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

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

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

Thank you.

CHAIRMAN WALTON: Thank you very much.

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

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

The other issue is that this is clearly a low status profession. Working with kids who are troubled and troubling, who are in many cases throwaway kids from the system, it's not the sort of thing you talk about a lot. People aren't necessarily interested. I always tell folks that -- in this profession, I always ask them, have you ever been asked what you do? And they'll say yes. And I always say, do you get the two standard responses? When somebody asks you if you work in this profession, the first thing they say once you tell them that you work in detention is they'll say, oh, my, it must take a very special person to work with those children. And once they're done with that they'll say, can you believe how hot it's been so far. People just don't want to talk to us about what we're doing in this business unless they've read something in the paper.
about some sort of sensational case and they'll ask you about the kid, and it is at that point in time that confidentiality prevents you from saying anything. So, those are some of the dilemmas.

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

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

MR. SANNITI: One of the strategies that we had when I was in Georgia, we were experiencing a 30-percent turnover rate in our direct care staff. Again, we started placing a lot of emphasis onto what we call the sergeants
and lieutenants. Those people tended to be more vested in the system or staying, so, we got their salaries up, we provided them with some additional training. And then the other thing that we were able to do in Georgia is to convince, to try to parity with the adult correction department, and we were able to get our salaries up. So, we got our entry level salary up, I think at the time it was 21,000, and we got it up to like twenty-six-seven or something like that. And we started attracting more employees and employees started to stay. And, again, we really started investing in those front line supervisors, giving them training and encouragement in trying to strengthen their skill sets.

MR. MURRAY: In addition to both my colleagues, I think another impediment, Commissioner Walton, is just the stressful environment. And, again, I think all of what we do contains some stress, but working on the juvenile side, and particularly when you work in the trenches which is where young professionals need to start to get a good pitch of what they're dealing with, it's a very stressful environment. It's tough for some individuals, despite their good degrees and what they believe to be their preparation, to come into this environment and do well. It's tough to be non-judgmental of some of the youngsters that come into the system and to not personalize some of the comments that may
be made or some of the things that may be said. So, we encourage young people to give it some time and to be prepared for a different kind of environment, that if they can make it a couple of years as a young professional and learn to like this business and be, to some degree, accepting of the very low salaries, Dr. Roush is right, I have seen salaries improve tremendously over a period of 20 or 30 years, but there remains much room for improvement. We lose good staff every day to other law enforcement agencies who have good salary scales or better salary scales, but in addition to all of that, just the environment. Either you're cut out for the business or you're not. It usually doesn't take young professionals long to make that determination.

COMMISSIONER PURYEAR: We talked about retention for a minute; we talked about losing good staff to other agencies. Sometimes that can be salary-related; sometimes it can related to the status of your work; sometimes it can relate to the stress level of this particular line of work. But also, if you look in human resources from a private business perspective, one of the things that G.D., to take an example, sort of the leading H.R. company, tries to drive out "C" players, as they call them. You have your top talent who are "A" players, you had "B" players who might get there one day, and then you had your low performers, and
they find that low performers not only drag down the organization but they drag down your star performers and cause them to go elsewhere so they won't have to deal with them. And, so, they either say those people have to improve or they're gone as part of the review process.

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

DR. ROUSH: I think that it's a terrible sort of factor that good staff have to face. Then you end up in many instances feeling as if not only are you working to keep kids under control and to move them forward, but you're also simultaneously trying to compensate for a staff member who may be undermining your work. And, so, I think it, in terms of what Mr. Murray was saying, that it adds to the stress of the job, and then I think what it does is that it dampens hope and enthusiasm, and if nothing else, I think one of the ways that this profession has been able to overcome many of the negative factors in the work force in terms of the stress and the low pay and some of the other demands is that we've been the guardians of hope, we've been able to encourage not only kids, but staff, and even though
we don't do a good enough job of touting our successes, there are successes, and every good staff member who makes a commitment to this business will be able to tell you the stories about a youngster coming back or something that a troubled young person did that was heartwarming and gave them a sense of fulfillment and meaning.

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

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

The other thing that's helpful is when you have a video camera, you have cameras that capture it on film, or DVD disk now, that you can play and kind of gives you a clear understanding of if the event occurred or not. We have been using, both in Georgia and in Maryland, hand held video cameras in addition to the overhead cameras. When there is a planned use of force or a use of force, one of the people or persons responding will bring a hand held video camera. So often, a million times, an incident will
occur and it will occur off camera, or you can't see
anything, or someone's blocking the way. With the hand held
video cameras you get a much clearer picture of exactly
what's going on and you can hear the dialogue back and
forth. And I will tell you, nine times out of ten the hand
held video cameras exonerate staff from wrongdoing.

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

COMMISSIONER PURYEAR: There has been -- we had
some testimony during our last hearing about a situation
here in Massachusetts that Commissioner Dennehey confronted
where there was actual videotape of five correctional
officers taking an inmate to a place he shouldn't have been,
coming out looking far worse for the wear, corroborating
physical evidence against two, the other three denied
anything happened. The two who had corroborating physical
evidence that they were involved in what went on with that
inmate, as I understand it, the terminations were upheld;
the other three, she was -- her termination order was undone
by arbitration and those three are now still working, and
that's a case where you had clear camera-based evidence that
they were involved in protecting a code of silence with
their officers versus the duty that they had to the inmate.
What do you do about those cases? I mean, how much
evidence does one have to have before you terminate an
employee under these collective bargaining agreements?

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

MR. MURRAY: I think we have to continue to
terminate. When they are reinstated we have to terminate
and terminate and terminate until at some point it becomes
clear these are not individuals who need to work around
children. We also need to make a strong effort on the front
end to try our best to keep these bad actors out of the
juvenile system. There are all kinds of personality
inventories and other batteries that we give in Georgia to try and identify who may not be suited to work with children. Despite our best efforts, some of those individuals are going to seep in.

