me to address the Committee today.

CHAIRMAN WALTON: Thank you.

Director, you had some --

MR. NATHANIEL QUARTERMAN: Yes. I have some closing remarks.

Texas is very aggressive and we're very open. One of the things we do, we meet once a month with our regional directors, they come in once a month in Huntsville, and one of the things we talk about is our sexual assaults allegations. And that is the major discussion of a meeting, and Ralph is there to give us our stats and talk about what is going on.

The regional director is required to, once a year, sit down with his wardens, each unit, and talk about all alleged and sexual assaults to detail and get ideas of what we can do to be proactive and reduce the amount of allegations and investigations and all the others.

I personally sit down once a year in every region, go through all of the stats with my regional director on strictly PREA. So we are very aggressive.

The other thing is, Ralph mentioned about the -- the cell door modifications in some of our maximum security units. What that gave us is an
opportunity to -- to bring aggressive perpetrators to
our attention, that we can keep an eye on them, put
them in the right place.

Another thing you see was the 23
sergeant that we have in the field that are on the
units, the larger units, they have mapping systems in
place where they look at the victims and where the
victims are and where the predators are, and try to
manage. I know earlier, in previous panels, they
talked a little bit about grievance systems and things
like that. We do have a step one and step two
grievance. The step one, the grievance is at a unit
level. Step two, a grievance is at a regional level.

We also have another tool that is in
our box that's called life endangerment, where we do
life endangerments. We try to do -- if the person
alleged a life endangerment situation, we try to
process with them, if we put them in a transit status,
in 72 hours. If we believe it's an emergency, we try
to respond within 12 hours. That is in our policy.
So we have a lot of things in place, but we still are
looking for more things, and we're still out there
trying to -- to make safe prisons. It's a culture.
I can remember some years ago when I
was a kid, my grandmother used to tell me, you don't
want to go to prison, you know what they do to you.
Now I'm the director over the prison, and I'm a Texan, and I can tell you, I have a large family and some of my family has done time. So I have a lot more commitment, total commitment. They talked about the Council. To me, a council is going to be a good opportunity for us to be at -- bring in better information, be transparent to allowing other outside resources to sit at the table to talk about issues, the issues that some of the audience talked about.
We're open to listen and see what we need to do to get to the bottom of it.
I've talked to the -- Mr. John and Jane, about the incident. I was very upset about it when I heard it. It's something that will be resolved and -- so this is the reason why the Council will be a good platform that we would like to look at having the Committee there.
But basically, that's a quick snapshot. It's not really quick, but it's a snapshot of what we -- where we are. We're very aggressive and we count a lot of things. And you might have visited a lot of states that they don't count their sexual assaults and allegations like we do. But we do. And we will continue counting everything and investigating
everything and acting on everything.

Thank you.

CHAIRMAN WALTON: Thank you for your testimony.

One question I would like to ask. The reality is that working in the prison environment, especially working in the prison environment at the line level, it's a tough job. While I deplore people being subjected to sexual assault, in any setting, including prisons, the reality is that it's a tough environment and, as a result of that, sometimes the people who work there themselves become, in a sense, institutionalized and a result of that can become hardened and insensitive, and that can then contribute to otherwise good people doing bad things or overlooking bad things.

What do you do to try and make sure that you keep your work force from falling into those mind sets that conceivably can contribute to these type of problems?

MR. NATHANIEL QUARTERMAN: I'm going to attempt to answer that, but I'm also going to allow David to talk a little bit about his training department.

But one of the things that I believe
in, what gets checked gets done. Keeping it at a high level. That is important for us. Constantly, consistently, putting it in front of our employees. We do have a lot of employees, we have over 30,000, and we do have an awesome responsibility every day. But just communications, constant communications. I talked about contacts. Being on the unit, contact, talking about it. Don't allow it to fall away and get weakened. That's what we have been encouraging through our academies, through our contacts every day, is staying on top of that. It only takes a few to make it bad. It doesn't take a lot, and we just want to get the few.

