But by linking your standards to the strategies that we are employing, you can help equip us with the tools we need to move forward on our shared goals for PREA.

When we as leaders can connect your standards to the approaches that we are taking to foster the changes we seek, then the values of PREA will take route in our agencies. They will outlast the Commission and they will outlast us. When they become organic to our operations and integrated in our culture, we will have created an accountability for these issues, an accountability that will last. Please feel free, when the time comes, to ask me any questions that you may find helpful about any aspect of the PREA issue. Thank you.

THE CHAIRMAN: Thank you, Mr. Wall.

Ms. Caruso.

MS. CARUSO: Good morning. Mr. Chairman, commissioners, thank you for the opportunity to address you today on this important subject.

I'd like to start by acknowledging and I'm sure that my colleagues are in agreement with me
that the common perception of the public as
reinforced by Hollywood of life in prison in
general and particularly issues of sexual
misconduct and sexual violence in prison, is
largely erroneous and fictitious. But more
importantly than that, what I would like to state
is that as corrections professionals, it's critical
that we acknowledge that no matter how erroneous
that public perception is, even one case of sexual
misconduct in a prison environment is too many. It
is our job to ensure that that does not happen.

And when staff cross the lines between being
professional staff and become over familiar with
prisoners, they put all of us at risk. They put
their fellow staff at risk. They put the prisoners
at risk, and they put the public at risk. And that
is something that it is our job to ensure that we
keep that in front of us every single day.

We spend a lot of time, and I know you have
had a lot of testimony and I think understandably
for obvious reasons, dealing with the issues of
male staff overfamiliarity with female prisoners.
Our department was the subject of a three-day series of articles in a statewide newspaper last year in some ways scathing articles on our department and went back many years in terms of the relationships and interactions and in some cases criminal behaviors that had occurred in our prisons relative to male staff and female prisoners.

Our staff around the state, no matter what facility they worked in, whether they worked with male or female prisoners, felt attacked, and felt terrible that they were being painted by this broad brush of criminal behavior that was exhibited by a few staff. But one of the things that came from this public exposure was an enhanced ability to open the doors to talk about this.

For a long time, in fact even now depending on the audience, I still carry that series of newspapers with me and open them up and confront staff with what are ugly headlines and talk about what that means and what part of that problem do we own and how do we address that.

In Michigan we've made a number of changes,
many of them and those that are probably most
well-known are in our female system, our female
prison system. The biggest change and in some
quarters most controversial, within the last year
we have removed all male corrections officers from
the living units in our female prisons. No men are
allowed to work in the housing units in our women
prisons as corrections officers.

As you might imagine, that has resulted in a
lot of discussion. And clearly corrections
officers are not the only staff, male staff, who
may ever engage or contemplate engaging in
inappropriate behavior. But we have done that and
it is not administratively easy to do. Issues of
overtime, issues of coverage, are very complex, but
it is working. And we have seen a marked change in
even allegations coming from those prisons.

We have, for a long time, trained our female
prisoners when they come to prison on how to
complain. You walk into our housing units. There
are large signs that say you do not have to
tolerate this and it lists various behaviors. Some
of you have probably seen those signs. We train
the prisoners on what they don't have to accept,
and we train them to complain. We train our staff.
All staff who work in our female facilities go
through very, very specific training, gender base
training and cultural training, training on
reporting, training on why it is so important that
staff never, ever cross those lines.

Last year, this week, in fact a couple of days
from now, a year ago, I was attending an ACA
conference in Baltimore, Maryland, and that I got a
phone call that every director dreads they will
receive. I got a call that we had had an escape
from a maximum security prison in the Upper
Peninsula of Michigan. Some of my colleagues
remember because I left very quickly.

A prisoner who was serving six life sentences
in the state of Michigan left the prison and a
female staff member was missing. It was quickly
determined that the staff member was complacent in
the escape and had been involved romantically --
physically with this prisoner for a period of time.
Much to our chagrin, we later learned that a second female staff person was also complacent. One of the staff person was a food service worker an one was a corrections officer.

It was a particularly devastating time for the obvious safety implications, but also for our staff. And we had spend, at that point, a number of months talking openly since this series of newspaper articles about the implications of staff overfamiliarity with prisoners and what can happen. And now we were faced with the most real of circumstances right in our own state.

I will tell you that I spent a lot of time in the last year thinking about this and I feel strongly that as a society we downplay and contribulize and sometimes even romanticize the side of corrections that involves overfamiliarity between female staff and male prisoners. It is not just in corrections.

If you look at examples of our counterparts in education, we have lately seen around the country a spate of female teachers who have prayed on young
boys. It is not looked at the same as if that was
a male teacher praying on young women. It is not
the same, but that is inexcusable. And we have, in
this department, attacked that problem as well.

As corrections leaders, we have to set, not
only set the bar high, we have to demand that we
meet that. One example for us, Michigan Department
of Corrections is a large corrections agency. I
have over 17,000 staff. Every investigation that
involves sexual misconduct comes to me personally.
I personally review it. And if I go through that
investigation from our Internal Affairs and I don't
see what has happened relative to prosecution, I
send it back with a note that says, come see me and
I want to know the status of prosecution on that
case. The director has to set that standard, that
this behavior is criminal.

In Michigan, we're fortunate. We do have
legislation in Michigan that has made staff sexual
misconduct with prisoners a felony. It is a felony
punishable up to 15 years in prison and registry as
a sex offender and we seek that.
One of the other things that's happened in the last year is I went to the prosecuting attorney's association and talked to them specifically about issues of staff sexual misconduct with prisoners regardless of whether it's male, staff on female, female staff on male staff, female/female, male/male, it doesn't matter. This is criminal behavior. As other speakers have said, it is not about sex. It is about power. I know that sometimes people feel that parties may be in love or that it is, quote, unquote, consensual. There may be things in the world that fit that criteria. In prison they do not. And we must aggressively pursue those.

