, you belong to them. And for the
22 most part, most guys who arrive in
23 Angola during the 70s were arriving
24 there because of crimes with life
25 sentences or sentences that were

1 practically life.

2 I worked in the prison law
3 library for over 20 years. I
4 represented guys who were accusing
5 prisoners of raping other guys. I also
6 represented victims of those same
7 crimes. And so my role here today is
8 because I try to find some people who
9 have experienced this negative effect
10 to come forward and tell about their
11 experience. But in our community,
12 especially African-American community,
13 that's taboo when something like this
14 happens; that people are afraid to come
15 forward and share their experience with
16 people, for bad -- for better or for
17 worse. And so I'm here today to try to
18 shine some light on that situation,
19 because it's something that needs to be
20 brought to the forefront. This happens
21 more frequently than people can even
22 imagine inside the environment.

23 When you are in an
24 environment -- Angola at the time the
25 population was 5100 inmates. And you

1 are in a situation where -- this
2 environment, where you have to sleep,
3 literally, with magazines scrapped
4 around your chest to prevent somebody
5 from harming you, or to prevent
6 yourself from being victimized.

7 The thing that strikes me
8 the most is the fact that -- 'cause I
9 stayed there during that time plus this
10 transition. And the transition in a
11 sense of how it went from the worse
12 prison in America to a prison that's,
13 at least, livable today, was that the
14 mindset of the folks inside started
15 changing. They realized that they were
16 all in this boat together and they had
17 to live with each other. And so the
18 mindset started changing. But this
19 prison was so segregated, not just
20 racially segregated, but segregated to
21 the extent that weak versus strong.
22 That all the weaker inmates were housed
23 in a unit called Magnolia. That is --
24 that had known homosexuals, known
25 turnouts, people who had been raped,

1 sexually assaulted, or who just
2 couldn't live in the general population
3 altogether.

4 And one of the things that
5 perpetuated that culture was the fact
6 that the administration used that to
7 control the prison. They would take
8 individuals, and on your first day
9 there, would assign you to another
10 inmate. You belonged to this
11 individual. And at that point, it was
12 on you to sink or swim. Either you
13 belonged to that individual as his
14 slave, or you stood up for yourself
15 and, you know, done what you needed to
16 do to survive.

17 And so the horror of this is
18 kind of like -- trying to explain
19 this -- I mean, I don't wish nobody
20 will have to be there to see it, to
21 understand it. But the horror of this
22 to why so many young men come to a
23 prison environment and segue from what
24 Gina -- the story Gina told about
25 []. Was the fact that nobody

1 prepares you for prison.

2 When you arrive in prison,
3 prison is an apprehensive experience
4 for everybody. Nobody knows what to
5 expect. But when you're confronted
6 with people who have knives,
7 brandishing all kinds of weapons, and
8 you're threaten with, either you're
9 going to be for me or I'm going to kill
10 you. some people take the way out and
11 submit. This perpetuated throughout
12 Louisiana Correctional System. This
13 spread like wildfire.

14 And the story that she
15 mentioned about -- and it follows you.
16 It just don't follow you there.
17 Because even the guys who sought
18 protection from the administration,
19 once they left to what they call a
20 check-out court, once the word got out
21 throughout the prison that they went to
22 check-out court, they arrive somewhere
23 else, the drama became even magnified.
24 Because somebody -- you're already
25 identified as, one, being weak, one,

1 being a turnout, or, one, being a
2 homosexual. And at that time you
3 became prey. It's known that -- in
4 that environment, that they force
5 men -- and it's kind of -- it's tragic
6 how things happen. 'Cause one day you
7 can see a guy who you think is fine and
8 all well. The next day you see him,
9 he'd shaved his legs, shaved his
10 eyebrows, and shaved his mustache. And
11 when you question them about what
12 happened, the shame, the hurt, the
13 humility about what had happen to them
14 is almost unbearable to the extent that
15 that's why nobody is here today,
16 because what happens there people want
17 it to stay there.