MR. DAVID STACKS: Chairman Walton, you make a good point. It's very easy to become callous, working in the environment in which we choose to work. And one of the things that -- being a past warden for 16 years, one of the things that I always did was get down to the level where the line officer is and let them know that this prison is not their life. That they have a life outside that fence, they have a family, they have children that depend on them, and they need to get involved and stay involved in their communities, particularly their faith-based programs in their churches. To me, that's what keeps us from
becoming the hardened person that we don't need to become.

I think one of the things that the training department is doing, I can certainly tell you, in our presentation of our sexual assault classes and discussions, is that we try to have our student be, I guess, empathic in that they can put themselves in that shoe. You know, what -- can you imagine you having to live through something like that. And we, being entrusted by the taxpayers of this state, we are here to make sure that that doesn't happen, because we all -- that person is going to come out of the prison and he might be your neighbor, and we don't want that person to come out of that prison more angry, more upset, more broken-spirited than when he came, or her.

So we educate our staff in that regard, letting them know that it's just not a physical thing, it is a spiritual thing. It is a mental breakdown when someone has to go through that. And we certainly don't want that to happen.

Also, we talk to our staff at the unit level, we want to make sure that our unit staff understand the importance of duty. To make sure that if you send the message out to the offender or whoever you're responsible for in custody that you don't care
for them, and you're responsible for them, then
they're going to do whatever they have to do to
respond to protect themselves, and that's not what any
of us here in Texas want.

The bottom line is, we have to provide
the inmates and our staff the understanding that there
is hope in our prisons, that you can become a better
person, that the programs are there to make you a
better person, and we're here to help you -- help you
define back into society and be the positive person that
you need to be.

CHAIRMAN WALTON: Mr. Puryear.

COMMISSIONER PURYEAR: We've heard
quite extensively about a lot of what you're doing
under the Safe Prisons Program grants and other
activities that you've undertaken here, education for
inmates, staff training, cell door window
configuration changes, digital video surveillance, I
think it's cameras with digital video recording
devices equipped with it.

What is working and how do we know what
is working? Because that's what we've got to figure
out is, what should be the national standards, what
should other systems try to do, and how do we know
which one of these approaches might be working?
MR. NATHANIEL QUARTERMAN: That's a --

I think all the above helps. If I focus on anything, I would probably focus on the peer, the peer education. It's just something about an inmate explaining life to other inmates when they come in, about, you don't have to put up with this. Don't make these mistakes. I think our inmate population is very knowledgeable of the issue. And I have to get my hat off to my peer educators throughout Texas. They -- they volunteer to do that. And sometimes their testimonies are life their experiences. And to get in front of a group of guys and ladies and say, hey, this happened to me, I just get my hat off to them. And they do it -- they do it for nothing. And I think that is the most powerful -- and I think you'll get an opportunity, some of you will get an opportunity to visit that, I hope, in the next couple of days. It is very -- and it doesn't get enough fame as it should, but it -- to me, it's the most effective.

On the technology side, the doors help correctional officers. And it -- actually, it's more of a deterrent to the aggressive inmate. You know, it spots them out a little bit. They get more attention. And we hope that will reduce the amount of victims that they won't reoffend. I think the best technology
now is just the mapping. Mapping out these
individuals and, let's keep an eye on them. I mean,
we do well with the victim, we get the victim out of
the way, in a safe place, in a safe environment as
quick as we can, but where do the victims -- I mean,
where does the aggressive one go. So we're focusing
on -- a lot of attention on our aggressive inmates or
our predators and tracking them, keeping up with them.
I think that's been a good impact, knowing who they
are. I mean, a sergeant on a unit will inform his
shift about the predators to keep our eye on, and they
keep an eye on them. I think that alone will reduce.
I know it's high maintenance and it's a lot of work,
but it's the only thing that we have that we think is
effective.