So I went to the prosecutors and I asked for their help. And I asked them what they needed from us because I know sometimes they can't make a case, so we have to do a better job investigating or our interactions with the State Police have to be better if we want to see that happen. But I asked for their support in doing this and they pledged that to me.
I went to our wardens at their wardens meeting where they were all there and we talked very, very clearly about this, laid out the news papers. You don't like this? Then let's not be part of anything that brings this attention to us. I told the wardens when you have a case of sexual misconduct, I expect you to go personally to your local prosecutor.

Part of being a warden -- I was a warden more than half of my career in this department, 18 and a half years I worked for the department, more than half of that as I warden. I know that part of being a warden is having a personal relationship in your community with local law enforcement. The wardens know when this happens they are to personally go to those prosecutors with whom they have a relationship and seek prosecution. If the prosecutor isn't comfortable prosecuting, I ask the wardens to call me and I will personally follow up with the prosecutor and seek prosecution.

We started communicating to all staff on this subject. We have a news letter. I brought a
couple with me. It's called FYI, goes out every two weeks to every employee in the Department of Corrections. So we have started on an frequent basis addressing the issue of overfamiliarity, talking about how it compromises security, giving staff a list of behaviors to watch for, opening dialogue between staff. More often then not, when we have issues of sexual misconduct in prison between staff and prisoners, we find out because our staff tell us. That's what should happen. Prisoners should tell us too. Staff ought to have their eyes open. We tell staff that none of you would think twice about coming to the aid of a staff person if you saw them assaulted by a prisoner. You have to set the same standard if you see staff by their being manipulated by a prisoner or staff manipulating and any kind of behavior that is going to lead to a situation that's inappropriate. You have the same obligation as if you see someone smacked in the face. Your responsibility is exactly the same.

I spent a lot of time in the last year
focusing on the issues of female staff. And one of the reasons for that is because I really do feel that the standards have not been the same. For a long time, it was more acceptable for women to resign and go on with their life. That is not acceptable in this department. The two women I mentioned to you who were involved with that escape are now prisoners in the Michigan Department of Corrections. I'm not positive we would have had that result if there hadn't been an escape involved, but I think we would have.

One of the reasons we say this, and this doesn't apply because they're women, it applies to all staff. But one of the things I said at the sentencing hearing of the corrections officer, and have said repeatedly, is that when we talk about prisoners, we often say that we should lock up people we are afraid of and not those we are mad at. We should be afraid of staff who cross those lines because they put people in danger. What happened at our prison is a fabulous example of what happens when staff cross lines. They lose
their professionalism and they make decisions that put other prisoners, other staff, and the public at risk.

We had a man doing six life sentences with nothing to lose who was caught three days later in Wisconsin. At the same time that happened, there was an escape in Tennessee, also facilitated by the prisoner's wife, a former corrections employee who had been fired when her relationship was discovered. In the process of that escape, she shot and killed a corrections officer.

Part of my testimony in Michigan at the sentencing said that it was only by the grace of God and competence of law enforcement that we did not have the same result here. We have to be sure staff understand clearly and thoroughly that we will not tolerate this.

I go to every corrections academy of new corrections officers and talk to them about a lot of things. One of the things I talk to them about is this subject. I explain to them why it's not appropriate. And I tell them that if you cross
that line, we will investigate. If it is substantiated, we will fire you. We will seek prosecution and we will not rest until we see you in prison. And I tell them how many people, how many staff have been incarcerated within the last year for that behavior. It's important for them to know that.

I am joined in that effort by the union who represents our corrections officers. They also tell the recruits and corrections officers that overfamiliarity is a violation that can not be tolerated while we may need to protect, we will protect your due process, do not come to us to defend your behavior, we won't. If you are overfamiliar with a prisoner, we will not take your case to arbitration. The union tells them that the day they're hired and they reinforce it. And as a warden, I saw that happen, even with things as minor as bringing in items that were not illegal contraband. The union stood by that policy and would not take cases to arbitration. So they have supported us in this effort and that is very, very
important because it sends the message.

When I spoke at the sentencing hearing of this
officer who was involved with the escape, the union
approached me and asked if I would make my
statement on behalf of them as well. So we made a
joint statement in the court about staff sexual
misconduct, a statement on behalf of the Department
of Corrections and the union. I thought that was
especially critical.

Our department has applied for and received
technical assistance from NIC with the Mosque group
to design and deliver specialized training
regarding staff sexual misconduct between female
staff and male prisoners. To my knowledge, we're
the first state in the country who will be doing
this. And we are going to put a tremendous
emphasis on that. We already have put a lot of
resources into the male staff female staff --
female prisoner side of it.

In conclusion, I would just like to say that
this is an issue that we can never lose sight of.

Our most basic mission in corrections is
protection. We always say protection of the public. The public encompasses all of us. And as I started by saying, when we don’t recognize those boundaries, we put everyone at risk. And as leaders, it is our responsibility to ensure our staff know that. Thank you.

THE CHAIRMAN: Thank you very much for your testimony.

Mr. Sprenkle.

MR. SPRENKLE: Thank you, Chairman. On behalf of Governor Rendell and Secretary of Corrections, Dr. Jeffrey A. Beard, I'd like to thank the Commission for inviting the Commonwealth of Pennsylvania to the critical hearing. The Pennsylvania Department of Corrections certainly recognizes its duty to ensure all of our prisons and community based facilities protect incarcerated individuals from sexual violence. And we understand the negative impact that prison sexual assaults have on its victims and the community. By emphasizing our zero tolerance for sexual assaults by staff and inmates and by implementing various