18 The tragic side of that is
19 that those people never receive any
20 type of mental healthcare. And -- you
21 know, I tell people, even from my
22 experience of being there that long,
23 that I convince myself that I'm okay.
24 But I'm certain that after 27 years,
25 almost 28 years, in the environment

1 like that, that I may not be okay. I
2 may not be okay to the extent of seeing
3 those horror on a daily. I mean, 24/7,
4 365 is not actually the physical of
5 brutality of somebody being raped. The
6 after fact of some man walking around
7 in feminine underwear. And this was
8 kind of like perpetuated inside this
9 environment up until the early 90s
10 where it became almost, you know, just
11 unacceptable for this institution to be
12 kind of like -- condone it.

13 But part of that institution
14 condone that type of behavior inside
15 the environment because they use it as
16 a sense of control. That if a guy had
17 what they call "prison family," if they
18 wanted information from this guy about
19 something that went on in the prison,
20 they would go take somebody from his
21 prison family. And he would either
22 cooperate with them or that person
23 would not return. That person was
24 given to somebody else.

25 And so this is how this

1 system kind of like operated for better
2 than -- for at least 20-something years
3 that I was inside that prison.

4 So to the extent that --
5 what can be done to change this? One,
6 definitely, oversight. One of the
7 other things that Sandi mentioned is
8 the fact that the people who help
9 perpetuate these crimes are the people
10 who are there sworn to protect and care
11 for you. And I think when we have that
12 type of breakdown in those environments
13 where people punish people -- I
14 represented folks who were in the
15 corrections' person's mind being
16 punished by putting them in harm's way,
17 putting them in a cell with somebody
18 who was known for raping other inmates,
19 somebody who was known for taking
20 advantage of other inmates. And would
21 just put them in those cells because
22 they talked back to them, what they
23 would call disrespect or something to
24 that nature. If a guy was put on --
25 trying to appear to be tough, well,

1 I'll see how tough you is. And the
2 worse things happen to folks like that.

3 In the situation where the
4 Attorney General was mentioning about
5 crimes seems -- it's difficult to
6 prosecute cases like that, because most
7 of the people that it happens to very
8 seldom, if ever, come forward and tell.
9 It is because of the stigma that
10 surrounds it. I've known people's
11 families to disown them because
12 something like that has happened to
13 them. Most mothers raise their sons to
14 be men. And when something like that,
15 beyond their control, happens to them,
16 mothers, in the African-American
17 community specifically, respond in
18 negative ways, that I didn't raise a
19 girl. I raised a boy.

20 And so the stigma of men
21 living under this, you know, the horror
22 that can happen to them in prison, and
23 knowing that I would never get a visit
24 from my family again because of what
25 had happened to me. Sometimes because

1 of -- at their own hand -- never at
2 their own hand to the extent that they
3 wanted it to happen. But to the extent
4 that they just weren't strong enough to
5 fight back.

6 CHAIRMAN KANEB:

7 Mr. Henderson, I regret to
8 have -- I must interrupt you here just
9 because of the clock. I will say that
10 we've heard a lot of hair-raising
11 accounts of sexual abuse in prisons, as
12 you might expect. I must say, speaking
13 for myself, again, you certainly have,
14 regrettably, a very long experience,
15 and you cataloged it very well. And
16 the chilling part of your testimony is
17 how you, I'm afraid, accurately
18 describe the people in control using
19 all of this unfortunate behavior as a
20 tool of control. And we're not
21 surprised to hear that. But you've --
22 you've summarized it better than any
23 witness we've had so far. And we are
24 listening to you.

25 With that, I'm going to ask

1 panelists to proffer whatever questions
2 they may have to any -- any of the
3 panelists. And I'll start to my right
4 with Jim Aiken.

5 COMMISSIONER AIKEN:

6 Again, I would like to share
7 with you, as the Vice Chair had shared
8 with you, our appreciation for the
9 presentations today.

10 One question, Mr. Henderson.
11 In relationship to Angola, how much do
12 you -- I sense that you are talking
13 about formalizing and allowing this
14 type of practice to take place
15 previously as a management tool in the
16 prison setting; is that correct?

17 MR. HENDERSON:

18 That's correct.

19 COMMISSIONER AIKEN:

20 Now, how do you think it was
21 permeated through the system? Was it
22 sanctioned at the top or at the middle
23 or so-called at the bottom? I mean --
24 what I mean by that is, is there formal
25 acknowledgment by top officials, or

1 it's allowed by those people that are
2 running individual cell blocks, for
3 example?