COMMISSIONER PURYEAR: Have you tried
the different approaches in different facilities and
seen any change in the reporting of allegations of
instances of sexual assault? In other words, that you
can say, okay, in this facility we were doing -- we
were doing the peer education component and we saw the
reports decline after we unveiled this. Or in this
unit we did surveillance technology and we saw the
reports decline. Has there been any attempt to
control for the different approaches that are being
taken to see what works and -- instinctively, they
would all seem to work, but to figure out, is there
one that's a more effective means than any other,
given scarce resources, to try to prevent this sort of
ting from occurring in the first place?

MR. RALPH BALES: Well, if I can
address that. One of the things I would share with
you is, we visited earlier and the testimony is that
the peer education has only been in place a very --
you know, few months. And so even though we're
beginning to collect data on that, there is -- it
would be hard at this point to really identify any
correlations on -- you know, at this point and
everything.

What we will continue to do is look
at -- as we're bringing more and more units on, we can
take a look at those units on where the peer education
is not -- okay -- in place and see what happens after
they come on place and begin to, you know, make the
comparison on that, and take a more -- you know, a
more research type of look on that and see exactly
what we've got.

At this point, it's still a little
early to be able to determine that. As far as the --
again, the doors and the cameras as well, we just
finalized some of the completion of the installation of the cameras in the latter part of '06, and so we're still beginning to assimilate some of that data. So I'm not trying to say, you know, yes, no, that there -- this is the answer or not. I'm just saying, at this point we need to continue to collect some of that data and be able to look at what the impact is going to be in those areas.

CHAIRMAN WALTON: Commissioner Kaneb.

COMMISSIONER KANEB: When you used the term "mapping," do you mean you radio frequency identification, or do you mean something else?

MR. NATHANIEL QUARTERMAN: It's a little bit more primitive than that. We don't have all the technology that we need. But what we have established is a unit grid and, basically, what the sergeants will do is look at alleged concerns, and they will have a map and they will look at areas that you have a lot of these concerns at this particular area. And what we might do is, at that particular time, that particular area, if they have a lot of problems there, we'll put additional staff there to try to eliminate the problem. Or we will focus on a certain individual that's been alleged of doing a lot of things and profile them throughout the shift. Most
of it's done in the manual way. Some of our sergeants
have computers and they have went electronic with
their systems.

COMMISSIONER KANE: Excuse me. You
said it's --

MR. NATHANIEL QUARTERMAN: So it's no
electronic system that we purchase. It's -- it's
pretty manual.

MR. DAVID STACKS: Basically, what it
is, sir, is it is a -- maybe a blueprint of a
particular area of the prison, and as incidents have
been reported, the staff map in point, designate on
there what type of activity was alleged to have
occurred, and what we do is try to strategize, and
what we've done with some of our technology, our
cameras and things, is strategize and get rid of these
areas. Put pressure on those areas and get those
isolated areas more to the forefront where staff is
more in their roving areas, you might say. But it's
very primitive but it's effective.

COMMISSIONER KANE: Well, fine. I --
I -- anything that works is desirable. However, I
guess I'm trying to zero in on question -- do you have
any experience with the RFID?

MR. NATHANIEL QUARTERMAN: Yeah, we've
been presented -- we have a technology review committee that we have -- we have knowledge of the different systems, monitoring systems, and they're great. And we have submitted a grant to pilot some of that technology. We have not received the grant yet.

COMMISSIONER KANE B: To -- for funds under the Act or -- or local -- or state funds --

MR. NATHANIEL QUARTERMAN: It's a separate grant, and I have --

COMMISSIONER KANE B: Because we're very interested in -- in trying to figure out whether this or other technology is -- you know, is really a potential breakthrough. Our report is obviously going to deal with technology. The matter of funding is, no doubt, a problem, but the hope is that as more of this equipment is in the field, the costs will become -- start to come down.

MR. NATHANIEL QUARTERMAN: Right.