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

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

MR. SANNITI: I have not confronted that.

MR. MURRAY: We attempt to code those individuals where we can "no rehire," even when they resign. Sometimes
for legal reasons we cannot do that, but where we can, we
like to make it difficult for those individuals to reconnect
with another system, another juvenile system.

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

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

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

MR. SANNITI: The only comment I can give you is I
was part of the Maryland -- appointed by the Governor to the
Maryland Correctional Police Training Commission, and
several years ago the DJS decided that they would
participate in requiring all line staff, all staff with
children, to go through what we call MCTC training, which is
a six-week program. We have statistical evidence that shows 
that the use of force in staff-on-youth assaults is far less 
with the staff that went through the MCTC training than for 
the other staff that were hired before and did not have that 
training.

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

To be a juvenile corrections officer in Georgia 
you must at a minimum be a high school graduate. I think 
perhaps down the line if we want a better caliber, taking 
nothing away from those good individuals that are employed, 
but I think the higher the educational level, the greater 
the likelihood they're going to be good, strong officers. 
Hopefully that may figure into a better pay scale on down 
the line. But that's our attempt at licensing, to make sure 
that these officers are certified officers.
CHAIRMAN WALTON: After that initial training is there a requirement for ongoing periodic training?

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

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

MR. SANNITI: If you have -- in regards to child abuse, if you have a find -- what they call a true finding against you, there's usually three ways you -- three things happen. If there is an allegation that you were involved in a sexual assault against one of the children, you would immediately be put on paid administrative leave. We would conduct our own investigation. The child protective services would be called in. They would also conduct their
own investigation. And then the state police would be
called in to do a separate investigation to see if it rises,
first of all to see if it occurred, and then did it rise to
the level of criminal activity.

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

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

CHAIRMAN WALTON: Where there's been an internal
determination of culpability of inappropriate behavior like
sexual assault on a ward, is there referral then to the
prosecutorial agency, and if there is a referral, is there
any reluctance on the part of prosecutorial agencies to
prosecute those cases?

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

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

And then within that same system, once you get to
the personnel review board hearing, as Dr. Krisberg spoke
about earlier, then the petition in front of the personnel review board is this certainly could not have been that serious an offense if it was not prosecuted. I wish -- I wish I knew of a way to circumvent that.

MR. MURRAY: Despite the problems the bad apples cause, our juvenile jurisdictions, when they somehow manage to get in, it's not my belief that day-to-day they are the major contributor to the rape of children in custody. Certainly they don't help us any, but it's my thought that it's more of a systemic breakdown, it's more of an absence of resources, it's more of a lack of a commitment on the part of the system leader and others who have responsibility for making systems safe and secure. I think as a system that's where we need to concentrate our efforts while at the same time having a system in place where we can identify and get rid of, if you will, those employees who don't perform and who may be subject to some criminal behavior themselves. But we need to look at our systems and make sure that first of all the commitment needs to come from the agency head level. I make it very clear in my state that the priority is protecting children. It's a statutory mandate, and if it were not, it's a belief of mine that after years in this business my first responsibility is to protect the children in my custody. Beyond that, I need to habilitate, rehabilitate and treat, but if I can't make them feel safe
when they sleep at night, they're not going to hear me the
next morning when I try and rehabilitate. So, we're looking
at a way that we can do that. One way, and, again, I know
time is limited here, but I make it a point to visit, not
only do I require monitoring from my mid-level managers, but
within the first six months of my appointment I had visited
each of the 30 facilities in Georgia at different shifts, at
different hours, sometimes announced, sometimes unannounced,
not to catch my staff doing something wrong, but to catch
them doing something right. I like to visit enough where
staff don't feel like something is wrong when the
Commissioner comes on the ground. I think we set the tone
at the top and others will follow suit.

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

MR. SANNITI: My recommendation would be, well,
several. One, again, as I said earlier, going to a unit
management concept where the staff is permanently assigned
to units so they develop relationships with the youth. Also
having a confidential grievance process, and a confidential request to see a counselor process where youth can make these requests and talk to people.

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

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

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

MS. SANNITI: Exactly. A lot of times you'll see they'll have the grievance boxes but you have to go to the
staff member to get the form. No one's going to do that. So, again, having the forms and then having the boxes in other parts of the facility, as I say, the school and the cafeteria are -- school's the best place.

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

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

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

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

MS. STRUCKMAN-JOHNSON: All right. Thank you. I just wanted to add that I have all these psychology majors who are graduating every year come to me asking about their job prospects and it's always pretty bleak because in
psychology you can't get a job unless you go on to Master's
or Ph.D., and here they are dying to work with kids for the
most part, and usually very bright, very motivated, and it
just hits me today, my goodness, we need to find a conduit
for them over to juvenile justice, and I don't -- some -- a
few of them are juvenile justice double majors occasionally,
but certainly there has to be a way to tap into or to -- I
don't know how to do it. Anyway, I've got take it under
consideration in how to send them over to you.

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

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

CHAIRMAN WALTON: Anyone else?

Well, I found this panel, as all the panels, to be
very insightful. It's been a very eventful day for me; I've
learned a lot. I think Senator Kennedy has given us our
marching orders: he wants to hear from us and he wants to
hear from us soon, and, so, I am tasking our staff with
focusing on this particular issue so that we can submit an
interim report to the Senator and the rest of the
congressional representatives on our feelings on this issue.
I think it's important that we speak out on this issue as
soon as possible, so, hopefully we'll be able to submit
something to Senator Kennedy by the end of the summer
regarding perspectives and some of our feelings about what
needs to be done to address this particular issue as it
relates to juveniles.

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

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