4 MR. HENDERSON:

5 This was perpetuated
6 throughout the whole system. It wasn't
7 like this was the best kept secret in
8 the world. When you're walking in an
9 environment and there are men wearing
10 feminine clothes, the first question
11 you have to ask, how did these men get
12 these feminine clothes in here? I'm
13 talking about feminine to the extent of
14 Baby Doll gowns, panties, fishnet
15 stockings. You name it, they had it.

16 And when they would see men
17 in it, it wasn't like they were
18 confiscated. They just let them kept
19 it. I mean, one of the tragic things
20 about this environment was, when
21 younger inmates came to the prison who
22 was juvenile convicted as adults who
23 couldn't -- who couldn't live in the
24 prison population because of the men,
25 of their size or their age. They would

1 put them in this environment where this
2 culture exist.

3 And to say that nobody knew
4 that this went on would just be a lie,
5 because everybody knew it went on, from
6 the warden all the way down.

7 COMMISSIONER AIKEN:

8 Just one more question, Mr.
9 Chairman. And this may sound nuts and
10 bolts, but I think it will be
11 beneficial, for me at least.

12 When you arrived at the
13 prison, be it Angola or anywhere else,
14 in your experience, how were housing
15 assignments made, that is particular
16 cell blocks?

17 MR. HENDERSON:

18 Housing was made primarily
19 racially. Whites went in one area of
20 the prison and blacks went in one area.
21 But also, it went along the lines of --
22 they just physically looking at you and
23 figure, okay. Well, you might be all
24 right. You went into the main prison
25 where it was like where 2,000 prisoners

1 lived. If you look where you are small
2 in size and you look like you may have
3 a problem, so to speak, that you will
4 be housed somewhere else. They
5 probably put you in one of the working
6 cell blocks where it's two-men cell
7 size as oppose to being in the
8 dormitory with 6,000 folks.

9 So it was just kind of like
10 just a gut shot. You looking at
11 somebody through your prison experience
12 and saying, this guy might be all right
13 if I send him this way, and he should
14 be able to, you know, take care of
15 himself. For those guys who had
16 effeminate characteristics or just that
17 look of fear on their faces, it was
18 almost like, as a caveat, I'm going to
19 send you down there by so and so and
20 so. when you go down there, you ask
21 for so and so and so. Unbeknownst to
22 the individual that he was kind of like
23 selling his soul to the devil right
24 then, because so and so was somebody
25 who was supposed to protect you, but

1 put you in a bind. So for the -- the
2 new person coming into prison saying,
3 well, I'm going to send you down there
4 to James. Well, you go down there not
5 knowing, hey, I'm looking for James.
6 Well, everybody else in the prison, the
7 code word was, okay, you belong to
8 James now.

9 CHAIRMAN KANEB:

10 Thank you, Mr. -- I'm a
11 creature of the clock here, so.

12 COMMISSIONER AIKEN:

13 Thank you.

14 CHAIRMAN KANEB:

15 Commissioner Fellner.

16 COMMISSIONER FELLNER:

17 Ms. Matheson, I wanted to
18 ask two questions. One, one of the
19 things that we heard in many of our
20 hearings and know that it is very
21 difficult to get state officials to
22 prosecute these cases. So I wonder if
23 you could share some of -- what lessons
24 might be drawn from egregious case,
25 although there's probably been many

1 complaints made over the years that
2 hasn't been prosecuted. So I wondered
3 if you could tell us something about
4 the decision-making.

5 And two, you pointed out in
6 your testimony that under the Victims'
7 Compensation Legislation, at the time
8 in New Hampshire inmates who were
9 victims could not get compensated. And
10 I guess that law has been changed. And
11 would you recommend that it be a part
12 of -- of one of our recommendations,
13 that inmate victims be allowed to be
14 compensated? Because I know this is a
15 problem of reality with many state
16 laws, that too bad if you're
17 victimization occurred behind bars, you
18 don't get help.

19 So if you could address both
20 of those please in the time that we
21 have, it'd be very great.

22 MS. MATHESON:

23 On the second -- on the
24 second question, it is a rule that we
25 changed. So I think that states are

1 very capable of being able to change
2 that rule and to ensure that -- that
3 innocent victims, inmates that are
4 victimized in prison, receive
5 compensation because it's very, very
6 important, especially with the lack of
7 trust in the system.