COMMISSIONER KANE B: Well, I guess maybe we would like to talk with you offline about this a bit. Before I wind up, and I know your time is running out and so is mine. I've got to leave. But I don't know if you heard what I said to the previous panel about how impressive your apparent progress is, and certainly you have got a -- what looks like a very
effective game plan.

I will say that -- that there is some
evidence that comes to us that the game plan may not
be working quite as well yet as you hope. What I want
to drop in your lap, in case you don't have it, is the
latest incidents report from Stop Prison Rape. I'm
sure it gets to you, their directors are out in the
audience, but I want to just take this opportunity
while you can't escape looking at this, just to give
it to you. And I will ask somebody here to --
somebody come up and -- I'm not asking you to read it
now, but, hopefully, just take a look, and I'll leave
it with you guys.

CHAIRMAN WALTON: Commissioner Fellner.

COMMISSIONER FELLNER: First of all,
the Safe Prison Act, I'm assuming from the nature of
what you have provided and said, that this only
applies to inmate-on-inmate sexual violence or does it
also includes measures to prevent and respond to staff
violence -- sexual violence on inmates? It just
wasn't clear to me from anything that has been said
whether you are looking also to prevent staff sexual
abuse of inmates.

MR. NATHANIEL QUARTERMAN: Yes. We
have -- you know, we have the policies and procedures
that are in place for staff. And we are very
agressive and we have a history of being very
aggressive with allegations. And usually when we get
information on that, it's forwarded over to our
Inspector General's Office.

COMMISSIONER FELLNER: But this Safe
Prisons Program as you describe it is really just
targeting inmate on inmate?

MR. NATHANIEL QUARTERMAN: Safe Prisons
basically is -- an element of Safe Prisons, PREA. We
also have our Safe Prisons Program that was
legislative -- some legislative periods ago before
PREA where we do a lot of safety and quality of life
issues. So -- and talking about preventive measures
for correctional officers, is basically supervision
and teaching our leadership signs and things to look
at. That is in -- is in our whole training regimen.

COMMISSIONER FELLNER: It would be
great if you could provide us some of the material,
because what we have is only -- that we have, at least
in our -- what I have got in my folder in front of me
is all about the Safe Prison Act targeted -- program
targeted at inmates. So I would just -- if you could.

You mentioned evidence-based policies,
and I know you commissioned -- or this might have been
commissioned Jim Austin to do a study. I think that probably was commissioned before you all were in place. But one of the things that struck me is that he talked to staff, he reviewed reports that were made, but I'm wondering, does anybody -- have you done any surveys of inmates so that you are getting the inmate view as to, are they reporting? Are they, in fact, coming forward? How is -- I mean, a lot of your material talks about how you get inmate information from staff. And his survey was also information in the files. But how do you get information from -- do you have a formal way for trying to get information from inmates?

MR. NATHANIEL QUARTERMAN: Yeah. We have several elements of getting information of alleged -- of alleged assaults you're talking about?

COMMISSIONER FELLNER: Excuse me?

MR. NATHANIEL QUARTERMAN: For alleged complaints from inmates?

COMMISSIONER FELLNER: To find out, for example, whether inmates are, in fact, reporting things or making -- making it known, or are they still feeling that the staff is indifferent? We have heard over the years, for example, and I'm sure you're familiar with Human Rights Watch's report, which
focused heavily on Texas, of staff indifference. And, in fact, the piece of paper that Mr. Kaneb just gave you has some more examples, where staff just -- you know, they're not responding. So I'm wondering if part of your quality control, let's say, for the Safe Prisons Program involves surveying inmates in some way to find out whether they feel staff are being responsive, whether they are reporting, et cetera?

MR. NATHANIEL QUARTERMAN: Yeah. We failed to tell you about our ICP, and that's our Unit Character Profile, where we go out and we survey staff and offenders about are they safe and all the questions that you just imagine -- you just mentioned. We have used that -- that tool -- how many units so far?