8 I think I need to applaud
9 the New Hampshire Attorney General
10 officer for taking on this case. One
11 of the things we do have is a public
12 integrity unit within our office. And
13 it came in through that, because it was
14 a correctional officer. And we
15 represent the Department of Corrections
16 in the -- upstairs, so it became a very
17 difficult situation for our office.

18 But we immediately went in,
19 and we actually did a debriefing with
20 the women that were already there,
21 filling them in on the information that
22 we could give them right away, and
23 trying to set up a safe place for them
24 to come forward. And that was the big
25 thing. We gave out confidential

1 contact information. We left the
2 crisis number, the local crisis number.
3 We had a specific person for any woman
4 to contact. And you've got to
5 remember, this is a community
6 corrections facility, so they had more
7 opportunity to make those calls in
8 private. And try to reach out and say
9 to them, we will believe you, and we
10 will fight for you. And I think that
11 was key in bringing what turned out
12 from one woman to all 17 women coming
13 forward.

14 CHAIRMAN KANEB:

15 We do need to move on. So
16 rather than going to each commissioner,
17 I will now ask if any commissioner who
18 has not had a chance to ask a question
19 first, and then anybody who has
20 questions of these panelist.

21 Yes, Commissioner Puryear.

22 COMMISSIONER PURYEAR:

23 Question for -- one quick
24 comment and one quick question. I
25 hope, Ms. Womack, that you'll convey to

1 Ms. Bauer how much we appreciate her
2 story, and wish she could have been
3 here to relay it to us, but we
4 understand why she's not.

5 Mr. Henderson, you talk some
6 about Magnolia Unit, which got me a
7 little curious. You know, one of the
8 issues, as you correctly stated, is
9 that people don't want to self-report
10 as victims. That's a problem in and of
11 itself. Then if a victim reports and
12 they're placed in the administrative
13 segregation as an initial matter, well
14 intention though that move may be, that
15 it amounts to a punishment for having
16 come forward.

17 What happened to turnouts
18 and the people who were at Magnolia
19 unit that you reference, was that a
20 safe unit to be in, or do they have
21 some of the same issues?

22 MR. HENDERSON:

23 It was more magnified in
24 Magnolia. Because when you are put in
25 Magnolia, one of the things that happen

1 Over -- from experience, what I've
2 learned is that, most people who are
3 victimized in that way, internalize it.
4 And what started happening was they
5 started feeding off of each other.
6 They started taking advantage of each
7 other. I mean, the strongest amongst
8 that group started preying on the
9 weakest of that group, so it just
10 perpetuated itself.

11 It wasn't until 1982, where
12 that unit was actually bust opened and
13 they had to put them in general
14 population that it became worse.
15 Because then the statement was, Oh, you
16 lived in Magnolia. You weak for some
17 reason. Either you gay, you a turnout,
18 or you just literally weak.

19 COMMISSIONER PURYEAR:

20 Based on your experience in
21 the system, what would you recommend as
22 a standard for what should be done,
23 both to protect and to reassign inmates
24 who raised allegations that they had
25 been victimized?

1 MR. HENDERSON:

2 First, you've got to believe
3 them. 'Cause in most cases, it's not
4 believed. The people who run
5 corrections is like, you done committed
6 some Godforsaken crime outside. Suck
7 it up. And so to the extent that's the
8 mindset, that you've done something.
9 Most people who are subject to this is
10 people who come to prison for
11 committing crimes against elderly
12 people, committing crimes against
13 children. And anybody that comes to
14 jail for rape is that, oh, you raped
15 somebody. I'm going to show you what
16 that experience is like. And that's
17 the mindset inside the prison.

18 So until the administer, the
19 people who classify people when they
20 first come in, they kind of like get
21 some type of assessment to be able to
22 deal with this. But a lot of this not
23 only happens at the penitentiary level,
24 it happens at the local jails. So it
25 starts long before a person arrives at

1 the penitentiary.

2 CHAIRMAN KANEB:

3 Other Commissioners?

4 COMMISSIONER STRUCKMAN-JOHNSON:

5 Yes. Mr. Henderson, thank
6 you for your testimony. It's -- to
7 have a witness, somebody who for 20
8 years watched it and to say it so
9 plainly. Thank you.

10 It's a little bit unreal,
11 when you're in our position. But the
12 way you just stated it, it's very
13 plainly and that -- that helps.

14 One quick question. Is
15 Angola now what -- do you know what's
16 happening now, in like 2003, '4, '5,
17 '6, '7?

18 MR. HENDERSON:

19 Angola has kind of
20 transformed itself. During -- even
21 during this time, in the worst time,
22 the black experience, kind of like took
23 over. The Black Panther movement, the
24 Nation of Islam with the Muslims. And
25 it all became a situation where we are

1 our brother's keepers. And so to the
2 extent that brothers started putting
3 their lives on the line to protect
4 other people, started changing it.
5 But with even that, the push back from
6 that became -- because that's
7 organizing, and prisons do not allow
8 you to organize, no shape, form or
9 fashion. And so some people who were
10 in the vanguard of organizing to
11 protect people, couldn't protect
12 themselves. Well, they became victims
13 of the system, because they were locked
14 up for organizing and trying to
15 overthrow the administration.

16 So it was kind of like a
17 bitter sweet thing in the sense that
18 people who were courageous enough to
19 step up and say, we got to stop this --
20 doing this to each other, that they
21 were victimized because that wasn't
22 part of the prison program.

23 CHAIRMAN KANEB:

24 Just -- if I may ask, Mr.
25 Henderson. I think Commissioner

1 Struckman-Johnson's question is, how
2 are things now in Angola, as far as you
3 know? Just quickly.

4 MR. HENDERSON:

5 Things are remarkably
6 better. Remarkably better to the
7 extent that guys have learned to live
8 with each other. And this
9 transformation kind of like started
10 internally, not externally, with the
11 administration saying, we don't crack
12 down.

13 One -- I think one of the
14 worst things that happened to a state
15 prisons was the loss of federal
16 oversight. When the loss of federal
17 oversight went, there was nobody to
18 complain to. Like the lady say, now
19 most Attorney General office don't want
20 to prosecute cases inside of prisons.

21 CHAIRMAN KANEB:

22 Okay. I'm -- I'd be most
23 interested to hear more about the loss
24 of federal oversight. And we're going
25 to have oversight as a subject of

1 tomorrow's hearing. Maybe somebody
2 from our staff could get you before you
3 leave here, just end up -- give us what
4 you'd like to tell us on that, because
5 I don't believe you're going to be a
6 panelist tomorrow.

7 MR. HENDERSON:

8 No, I'm not.

9 MR. KANEB:

10 Thank you. Commissioner
11 Smith, and then we'll have to do a wrap
12 up.

13 COMMISSIONER SMITH:

14 All right. Gentlemen, what
15 I want to do is I want address a couple
16 of issues that I know that we're not
17 going to have questions on, but which I
18 want the staff to make sure that we
19 followup with these witnesses about.

20 One is Ms. Matheson's
21 testimony on the issues around
22 cross-gender supervision at the New
23 Hampshire facility that really
24 permitted this issue to occur. Lessons
25 learned about the state, any policy

1 changes there, followup with Mr.
2 Henderson about the racial, he mentions
3 of the abuse, since there is some
4 information in the research there tends
5 to be a racial character, and then also
6 the issue around status offenses for
7 youth and their entry into the system.

8 The question that I would
9 ask, though is really a question for
10 Ms. Matheson and a follow-up a little
11 bit with Commissioner Fellner's
12 question. It sounds like in New
13 Hampshire that you went out of the
14 crime victim's compensation fund to be
15 able to compensate these victims. As
16 you know, many of the states receive
17 their funding under Violence Against
18 Women at legislation or from the office
19 of -- of crime victims. And as I
20 understand it, the prohibition of
21 providing services or assistance come
22 from the federal; is that correct?

23 MS. MATHESON:

24 I'm not the expert on
25 compensation. But according to our

1 commission, we were able to change that
2 rule because there are exceptions under
3 the Federal guidelines for compensating
4 inmates. And you can put a rule in
5 that will enable state compensation
6 program to compensate.

7 COMMISSIONER SMITH:

8 So it is an affirmative
9 action that the state must take?

10 MS. MATHESON:

11 Yes.

12 MS. SMITH:

13 All right. Great. Thank
14 you.

15 CHAIRMAN KANEB:

16 Thank you all. We listened
17 and we will remember.

18 Our next panel, please.

19 Ladies and gentlemen, if you
20 will stand, you'll be sworn in.