MR. RALPH BALES: We have three pilot units and six -- six ongoing units.

MR. NATHANIEL QUARTERMAN: We have six ongoing --

COMMISSIONER FELLNER: And what did you find out in the pilot? What did the inmates say?

MR. NATHANIEL QUARTERMAN: Well, it's different from unit to unit. In some units in certain areas -- I don't want to talk in details -- but certain areas of Texas, we could find apparent
concern. In some areas of Texas, we feel pretty confident that things were getting done -- I mean, getting done. It was a good survey of the culture, the communications between the staff and the inmate, the inmate communications among themselves. All that was good information. We do have the reports and I could submit the reports to you.

COMMISSIONER FELLNER: We would welcome seeing them.

MR. NATHANIEL QUARTERMAN: Yes. I'm sorry I didn't catch you. I mean --

COMMISSIONER FELLNER: And I have one quick final question.

As I read Mr. Austin's report, and it's certainly consistent with what we hear, most of the sexual abuse, inmate-on-inmate abuse, seems to occur in cells. And I wonder if you have a sense of what percentage of those alleged abuses occur in double cell contexts? In other words, is double celling itself a problem if we're trying to stop inmate-on-inmate abuse?

Do you have a percentage or can you get that?

MR. NATHANIEL QUARTERMAN: I think we have that stat.
MR. RALPH BALES: I don't have that readily available. We can certainly get that for you.

COMMISSIONER FELLNER: That would be very useful information.

MR. NATHANIEL QUARTERMAN: We could also give you the number of double cells we have, capacity we have.

COMMISSIONER FELLNER: Okay. That would be great. Thank you very much, and good luck.

CHAIRMAN WALTON: Commissioner Aiken.

COMMISSIONER AIKEN: Thank you for appearing today. I will make a brief comment and ask a question.

I know that you're just starting a long process. And, you know, the thing that I'm kind of picking up on, and I want to have subsequent discussions with you if this is amenable to you, is just this issue of routine and complacency and what are you doing to address that? I used to cringe when I see incident reports and it says, during a routine shakedown, during normal operations. Prisons are abnormal societies. There is nothing review, and if you don't address that very aggressively and stay on top of it, you know, you will go back to zero very quickly, with critical incidents, critical events.
And a lot of times we put our faith into one program or two programs, but we don't have the empirical evidence to make sure that we are reading the right indicators. And maybe we are looking at something that we think will work or is working, where in actuality it's not addressing those issues. I remember, we trained a lot of people, and we trained them well, but that training did not transform into behavior in those cellblocks. So I'm very interested to see what kind of ideas you have. You may give one or two now, but I would like to have subsequent discussions with you. What are you doing and what do you have planned to fight this issue of routine and complacency? To keep from going back to zero? And what are you doing to measure your level of performance in relationship to this issue?

MR. NATHANIEL QUARTERMAN: Okay. I would like to follow that up with further discussions with you, but in Texas we do mandate our correctional staff to rotate our officers. Our correctional officers are rotated. Our supervisors, they don't rotate as much. They do it every now and then, but not as much as correctional officers. Our wardens, within the fifth year to sixth year, a warden is moved. And that's a mandate -- that's a practice.
It's been long practice through several directors. And that has been very effective with us.

COMMISSIONER AIKEN: I'm -- I don't want to waste too much of your time. But I'm talking about something even more specific than that and fundamental than that. I'm talking about, what are the safeguards you've got, for example, in relationship to making bed assignments for inmates? You've got two to a cell. Who makes that decision for that inmate to go into that cell? Who is running the telephone? Who is running the laundry? Who is running the hustles? You know what I'm talking about.

MR. NATHANIEL QUARTERMAN: We can talk about that, because we're talking about almost an all-day discussion, because we have policies and procedures, who does that and all that. So I would be delighted to --

COMMISSIONER AIKEN: And how do we know that those things are in behavior? And those are the questions I want to follow up with.

CHAIRMAN WALTON: Okay.

COMMISSIONER FELLNER: I have to ask, I noticed in the Safe Program that you say that an inmate can basically report to anybody if they've been abused. Does that report to anybody, let's say to a
lieutenant, I think you mentioned specifically, count
as a formal grievance for purposes of having complied
with the grievance procedure, one; two, would you
please get to us, if you can, I would be interested in
knowing how many complaints, let's say in the last, I
don't know, three years, two years, whatever, have
been where you have sought to dismiss them, the
department or the attorney has sought to dismiss them
either because -- of a sexual abuse because the inmate
had not complied with -- exhausted an administrative
grievance procedure, and how many where they couldn't
pursue damages because, even though they alleged a
sexual -- problem of a sexual nature, because the
physical injury requirement of the appeal wasn't
satisfied?

MR. NATHANIEL QUARTERMAN: Would you
like to have -- you know, sometimes when you get a
denial, would you like to know -- like, we don't have
physical evidence, but we believe it to be a problem,
and we make action. We may deny the complaint, but we
moved the inmate or did some safety precautions.

Would you like that information, too?

COMMISSIONER FELLNER: No. What I
was -- one, was just asking whether or not making a
complaint to a lieutenant, let's say, satisfies, for
grievance procedure purposes, does that count as the
first step of the grievance process? Second, I would
welcome knowing from the department how many cases
have they sought to have a civil suit dismissed
that -- in which the inmate had alleged a failure to
protect or violence -- sexual violence in which the
basis for the department's move to dismiss was failure
to comply with the exhaustion -- you know, failure to
exhaust administration remedies.

MR. RALPH BALES: If I understand
correctly, then, you're talking mostly about the new
grievance procedures and the process. That's what
you're asking?

COMMISSIONER FELLNER: That's for the
failure to dismiss. But I want -- let me put it this
way. In many systems, inmates make a complaint to
someone, I've been abused. They think they have now
done whatever they're supposed to for the formal
grievance process because they made a complaint. And
then it turns out the administration says, no, no, no.
That wasn't a process so you get -- you can't proceed
with your civil suit because you didn't do the proper
steps.

And I was reading your material which
you sent and it lays out the grievance process, but it
also says, you can make a complaint to anyone. So I want to know, if you make a complaint to someone, if I go to you and say, X, does that constitute a formal grievance for purposes of complying with TDCJ's grievance procedure?

MR. DAVID STACKS: One of the requirements with our offender grievance procedure, it asks the offender, whom did you seek out in formal resolution prior to entering into the grievance process. Okay?

To answer your question, they can go anyone and seek out informal resolution. Okay? Once they do that, then they can enter into the grievance process.

COMMISSIONER FELLNER: So the first step does not count with -- count as filing a grievance?

MR. DAVID STACKS: We will still entertain their grievance. Okay? What I'm saying is, if I'm the lieutenant and you come to me and you say you have this issue, and I do or do not respond to that, you can still enter into the grievance process. Does that -- still not answering your question here?

COMMISSIONER FELLNER: No.

CHAIRMAN WALTON: Why don't we try and
communicate maybe in writing and try and get some
additional information from you.

COMMISSIONER FELLNER: Okay. Thank
you.

CHAIRMAN WALTON: We appreciate your
testimony. We have one final panel. And we'll start
that at -- hopefully everybody will be here at 3:00
o'clock and we can get started, because some of us
have to get planes out of here tonight.

Thank you.

(RECESS.)

CHAIRMAN WALTON: We have talked to top
prison officials about the Texas Safe Prisons Program,
and now we will hear from our final panel, which is an
external perspective on the program that we heard
about. And we have four witnesses to testify on this
subject, three of you are here now. I'll swear them
in, have them identify themselves and proceed with
their testimony, and then we'll introduce the fourth
person when she arrives.

If the three of you could take the
oath, please.

(Witnesses sworn. )

CHAIRMAN WALTON: Thank you.

Sir, if you could start, and we'll move